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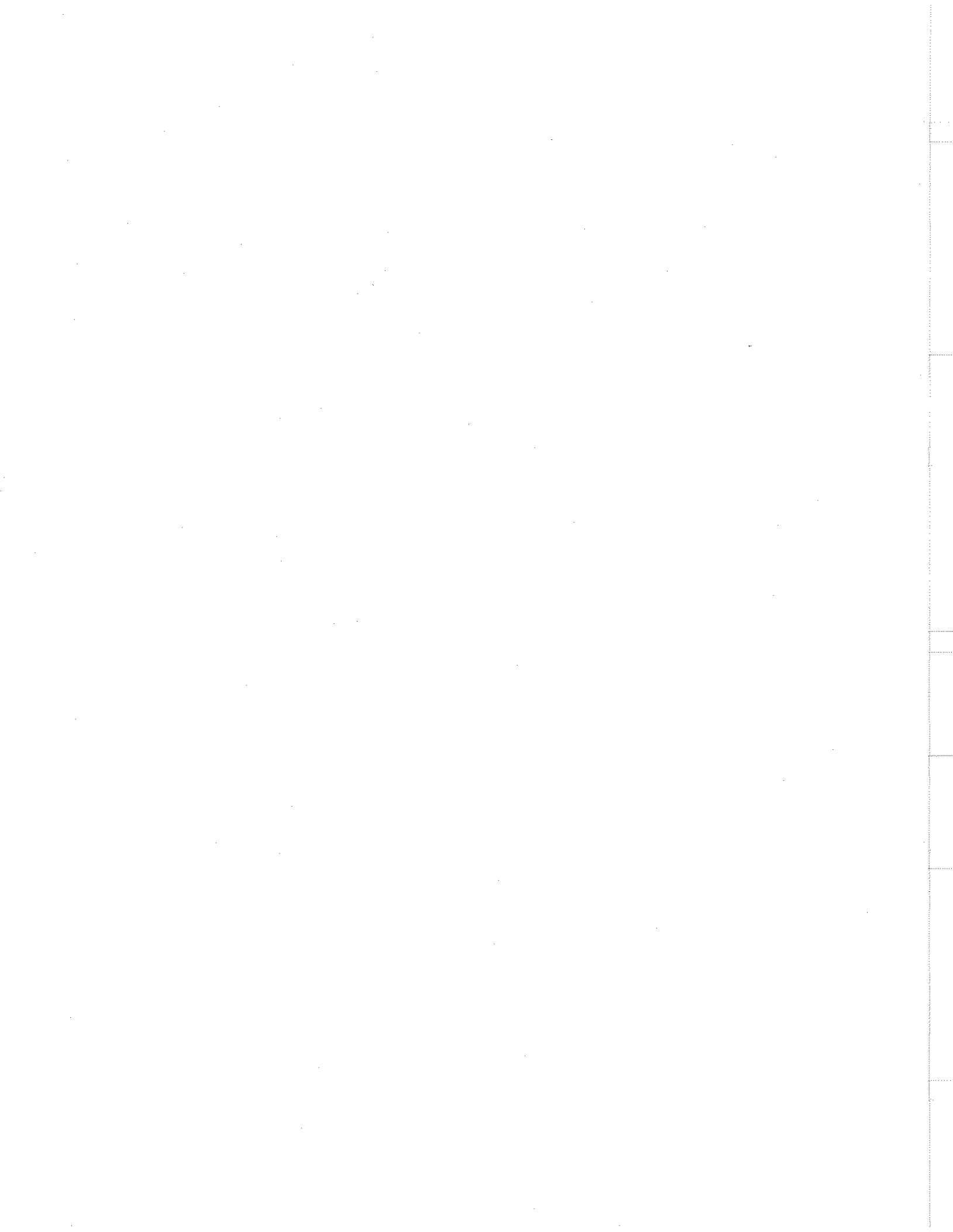
# RESOLUTIONS

ADOPTED BY THE ASSEMBLY



ASSEMBLY – 37th SESSION  
Montréal, 28 September—8 October 2010

INTERNATIONAL CIVIL AVIATION ORGANIZATION



# RESOLUTIONS ADOPTED AT THE 37TH SESSION OF THE ASSEMBLY

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## RESOLUTIONS ADOPTED AT THE 37TH SESSION OF THE ASSEMBLY

### PROVISIONAL EDITION

#### **A37-1: Principles for a code of conduct on the sharing and use of safety information**

*Whereas* ensuring the safety of international civil aviation is the responsibility of Member States both collectively and individually;

*Whereas* the Convention and its Annexes provide the legal and operational framework upon which Member States can build a civil aviation safety system based on mutual trust and recognition, requiring that all Member States fulfil their obligations in implementing the Standards and Recommended Practices (SARPs) and in adequately performing safety oversight;

*Recalling* that mutual trust between States, as well as public confidence in the safety of air transportation is contingent upon access to adequate information regarding the implementation of international SARPs;

*Recalling* that transparency and the sharing of such information are fundamental tenets of a safe air transportation system and that one of the objectives of sharing information is to ensure a consistent, fact-based and transparent response to safety concerns at the State and at the global levels;

*Recognizing* that the safety information in the possession of individual States, aviation industry and aviation organizations regarding the existence of operational hazards has the potential to provide a clearer perspective on existing and emerging areas of risk and the opportunity for timely interventions to improve safety when shared and acted upon collectively;

*Recognizing* that there is a need to develop principles of confidentiality and transparency to ensure that safety information is used in an appropriate, fair and consistent manner, solely to improve aviation safety and not for inappropriate purposes, including for the purpose of gaining economic advantage; and

*Mindful* that the use of such information for other than safety-related purposes may inhibit the provision of such information, with an adverse effect on aviation safety:

*The Assembly:*

1. *Instructs* the Council to develop a Code of Conduct for the Sharing and Use of Safety Information based on the following principles, among others

- a) Member States will collect and share relevant and appropriate safety information to ensure that they can effectively discharge their individual and collective responsibilities for the safety of international civil aviation;
- b) Member States will utilize safety information to assist in ensuring that operations under their oversight are conducted in full compliance with applicable SARPs and other regulations;
- c) Member States, aviation industry and aviation organizations will ensure that shared safety information is used in an appropriate, fair and consistent manner, solely to improve aviation safety;

- d) Member States, aviation industry and aviation organizations will use caution in disclosing information, keeping in mind equally the need for transparency and the possibility that such disclosure may inhibit the future provision of such information; and
- e) Member States receiving safety information from another State, will agree to provide levels of confidentiality and uphold principles for disclosure equivalent to those provided by the State generating the information.

**A37-2: Non-disclosure of certain accident and incident records**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Whereas* it is essential that cognizance be taken that it is not the purpose of the investigation of accidents and incidents to apportion blame or liability;

*Recognizing* that it is essential that all relevant information be made available to the accident investigators to facilitate the establishment of the causes and/or contributing factors of accidents and incidents in order to enable preventative action to be taken;

*Recognizing* that the prevention of accidents is essential to safeguard the continued confidence in air transport;

*Recognizing* that public attention will continue to focus on States' investigative actions, including calls for access to accident and incident records;

*Recognizing* that the protection of certain accident and incident records from inappropriate use is essential to ensure the continued availability of all relevant information to accident investigators in future investigations;

*Recognizing* that the use of information, derived from accident investigations, for disciplinary, civil, administrative and criminal proceedings is generally not a means to improve aviation safety;

*Recognizing* that the measures taken so far to ensure the protection of certain accident and incident records may not be sufficient, and *noting* the issuance by ICAO of legal guidance to assist States in this regard;

*Recognizing* that the legal guidance in Attachment E to Annex 13 has assisted many States in the development and implementation of means to protect certain accident and incident records from inappropriate use;

*Considering* that a balance needs to be struck between the need for the protection of safety information and the need for the proper administration of justice, and that protection should be to a level commensurate with the nature of the information each source generates, as well as with the purpose of disclosure of such information;

*Mindful* that the accident investigation authorities and the civil aviation authorities acknowledged the need for further study by ICAO on the protection of safety information; and

*Recognizing* the recommendations of the High-level Safety Conference 2010 to establish a multidisciplinary group to address the protection of certain safety information:

*The Assembly:*

1. *Urges* Contracting States to continue to examine and if necessary adjust their laws, regulations and policies to protect certain accident and incident records in compliance with paragraph 5.12 of Annex 13, in order to mitigate impediments to accident and incident investigations, in consideration of the legal guidance for the protection of information from safety data collection and processing systems issued by ICAO;
2. *Instructs* the Council to consider to enhance, in view of the results of the work of the multidisciplinary group, the provisions on the protection of certain accident and incident records with the aim of facilitating the implementation of Annex 13 provisions addressing the protection of safety information, taking into account the necessary interaction between safety and judicial authorities in the context of open reporting culture; and
3. *Declares* that this resolution supersedes Resolution A36-8.

**A37-3: Protecting information from safety data collection and processing systems in order to improve aviation safety**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Recognizing* the importance of the free communication of safety information amongst the stakeholders of the aviation system;

*Recognizing* that the protection of safety information from inappropriate use is essential to ensure the continued availability of all relevant safety information, to enable proper and timely preventive actions to be taken;

*Concerned* by a trend for safety information to be used for disciplinary and enforcement actions and to be admitted as evidence in judicial proceedings;

*Noting* the importance of a balanced environment in which disciplinary action is not taken as consequence of actions by operational personnel that are commensurate with their experience and training, but where gross negligence or wilful violations are not tolerated;

*Mindful* that the use of safety information for other than safety-related purposes may inhibit the provision of such information, with an adverse effect on aviation safety;

*Considering* that a balance needs to be struck between the need for the protection of safety information and the need for the proper administration of justice, and that protection should be to a level commensurate with the nature of the information each source generates, as well as with the purpose of disclosure of such information;

*Recognizing* that technological advances have made possible new safety data collection, processing and exchange systems, resulting in multiple sources of safety information that are essential in order to improve aviation safety;

*Noting* that existing international laws, as well as national laws and regulations in many States, may not adequately address the manner in which safety information is protected from inappropriate use;

*Noting* the issuance by ICAO of legal guidance aimed at assisting States enact national laws and regulations to protect information gathered from safety data collection and processing systems, while allowing for the proper administration of justice;

*Recognizing* that the legal guidance in Attachment E to Annex 13 has assisted many States in the development and implementation of means to protect information gathered from safety data collection and processing systems;

*Mindful* that the civil aviation authorities acknowledged the need for a further study by ICAO on the protection of safety information; and

*Recognizing* the recommendations of the High-level Safety Conference 2010 to establish a multidisciplinary group to address the protection of certain safety information:

*The Assembly:*

1. *Urges* all Contracting States to continue to examine their existing legislation and adjust as necessary, or enact laws and regulations to protect information gathered from all relevant safety data collection and processing systems based, to the extent possible, on the legal guidance developed by ICAO;

2. *Urges* the Council to cooperate with Contracting States and appropriate international organizations regarding the development and implementation of guidance to support the establishment of effective safety-reporting systems, and the achievement of a balanced environment where valuable information derived from all relevant safety data collection and processing systems is readily accessible, while respecting principles of administration of justice and freedom of information;

3. *Instructs* the Council to consider to enhance, in view of the results of the work of the multidisciplinary group, the provisions on the protection of information gathered from safety data collection and processing systems (SDCPS) with a view to ensure and sustain the availability of safety information required for the management of safety, taking into account the necessary interaction between safety and judicial authorities in the context of open reporting culture; and

4. *Declares* that this resolution supersedes Resolution A36-9.

**A37-4: ICAO global planning for safety**

*Whereas* ICAO strives to achieve the goal of a safe and orderly development of civil aviation through cooperation among Contracting States and other stakeholders;

*Whereas* to realize this goal, the Organization has established Strategic Objectives in the fields of, inter alia, safety and efficiency;

*Recognizing* the importance of a global framework to support the Strategic Objectives of ICAO;

*Recognizing* the importance of regional and national plans and initiatives based on the global framework for effective implementation; and



*Recognizing* that further progress in improving global safety and efficiency of civil aviation is best achieved through a cooperative, collaborative and coordinated approach in partnership with all stakeholders under the leadership of ICAO;

*The Assembly:*

1. *Resolves* that ICAO shall implement and keep current the Global Aviation Safety Plan (GASP) and the Global Air Navigation Plan (GANP) to support the relevant Strategic Objectives of the Organization;
2. *Resolves* that these global plans shall be implemented and kept current in close cooperation and coordination with all concerned stakeholders;
3. *Resolves* that these global plans shall provide the framework in which regional, subregional and national implementation plans will be developed and implemented thus ensuring harmonization and coordination of efforts aimed at improving international civil aviation safety and efficiency;
4. *Calls upon* States and *invites* other stakeholders to cooperate in the development and implementation of regional, subregional and national plans based on the framework of the global plans;
5. *Instructs* the Council to provide a report on the implementation and evolution of the global plans to future regular sessions of the Assembly;
6. *Instructs* the Secretary General to promote, make available and effectively communicate the GANP, GASP and its associated Global Aviation Safety Roadmap (GASR) global plans; and
7. *Declares* that this Assembly resolution supersedes Assembly Resolution A36-7 on the ICAO Global Aviation Safety Plan (GASP).

## APPENDIX

### Global Aviation Safety Plan

*Reaffirming* that the primary objective of the Organization continues to be the improvement of safety and an associated reduction in the number of accidents and related fatalities within the international civil aviation system;

*Recognizing* that safety is a shared responsibility involving ICAO, Contracting States and all other stakeholders;

*Recognizing* the safety benefits that can be drawn from partnerships between States and industry such as the Commercial Aviation Safety Team (CAST), the European Strategic Safety Initiative (ESSI), the Regional Aviation Safety Group-Pan-American (RASG-PA) and the African and Indian Ocean Islands Safety Enhancement Team (ASET);

*Recognizing* that the High-level Safety Conference (2010) reaffirmed the need for the ICAO safety framework to continuously evolve to ensure its sustained effectiveness and efficiency in the changing regulatory, economic and technical environment;

*Noting* that the expected increase in international civil aviation traffic will result in an increasing number of aircraft accidents unless the accident rate is reduced;

*Realizing* the need to maintain the public's confidence in air transport through the dissemination of safety information;

*Recognizing* that a proactive approach in which safety risks are identified and managed is of paramount importance to the achievement of further improvements in aviation safety;

*Recognizing* that regional aviation safety groups should be implemented by ICAO, taking into account the needs of the various regions and building on the already existing structures and forms of cooperation;

*Noting with satisfaction* the Global Aviation Safety Roadmap as developed by key industry partners acting as the Industry Safety Strategy Group (ISSG) with ICAO and which forms the basis for the Global Aviation Safety Plan (GASP);

*Noting* the intent to continuously apply the GASP as a tool to enhance safety by focusing action where it is most needed; and

*Noting* the unified strategy established by ICAO to resolve safety-related deficiencies:

*The Assembly:*

1. *Stresses* the need for continuous improvement of aviation safety through a reduction in the number of accidents and related fatalities in air transport operations in all parts of the world, particularly in States where safety records are significantly worse than the worldwide average;
2. *Stresses* that limited resources of the international aviation community should be used in the first place to support States or regions whose safety performance is not at an acceptable level and where political willingness exists to improve safety oversight functions;
3. *Urges* Contracting States to support the GASP objectives by:
  - a) implementing the State Safety Programme (SSP);
  - b) expeditiously implementing safety management systems across the aviation industry to complement the existing regulatory framework;
  - c) sharing operational safety intelligence among States and relevant aviation stakeholders;
  - d) ensuring that the travelling public has access to easily understandable safety-related information to enable informed decisions;
  - e) creating an environment in which the reporting and sharing of information is encouraged and facilitated and in which remedial action is undertaken in a timely fashion when deficiencies are reported; and
  - f) reporting accident and incident data as required to ICAO;

4. *Urges* Contracting States, regional safety oversight organizations and international organizations concerned to work with all stakeholders to implement the GASP objectives and GASR methodology objectives and to implement these methodologies to reduce the number and rate of aircraft accidents;

5. *Urges* Contracting States to demonstrate the political will necessary for taking remedial actions to address deficiencies including those identified by Universal Safety Oversight Audit Programme (USOAP) audits and through the application of GASP objectives and the ICAO regional planning process;

6. *Urges* States to fully exercise safety oversight of their operators in full compliance with applicable Standards and Recommended Practices (SARPs), and assure themselves that foreign operators flying in their territory receive adequate oversight from their own State and take appropriate action when necessary to preserve safety;

7. *Urges* States to develop sustainable safety solutions to fully exercise their safety oversight responsibilities. This can be achieved by sharing resources, utilizing internal and/or external resources, such as regional and subregional safety oversight organizations and the expertise of other States; and

8. *Urges* Contracting States, the industry and financing institutions to provide the needed support for the coordinated implementation of the ICAO Global Aviation Safety Plan, avoiding duplication of efforts.

**A37-5: The Universal Safety Oversight Audit Programme (USOAP)  
continuous monitoring approach**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Whereas* Article 37 of the Convention requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to all matters in which such uniformity will facilitate and improve air navigation;

*Whereas* safety oversight, and the safety of international civil aviation in general, is the responsibility of Contracting States, both collectively and individually, it also depends on the active collaboration of ICAO, Contracting States, industry and all other stakeholders in the implementation of the Global Aviation Safety Plan (GASP);

*Whereas* the DGCA/06 Conference made recommendations to allow public access to appropriate information on safety oversight audits and to develop an additional mechanism to rapidly resolve significant safety concerns (SSCs) identified under USOAP;

*Whereas* the High Level Safety Conference (HLSC) 2010 made recommendations for ICAO to develop criteria for the sharing of SSCs with interested stakeholders and to assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

*Whereas* the HLSC 2010 made recommendations for ICAO to enter into new agreements and amend existing agreements for the sharing of confidential safety information with international entities and organizations in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

*Recalling* that the 32nd Session of the Assembly resolved that a Universal Safety Oversight Audit Programme (USOAP) be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

*Whereas* the implementation of the USOAP has been a major achievement for aviation safety, successfully meeting the mandate given by Resolutions A32-11 and A35-6 and providing the ability to evaluate contracting States' oversight capabilities and identify areas of improvement;

*Recalling* that Assembly Resolution A33-8 requested the Council to ensure the long-term financial sustainability of the USOAP, phasing in all of its activities into the Regular Programme budget;

*Recalling* the objectives of the USOAP, which seeks to ensure that Contracting States are adequately discharging their responsibilities for safety oversight;

*Recognizing* that it is essential that the USOAP continue to cover all safety-related Annex provisions in order to promote the adequate implementation of safety-related Standards and Recommended Practices;

*Recognizing* that the Secretary General has taken appropriate steps to ensure the establishment of an independent quality assurance mechanism to monitor and assess Programme quality;

*Recognizing* that the effective implementation of State action plans is essential to enhance the overall safety of global air navigation;

*Recognizing* the safety enhancement contributions resulting from audits conducted by international and regional organizations, including those organizations that have agreements with ICAO such as the European Aviation Safety Agency (EASA), International Air Transport Association (IATA) and European Organisation for the Safety of Air Navigation (EUROCONTROL);

*Recognizing* that transparency and the sharing of safety information is one of the fundamental tenets of a safe air transportation system; and

*Recognizing* that regional safety oversight organizations (RSOOs) have an important role in the USOAP CMA and that, wherever applicable, the word "States" below should be read to include RSOOs:

*The Assembly:*

1. *Expresses its appreciation* to the Secretary General on the successful implementation of the USOAP Comprehensive System Approach;
2. *Directs* the Secretary General, from 1 January 2011, to evolve the USOAP to a continuous monitoring approach (CMA), which will incorporate the analysis of safety risk factors and be applied on a universal basis in order to assess States' oversight capabilities;
3. *Directs* the Secretary General to ensure that the CMA continues to maintain as core elements the key safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 8 — *Airworthiness of Aircraft*, Annex 11 — *Air Traffic Services*, Annex 13 — *Aircraft Accident and Incident Investigation*, and Annex 14 — *Aerodromes*;
4. *Directs* the Secretary General to continue to ensure the maintenance of the quality assurance mechanism established to monitor and assess Programme quality, and the transparency of all aspects of the continuous monitoring process;
5. *Directs* the Council to develop criteria for the sharing of SSCs with interested stakeholders and assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

6. *Directs* the Secretary General to make all safety oversight-related information generated by the CMA available to all Contracting States through the ICAO restricted website;

7. *Directs* the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety; for the sharing of confidential safety information in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

8. *Directs* the Secretary General to continue to enhance the Flight Safety Information Exchange (FSIX), for the purpose of facilitating the sharing of safety-critical information among Contracting States, industry and other stakeholders, as appropriate;

9. *Calls on* all Contracting States able to do so to second qualified and experienced technical staff to ICAO on a long- or short-term basis, with a view to enabling the Organization to continue to successfully implement the Programme;

10. *Urges* all Contracting States to submit to ICAO, in a timely manner, and keep up to date all the information and documentation requested by ICAO for the purpose of ensuring the effective implementation of the USOAP-CMA;

11. *Urges* all Contracting States to cooperate with ICAO and as much as practicable to accept Continuous Monitoring activities scheduled by the Organization, including audits and validation missions, in order to facilitate the smooth functioning of the USOAP-CMA;

12. *Urges* all Contracting States to share with other Contracting States critical safety information which may have an impact on the safety of international air navigation and to facilitate access to all relevant safety information;

13. *Encourages* Contracting States to make full use of available safety information when performing their safety oversight functions, including during inspections as provided for in Article 16 of the Convention;

14. *Reminds* Contracting States of the need for surveillance of all aircraft operations, including foreign aircraft within their territory and to take appropriate action when necessary to preserve safety;

15. *Directs* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USOAP-CMA; and

16. *Declares* that Resolutions A35-6: *Transition to a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)* and A36-4: *Application of a continuous monitoring approach for the ICAO Universal Safety Oversight Audit Programme (USOAP) beyond 2010*, as well as articles one to six of A36-2: *Unified strategy to resolve safety-related deficiencies* have been superseded by this resolution.

**A37-6: Runway safety**

*Whereas* runway accidents constitute a large portion of all accidents and have resulted in a great number of fatalities;

*Whereas* runway excursions are the highest single occurrence category of all accidents over the last ten years for all commercial and general aviation operations of fixed-wing aircraft above 5 700 kg certified maximum take-off mass;

*Whereas* there are several areas of technological development underway in the aviation industry that show great promise in the prevention and mitigation of runway accidents and serious incidents:

*The Assembly:*

1. *Urges* States to take measures to enhance runway safety, including the establishment of runway safety programmes using a multidisciplinary approach, that include at least regulators, aircraft operators, air navigation services providers, aerodrome operators and aircraft manufacturers to prevent and mitigate the effects of runway excursions, runway incursions and other occurrences related to runway safety;
2. *Resolves* that ICAO shall actively pursue runway safety using a multidisciplinary approach; and
3. *Invites* States to monitor runway safety events and related precursors as part of the safety data collection and processing system established under their State Safety Programmes.

#### **Associated Practices**

1. The runway safety programmes should be based on inter-organizational safety management including the creation of local runway safety teams that address prevention and mitigation of runway excursions, runway incursions and other occurrences related to runway safety.
2. The Council should further develop provisions to assist States in establishing runway safety programmes.
3. States should be encouraged to participate in global and regional seminars and workshops to exchange safety information and best practices on runway safety.

#### **A37-7: Comprehensive Regional Implementation Plan for Aviation Safety in Africa**

*Whereas* ICAO continues to play its leadership role to reduce serious deficiencies in the Africa-Indian Ocean (AFI) Region which are detrimental to the functioning and further development of international civil aviation;

*Noting* that actions taken by ICAO under the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (the AFI Plan) have begun to demonstrate positive progress in enhancing aviation safety in the continent;

*Recognizing* that success in fully achieving the objectives of the AFI Plan mainly depends on the efforts made by the African States themselves;

*Recognizing* that many Contracting States in the AFI Region, despite the efforts they make, would, in the immediate future, require continued technical and/or financial support from ICAO and other stakeholders to comply with the requirements of the Chicago Convention and its Annexes;

*Recognizing* that many African States cannot, on their own, support an effective and sustainable national safety oversight system and therefore have to be urged and supported to establish regional safety oversight organizations;

*Recalling* Recommendation 4/5 of the Special Africa-Indian Ocean Regional Air Navigation Meeting (SP AFI/08 RAN) on the establishment of regional accident investigation agencies alongside the development and establishment of regional safety oversight organizations, thus enabling States to meet their international obligations in the area of accident investigation by collaborating and sharing resources;

*Noting* that ICAO, under its AFI Comprehensive Implementation Programme (ACIP), has begun to support many African States to establish a Regional Safety Oversight Organizations and Regional Accident Investigation Agencies;

*Noting* the recommendations of the ICAO and AFCAC joint meeting on enhancement of aviation safety in Africa held in N'djamena, Chad on 13 May 2010;

*Noting* that regional organizations initiated or established in the AFI Region will continue to require ICAO support for the near future and until they are solidly established and self-supporting;

*Recognizing* the benefit of continuing to coordinate, under the ICAO umbrella, activities of all stakeholders providing assistance to States in the AFI Region;

*Recognizing* that ICAO will require additional resources to successfully carry out the support it provides to States in the AFI Region; and

*Noting* that strong Regional Offices would be a positive catalyst for the enhancement of aviation safety in the AFI Region:

*The Assembly:*

1. *Welcomes* the considerable effort made by African States and regional organizations to enhance aviation safety;
2. *Declares* that the implementation of ACIP programme activities will continue within the work programme of the African Regional Offices;
3. *Urges* the Secretary General to ensure that the African Regional Offices are provided with the required personnel and financial resources to ensure the effective continuation of the work programme initiated by ACIP;
4. *Urges* Contracting States of the AFI Region to commit to and accelerate the establishment of regional safety oversight organizations and regional accident investigation agencies, where required, and strengthen cooperation across the region in order to make the optimum use of available resources;
5. *Instructs* the Council to notify States, industry and donors of the priority projects arising from the gap analysis;
6. *Urges* States, industry and donors to implement priority projects identified by the gap analysis, performed in accordance with the Global Aviation Safety Plan (GASP);
7. *Urges* States, industry and donors to make contributions in cash and kind towards the implementation of the AFI Plan and *instructs* the Council to recognize all such contributions;

8. *Urges* African States, ICAO and AFCAC to jointly address deficiencies identified through the safety oversight audits and implement the recommendations made by the ICAO/AFCAC joint meeting on aviation safety in Africa;

9. *Instructs* the Council to monitor the implementation of the recommendations of the joint ICAO/AFCAC meeting on aviation safety in Africa;

10. *Instructs* the Council to ensure a stronger ICAO leadership role in coordinating activities, initiatives and implementation strategies aimed specifically at implementing priority projects to achieve sustainable improvement of flight safety in the AFI Region and to allocate resources to the relevant Regional Offices accordingly;

11. *Instructs* the Council to monitor and measure the status of implementation in the AFI Region throughout the triennium and to report to the next ordinary session of the Assembly on the progress made; and

12. *Declares* that this resolution supersedes Resolution A36-1.

**A37-8: Regional cooperation and assistance to resolve safety-related deficiencies**

*Whereas* a primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Whereas* ensuring the safety of international civil aviation is also the responsibility of Contracting States both collectively and individually;

*Whereas* in accordance with Article 37 of the *Convention on International Civil Aviation* each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards, procedures and organization in relation to aircraft, personnel, airports, airways and auxiliary services in all matters in which uniformity will facilitate and improve air navigation;

*Whereas* the improvement of the safety of international civil aviation on a worldwide basis requires the active collaboration of all stakeholders;

*Whereas* the Convention and its Annexes provide the legal and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Contracting States implement the SARPs as far as practicable and adequately perform safety oversight;

*Whereas* the results of the Universal Safety Oversight Audit Programme (USOAP) indicate that several Contracting States have not yet been able to establish a satisfactory national safety oversight system;

*Whereas* ICAO plays a leadership role in facilitating the implementation of SARPs and the rectification of safety-related deficiencies;

*Whereas* the High-level Safety Conference (2010) recommended that States should support ICAO in efforts to foster the development and sustainability of regional safety oversight organizations and should participate and actively support regional safety oversight organizations whenever possible;



*Whereas* ICAO has a Policy on Regional Cooperation which is committed to render assistance, advice and any other form of support, to the extent possible, in the technical and policy aspects of international civil aviation to Contracting States in carrying out their responsibilities pertaining to the *Convention on International Civil Aviation* and ICAO Strategic Objectives, inter alia by promoting regional cooperation through close partnerships with regional organizations and regional civil aviation bodies;

*Recognizing* that not all Contracting States have the requisite human, technical and financial resources to adequately perform safety oversight;

*Recognizing* that the establishment of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations, has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and harmonization on a larger scale; and

*Recognizing* that the assistance available to Contracting States experiencing difficulties in correcting deficiencies identified through the safety oversight audits would be greatly enhanced by coordination amongst all Contracting States, ICAO and other concerned parties in civil aviation operations:

*The Assembly:*

1. *Directs* the Council to promote the concept of regional cooperation for the purpose of enhancing safety and safety oversight, including the establishment of regional safety oversight organizations;
2. *Directs* the Council to continue to partner with Contracting States, industry and other stakeholders for coordinating and facilitating the provision of financial and technical assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations, in order to enhance safety and strengthen safety oversight capabilities;
3. *Directs* the Council to continue the analysis of relevant safety-critical information for determining effective means of providing assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations;
4. *Directs* the Council to continue implementing an Implementation Support and Development – Safety (ISD-Safety) Programme to provide assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations;
5. *Urges* Contracting States to develop and further strengthen regional and sub-regional cooperation in order to promote the highest degree of aviation safety;
6. *Encourages* Contracting States to foster the creation of regional or sub-regional partnerships to collaborate in the development of solutions to common problems to build State safety oversight capability, and to participate in, or provide tangible support for, the strengthening and furtherance of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations;
7. *Encourages* Contracting States to establish partnerships with other States, industry, air navigation service providers, financial institutions and other stakeholders to strengthen safety oversight capabilities, in order to better discharge State responsibilities and foster a safer international civil aviation system;

8. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the Programme; and

9. *Declares* that this resolution supersedes Resolutions A36-2 and A36-3.

**A37-9: Halon replacement**

*Whereas* halons contribute to climate change and are no longer being produced by international agreement because they are ozone-depleting chemicals, and have been used as fire-extinguishing agents in commercial transport aircraft for 45 years;

*Recognizing* that more needs to be done because the available halon supplies are dwindling and that the environmental community continues to be concerned that halon alternatives have not been developed for all fire extinguishing systems in civil aircraft;

*Recognizing* that the Minimum Performance Standard for each application of halon has been developed already by the International Aircraft Systems Fire Protection Working Group with participation by industry and regulatory authorities;

*Recognizing* that there are stringent aircraft-specific requirements for each application of halon that must be met before a replacement can be implemented;

*Recognizing* that the production and import/export of halon is prohibited by international agreement, thus halon is mainly available by recycling existing supplies. Thus recycling of halon gas needs to be rigorously controlled to prevent the possibility of contaminated halon being supplied to the aviation industry;

*Recognizing* that any strategy must depend on alternatives that do not pose an unacceptable environmental or health risk as compared to the halons they are replacing; and

*Recognizing* that while halon alternatives for lavatories are available, and that progress has been made in the development of halon alternatives in hand-held fire extinguishers, more work is needed in the development of halon alternatives for cargo compartment and engine/auxiliary power unit fire extinguishing systems, and that regular reviews are necessary to evaluate and understand the implication of potential halon alternatives on the industry and the environment:

*The Assembly:*

1. *Agrees* with the urgency of the need to continue developing and implementing halon alternatives for civil aviation;

2. *Urges* States to intensify development of acceptable halon alternatives for fire extinguishing systems in cargo compartments and engine/auxiliary power units, and to continue work towards improving halon alternatives for hand-held fire extinguishers;

3. *Directs* the Council to establish a mandate for the replacement of halon:

- in lavatory fire extinguishing systems used in aircraft produced after a specified date in the 2011 timeframe;
- in hand-held fire extinguishers used in aircraft produced after a specified date in the 2016 timeframe; and

— in engine and auxiliary power unit fire extinguishing systems used in aircraft for which application for type certification will be submitted after a specified date in the 2014 timeframe;

4. *Directs* the Council to conduct regular reviews of the status of potential halon alternatives to support the agreed upon implementation dates given the evolving situation regarding the suitability of potential halon alternative agents as they continue to be identified, tested, certified and implemented;

5. *Urges* States to advise their aircraft manufacturers, approved maintenance organizations, air operators, chemical suppliers, and fire-extinguishing companies to verify the quality of halon in their possession or provided by suppliers through effective testing or certification to an international or State recognized quality standard. States are also urged to require that the quality systems of air operators, approved maintenance organizations, and manufacturers provide a means for requesting from halon suppliers certification documentation attesting to the quality of halon to an established and recognized international standard;

6. *Encourages* ICAO to continue collaboration with the International Aircraft Systems Fire Protection Working Group and the United Nations Environment Programme's (UNEP) Ozone Secretariat through its Technology and Economic Assessment Panel's Halons Technical Options Committee on the topic of halon alternatives for civil aviation;

7. *Urges* States to inform ICAO regularly of their halon reserves and directs the Secretary General to report the results to the Council. Further, the Council is directed to report on the status of halon reserves at the next ordinary session of the Assembly;

8. *Resolves* that the Council shall report to the next ordinary session of the Assembly on progress made developing halon alternatives for cargo compartments and engine/auxiliary power unit fire extinguishing systems as well as the status of halon alternatives for hand-held fire extinguishers; and

9. *Declares* that this resolution supersedes Resolution A36-12.

**A37-10: Proficiency in the English language used for radiotelephony communications**

*Whereas* to prevent accidents, ICAO introduced language provisions to ensure that air traffic personnel and pilots are proficient in conducting and comprehending radiotelephony communications in the English language, including requirements that the English language shall be available on request at all stations on the ground serving designated airports and routes used by international air services;

*Recognizing* that the language provisions reinforce the requirement to use ICAO standardized phraseology in all situations for which it has been specified;

*Recognizing* that Contracting States have made substantial efforts to comply with the language proficiency requirements;

*Recognizing* that some Contracting States encounter considerable difficulties in implementing the language proficiency requirements including the establishment of language training and testing capabilities;

*Recognizing* that some Contracting States required additional time to implement the language proficiency provisions beyond the applicability date;

*Whereas* in accordance with Article 38 of the Convention any Contracting State which finds it impracticable to comply in all respects with any international standard or procedure is obliged to give immediate notification to ICAO;

*Whereas* in accordance with Article 39 b) of the Convention any person holding a licence not satisfying in full the conditions laid down in the international standard relating to the class of licence or certificate held, shall have endorsed on or attached to the licence all the particulars in which this person does not satisfy such conditions; and

*Whereas* pursuant to Article 40 of the Convention no personnel having certificates or licences so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered:

*The Assembly:*

1. *Urges* the Contracting States to use ICAO standardized phraseology in all situations for which it has been specified;
2. *Directs* the Council to continue to support Contracting States in their implementation of the language proficiency requirements;
3. *Urges* Contracting States to assist each other in their implementation of the language proficiency requirements;
4. *Urges* Contracting States that have not complied with the language proficiency requirement by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk, as required, for pilots, air traffic controllers and aeronautical station operators involved in international operations on the ICAO website as outlined in accordance with the associated practices below and ICAO guidance material;
5. *Urges* Contracting States to waive the permission requirement under Article 40 of the Convention, in the airspace under their jurisdiction for pilots who do not yet meet the ICAO Language Proficiency Requirements, for a period not exceeding three years after the applicability date of 5 March 2008, provided that the States which issued or rendered valid the licences have made their implementation plans available to all other Contracting States and have notified ICAO of the differences pertaining to language provisions;
6. *Urges* Contracting States not to restrict their operators, conducting commercial or general aviation operations, from entering the airspace under the jurisdiction or responsibility of other States where air traffic controllers or radio station operators do not yet meet the language proficiency requirements for a period not exceeding three years after the applicability date of 5 March 2008, provided that those States have made their implementation plans available to all other Contracting States and have notified ICAO of the differences pertaining to language provisions;
7. *Urges* Contracting States not yet fully compliant on 5 March 2011 to continue to provide ICAO with regularly updated implementation plans including progress achieved in meeting their timelines for full compliance;
8. *Urges* Contracting States after 5 March 2011 to take a flexible approach towards States that do not yet meet the Language Proficiency Requirements, yet are making progress as evidenced in their implementation plans. Decisions concerning operations should be made on a non-discriminatory basis and not be made for the purpose of gaining economic advantage;

9. *Directs* the Council to monitor the status of implementation of the Language Proficiency Requirements and take necessary actions to advance safety and maintain the regularity of international civil aviation;

10. *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding the implementation of the ICAO language proficiency requirements; and

11. *Declares* that this resolution supersedes Resolution A36-11.

#### **Associated practices**

Contracting States that did not meet the Language Proficiency Requirements by 5 March 2008 should:

1. Develop implementation plans for the Language Proficiency Requirements that include the following:

- a) a timeline for adoption of the Language Proficiency Requirements in their national regulations;
- b) a timeline for establishment of language training and assessment capabilities;
- c) a description of a risk-based prioritization system for the interim measures to be put in place until full compliance with the Language Proficiency Requirements is achieved;
- d) timelines, with identifiable milestones, for full implementation of the Language Proficiency Requirements;
- e) a procedure for endorsing licences to indicate the holders' language proficiency level; and
- f) designation of a national focal point in relation to the English language proficiency implementation plan;

2. Make their language proficiency implementation plans available to all other Contracting States by posting their plans on the ICAO website and update them on a regular basis until full implementation has been achieved;

3. Notify ICAO of differences to the language proficiency Standards and Recommended Practices; and

4. Publish differences to the Language Proficiency Requirements in relation to the provision of air navigation services in their Aeronautical Information Publications.

#### **A37-11: Performance-based navigation global goals**

*Whereas* a primary objective of ICAO is that of ensuring the safe and efficient performance of the global Air Navigation System;

*Whereas* the improvement of the performance of the air navigation system on a harmonized, worldwide basis requires the active collaboration of all stakeholders;

