



International
Civil Aviation
Organization

Organisation
de l'aviation civile
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Organización
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Международная
организация
гражданской
авиации

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国际民用
航空组织

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Ref.: AN 11/6.3.21-08/27

2 April 2008

Subject: Adoption of Amendment 27 to Annex 6, Part II

Action required: a) Notify any disapproval before 20 July 2008; b) Notify any differences and compliance before 18 October 2010

Sir/Madam,

1. I have the honour to inform you that Amendment 27 to the *International Standards and Recommended Practices, Operation of Aircraft — International General Aviation — Aeroplanes* (Annex 6, Part II to the Convention on International Civil Aviation) was adopted by the Council at the fourth meeting of its 183rd Session on 7 March 2008. Copies of the Amendment and the Resolution of Adoption are available as attachments to the electronic version of this State letter on the ICAO-NET (www.icao.int/icaonet).

2. When adopting the amendment, the Council prescribed 20 July 2008 as the date on which it will become effective, except for any part concerning which a majority of Contracting States have registered their disapproval before that date. In addition, the Council resolved that Amendment 27, to the extent it becomes effective, will become applicable on 18 November 2010.

3. Amendment 27 arises from:

- a) action by the Secretariat, with the assistance of the International Business Aviation Council (IBAC) and the International Council of Aircraft Owner and Pilot Associations (IAOPA) and their constituents, to update the Annex to reflect the changes that have occurred within the general aviation community; and
- b) action by the Secretariat, with the assistance of the Required Navigation Performance Special Operational Requirements Study Group (RNPSORSG), to align the required navigation performance (RNP) and area navigation (RNAV) terminology with the performance-based navigation (PBN) concept.

4. Annex 6, Part II was first introduced in 1968. Since that time, a number of amendments have been made, but the basic structure of this Part is still geared towards a general aviation environment prevalent in the 1960's, i.e. light aircraft typically operated for recreational purposes, domestically as well as internationally. General aviation has changed significantly since then with the advent of new technologies and more capable aircraft, and with the maturing of two new sectors of the industry – corporate aviation and fractional ownership. Lack of current provisions in Annex 6, Part II has raised the concern that individual State regulators addressing general aviation operations would become increasingly divergent unless ICAO could provide modernized requirements that would meet the needs of general aviation today. In view of these factors, the Air Navigation Commission recognized that the current Annex 6, Part II is lagging behind the developments in general aviation and is in danger of becoming irrelevant.

5. The broad objectives of this proposal are to update Standards and Recommended Practices (SARPs) in order to enhance the safety of international general aviation operations, and to provide a regulatory framework that will enable States to harmonize their general aviation regulations. While corporate aviation and fractional ownership are elements of contemporary general aviation, the amendments address only corporate aviation. The need for specific provisions regarding fractional ownership is being assessed.

6. The following are specific elements of the amendment proposal that describe the structure and content of the amendment:

- a) Section I is general in nature and includes revised and newly added definitions and a statement of applicability. Examples of new definitions that will apply to the expanded scope of the new Part II include: acts of unlawful interference, corporate aviation operation, industry code of practice, operating base, operational control, operator, and safety management systems;
- b) Section II is very similar to the current Part II in its entirety. Section II incorporates updates in terminology and minor new provisions which will align it with the modern general aviation environment. Section II applies to the pilot-in-command and aircraft owner/operator; and
- c) Section III is applicable to the operation of the more complex and larger aircraft that are typically involved in corporate aviation operations. It expands upon the basic provisions of Section II, and introduces provisions applicable to an operator, as opposed to the more limited owner/operator provisions of Section II. The specific criteria in Section III recognize the need for oversight by the operator when the operation becomes sufficiently complex. To facilitate this, Section III includes a requirement that an operator notify a State when it bases its operations in a State other than the State of Registry. Section III also introduces requirements for operations manuals, safety management systems, training programmes and fatigue management programmes. The requirements of the operator in Section III are largely evolved from the best practices of industry and rely heavily on performance-based rules. Corporate aviation has heretofore been largely self-regulated and has enjoyed an excellent safety record. The industry practices contributing to this record of success are extensively drawn upon in creating the provisions of Section III.

7. The proposed PBN amendment stems from the development of the PBN concept and related guidance and has the objective of facilitating the implementation of RNAV and RNP in a globally harmonized manner, thereby addressing diverging implementation trends.

8. In accordance with the decision of the 26th Session of the Assembly, I would like to bring to your attention the Organization's long-standing practice of providing documentation to States upon request. In this regard, I wish to refer you to the ICAO-NET website (www.icao.int/icaonet) where you can access all relevant documentation. The practice of dispatching printed copies of such documentation has now been discontinued.

9. In conformity with the Resolution of Adoption, may I request:

- a) that before 20 July 2008 you inform me if there is any part of the adopted SARPs amendments in Amendment 27, concerning which your Government wishes to register disapproval, using the form in Attachment A for this purpose. Please note that only statements of disapproval need be registered and if you do not reply it will be assumed that you do not disapprove of the amendment;
- b) that before 18 October 2010 you inform me of the following, using the form in Attachment B for this purpose:
 - 1) any differences that will exist on 18 November 2010 between the national regulations or practices of your Government and the provisions of the whole of Annex 6, Part II, as amended by all amendments up to and including Amendment 27, and thereafter of any further differences that may arise;
 - 2) the date or dates by which your Government will have complied with the provisions of the whole of Annex 6, Part II, as amended by all amendments up to and including Amendment 27.

10. With reference to the request in paragraph 9 a) above, it should be noted that a registration of disapproval of Amendment 27 or any part of it in accordance with Article 90 of the Convention does not constitute a notification of differences under Article 38 of the Convention. To comply with the latter provision, a separate statement is necessary if any differences do exist, as requested in paragraph 9 b) 1). It is recalled in this respect that international Standards in Annexes have a conditional binding force, to the extent that the State or States concerned have not notified any difference thereto under Article 38 of the Convention.

11. Guidance on the determination and reporting of differences is given in the Note on the Notification of Differences in Attachment C.

12. Please note that a detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.

13. I would appreciate it if you would also send a copy of your notifications, referred to in paragraph 9 b) above, to the ICAO Regional Office accredited to your Government.

14. As soon as practicable after the amendment becomes effective, on 20 July 2008, replacement pages incorporating Amendment 27 will be forwarded to you.

Accept, Sir/Madam, the assurances of my highest consideration.

Taïeb Chérif
Secretary General

Enclosures:

- A — Form on notification of disapproval of all or part of Amendment 27 to Annex 6, Part II
- B — Form on notification of compliance with or differences from Annex 6, Part II
- C — Note on the Notification of Differences

ATTACHMENT A to State letter AN 11/6.3.21-08/27

NOTIFICATION OF DISAPPROVAL OF ALL OR PART OF
AMENDMENT 27 TO ANNEX 6, PART II

To: The Secretary General
International Civil Aviation Organization
999 University Street
Montreal, Quebec
Canada H3C 5H7

(State) _____ hereby wishes to disapprove the following parts of
Amendment 27 to Annex 6, Part II:

Signature _____

Date _____

NOTES

- 1) If you wish to disapprove all or part of Amendment 27 to Annex 6, Part II, please dispatch this notification of disapproval to reach ICAO Headquarters by 20 July 2008. If it has not been received by that date it will be assumed that you do not disapprove of the amendment. **If you approve of all parts of Amendment 27, it is not necessary to return this notification of disapproval.**
- 2) This notification should not be considered a notification of compliance with or differences from Annex 6, Part II. Separate notifications on this are necessary. (See Attachment B.)
- 3) Please use extra sheets as required.

ATTACHMENT B to State letter AN 11/6.3.21-08/27

**NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM
ANNEX 6, PART II
(Including all amendments up to and including Amendment 27)**

To: The Secretary General
International Civil Aviation Organization
999 University Street
Montreal, Quebec
Canada H3C 5H7

1. No differences will exist on _____ between the national regulations and/or practices of **(State)** _____ and the provisions of Annex 6, Part II, including all amendments up to and including Amendment 27.

2. The following differences will exist on _____ between the regulations and/or practices of **(State)** _____ and the provisions of Annex 6, Part II, including Amendment 27 (Please see Note 3) below.)

a) Annex Provision (Please give exact paragraph reference)	b) Difference Category (Please indicate A, B, or C)	c) Details of Difference (Please describe the difference clearly and concisely)	d) Remarks (Please indicate reasons for the difference)
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(Please use extra sheets as required)

3. By the dates indicated below, **(State)** _____ will have complied with the provisions of Annex 6, Part II, including all amendments up to and including Amendment 27 for which differences have been notified in 2 above.

a) Annex Provision (Please give exact paragraph reference)	b) Date	c) Comments
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(Please use extra sheets as required)

Signature _____

Date _____

NOTES

- 1) If paragraph 1 above is applicable to you, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.
- 2) Please dispatch the form to reach ICAO Headquarters by 18 October 2010.
- 3) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
- 4) Guidance on the notification of differences from Annex 6, Part II is provided in the Note on the Notification of Differences at Attachment C.
- 5) Please send a copy of this notification to the ICAO Regional Office accredited to your Government.

**NOTE ON THE NOTIFICATION OF DIFFERENCES TO ANNEX 6, PART II
AND FORM OF NOTIFICATION**

(Prepared and issued in accordance with instructions of the Council)

1. *Introduction*

1.1 The Assembly and the Council, when reviewing the notification of differences by States in compliance with Article 38 of the Convention, have repeatedly noted that the state of such reporting is not entirely satisfactory.

1.2 With a view to achieving a more comprehensive coverage, this note is issued to facilitate the determination and reporting of such differences and to state the primary purpose of such reporting.

1.3 The primary purpose of reporting of differences is to promote safety and efficiency in air navigation by ensuring that governmental and other agencies, including operators and service providers, concerned with international civil aviation are made aware of all national regulations and practices in so far as they differ from those prescribed in the ICAO Standards.

1.4 Contracting States are, therefore, requested to give particular attention to the notification before 18 October 2010 of differences with respect to Standards in Annex 6, Part II. The Council has also urged Contracting States to extend the above considerations to Recommended Practices.

1.5 Contracting States are asked to note further that it is necessary to make an explicit statement of intent to comply where such intent exists, or where such is not the intent, of the difference or differences that will exist. This statement should be made not only to the latest amendment but to the whole Annex, including the amendment.

1.6 If previous notifications have been made in respect of this Annex, detailed repetition may be avoided, if appropriate, by stating the current validity of the earlier notification. States are requested to provide updates of the differences previously notified after each amendment, as appropriate, until the difference no longer exists.

2. *Notification of differences to Annex 6, Part II, including Amendment 27*

2.1 Past experience has indicated that the reporting of differences to Annex 6, Part II has in some instances been too extensive since some appear merely to be a different manner of expressing the same intent.

2.2 Guidance to Contracting States in the reporting of differences to Annex 6, Part II can only be given in very general terms. Where the national regulations of States call for compliance with procedures that are not identical but essentially similar to those contained in the Annex, no difference should be reported since the details of the procedures existing are the subject of notification through the medium of aeronautical information publications. Although differences to Recommended Practices are not notifiable under Article 38 of the Convention, Contracting States are urged to notify the Organization of the differences between their national regulations and practices and any corresponding Recommended Practices contained in an Annex. States should categorize each difference notified on the basis of whether the corresponding national regulation is:

- a) ***More exacting or exceeds the ICAO Standard or Recommended Practice (SARP) (Category A)***. This category applies when the national regulation is more demanding than the corresponding SARP, or imposes an obligation within the scope of the Annex which is not covered by a SARP. This is of particular importance where a State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;
- b) ***Different in character or other means of compliance (Category B)****. This category applies when the national regulation is different in character from the corresponding ICAO SARP, or when the national regulation differs in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and
- c) ***Less protective or partially implemented/not implemented (Category C)***. This category applies when the national regulation is less protective than the corresponding SARP; or when no national regulation has been promulgated to address the corresponding SARP, in whole or in part.

2.3 When a Contracting State deems an ICAO Standard concerning aircraft, operations, equipment, personnel, or air navigation facilities or services to be not applicable to the existing aviation activities of the State, notification of a difference is not required. For example, a Contracting State that is not a State of Design or Manufacture and that does not have any national regulations on the subject, would not be required to notify differences to Annex 8 provisions related to the design and construction of an aircraft.

2.4 For States that have already fully reported differences from Annex 6, Part II or have reported that no differences exist, the reporting of any further differences occasioned by the amendment should be relatively straightforward; however, attention is called to paragraph 1.5 wherein it is indicated that this statement should be not only to the latest amendment but to the whole Annex, including the amendment.

3. *Form of notification of differences*

3.1 Differences should be notified in the following form:

- a) ***Reference***: The number of the paragraph or subparagraph in Annex 6, Part II as amended which contains the Standard or Recommended Practice to which the difference relates;
- b) ***Category***: Indicate the category of the difference as A, B or C in accordance with paragraph 2.2 above.
- c) ***Description of the difference***: Clearly and concisely describe the difference and its effect;

* The expression “different in character or other means of compliance” in b) would be applied to a national regulation which achieves, by other means, the same objective as that of the corresponding ICAO SARPs and so cannot be classified under a) or c).

- d) *Remarks:* Under “Remarks” indicate reasons for the difference and intentions including any planned date for implementation.

3.2 The differences notified will be recorded in a Supplement to the Annex, normally in the terms used by the Contracting State when making the notification. In the interest of making the supplement as useful as possible, please make statements as clear and concise as possible and confine remarks to essential points. Comments on implementation, in accordance with paragraph 4 b) 2) of the Resolution of Adoption, should not be combined with those concerning differences. The provision of extracts from national regulations cannot be considered as sufficient to satisfy the obligation to notify differences. General comments that do not relate to specific differences will not be published in Supplements.

— END —