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# VOLUME 1. GENERAL CONCEPTS, DIRECTION, GUIDANCE, AND DEFINITIONS

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## CHAPTER 3. INTERNATIONAL AVIATION

### SECTION 2. ICAO AND THE ICAO ANNEXES

**89. ICAO OBJECTIVES.** The objectives of ICAO are to develop the principles and techniques of international air navigation and to foster the continued development of international air transportation in the following ways:

- Promote safe and orderly growth of civil aviation throughout the world
- Foster the technical arts of aircraft design and operation for peaceful purposes
- Encourage the development of airways, airports, and air navigation facilities for international civil aviation
- Meet the needs of the people of the world for safe, regular, efficient, and economical air transportation
- Prevent economic waste caused by unreasonable competition
- Ensure that the rights of contracting states are fully respected and that every contracting state has an equal opportunity to operate international airlines
- Avoid discrimination among contracting states
- Promote the development of all aspects of international civil aeronautics

**91. OBLIGATIONS OF MEMBER STATES.** Ratifying the Convention obligated governments (states) to abide by “certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically.” Ninety-six articles, created and accepted at the Chicago Convention, established the privileges and obligations of member states. Some of these articles are summarized as follows:

*A.* Contracting states recognize that each state has complete and exclusive sovereignty over the airspace above its territory (Article 1).

*B.* The Convention, including the articles and annexes, applies only to civil aircraft, and each state will require their state aircraft to operate with “due regard” for the safety of

navigation of civil aircraft (Article 3).

*C.* International air navigation laws and regulations of a contracting state relating to the operation and navigation of such aircraft while within its territory, shall apply to the aircraft of all contracting states without distinction to nationality. These laws and regulations shall be complied with by such aircraft while entering, within, or departing from the territory of that state (Article 11).

*D.* Each contracting state undertakes to adopt measures to ensure that every aircraft maneuvering over or within its territory, and every aircraft carrying its nationality mark, wherever it operates, shall comply with the rules and regulations of that country relating to the flight and maneuver of aircraft. This article also requires that over the high seas, the rules in force shall be those established under this convention. Each contracting state undertakes to ensure the prosecution of all persons violating the applicable regulations (Article 12).

*E.* Each contracting state undertakes not to discriminate in the availability of, or charges for, airports and other air navigation facilities (Article 15).

*F.* Each contracting state undertakes to provide in its territory, airports, radio services, meteorological services, and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices of ICAO (Article 22).

*G.* Contracting states undertake to adopt and put into operation appropriate standard systems of communication procedures, codes, markings, signals, lighting, and other operational practices and rules recommended or established by ICAO (Article 28).

*H.* Contracting states recognize the validity of Certificates of Airworthiness and Licenses of Competency issued by other contracting states, when issued under conditions which comply with ICAO Standards (Article 33).

*I.* Contracting states should collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways, and auxiliary services in all

matters when uniformity will facilitate and improve air navigation (Article 37).

*J.* Each contracting state undertakes to immediately notify ICAO of any differences between national regulations and any ICAO Standards (Article 38).

**93. ORGANIZATIONAL STRUCTURE.** ICAO is recognized by the United Nations as a specialized agency for international civil aviation. An agreement between these organizations is designed to ensure an efficient working relationship and a mutual recognition of their respective roles. ICAO is not subordinate to, and does not receive any line-of-command authority from, the United Nations.

*A. Assembly.* The Assembly is the sovereign body of ICAO. It meets every 3 years for a detailed review of the organization's technical, economic, legal, and technical assistance programs, and offers guidance concerning the future work of other ICAO bodies. Each nation has one vote in the assembly and unless the convention provides otherwise, a majority rules. In 1987, there were 157 ICAO member nations, and therefore 157 assembly votes.

*B. Council.* The Council is composed of elected representatives from 33 member states. It investigates situations that might create obstacles to international air navigation, and takes action as necessary to protect global air safety and order. When required, it also serves as an arbiter between member states on aviation matters.

*C. Air Navigation Commission.* The Air Navigation Commission is composed of 15 individuals, each considered an expert in a technical field of aviation. This group is concerned with the development of ICAO Standards and Recommended Practices.

*D. Air Transport Committee.* The Air Transport Committee's prime concern is for economic matters relating to airports, route facilities, and air carrier tariffs. This information is used to promote fair and equal opportunities for all international carriers.

*E. Joint Support Committee.* The Joint Support Committee provides for financial arrangements for certain air facilities or services when member states have inadequate resources. Most funding comes from direct user charges to air carriers. This committee studies air service problems and makes suitable arrangements between user and provider states.

*F. Legal Committee.* The Legal Committee interprets questions on the Chicago Convention and public and private law. Some of its main concerns include hijackings and other acts of air terrorism, air carrier liability, and jurisdiction over offenses on international flights.

*G. Unlawful Interference with International Civil Aviation.* The Committee on Unlawful Interference with International Civil Aviation and its Facilities assists and

advises the council on all activities relating to aviation security.

*H. Secretariat.* The Secretariat headed by a council-appointed Secretary General provides for ICAO's daily administrative needs. The most demanding job is its foreign language service. Other areas include the preparation of documentation for meetings and special studies.

## 95. ICAO PUBLICATIONS.

*A. The ICAO Bulletin.* This document is published 12 times annually and contains a digest of ICAO meetings and activities for the previous period. Semiannually, it contains a table showing the status of all ICAO publications involving air navigation.

*B. Final Reports of Meetings.* The final reports of divisional, regional, and panel meetings include the proceedings and recommendations of each meeting. These recommendations are not effective until reviewed by the Air Navigation Commission or another appropriate committee, and approved by the Council. Approved recommendations are separately referred to the affected states for implementation.

*C. Annexes to the Convention.* Standards and Recommended Practices of ICAO are designated as "Annexes" to the Convention and are published separately for each technical field after adoption by the Council.

*D. Procedures for Air Navigation Services (PANS).* The uniform application of certain operating procedures is necessary for safe and efficient air navigation. Operating procedures covering aircraft operations, construction of visual and instrument flight procedures, ICAO abbreviations and codes, rules of the air, and air traffic services have been adopted by ICAO. They are kept up-to-date by action at divisional and panel meetings. Some of these procedures, services, and rules are requirements that have been incorporated in the Annexes. Additional requirements will become a part of the Annexes as they mature.

*E. Supplementary Procedures.* Certain procedures apply only in specific regions and those are published as Supplementary Procedures. A Supplementary Procedure can explain and amplify, but cannot conflict with international standards. For convenience, all Regional Supplementary Procedures have been included in a single document and similar procedures applicable to two or more regions are grouped together.

*F. Field Manuals.* These manuals have no formal status by themselves but derive their status from the International Standards, Recommended Practices, and PANS from which they are compiled. They are prepared primarily for the use of personnel engaged in operations in the field. The most extensive manual is on training.

*G. ICAO Circulars.* ICAO Circulars are issued by the Secretary General to make specialized information available to contracting states. They are not adopted or approved by the Council. They include studies of statistics, summaries of treaties or agreements, analyses of technical documents, and studies of technical subjects.

*H.* The publications discussed in this paragraph and other publications published and distributed by ICAO are available at the following address:

Public Information Office  
International Civil Aviation Organization  
1000 Sherbrooke Street West, Suite 400  
Montreal, Quebec  
Canada H3A, 2R2

## 97. ANNEXES TO THE CONVENTION.

*A.* Since ICAO was created, a main technical feature of the organization has been the achievement of standardization in the operation of safe, regular, and efficient air services. This has resulted in high levels of reliability in the many areas that collectively shape international civil aviation, particularly with respect to aircraft, the crews that operate them, and the ground-based facilities and services.

*B.* Standardization has been achieved through the creation, adoption, and amendment of Annexes to the Convention on International Civil Aviation, identified as International Standards and Recommended Practices. Standards are directives which ICAO members agree to follow. If a member has a standard different from an ICAO Standard, that member must notify ICAO of the difference. Recommended Practices are desirable practices but not essential. The basic criterion for deciding whether a particular issue should be a Standard is an affirmative answer to the question, "Is uniform application by all contracting States essential?" The applicability of a Standard may be subject to certain conditions relating to such areas as terrain, traffic density, stages of flight, and climate. A Standard should, however, be applied equally by any contracting state where those specified conditions are encountered, unless the contracting state notifies ICAO of a difference.

*C.* ICAO Annexes contain the Standards and Recommended Practices that have been adopted through international agreement. The 18 Annexes are described as

follows:

(1) Annex 1, Personnel Licensing, provides information on licensing of flightcrews, air traffic controllers, and aircraft maintenance personnel.

(2) Annex 2, Rules of the Air, contains rules relating to conducting visual and instrument flight.

(3) Annex 3, Meteorological Service for International Air Navigation, provides for meteorological services for international air navigation and reporting of meteorological observations from aircraft.

(4) Annex 4, Aeronautical Charts, contains specifications for aeronautical charts used in international aviation.

(5) Annex 5, Measurement Units Used in Air and Ground Operations, lists dimensional systems to be used in air and ground operations.

(6) Annex 6, Operation of Aircraft, enumerates specifications which ensure a level of safety above a prescribed minimum in similar operations throughout the world. The three parts of this Annex are as follows:

- Part I - International Commercial Air Transport - Airplanes
- Part II - International General Aviation - Airplanes
- Part III - International Operations - Helicopters

(7) Annex 7, Aircraft Nationality and Registration Marks, specifies requirements for registration and identification of aircraft.

(8) Annex 8, Airworthiness of Aircraft, specifies uniform procedures for certification and inspection of aircraft.

(9) Annex 9, Facilitation, provides for simplification of border-crossing formalities.

(10) Annex 10, Aeronautical Telecommunications, volume 1, provides for standardization of communications equipment and systems, and volume 2 standardizes communications procedures.

(11) Annex 11, Air Traffic Services, includes information on establishing and operating air traffic control, flight information, and alerting services.

(12) Annex 12, Search and Rescue, provides information on organization and operation of facilities and services necessary for search and rescue.

(13) Annex 13, Aircraft Accident Investigation, provides for uniformity in notification, investigation, and reporting on aircraft accidents.

(14) Annex 14, Aerodromes, contains specifications for the design and equipment of aerodromes.

(15) Annex 15, Aeronautical Information Services, includes methods for collecting and disseminating aeronautical information required for flight operations.

(16) Annex 16, Environmental Protection, contains specifications for aircraft noise certification, noise monitoring, and noise exposure units for land-use planning (volume 1) and aircraft engine emissions (volume 2).

(17) Annex 17, Security-Safeguarding International Civil Aviation Against Acts of Unlawful Interference, specifies methods for safeguarding international civil aviation against unlawful acts of interference.

(18) Annex 18, The Safe Transport of Dangerous Goods by Air, contains specifications for labeling, packing, and shipping dangerous cargo.

## **99. ICAO STANDARDS VERSUS ICAO RECOMMENDED PRACTICES.**

A. As stated in paragraph 97 above, ICAO Annexes contain “Standards” and “Recommended Practices.”

However, within the context of ICAO Annex 6 and consistent with U.S. international obligations found in Article 33 of the Chicago convention, only “standards” can be enforced pursuant to 14 CFR part 129, section 129.11. This section is misleading since it states, in part, that “Each foreign air carrier shall conduct its operations within the United States in accordance with...the Standards and Recommended Practices contained in part I of ICAO Annex 6 (Operation of Aircraft).” In reality, there can be no requirement that States issue certificates and/or licenses in accordance with “recommended practices.” The Annex makes it clear that “recommended practices” are desirable objectives to which States should endeavor (but are not required) to conform, while “standards” are necessary and considered mandatory or required in the interest of safety. Standards are recognized as “necessary” for the safety of international air navigation to which States must conform.

B. International law also makes it clear that the United States may only require foreign operators to meet the ICAO “standards,” not the “recommended practices” of ICAO. This is consistent with prior AGC-1, Office of the Chief Counsel, interpretations and practices associated with foreign operations.

C. Inspector having surveillance responsibilities for part 129 air carriers should ensure compliance with ICAO standards rather than with the recommended practices. The recommended practices are identified within each ICAO Annex.

**100. - 110. RESERVED.**

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