U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

ORDER
1240.11

Effective Date:
11/06/07

SUBJ: Assessing Compliance with ICAO Standards and Recommended Practices (SARPs) and Implementing their Provisions

1. Purpose of this order. This order establishes the responsibilities for various FAA organizational elements related to the coordination of changes to International Civil Aviation Organization (ICAO) Standards and Recommended Practices (SARPs). It requires all pertinent staff offices (SOs) and lines of business (LOBs) to implement standard operating procedures for the disposition of new and amended proposed ICAO SARPs. It is intended to be applicable to new and amended SARPs notified by ICAO State letters dated after the effective date of this order and not to historical data. It also establishes the requirement for all LOBs/SO's to conduct an annual comparison of updates to FAA regulations, orders, and procedures to determine if the changes have affected the Agency's compliance with ICAO SARPs. This order supplements the interagency agreement of December 9, 1960 and Executive Order 11382 as cited in 49 CFR 1.47(L) that establishes the organization and duties for the Interagency Group on International Aviation (IGIA).

2. Audience. This requirement applies to all FAA staff offices and lines of business with technical expertise or responsibility in any of the areas addressed in the annexes of the Chicago Convention.

3. Where Can I Find this Order? You can find this order on the My FAA website: https://employees.faa.gov/tools_resources/orders_notices/

4. Effective Date. May 1, 2008.

5. Background. The International Civil Aviation Organization (ICAO), in accordance with Article 37 of the Convention on International Civil Aviation (Chicago Convention or Convention), adopts and amends from time to time Standards and Recommended Practices (SARPs), as may be necessary to secure among all contracting States the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to air navigation and transportation. The United States (US) is a contracting State to the Chicago Convention. The U.S. Government (USG) is responsible for safe, secure and efficient air navigation services in U.S.-controlled domestic and international airspace. Changing air traffic volume and complexity, new and emerging technologies, and other factors, may require amendments to ICAO SARPs or U.S. policies or procedures. Under Articles 37 and 38 of the Chicago Convention, the USG has agreed to and is required to comply with ICAO standards or notify ICAO of differences and publish them in the U.S. Aeronautical Information Publication (AIP).

The USG collaborates with ICAO, other contracting States and/or air navigation service providers, representatives from airspace operator and industry groups, and others to improve ICAO SARPs and US policies and procedures. Upon adoption of new or amended ICAO SARPs, the ICAO Secretary General sends a State Letter to all contracting States informing each State of new SARPs or

amendments to existing SARPs. Upon receiving the State Letter from ICAO, the FAA, serving as IGIA Secretariat, secures inter-agency and intra FAA coordination.

6. Responsibilities.

a. The Office of International Aviation (API). API facilitates the coordination of new and amended ICAO SARPs and the notification of differences. API has been delegated responsibility as the IGIA Secretariat. As such, it receives State Letters from ICAO and distributes them for comment and/or action to the other IGIA member organizations, ad-hoc agencies, and industry and to relevant FAA LOBs/SOs. Within FAA, the IGIA Secretariat will assign a specific SO/LOB to take the lead in coordinating issues addressed in an ICAO State Letter advising of proposed/actual new and amended SARPs. By the due date on a SARPs-related State Letter, API finalizes information received from the FAA lead SO/LOB and prepares the formal response to ICAO, which may include a notification of differences to SARPs, providing a copy (to) the FAA lead SO/LOB. API will also ensure changes to existing ICAO standards are coordinated within IGIA as needed and will submit proposed new or amended SARPs to ICAO for consideration.

b. The Office of the Chief Counsel (AGC). AGC determines whether the FAA conforms to the requirements and obligations of Articles 37 and 38 of the Chicago Convention. AGC is responsible for ensuring that the processes devised by the pertinent staff offices/lines of business are responsive to the aforementioned articles of the Chicago Convention.

c. Pertinent Staff Offices/Lines of Business (SO/LOBs). Each pertinent FAA SO/LOB that receives ICAO State Letters will develop an internal standard operating practice (SOP) for dealing with such letters. The SOP will ensure that ICAO State Letters related to proposed/actual new or amended SARPs are distributed to appropriate subject matter experts and/or offices of primary responsibility (OPR) within the SO/LOB. If designated as lead SO/LOB, the IGIA POC in that SO/LOB will provide specific instructions of further responsibilities as outlined in the SO/LOB Standard Operating Procedure (SOP) and/or provided in separate correspondence. Each pertinent SO/LOB will also ensure that an SOP specifying processes to support this Order is coordinated and documented.

A crucial step in this process is a management decision point to determine the disposition of new or revised SARPs – whether to adopt the proposed or revised SARP, or to reject the proposed or revised SARP, or commit to adopt partial compliance. The latter two decisions require that the U.S. government file differences with ICAO. The first decision may also require the filing of a difference during the time it takes to move the proposed SARP through the regulatory process. Upon completion of these decisions, it is the responsibility of the lead SO/OPR to notify the IGIA Secretariat of the completion of its review respecting new or revised SARPs, and of any resulting differences. As an additional safeguard for U.S. compliance with its obligations under the Chicago Convention, the LOB internal procedures should include an annual review to ensure compliance with published SARPs remains current and that applicable differences have been notified to ICAO.

7. Distribution. It is distributed to all appropriate Division/Staff Managers and Business Units in Washington Headquarters.

Robert A. Sturgell
Acting Administrator