

SUBJECT: DIFFERENCES BETWEEN FAA DIRECTIVES AND ICAO DOCUMENTS

1. PURPOSE. This order establishes procedures for personnel from the Associate Administrator for Air Traffic Services (ATS) organization to identify differences between Federal Aviation Administration (FAA) directives system and applicable International Civil Aviation Organization (ICAO) Annexes, ICAO Procedures for Air Navigation Services (PANS) and Regional Supplementary Procedures (SUPPS, Doc 7030).

2. DISTRIBUTION. This order is distributed to the director through branch levels of the program offices within the Air Traffic Service (AAT), Airway Facilities Service (AAF), Air Traffic System Requirements Service (ARS), Office of System Capacity (ASC), Office of Independent Operational Test and Evaluation (ATQ), Office of Runway Safety (ARI), and Terminal Business Service (ATB); to the regional Air Traffic (AT) and Airway Facilities (AF) Divisions; and to selected AT and AF field facilities.

3. DEFINITIONS.

a. **ICAO**, a specialized agency of the United Nations, sets international standards, develops harmonized procedures necessary for the safety, security, efficiency and regularity of air transport, and serves as the facilitator for cooperation in all fields of civil aviation among its 187 Contracting States. The United States is signatory to the *Convention on International Civil Aviation* (a.k.a. "the Convention") and, therefore, a Contracting State. The Council, a permanent body composed of 33 Contracting States elected by the ICAO Assembly for a 3-year term, governs ICAO. One of the major duties of the Council is to adopt International Standards and Recommended Practices (SARPs) and approve changes to PANS and SUPPS in the following documents:

- Annexes - contain SARPs
- PANS
- SUPPS

b. **Differences.** A difference is defined as meeting one of the following criteria:

- (1) A regulation or procedure that is not covered by an ICAO standard;
- (2) A regulation or procedure that is different than an ICAO standard;
- (3) A regulation or procedure that is more exacting than an ICAO standard; or
- (4) A regulation or procedure that is less exacting than an ICAO standard.

c. **SARPs** are adopted by the ICAO Council in accordance with Articles 37, 54, and 90 of the Convention and are contained within Annexes to the Convention. There are a total of 18 Annexes each containing SARPs pertaining to a specific portion of international civil aviation. A few of these Annexes pertain to the provision of air traffic services. The uniform application by Contracting States of the specifications contained in these International Standards is recognized as *necessary* for the safety or regularity of international air navigation, while the uniform application of the specifications in the Recommended Practices is regarded as *desirable* in the interest of safety, regularity, or efficiency of international air navigation.

(1) 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, concerned with international civil aviation are made aware of all national rules and practices insofar as they differ from those prescribed in the ICAO Standards. Each Contracting State has an obligation, under Article 38 of the Convention, to notify the Council of noncompliance with an International Standard.

(2) The Convention does not, however, impose an obligation with regard to the notification of differences from Recommended Practices, although these may also be important for the safety of air navigation. For this reason, the Council has invited Contracting States to notify these differences in addition to those relating to International Standards.

(3) Article 38 clearly defines a State's responsibility regarding departures from accepted international standards and procedures, and reads:

“Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other states of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.”

d. **PANS** do not have the same status as the SARPs but are considered complementary to the Annexes. They are supplemented, when necessary, by regional procedures contained in the *Regional Supplementary Procedures* (Doc 7030). PANS specify, in greater detail than in the SARPs, the actual procedures to be applied by air traffic services units in providing the various air traffic services to air traffic.

e. **SUPPS** have a status similar to that of PANS in that they are approved by the Council, but only for application in a particular geographic region. They are published in one consolidated document (Doc 7030), since certain procedures apply to overlapping regions or are common to two or more regions. The U.S. is required to comply with SUPPS in regions where the U.S. is delegated responsibility for the provision of air traffic services.

4. OBJECTIVES.

a. FAA's goal is to achieve compatibility with ICAO guidance material contained in the Annexes, PANS, and SUPPS. Therefore, all ATS offices acting as Office of Primary Responsibility (OPR) for FAA orders and regulations are directed to ensure that national practices and procedures comply with ICAO Annexes, PANS, and/or SUPPS as much as possible. Where operational needs preclude compliance, differences must be fully justified, documented, and published.

5. PROCEDURES.

a. FAA Actions in Relation to ICAO Annexes

(1) **New and revised FAA Orders and Regulations.** All ATS offices acting as OPR for originating or revising FAA orders and regulations are directed to compare those new/revised orders and regulations with existing ICAO Annexes. Notification of compliance with or difference from the Annexes must be documented using the following process:

(a) Once it is determined that a difference will exist between a new/revised FAA order or regulation and an ICAO Annex, notification of each difference must be submitted to the Air Traffic Services International Staff, AAT-30, using the format shown in Appendix 1.

(b) The notification must include the appropriate reference and, at a minimum, sufficient text to denote that:

1. The United States has reviewed the stated subject matter;
2. Differences will exist, and the date that the differences between the national regulations and/or practices of the United States and the provisions of the Annex will become effective;
3. When applicable, all previously notified differences remain valid; and
4. When applicable, the date by which the United States will have complied with the provisions of the Annex for which differences have been notified.

(c) If it is found that no equivalent provision exists in the Annexes, such fact shall be documented as a difference.

(d) AAT-30 will conduct a review of the package for accuracy, justification, and completeness and will then forward the package to the Office of International Aviation (AIA) for coordination with the Interagency Group on International Aviation (IGIA).

(2) **New and Revised Annexes originated by ICAO.** Whenever necessary, ICAO sends notifications to States that new Annexes or changes to existing Annexes have been made. Notification of compliance with or difference from the proposed Annexes must be documented using the following process:

(a) Upon notification that the Council has approved an amendment or created a new section to an ICAO Annex, AAT-30 will notify the OPR that a review of the amendment is required using the format in Appendix 2. The purpose of this review is to determine if U.S. practices and procedures comply with the new or amended ICAO Annex.

(b) Once an OPR identifies a difference from an ICAO Annex and associated amendments, notification of each difference must be submitted to AAT-30 using the format shown in Appendix 1.

(c) The notification must include the appropriate reference and, at a minimum, sufficient text to denote that:

1. The United States has reviewed the stated subject matter;
2. Differences will exist, and the date that the differences between the national regulations and/or practices of the United States and the provisions of the Annex will become effective;
3. When applicable, all previously notified differences remain valid; and
4. When applicable, the date by which the United States will have complied with the provisions of the Annex for which differences have been notified.

(d) If it is found that no equivalent guidance exists in FAA orders or regulations, FAA shall adopt the new ICAO procedures and publish them in appropriate FAA documents. If the new procedure is not adopted, such fact shall be documented as a difference.

(e) If no difference from an ICAO Annex is found, notification of compliance must be submitted to AAT-30 using the format shown in Appendix 3.

(f) AAT-30 will conduct a review of the package for accuracy, justification and completeness and will then forward the package to the Office of International Aviation (AIA) for coordination with the Interagency Group on International Aviation (IGIA),

b. FAA Actions in Relation to ICAO PANS and SUPPS

(1) **New and Revised FAA Orders and Regulations.** All ATS offices acting as OPR for originating or revising FAA orders and regulations are directed to compare those new/revised orders and regulations with the ICAO PANS and SUPPS. Notification of compliance with or difference from the PANS or SUPPS must be documented using the following process:

(a) Once it is determined that a difference will exist between a new or revised FAA order or regulation and a PANS or SUPPS, notification of each difference must be submitted to AAT-30 using the format shown in Appendix 4.

(b) The notification must include the appropriate reference and, at a minimum, sufficient text to denote that:

(e) If no difference from ICAO PANS or SUPPs is found, notification of compliance must be submitted to AAT-30 using the format shown in Appendix 5.

(f) AAT-30 will conduct a review of the package for accuracy, justification, and completeness and will then forward these differences to the Office of Air Traffic Publications, ATA-10, for publication in the U.S. AIP.

6. RESPONSIBILITIES.

a. International Civil Aviation Organization (ICAO) is responsible for adopting International Standards and Recommended Practices (SARPs) and approving changes to PANS & SUPPS.

b. Office of International Aviation (AIA) is responsible for coordinating compliance with or differences between FAA directives and ICAO documents with the Interagency Group on International Aviation (IGIA).

c. Air Traffic Services International Staff, AAT-30, is responsible for notifying the OPR that a review of the amendment is required, reviewing the differences package, and forwarding the package to AIA.

d. ATS OPR Offices are responsible for ensuring that national practices and procedures comply with ICAO Annexes, PANS, and/or SUPPS as much as possible and submitting notification of each difference to AAT-30.

e. Office of Air Traffic Publications, ATA-10, is responsible for publishing the differences in the U.S. AIP.

7. **RESOURCES.** Each OPR is responsible for identifying and documenting differences in their area of expertise and responsibility. AAT-30 staff members can provide resource documents to assist in the determination of differences to ICAO documents.



Steven J. Brown *for*
Associate Administrator
for Air Traffic Services

LIST OF APPENDICES

APPENDIX 1 - Sample Notification of Differences from ICAO Annex

APPENDIX 2 – Sample Memorandum Requesting Identification of Compliance with or Differences from ICAO Annex Amendments

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APPENDIX 5 – Sample Notification of Compliance with ICAO PANS/SUPPS

APPENDIX 1. SAMPLE NOTIFICATION OF DIFFERENCES FROM ICAO ANNEX

**NOTIFICATION OF DIFFERENCES FROM ANNEX __, CHAPTER __
(including all amendments up to and including Amendment __)**

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

Reference: ICAO Letter AN 7/1.1.34-99/42 dated April 9, 2000

The United States has reviewed Amendment __ to Annex __, Chapter __. The following difference/s will exist on November 4, 2000, between the national regulations and/or practices of the United States and the provisions of Annex __, Chapter __, including Amendment __. All previously notified differences remain valid.

By November 4, 2000, the United States will have complied with the provisions of Annex __, Chapter __, including all amendments up to and including Amendment __, for which differences have been notified below.

a) Annex Provision	b) Details of Difference	c) Remarks	d) Specific U.S. Regulation/ and/or practice
(please give exact paragraph reference)	(please describe the difference precisely)	(please indicate reasons for the difference)	(please give exact paragraph reference)

APPENDIX 2. MEMORANDUM REQUESTING IDENTIFICATION
OF COMPLIANCE WITH OR DIFFERENCES FROM ICAO ANNEX AMENDMENTS



U.S. Department
of Transportation
Federal Aviation
Administration

SAMPLE

Memorandum

Subject: **ACTION**: Identification of Compliance with or
Differences From ICAO Annex Amendments

Date:

From: Manager, Air Traffic Services International Staff, AAT-30

Reply
to
Attn.
of:

To: OPI

Notification has been received that Amendment 29 to the International Civil Aviation Organization (ICAO) Standards and Recommended Practices (Annex 15) to the *Convention on International Civil Aviation* will be applicable on November 6, 2001, with the exception of paragraphs 3.2.1 and 3.4.4.2 which will become applicable on January 1, 2002, and November 5, 2002, respectively.

Please review the amendment and advise of compliance with or any differences from the provisions of this amendment by October 31, 2001.

Should you need assistance, please contact Jane Doe, AAT-30, at 267-0000.

John Q. Smith

APPENDIX 3 – SAMPLE NOTIFICATION OF COMPLIANCE WITH ICAO ANNEX

NOTIFICATION OF COMPLIANCE WITH ANNEX __, CHAPTER __
(including all amendments up to and including Amendment __)

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

Reference: ICAO Letter AN 7/1.1.34-99/42 dated April 9, 2000

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

APPENDIX 4. MEMORANDUM OF NOTIFICATION
OF DIFFERENCES FROM ICAO PANS/SUPPSU.S. Department
of Transportation
Federal Aviation
Administration**SAMPLE****Memorandum**

Subject: **ACTION:** Notification of Differences from ICAO
PANS/SUPPS

Date:

From: OPI

Reply to
Attn. of:

To: Manager, Air Traffic Publications, ATA-10
THRU: Manager, ATS International Staff, AAT-30

We have reviewed Amendment _____ to PANS _____. The attached difference/s will exist on November 4, 2000, between the national regulations and/or practices of the United States and the provisions of PANS _____. All previously notified differences remain valid.

Please publish the attached differences in the U.S. Aeronautical Information Publication. If you need any further information, contact Jane Doe, AAT-30, at 267-0000.

John Q. Smith
Attachment

APPENDIX 4 – SAMPLE NOTIFICATION OF DIFFERENCES FROM ICAO PANS/SUPPS

**NOTIFICATION OF DIFFERENCES FROM PANS _____
(including all amendments up to and including Amendment _____)**

We have reviewed Amendment _____ to PANS _____. The following difference/s will exist on November 4, 2000, between the national regulations and/or practices of the United States and the provisions of PANS _____, including Amendment _____. All previously notified differences remain valid.

By November 4, 2000, the United States will have complied with the provisions of PANS _____, including all amendments up to and including Amendment _____, for which differences have been notified below.

a) PANS Provision	b) Details of Difference	c) Remarks	d) Specific U.S. Regulation/ and/or practice
(please give exact paragraph reference)	(please describe the difference precisely)	(please indicate reasons for the difference)	(please give exact paragraph reference)

APPENDIX 5 – SAMPLE NOTIFICATION OF COMPLIANCE WITH ICAO PANS/SUPPS

**NOTIFICATION OF COMPLIANCE WITH PANS/SUPPS
(including all amendments up to and including Amendment ___)**

No differences will exist on _____ between the national regulations and/or practices
of (State) _____ and the provisions of PANS _____, including all amendments up to and
including Amendment _____.