

AMENDMENT No. 44

TO THE

**INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

AIR TRAFFIC SERVICES

ANNEX 11

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

The amendment to Annex 11 contained in this document was adopted by the Council of ICAO on **14 March 2006**. Such parts of this amendment as have not been disapproved by more than half of the total number of Contracting States on or before **17 July 2006** will become effective on that date and will become applicable on **23 November 2006** as specified in the Resolution of Adoption.

MARCH 2006

INTERNATIONAL CIVIL AVIATION ORGANIZATION

**AMENDMENT 44 TO THE INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

AIR TRAFFIC SERVICES

RESOLUTION OF ADOPTION

The Council

Acting in accordance with the Convention on International Civil Aviation, and particularly with the provisions of Articles 37, 54 and 90 thereof,

1. *Hereby adopts* on 14 March 2006 Amendment 44 to the International Standards and Recommended Practices contained in the document entitled *International Standards and Recommended Practices, Annex 11 — Air Traffic Services* which for convenience is designated Annex 11 to the Convention;
2. *Prescribes* 17 July 2006 as the date upon which the said amendment shall become effective, except for any part thereof in respect of which a majority of the Contracting States have registered their disapproval with the Council before that date;
3. *Resolves* that the said amendment or such parts thereof as have become effective shall become applicable on 23 November 2006;
4. *Requests the Secretary General:*
 - a) to notify each Contracting State immediately of the above action and immediately after 17 July 2006 of those parts of the amendment which have become effective;
 - b) to request each Contracting State:
 - 1) to notify the Organization (in accordance with the obligation imposed by Article 38 of the Convention) of the differences that will exist on 23 November 2006 between its national regulations or practices and the provisions of the Standards in the Annex as hereby amended, such notification to be made before 23 October 2006, and thereafter to notify the Organization of any further differences that arise;
 - 2) to notify the Organization before 23 October 2006 of the date or dates by which it will have complied with the provisions of the Standards in the Annex as hereby amended;
 - c) to invite each Contracting State to notify additionally any differences between its own practices and those established by the Recommended Practices, when the notification of such differences is important for the safety of air navigation, following the procedure specified in subparagraph b) above with respect to differences from Standards.

— — — — —

NOTES ON THE PRESENTATION OF THE AMENDMENT TO ANNEX 11

The text of the amendment is arranged to show deleted text with a line through it and new text highlighted with grey shading, as shown below:

1. ~~Text to be deleted is shown with a line through it.~~ text to be deleted
2. **New text to be inserted is highlighted with grey shading.** new text to be inserted
3. ~~Text to be deleted is shown with a line through it~~ **followed by the replacement text which is highlighted with grey shading.** new text to replace existing text

**TEXT OF AMENDMENT 44 TO INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES
AIR TRAFFIC SERVICES**

**ANNEX 11
TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION**

...

CHAPTER 1. DEFINITIONS

...

Safety programme. An integrated set of regulations and activities aimed at improving safety.

Safety management system. A systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures.

...

CHAPTER 2. GENERAL

...

2.26 ~~ATS~~ Safety management

2.26.1 ~~States shall implement systematic and appropriate programmes, to ensure that safety is maintained~~ establish a ~~ATS safety management~~ safety management programme, in order to achieve an acceptable level of safety in the provision of ATS within airspaces and at aerodromes.

2.26.2 ~~The acceptable level of safety and safety objectives applicable to the provision of ATS within airspaces and at aerodromes shall be established by the State or States concerned. When applicable, safety levels and safety objectives shall be established on the basis of regional air navigation agreements~~ The acceptable level of safety to be achieved shall be established by the State(s) concerned.

~~Note.— The acceptable level of safety may be specified in qualitative or quantitative terms. The following are examples of measures which could be used to express the acceptable level of safety:~~

a) ~~— a maximum probability of an undesirable event, such as collision, loss of separation or runway incursion;~~

b) ~~— a maximum number of accidents per flight hour;~~

c) ~~— a maximum number of incidents per aircraft movement;~~

d) ~~— a maximum number of valid short term conflict alerts (STCA) per aircraft movement.~~

~~Note.— Guidance on safety programmes and on defining acceptable levels of safety is contained in Attachment E and the ICAO Safety Management Manual (Doc 9859).~~

2.26.3 ~~An ATS safety management programme~~ States shall require, as part of their safety

programme, that an air traffic services provider implements a safety management system acceptable to the State that, ~~inter alia~~ as a minimum:

- a) identifies actual and potential safety hazards and determine the need for remedial action;
- b) ensures that remedial action necessary to maintain an acceptable level of safety is implemented; and
- c) provides for continuous monitoring and regular assessment of the safety level achieved; and
- d) aims to make continuous improvement to the overall level of safety.

2.26.4 A safety management system shall clearly define lines of safety accountability throughout the air traffic services provider, including a direct accountability for safety on the part of senior management.

Note.— Guidance on safety management systems is contained in the ICAO Safety Management Manual (Doc 9859), and associated procedures are contained in the PANS-ATM (Doc 4444).

~~2.26.4~~ 2.26.5 Any significant safety-related change to the ATS system, including the implementation of a reduced separation minimum or a new procedure, shall only be effected after a safety assessment has demonstrated that an acceptable level of safety will be met and users have been consulted. When appropriate, the responsible authority shall ensure that adequate provision is made for post-implementation monitoring to verify that the defined level of safety continues to be met.

Note 4.— When, due to the nature of the change, the acceptable level of safety cannot be expressed in quantitative terms, the safety assessment may rely on operational judgment.

Note 2.— Attention is drawn to ~~guidance material contained in the Air Traffic Services Planning Manual (Doc 9426), the Manual on Airspace Planning Methodology for the Determination of Separation Minima (Doc 9689), the Manual on Implementation of a 300 m (1 000 ft) Vertical Separation Minimum between FL 290 and FL 410 Inclusive (Doc 9574) and the Manual on Required Navigation Performance (RNP) (Doc 9613).~~

...

CHAPTER 3. AIR TRAFFIC CONTROL SERVICE

...

3.3 Operation of air traffic control service

3.3.3 **Recommendation.**— Air traffic control units should be equipped with devices that record background communication and the aural environment at air traffic controller work stations, capable of retaining the information recorded during at least the last twenty-four hours of operation.

Note.— Provisions related to the non-disclosure of recordings and transcripts of recordings from air traffic control units are contained in Annex 13, 5.12.

3.3.3.3.4 Clearances issued by air traffic control units shall provide separation:

- a) between all flights in airspace Classes A and B;

...

Renumber subsequent paragraphs accordingly.

Insert the following as new Attachment E to Annex 11

ATTACHMENT E. ACCEPTABLE LEVEL OF SAFETY

1. Introduction

1.1 The introduction of the concept of acceptable level of safety responds to the need to complement the prevailing approach to the management of safety based upon regulatory compliance, with a performance based approach that aims for continuous improvement to the overall level of safety.

1.2 Acceptable level of safety expresses the safety goals of an oversight authority, an operator, or a services provider. From the perspective of the relationship between oversight authorities and operators/services providers, it provides the minimum safety objective(s) acceptable to the oversight authority to be achieved by the operators/services providers while conducting their core business functions. It is a reference against which the oversight authority can measure safety performance.

1.3 Establishing acceptable level(s) of safety for the safety programme does not replace legal, regulatory, or other established requirements, nor does it relieve States from their obligations regarding the Convention on International Civil Aviation and its related provisions.

1.4 Establishing acceptable level(s) of safety for the safety management system does not relieve operators/services providers from their obligations under relevant national regulations and the Convention on International Civil Aviation.

2. Scope

2.1 Within each State, different acceptable levels of safety may be established between the oversight authority and individual operators/services providers.

2.2 Each agreed established level of safety should be commensurate with the complexity of individual operator/service providers operational contexts, and the level to which safety deficiencies can be tolerated and realistically addressed.

3. Implementation

3.1 The concept of acceptable level of safety is expressed in terms of safety performance indicators and safety performance targets, and implemented through safety requirements.

3.2 The relationship between acceptable level of safety, safety performance indicators, safety performance targets and safety requirements is as follows: acceptable level of safety is the overarching concept; safety performance indicators are the measures or metrics to determine if the acceptable level of

safety has been achieved, safety performance targets are the quantified objectives pertinent to the acceptable level of safety, and safety requirements are the tools or means required to achieve the safety performance targets.

3.3 The safety performance indicators of an acceptable level of safety should be uncomplicated and linked to major components of a State safety programme, or an operator/services provider safety management system (SMS). They are generally expressed in numerical terms.

3.4 The safety performance targets of an acceptable level of safety should be determined after weighing what is desirable and what is realistic for individual operator/services providers. Safety performance targets should be measurable, acceptable to the parties involved, and consistent with the acceptable level of safety.

3.5 The safety requirements to achieve the safety performance targets of an acceptable level of safety should be expressed in terms of operational procedures, technology and systems, programmes, contingency arrangements and so forth, to which measures of reliability, availability and/or accuracy may be added.

3.6 An acceptable level of safety should be expressed by several safety performance indicators and translated into several safety performance targets, rather than by single ones.

— END —