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Doc 10055

Manual on Notification and Publication of Differences

First Edition, 2019



Approved by and published under the authority of the Secretary General

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AMENDMENTS

Amendments are announced in the supplements to the *Catalogue of ICAO Publications*; the Catalogue and its supplements are available on the ICAO website at www.icao.int. The space below is provided to keep a record of such amendments.

RECORD OF AMENDMENTS AND CORRIGENDA

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(iii)

FOREWORD

BACKGROUND

Article 38 of the *Convention on International Civil Aviation* (hereinafter referred to as the “Chicago Convention”) states:

“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...”

Although differences from Recommended Practices are not notifiable under Article 38 of the Convention, States have been urged to do so by the Assembly.

However, according to the results of activities conducted under both the Universal Safety Oversight Audit Programme (USOAP) and the Universal Security Audit Programme (USAP), the status of the notification and publication of differences has been far from satisfactory: more than 70 per cent of the States had not established an effective system for the identification and notification of differences to ICAO. In view of the importance of the subject, a comprehensive study on the issues surrounding the topic was conducted by the Filing of Differences Task Force (FDTF) with an aim to improving relevant rules and procedures and providing additional guidance to assist Contracting States. The Council was informed through C-WP/13954 of the main outcomes of the comprehensive study that reported on: a) issues in respect of the notification and publication of differences; b) recommendations made by the FDTF; and c) actions being taken by the Secretariat.

The outcomes of the study were also reported to the 38th Session of the Assembly (A38-WP/48) and resulted in the adoption of Resolution A38-11 entitled *Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences*. A38-11 was subsequently superseded by A39-22, with the same title, at the 39th Session of the Assembly.

One of the key clauses in the Resolution was the provision of more guidance in respect of the notification and publication of differences (Resolving Clause 15 refers). A thorough review was carried out of the existing ICAO guidance related to differences. It was evident that more clarity and consistency in guidelines were required as to what constitutes a difference and additional guidance material would be needed to help Contracting States to fulfil their obligations regarding the identification and notification of differences.

Pursuant to this Resolution and in order to provide States with more clarity and consistency in the identification and reporting of differences, the Secretariat with the assistance of the FDTF members prepared an amendment to the Note on Notification of Differences (“Note”). The proposed amendment was circulated for comments through State letter AN 1/1-14/66 dated 26 September 2014 and State letter AN 1/1-15/73 dated 23 October 2015.

The responses to the State letters were reviewed by the Air Navigation Commission, the Air Transport Committee and the Committee on Unlawful Interference, after which the Council agreed to an amendment to the Note at the sixth meeting of its 207th Session on 26 February 2016. In doing so, the Council highlighted the importance of the development of a manual to provide guidance to States on the subject.

SCOPE AND PURPOSE

The purpose of this document is to supplement the Note, which is the primary guidance to assist States in carrying out their obligations regarding Article 38 of the Convention. It should also be observed that guidance is provided to States and not directly to third parties or regional organizations that may have a role in the manner in which a State meets its Article 38 obligations – as such arrangements are considered as internal to the State, or States concerned.

FUTURE DEVELOPMENTS

In order to keep this manual relevant and accurate, suggestions for improving it in terms of format, content or presentation are welcome. Any such recommendation or suggestion will be examined and, if found suitable, will be included in regular updates to the manual. Regular revision will ensure that the manual remains both pertinent and accurate.

Comments concerning the manual should be addressed to:

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