

ESARR ADVISORY MATERIAL/ICAO
(EAM/ICAO)

EAM / ICAO (Combi)

**CONSISTENCY BETWEEN ESARRs
and ICAO STANDARDS AND
RECOMMENDED PRACTICES**

Edition	:	1.0
Edition Date	:	23 June 2005
Status	:	Released Issue
Distribution	:	General Public
Category	:	ESARR Advisory Material

F.2 DOCUMENT CHARACTERISTICS

TITLE		
EAM / ICAO (Combi) Consistency Between ESARRs and ICAO SARPs		
Document Identifier :	Reference :	EAM / ICAO (Combi)
eamicoa_combi_e10_ri_web	Edition Number :	1.0
	Edition Date :	23-06-2005
Abstract :		
<p>This document identifies consistencies and differences between the requirements published in the EUROCONTROL safety regulatory requirements developed in the ESARRs and those published in ICAO SARPs.</p> <p>Its main objective is to prove that the relevant requirements and recommended practices published in Annex 11 and Annex 13 are adequately covered within the ESARRs. More specifically, the compliance check lists at Appendix B should assist States with their preparation for USOAP. A secondary objective is to develop the rationale why, for certain requirements, it is necessary to expand on the ICAO SARPs.</p>		
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DOCUMENT STATUS AND TYPE					
Status :		Distribution :		Category :	
Working Draft	<input type="checkbox"/>	General Public	<input checked="" type="checkbox"/>	Safety Regulatory Requirement	<input type="checkbox"/>
Draft Issue	<input type="checkbox"/>	Restricted EUROCONTROL	<input type="checkbox"/>	Requirement Application Document	<input type="checkbox"/>
Proposed Issue	<input type="checkbox"/>	Restricted SRC	<input type="checkbox"/>	ESARR Advisory Material	<input checked="" type="checkbox"/>
Released Issue	<input checked="" type="checkbox"/>	Restricted SRC Commissioners	<input type="checkbox"/>	SRC Policy Document	<input type="checkbox"/>
		Restricted SPG	<input type="checkbox"/>	SRC Document	<input type="checkbox"/>
		Restricted SRU	<input type="checkbox"/>	Comment / Response Document	<input type="checkbox"/>

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F.3 DOCUMENT APPROVAL

The following table identifies all management authorities who have approved this document.

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Note: For security reasons and to reduce the size of files placed on our website, this document does not contain signatures. However, all management authorities have signed the master copy of this document which is held by the SRU. Requests for copies of this document should be e-mailed to: sru@eurocontrol.int.

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F.4 DOCUMENT CHANGE RECORD

The following table records the complete history of this document.

EDITION NUMBER	EDITION DATE	REASON FOR CHANGE	PAGES AFFECTED
0.01	31-Oct-04	Creation.	All
0.02	17-Dec-04	Additional SRU comments incorporated.	2, 7-9, 12-15, 18, 38-41
0.03	22-Feb-05	SRU quality check. Document sent to RTF for formal consultation.	All
0.1	04-May-05	Document sent to SRC for formal consultation and approval.	All
1.0	23-Jun-05	Document released following formal SRC consultation and approval (RFC No. 0510).	-

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F.6 EXECUTIVE SUMMARY

The Member States of EUROCONTROL are obliged to implement EUROCONTROL Safety Regulatory Requirements (ESARRs). These further expand upon ICAO SARPs or address areas not currently covered in ICAO Annexes in order to address the situation in the ECAC region. States are also signatories to the Chicago Convention: they have, therefore, an obligation to implement the ICAO SARPs as they relate to Air Traffic Services their compliance with which will be audited by ICAO under its Universal Safety Oversight Audit Programme (USOAP).

The purpose of this Advisory Material, which complements the individual EAM / ICAO documents developed for each ESARR, is to assist States by providing a high-level understanding of why the ESARRs have a greater scope and more detail than ICAO provisions and to clarify the relationship between the ESARR and ICAO provisions. This clarification extends to providing templates to assist States when completing their USOAP pre-audit compliance checklists. This Advisory Material is only valid if a State has enacted ESARRs within their own legislation without detriment to the provisions of ESARRs or their meaning.

The need, or otherwise, for States to file a Difference to ICAO Annex provisions as a consequence of implementing the ESARRs is also explained and a template to assist in notifying, as appropriate, a Difference is included. It is however recognised that the notification of differences is a State's responsibility and that this document only provides harmonised guidance to States.

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1. INTRODUCTION

The member States of EUROCONTROL are obliged to implement EUROCONTROL Safety Regulatory Requirements (ESARRs). These further expand upon ICAO SARPs or address areas not currently covered in ICAO Annexes in order to address the situation in the ECAC region. States are also signatories to the Chicago Convention and, therefore, have an obligation to implement the ICAO SARPs as they relate to Air Traffic Services (ATS).

To assess States' compliance with the SARPs, ICAO instituted a Universal Safety Oversight Assessment Programme (USOAP) which has now been extended to include ATS. Under this programme, audits are conducted in-State by an ICAO team to determine not only whether the SARPs have been enacted in their civil aviation legal provisions, and if not has a 'Difference' been notified, but also how they are implemented by regulatory authorities and service providers. Furthermore, the audit investigates how safety oversight is maintained of that implementation.

Consequently, having implemented the ESARRs, States are required to:

- Understand the relationship between the ESARR and ICAO provisions;
- Understand the rationale for the greater scope and detailed practices and procedures of the ESARRs;
- Determine whether or not a 'Difference' needs to be notified to ICAO.

2. PURPOSE OF DOCUMENT

The function of this document is to complement the individual EAM / ICAO documents developed for each ESARR as appropriate and to provide States with a:

- High-level understanding of the relationship between the ESARR and ICAO provisions;
- High-level understanding of the rationale for the greater scope and detailed practices and procedures of the ESARRs;
- Clarification of the relationship between the provisions contained in the identified parts of relevant ICAO Annexes and the currently approved ESARRs.

The document also explains why it is recommended to States to file a difference for one ESARR under given circumstances and not for others.

Additionally, the tables at Annexes A, B and C provide the mapping of ICAO Annex 1, 11 and 13 provisions against those of the ESARRs when States are being audited in the framework of the ICAO Universal Safety Oversight Audit Programme (USOAP).

NOTE: The tables are valid **only** for those ICAO SARPs specifically mapped against ESARR provisions and **only** if those ESARR provisions have been enacted within national regulations without change.

3. STATES AND THE ICAO USOAP AUDIT

3.1 GENERAL

The ICAO USOAP audits are being extended to include Annexes 11, 13 and 14. States will, therefore, need to understand why the ESARRs they have implemented expand upon the provisions of the ICAO SARPs. The following paragraphs provide that rationale in overall terms and for the individual ESARRs, while the Appendices give summary comparisons of each ESARR against the relevant ICAO Annex.

Finally, the Annexes to this document provide a template to assist States complete their pre-USOAP audit compliance checklists. The notes preceding each template provide important caveats that States need to understand before completing their checklists.

3.2 RATIONALE FOR ESARR EXPANSION OF ICAO PROVISIONS

OVERALL

The Safety Regulation Commission (SRC) is established to provide advice which will ensure, through co-operation between States on safety regulation, consistent high levels of safety in air traffic management (ATM) within the ECAC area.

The SRC achieves this through the development of harmonised ATM safety regulatory approaches and requirements, ESARRs, between States. The application of the ESARRs aims to establish harmonised minimum levels of safety across the ECAC region.

SRC must also respond to current and anticipated developments in ATM across the ECAC area, and wider aspects as necessary, including any new safety demands or expectations by the aviation community. Thus, the ESARRs reflect the significant increase in the volume of air traffic throughout the ECAC area which, together with new technology, has led to more complex ATC procedures: these, in turn, impact upon controllers to become more specialised and to use more advanced controlling techniques while the new technologies impose more safety-related task on engineering personnel.

ESARR 1

To be developed in subsequent versions.

ESARR 2

The implementation of consistent high levels of aviation safety and the management of safety in ATM within the ECAC area require, as a priority, the successful implementation of harmonised occurrence reporting and assessment schemes. Such schemes will lead to more systematic visibility of safety occurrences and their causes, and will allow identification of appropriate corrective actions as well as areas where flight safety could be improved by changes to the ATM system.

Analysis of safety performance at the European level has yielded the conclusion (referenced in the EUROCONTROL ATM Performance Report for 1998) that “Across the ECAC area, significant variations exist in the scope, depth, consistency and availability of ATM safety data”.

Safety regulatory action is, therefore, considered necessary to promote more consistent and systematic reporting and assessment of safety occurrences within the ATM system. Such reporting and assessment, which must be in a non-punitive environment, has the potential to act as an effective contribution to accident and serious incident prevention.

ESARR 3

The rationale for Annex 11 appears to be the provision of a common safety assurance methodology based on safety management practices that allow a consistent regulatory approach and consequently a common framework for IUSOAP assessment and comparison.

The EUROCONTROL Safety Regulatory Requirement – Use of Safety Management Systems by ATM Service Providers (ESARR 3), however, stemmed from the need for a systematic and harmonised development of safety management systems within ATM in the ECAC region

Further, as ESARR 3 defines an approach to maximise safety benefits in a visible and traceable way, its implementation may effectively support a safety regulatory approach consistent with the needs for a common framework for IUSOAP assessment and comparison.

The objectives pursued in Annex 11 paragraph 2.26 aim at implementing ATS safety management programmes to ensure that safety is maintained.

The overall safety objective of ESARR 3 is to ensure that all safety issues within the provision of an ATM service have been addressed in a satisfactory manner and to a satisfactory conclusion, as the way to ensure that safety is maintained and continuously improved.

ESARR 4

Annex 11 provides a common safety assurance methodology based on a Safety Management System (SMS) that allows a consistent regulatory approach and, consequently, a common framework for IUSOAP assessment and comparison. The SMS should also ensure a safety target is defined (quantitative or qualitative), that hazards are identified, remedial action planned (and taken) and that monitoring ensures that the safety level is maintained. Through this process aims to ensure that proposed changes to the ATS System will not jeopardise safety.

ESARR 4, however, stemmed from the need identified by the SRC to more formally and systematically assess and control the safety impact of changes to the ATM System. Within the overall objective of ensuring safety, the objective of this requirement is to ensure that the risks associated with hazards in the ATM System are systematically and formally identified, assessed, and managed within safety levels which, as a minimum, meet those approved by the designated regulatory authority.

ESARR 5

Since ICAO Annex 1, Personnel Licensing, was first published, there has been a significant increase in the volume of air traffic throughout the ECAC area. Although Annex 1 has been amended during this period, the basic licensing procedures, including the ratings, have remained unchanged. The increase in traffic, together with new technology, has led to more complex ATC procedures which, in turn, require controllers to become more specialised and to use more advanced controlling techniques.

ESAAR 5 'ATM Services' Personnel' stems from the need to enable the safety aspects of the licence/certificate of competence qualifications to more closely match the air traffic services being provided within the ECAC region. It also permits the recognition of additional ATC skills (through the new proposed ratings) associated with the evolution of air traffic control systems and their related controlling procedure.

In addition, an inclusion has been developed to detail the safety regulatory requirements for engineering and technical personnel undertaking operational safety related tasks. It is to be noted that, no provisions are foreseen in ICAO SARPS in respect of the mentioned category of ATM personnel and ESARR 5 is the first safety regulatory document to ensure that competency of technical and engineering staff is adequately and formally covered in a harmonised way at European wide level.

The competence of ATM personnel and, where applicable, their satisfaction of medical requirements, are fundamental elements of safety achievement, and therefore of safety management, in the provision of ATM services. The application of EUROCONTROL safety regulatory requirements in this area aims to establish harmonised minimum levels of competence and proficiency for staff having specific ATM safety responsibilities.

Competence is taken to mean possession of the required level of knowledge, skills, experience and, where required, proficiency in English, to permit the safe and efficient provision of ATM services

ESARR 6

ESARR 6 is the continuation of the safety regulatory development process and expands ESARR 4 in regard to the software aspects of ATM systems. Complementary safety regulatory requirements for hardware aspects are under consideration.

Safety is an essential characteristic of ATM systems. It has a dominant impact upon operational effectiveness. ATM systems are demanding a more formal approach to the achievement of safety as they now involve significant interactions in a continuously larger integrated environment, automation of operational functions formerly performed through manual procedures, increases in complexity and the massive and systematic use of software.

Therefore, the purpose of ESARR 6 is to provide ATM safety regulatory bodies and ATM service providers with a uniform and harmonised set of safety regulatory requirements for the use of software in ATM systems.

4. NOTIFICATION OF DIFFERENCES TO ICAO REGARDING ESARRS

4.1 GENERAL

The primary purpose of the reporting of differences is to promote safety and efficiency in air navigation by ensuring that the governmental and other agencies, including operators, concerned with civil aviation are made aware of national rules and practices in so far as they differ from those prescribed in ICAO Standards.

Article 38 of the Chicago Convention requires States 'to comply in all respects' and to bring their own regulations and practices into full accord' with ICAO Standards. It also states that differences should be filed where national regulations and practices are 'differing in any particular respect'. These statements are expanded upon in the 'Note on the Notification of Differences to Annex (number) and Form of Notification' which accompanies the notification of States on the adoption of amendments to Annexes and which has remained in its original form since November 1950.

One important criteria in that Note is that 'where national regulations of States call for compliance with procedures that are not identical but essentially the same..... no difference should be reported...'. The Note also adds an important criteria 'When the national regulations.... affect the operation of aircraft of other Contracting States...'

4.2 SPECIFIC ESARRs

A review of the comparisons between the relevant provisions of the ICAO SARPs and those of the ESARRs against the criteria in that Note has concluded that, provided States have implemented the ESARRs correctly and without to the provisions of the ESARRs or their meanings:

1. It is recommended that States, having implemented ESARR 2, need to notify a difference to the provisions of Annex 13 Chapter 8 only if they have not implemented a mandatory incident reporting system or if a voluntary system does not have appropriate non-punitive provisions;
2. It is recommended that States do not need to notify a difference to the safety management provisions of Annex 11 as a result of implementing ESARRs 3, 4 and 6 as the procedures and practices of those ESARRs, while not identical to the SARPs, are essentially the same: furthermore, they do not affect the operation of aircraft;
3. It is recommended that States do not need to file a difference to ICAO Annex 1 as a result of implementing ESARR 5. The new definitions, new ATC licence ratings and imposition of requirements on air traffic services' providers introduced by ESARR 5 do not affect the operation of aircraft of other Contracting States.

Appendix 2B provides a template for notifying a difference to ICAO which may result from a State's implementation of ESARR 2

APPENDIX 1A

SUMMARY OF COMPARISON – ESARR 1 WITH ICAO Doc 9734 Part A

To be added in a subsequent version.

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APPENDIX 2A

SUMMARY OF COMPARISON – ESARR 2 WITH ANNEX 13

The provisions of ESARR 2 must be compared with the related ICAO requirements, which are the minimum standard to be applied, to ensure that they are consistent.

ESARR 2 does not affect the reporting of accidents. However, the range of incidents to be reported and their classification under ESARR 2 is wider than Annex 13 and it is specifically targeted at ATM related incidents.

A careful review of the relevant provisions of ICAO Annex 13, notably Chapter 8 Accident Prevention Measures, has identified that:

- A mandatory incident reporting system is a Standard in Annex 13 while ESARR 2 only specifies that a State shall have a system but can decide whether it is mandatory or voluntary;
- The Standard in Annex 13 is that a voluntary incident reporting system that is non-punitive and afford protection to the information sources but no such protections are included in ESARR 2¹;
- Annex 13 recommends that if safety recommendations are addressed to an organisation in another State, that State's investigation authority should also receive the information. The ESARR 2 interpretation for that recommended practice arises from paragraph 5.1.8 which requires a State to monitor the implementation of the safety recommendation regardless of the addressee.

Otherwise, ESARR 2 expands upon and provides more detailed provisions than Annex 13.

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¹ Paragraph 2.3 of the Rationale does indicate that reporting and assessment should be non-punitive but this is in a non-mandatory section.

APPENDIX 2B

NOTIFICATION OF COMPLIANCE WITH, OR DIFFERENCES FROM, ANNEX 13 (including all amendments up to and including Amendment 10)

This template for the notification to ICAO of differences to Annex 13 relates only to:

1. the provisions of ESARR 2 which do not precisely align with those of Annex 13; and
2. those States which have:
 - a. solely established a voluntary incident reporting system rather than a mandatory system;
 - b. a voluntary incident reporting system which is not non-punitive.

The template also assumes that a State has enacted ESARR 2 within its own legislation without detriment to the provisions of ESARR 2 or their meaning.

Annex Provision (exact paragraph reference)	Details of Difference (describe the difference precisely)	Remarks (reasons for the difference)
8.1 Incident reporting Systems	A voluntary incident reporting system has been established rather than one which is mandatory.	ESARR 2, paragraphs 5.1 and 6.1.1, provides the option of mandatory or voluntary systems but national legislation [<i>quote law</i>] precludes the establishment of a mandatory system.
8.3	The voluntary incident reporting system established does not prevent punitive action being taken against the person making a report of an incident.	ESARR 2 does not have a specific provision that the system be non-punitive and national legislation [<i>quote law</i>] precludes the voluntary system being non-punitive.

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APPENDIX 3

SUMMARY OF COMPARISON – ESARR 3 WITH ANNEX 11

The provisions of ESARR 3 must be compared with the related ICAO requirements, which are the minimum standard to be applied, to ensure that they are consistent.

The scope of ESARR 3 is wider than Annex 11 in that includes ATM whereas Annex 11 is limited to the provision of Air Traffic Services (or even only ATC in some cases).

A careful review of ICAO Annex 11 has identified that its provisions that correspond to the scope of ESARR 3 are met fully by ESARR 3, which also provides expansion in terms of scope and detail of requirements as well as clarification. In particular;

- The scope of Annex 11 section 2.26 is restricted to the provision of ATS within airspaces and at aerodromes while ESARR 3 deals with the provision of ATM as a whole (inclusive of ATFM and ASM).
- Annex 11 simply requires the introduction of “ATS safety management programmes” and identifies some minimum generic elements of such programmes without providing further explanation of what an ATS safety management programme really demands. On the other hand, ESARR 3 provides for a comprehensive set of requirements for an organisational management system for safety.
- Annex 11 is part of the ICAO convention, which implicitly identifies a civil aviation perspective although, in general, if the supplier of the service is military, it is the expectation of the Annex that such a supplier would apply the services as required by the Annex to civil traffic. However, ESARR 3 also applies to military ATM service providers.
- Annex 11 is scoped to the provision of international services and could be interpreted as not applicable to airports with purely domestic traffic. On the basis of present differences filed to ICAO, this interpretation is not used in ECAC and in ESARR 3 the requirements are focussed on all providers of ATM regulated by the National regulators. Thus it is unlikely within the practical implementation of ESARR 3 that any class of civil aviation users will be omitted from this scope.
- ESARR 3 proposes the implementation of a whole organisational system - a safety management system - that provides a platform for any specific safety management practice, including those required in Annex 11. Some basic features of the ESARR 3 approach, not currently considered by ICAO, are:
 - The definition and adoption of a Safety Policy to establish a clear commitment to safety at the highest level of the organisation level concerned;
 - The definition of safety responsibilities for all those involved in safety related tasks;
 - The identification of a Safety Managerial Function, as a key organisational element to ensure the development, maintenance and promotion of safety management;

- The documentation of the SMS and its outputs² in order to provide clarity in the organisational arrangements and ensure the appropriate documentation of evidence obtained from safety assurance mechanisms;
 - The promotion of a culture of safety and safety improvement, and the dissemination of lessons learnt as basic aspects needed to ensure a continuous improvement of safety through the involvement of everybody.
- The provisions of ESARR 3 and associated Guidance Material also cover the guidance and interpretation of Annex 11 as provided by ICAO Doc. 4444, PANS-ATM, Chapter 2, ATS Safety Management. Even at this level of detail, the conclusions summarised above still stand.

Note: The provisions of ESARR 3, in the area of risk assessment and mitigation, are developed further in ESARR 4.

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² *In the ESARR 3 approach the outputs are documented by means of Safety Records. More particularly, specifically safety records, called risk assessment and mitigation documentation are required to document the results of the risk assessment and mitigation process.*

APPENDIX 4

SUMMARY OF COMPARISON - ESARR 4 WITH ANNEX 11

The provisions of ESARR 4 must be compared with the related ICAO requirements, which are the minimum standard to be applied, to ensure that they are consistent.

The scope of ESARR 4 is wider than Annex 11 in that it includes ATM whereas Annex 11 is limited to the provision of Air Traffic Services (or even only ATC in some cases).

A careful review of ICAO Annex 11 has identified a number of points where ESARR 4 provides expansion in terms of scope and detail of requirements as well as clarification. In particular;

- The scope of Annex 11 section 2.26 is restricted to the provision of ATS within airspaces and at aerodromes while ESARR 4 requires, more explicitly, a total ATM (including ASM and ATFM) system approach and with the safety levels in the airspace in its entirety.
- Annex 11 addresses the safety level without any restriction on the type of aircraft the services are provided to. ESARR 4 applies to all providers of ATM services, in respect of those parts of the ATM System and supporting services within their managerial control, and also applies to military ATM service providers except where military ATS or Air Defence are exclusively involved in the control of military aircraft in a segregated military airspace environment. Although the present recommended safety minima for ATM only applies to airspace and aerodromes in ECAC where Commercial Air Transport flights are operated, it is recommended to derive national ATM safety minima for General Aviation.
- Annex 11 only requires four minimum generic elements of ATS safety assessment without providing further explanation of what ATS safety assessment really demands. On the other hand, ESARR 4 provides a comprehensive set of requirements.
- Annex 11, section 2.26.5 only addresses “significant safety-related changes to the ATC system” (*‘significant’ not being determined*).
- ESARR 4 requires that all changes to the ATM System be assessed for their safety impact. The safety significance of those changes must be assessed during that process. The reason for the assessment and grading of safety significance has implications on the rigour of the mitigation process.
- Annex 11 is scoped to the provision of international services and could be interpreted as not applicable to airports with purely domestic traffic. On the basis of present differences filed to ICAO, this interpretation is not used in ECAC and in ESARR 4 the requirements are focussed on all providers of ATM regulated by the National regulators. Thus it is unlikely within the practical implementation of ESARR 4 that any class of civil aviation users will be omitted from this scope.

APPENDIX 5A

SUMMARY OF COMPARISON - ESARR 5 WITH ANNEX 1

The provisions of ESARR 5 must be compared with the related ICAO requirements, which are the minimum standard to be applied, to ensure that they are consistent.

The applicability of ESARR 5 is wider and more specific than Annex 1 in that it applies to designated authorities, providers of air traffic services, operating organisations and to all ATM services' personnel responsible for tasks which, within the provision of an ATM service, are identified as safety related.

In ICAO Annex 1 there is no clear indication of the accountabilities within a Contracting State of how the SARPs have to be implemented whereas ESARR 5 is very specific about the accountabilities and responsibilities of the designated authorities, service providers, operating organisations and personnel. In this way, ESARR 5 also provides States with the necessary separation between the functional responsibilities when implementing the safety regulatory requirements for ATM services personnel.

Annex 1 (Amendment 164) paragraph 1.2.7.3 has been lowered from a Standard to a Recommendation to Contracting States on removing from safety-critical functions users of psychoactive substances whereas ESARR 5 maintains it as a mandated requirement albeit upon ATS providers.

ESARR 5 expands upon and goes beyond the requirements of Annex 1 by introducing:

- generic safety requirements covering all ATM services personnel;
- a new type of licence/certificate of competence, "Student Air Traffic Controller licence or certificate of competence", to persons who do not hold an Air Traffic Controller Licence or certificate of competence to enable them to provide an ATC service under the supervision of a suitably qualified On The Job Training Instructor (OJTI). Annex 1 refers to unlicensed State employees.
- a new type of qualification to cover the current practices, by requiring the OJTI licence endorsements to suitably qualified air traffic controllers to enable them to supervise
 - ◆ student air traffic controller licence holders,
 - ◆ holders of an equivalent certificate of competence, or
 - ◆ trainee air traffic controllers,while they provide an operational air traffic control service during on the job training;
- the necessity for regulation of the personnel performing examinations and assessments;

- the following new air traffic controller licence ratings;
 - ◆ Aerodrome control visual,
 - ◆ Aerodrome control instrument,
 - ◆ Approach control procedural,
 - ◆ Approach control surveillance,
 - ◆ Area control procedural,
 - ◆ Area control surveillance;
- requirements for engineering and technical personnel undertaking safety related tasks.

ESARR 5 is more detailed and greater in scope than Annex 1 on the minimum level of knowledge required and introduces the phases of training in accordance with the ECAC guidelines for Common Core Content (CCC) training.

ESARR 5 introduces the concept of approved unit training plans to detail the processes by which a student and/or trainee controller is trained to meet the required standards for the particular unit. ESARR 5 also requires a mechanism, based on operational experience or a competence checking system, or a combination of both, whereby controllers are monitored or regularly tested to ensure they maintain their competence. This is similar to ICAO's "Approved training".

In addition, ESARR 5 also covers a number of requirements which are either unclear or missing in ICAO Annex 1. In particular:

- The ambiguity of licensed or certificated or unlicensed personnel providing air traffic control needs clarification;
- There are no SARPs to cover the licence status of student controllers;
- There is ambiguity in the requirements for supervision and instructions of controllers without valid ratings;
- There is no area control rating to cover surveillance by means other than radar;
- There are no clear SARPs for the revocation of licences;
- There are no specifications for approved unit training plans/courses.

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APPENDIX 5B

MAPPING OF COMPLIANCE WITH ANNEX 1 (including all amendments up to and including Amendment 165)

This template can be used to demonstrate to ICAO that all differences and additions in the provisions of ESARR 5 which do not precisely align with those of Annex 1, do not impact upon international civil aviation.

Annex Provision <i>(exact paragraph reference)</i>	Details of Difference <i>(describe the difference precisely)</i>	Remarks <i>(reasons for the difference)</i>
1.1. Definitions	New definitions for: Air Traffic Controller licence Air Traffic Management – ATM Assessment ATM equipment approved for operational use ATM Service ATM Services Personnel ATM Services Provider Certificate of Competence Competence in doubt Competence scheme Designated Authority Endorsement Medicines On-the-job Training Rating Endorsement Unit Training Plan	ESARR 5 imposes additional powers and responsibilities upon the Licensing Authority. Within ECAC the scope of the SARPs is expanded to included Airspace Management (ASM) and Air Traffic Flow Management (ATFM). ESARR 5 introduces the concept of the formal ongoing competence assessment and annual certification of ATM services personnel.
1.2. General requirements	ESARR 5 introduces the Student Air Traffic Controller licence and an equivalent certificate of competence.	This permits persons who do not hold an Air Traffic Controller Licence or a certificate of competence to provide an ATC service under the supervision of a suitably qualified on the job training instructor.

Annex Provision (exact paragraph reference)	Details of Difference (describe the difference precisely)	Remarks (reasons for the difference)
1.2.5. Validity of licences	<p>States are empowered to revoke, suspend or vary a licence after due enquiry.</p> <p>The responsibility of ensuring that all ATM services' personnel responsible for tasks in the provision of air traffic services or supporting the provision of air traffic services, which are considered to be related to the safety of air traffic, are competent to carry out those tasks and satisfy applicable medical fitness requirements is imposed upon the air traffic services provider at an ATS unit.</p>	<p>If the competence of a controller is found to have reduced below acceptable levels States can take licensing action.</p> <p>An ATS provider's safety management system should incorporate all aspects of its operation at a unit including the licensing and competence of its personnel.</p>
1.2.7. Use of psychoactive substances	<p>ESARR 5 imposes the obligations of Contracting States as a mandated requirement on ATS providers and licence holders.</p> <p>ESARR 5 also extends the scope of those obligations to cover any medical or medicinal cause of performance deterioration.</p>	<p>The management of safety is the responsibility of both the provider and its personnel.</p> <p>Psychoactive substances are not the only cause of performance deterioration.</p>
1.2.8 Approved training 4.3.1.4. Medical fitness 4.4.2.1. Knowledge 4.4.2.2. Experience	<p>ESARR 5 specifies in one requirement four provisions that an applicant for an air traffic controller licence or certificate of competence and the associated rating(s), rating endorsement(s) and unit endorsement(s) must satisfy.</p>	<p>Certificates of competence and rating endorsements are introduced by ESARR 5 which also allows higher categories of medical to be applied to air traffic controllers.</p>
4.1.2	<p>Additional requirements are imposed upon licence holders / applicants.</p> <p>ESARR 5 specifies a new body responsible for the issue of ATC licences or certificates of competence and specifies the obligatory provisions an applicant must comply with.</p>	<p>ESARR 5 extends an individual's responsibilities within overall safety management.</p> <p>ESARR 5 allows for the issue of ATC licences and certificates of competence by a regional body. ESARR 5 section 5.2 also imposes additional requirements that an applicant must meet.</p>

Annex Provision (exact paragraph reference)	Details of Difference (describe the difference precisely)	Remarks (reasons for the difference)
4.3 Air traffic controller licence	The requirements for Student air traffic controller licences are specified.	See Annex Provision 1.2 above.
4.3.1.3 Experience	EUROCONTROL guidelines for Common Core Content and Training Objectives for Air Traffic Controllers (Phase I & II) are specified as the minimum requirements for an approved training course in ECAC States.	The guidelines meet the new ratings and endorsements specified in ESARR 5 while introducing regional harmonisation of requirements.
4.4.1 Categories of air traffic controller ratings	ESARR 5 replaces the existing ratings with; a) Aerodrome control visual b) Aerodrome control instrument c) Approach control procedural d) Approach control surveillance e) Area control procedural f) Area control surveillance	The new ratings reflect the different skill and knowledge levels required at visual and instrument equipped aerodromes as well as the emergence of new surveillance technologies. The Precision Approach Radar rating is reduced to a unit endorsement as its use becomes limited.
4.4.3.2	ESARR 5 specifies the requirements a holder of an air traffic controller licence or student air traffic controller licence must comply with before exercising the privileges of that licence.	To clarify the responsibilities of licence holders.
4.4.3.3	ESARR 5 paragraph 5.2.1.3 specifies how an OJTI is properly authorised.	To provide specific requirements.

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ANNEX A – ICAO ANNEX 1 USOAP COMPLIANCE TABLE

Important Note

This template for assisting States when being audited by ICAO under the Universal Safety Oversight Audit Programme (USOAP) relates only to those provisions of ESARR 5 which relate to Annex 1 and is only valid if a State has enacted ESARR 5 within its own legislation without detriment to the provisions of ESARR 5 or their meaning.

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Annex Reference & SARP Identifier	ANNEX 1 PERSONNEL LICENSING Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	Yes		Not applicable			
	More Exacting or Exceeds	Difference in character or Other means of compliance	Less protective or partially implemented or not implemented						
Chapter 1 1.2 Note	Note 2.— International Standards and Recommended Practices are established for licensing the following personnel: b) Other personnel — aircraft maintenance (technician/engineer/mechanic); — air traffic controller; — flight operations officer; — aeronautical station operator.	ESARR 5 paragraphs 3.2.1 and 3.2.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 5 introduces the Student Air Traffic Controller licence and an equivalent certificate of competence.	The ESARR 5 provisions permit persons who do not hold an Air Traffic Controller Licence or a certificate of competence to provide an ATC service under the supervision of a suitably qualified on the job training instructor.

Annex Reference & SARP Identifier	ANNEX 1 PERSONNEL LICENSING Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 1 1.2.5.1 Std	<i>Validity of licences</i> A Contracting State, having issued a licence, shall ensure that the privileges granted by that licence, or by related ratings, are not exercised unless the holder maintains competency and meets the requirements for recent experience established by that State.	ESARR 5 paragraph 5..2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 5 empowers States to suspend, revoke or vary a licence after due enquiry. ESARR 5 imposes the responsibility of ensuring that all ATM services' personnel responsible for task in the provision of air traffic services or supporting the provision of air traffic services, which are considered to be related to the safety of air traffic, are competent to carry out those tasks and satisfy applicable medical fitness requirements upon the air traffic services provider at an ATS unit.	If the competence of a controller is found to have reduced below acceptable levels States can take licensing action. An ATS provider's safety management system should incorporate all aspects of its operation at a unit including the licensing and competence of its personnel.

Annex Reference & SARP Identifier	ANNEX 1 PERSONNEL LICENSING Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 1 1.2.5.2 Rec	Except as provided in 1.2.5.2.1, 1.2.5.2.2 and 1.2.5.2.3, a report of medical fitness obtained in accordance with 1.2.4.5 and 1.2.4.6 shall be submitted at intervals of not greater than: 24 months for the air traffic controller licence.	ESARR 5 paragraph 5.2.1.14	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As above	As above
Chapter 2 1.2.6.1 Std	<i>Decrease in medical fitness</i> Holders of licences provided for in this Annex shall not exercise the privileges of their licences and related ratings at any time when they are aware of any decrease in their medical fitness which might render them unable to safely and properly exercise these privileges.	ESARR 5 paragraphs 5.2.1.16, 5.2.2.8, 5.2.3.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As well as it being the licence holder's responsibility ESARR 5 imposes a responsibility of ensuring that..... ... upon the air traffic services provider at an ATS unit.	An ATS provider's safety management system should incorporate all aspects of its operation at a unit including the licensing and competence of its personnel.

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			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 1 1.2.7.1 Std	<i>Use of psychoactive substances</i> Holders of licences provided for in this Annex shall not exercise the privileges of their licences and related ratings while under the influence of any psychoactive substance which might render them unable to safely and properly exercise these privileges.	ESARR 5 paragraphs 5.2.1.16, 5.2.2.8, 5.2.3.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As above	As above
Chapter 1 1.2.7.2 Std	Holders of licences provided for in this Annex shall not engage in any problematic use of substances.	ESARR 5 paragraph 5.2.3.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As above	As above

Annex Reference & SARP Identifier	ANNEX 1 PERSONNEL LICENSING Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 1 1.2.7.3 Rec	Contracting States should ensure, as far as practicable, that all licence holders who engage in any kind of problematic use of substances are identified and removed from their safety-critical functions. Return to the safety-critical functions may be considered after successful treatment or, in cases where no treatment is necessary, after cessation of the problematic use of substances and upon determination that the person's continued performance of the function is unlikely to jeopardize safety.	ESARR 5 paragraphs 5.2.1.16, 5.2.2.8	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	As above	As above

Annex Reference & SARP Identifier	ANNEX 1 PERSONNEL LICENSING Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 1 1.2.8 Std	<p><i>Approved training</i></p> <p>Note. The qualifications required for the issue of personnel licences can be more readily and speedily acquired by applicants who undergo closely supervised, systematic and continuous courses of training, conforming to a planned syllabus or curriculum. Provision has accordingly been made for some reduction in the experience requirements for the issue of certain licences and ratings prescribed in these Standards and Recommended Practices, in respect of an applicant who has satisfactorily completed a course of approved training.</p> <p>Approved training shall provide a level of competency at least equal to that provided by the minimum experience requirements for personnel not receiving such approved training.</p>	ESARR 5 paragraph 5.2.1.6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>ESARR 5 specifies in one requirement four provisions that an applicant for an air traffic controller licence or certificate of competence and the associated rating(s), rating endorsement(s) and unit endorsement(s) must satisfy.</p>	<p>Certificates of competence and rating endorsements are introduced by ESARR 5 which also allows higher categories of medical to be applied to air traffic controllers.</p>

Annex Reference & SARP Identifier	ANNEX 1 PERSONNEL LICENSING Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 4 4.1.1 Std.	An applicant shall, before being issued with any licence or rating for personnel other than flight crew members, meet such requirements in respect of age, knowledge, experience and where appropriate, medical fitness and skill, as are specified for that licence or rating.	ESARR 5 paragraph 5.2.1.6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Chapter 4 4.1.2 Std.	An applicant, for any licence or rating for personnel other than flight crew members, shall demonstrate, in a manner determined by the Licensing Authority, such requirements in respect of knowledge and skill as are specified for that licence or rating.	ESARR 5 paragraphs 5.1.3, 5.2.1, 5.2.1.1, 5.2.1.11	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Additional requirements are imposed upon licence holders / applicants. ESARR 5 specifies a new body responsible for the issue of ATC licences or certificates of competence and specifies the obligatory provisions an applicant must comply with.	ESARR 5 extends an individual's responsibilities within overall safety management. ESARR 5 allows for the issue of ATC licences and certificates of competence by a regional body. ESARR 5 section 5.2 also imposes additional requirements that an applicant must meet.

Annex Reference & SARP Identifier	ANNEX 1 PERSONNEL LICENSING Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 4 4.3.1.2 Std.	<i>Knowledge</i> The applicant shall have demonstrated a level of knowledge appropriate to the holder of an air traffic controller licence, in at least the following subjects	ESARR 5 paragraph 5.2.1.9	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The requirements for Student air traffic controller licences are specified.
Chapter 4 4.3.1.4 Std.	<i>Medical fitness</i> The applicant shall hold a current Class 3 Medical Assessment.	ESARR 5 paragraph 5.2.1.14	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The requirements for Student air traffic controller licences are specified.
Chapter 4 4.4.1.1 Std.	<i>Categories of air traffic controller ratings</i> Air traffic controller ratings shall comprise the following categories: a) aerodrome control rating; b) approach control rating; c) approach radar control rating; d) approach precision radar control rating; e) area control rating; and f) area radar control rating.	ESARR 5 paragraph 5.2.1.5	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 5 replaces the existing ratings with; a) Aerodrome control visual b) Aerodrome control instrument c) Approach control procedural d) Approach control surveillance e) Area control procedural f) Area control surveillance	The new ratings reflect the different skill and knowledge levels required at visual and instrument equipped aerodromes as well as the emergence of new surveillance technologies. The Precision Approach Radar rating is reduced to a unit endorsement as its use becomes limited.

Annex Reference & SARP Identifier	ANNEX 1 PERSONNEL LICENSING Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 4 4.4.2.1 Std.	<i>Knowledge</i> The applicant shall have demonstrated a level of knowledge appropriate to the privileges granted, in at least the following subjects in so far as they affect the area of responsibility:.....	ESARR 5 paragraph 5.2.1.6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 5 specifies in one requirement four provisions that an applicant for an air traffic controller licence or certificate of competence and the associated rating(s), rating endorsement(s) and unit endorsement(s) must satisfy.	Certificates of competence and rating endorsements are introduced by ESARR 5 which also allows higher categories of medical to be applied to air traffic controllers.
Chapter 4 4.2.2.2.1 Std.	<i>Experience</i> The applicant shall have: a) satisfactorily completed an approved training course; b) provided, satisfactorily, under the supervision of an appropriately rated air traffic controller:	ESARR 5 paragraph 5.2.1.6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 5 specifies in one requirement four provisions that an applicant for an air traffic controller licence or certificate of competence and the associated rating(s), rating endorsement(s) and unit endorsement(s) must satisfy.	Certificates of competence and rating endorsements are introduced by ESARR 5 which also allows higher categories of medical to be applied to air traffic controllers.

Annex Reference & SARP Identifier	ANNEX 1 PERSONNEL LICENSING Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 4 4.2.2.3 Skill Std.	The applicant shall have demonstrated, at a level appropriate to the privileges being granted, the skill, judgement and performance required to provide a safe, orderly and expeditious control service.	ESARR 5 paragraph 5.2.1.6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 5 is more detailed about the process through a unit training plan and competence assessment.	Unit training plans provide a formal, transparent and auditable process for controller training at a unit.
Chapter 4 4.4.3.2 Std	Before exercising the privileges indicated in 4.4.3.1, the licence holder shall be familiar with all pertinent and current information.	ESARR 5 paragraph 5.2.2.6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 5 specifies the requirements a holder of an air traffic controller licence or student air traffic controller licence must comply with before exercising the privileges of that licence.	To clarify the responsibilities of licence holders.

Annex Reference & SARP Identifier	ANNEX 1 PERSONNEL LICENSING Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 4 4.4.3.3 Std.	A Contracting State having issued an air traffic controller licence shall not permit the holder thereof to carry out instruction in an operational environment unless such holder has received proper authorization from such Contracting State.	ESARR 5 paragraph 5.2.1.3, 5.2.1.8	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 5 paragraph 5.2.1.3 specifies how an OJTI is properly authorised.	To provide specific requirements.
Chapter 4 4.4.3.4 Std.	<i>Validity of ratings</i> A rating shall become invalid when an air traffic controller has ceased to exercise the privileges of the rating for a period determined by the Licensing Authority. That period shall not exceed six months. A rating shall remain invalid until the controller's ability to exercise the privileges of the rating has been re-established.	ESARR 5 paragraph 5.2.1.13, 5.2.2.6,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 5 sets a period from the time a controller last exercised the privileges of a previously held rating within which a controller must exercise the privileges of that rating, or be required to be assessed for pre-entry training before commencing OJT in that rating.	

ANNEX B – ICAO ANNEX 11 USOAP COMPLIANCE TABLE

Important Note

This template for assisting States when being audited by ICAO under the Universal Safety Oversight Audit Programme (USOAP) relates only to those provisions of ESARRs 3 and 4 which relate to Annex 11 and is only valid if a State has enacted ESARRs 3 and 4 within its own legislation without detriment to the provisions of ESARRs 3 and 4 or their meaning.

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Annex Reference & SARP Identifier	ANNEX 11 AIR TRAFFIC SERVICES Air Traffic Control Service – Flight Information Service Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 2 ATS0012150 2.26.1 Std.	ATS safety management States shall implement systematic and appropriate ATS safety management programmes to ensure that safety is maintained in the provision of ATS within airspaces and at aerodromes.	ESARR 3 paragraph 5.1.1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 3 requires the implementation of a complete safety management system that goes beyond the introduction of specific safety management practices as proposed in ICAO Annex 11 and, along with ESARR 4, provides for a European-wide solution to the implementation of safety management. Moreover, this approach allows for a harmonised implementation of related provisions of Annex 11 in ECAC.	

Annex Reference & SARP Identifier	ANNEX 11 AIR TRAFFIC SERVICES Air Traffic Control Service – Flight Information Service Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 2 ATS0012200 2.26.2 Std.	As of 27 November 2003, 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.	ESARR 3 paragraphs 5.1.4; 5.2.3 ESARR 4 Appendix 2 SRC Policy Doc 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		As above
Chapter 2 ATS0012250 2.26.3 Rec.	<i>The acceptable level of safety and safety objectives applicable to the provision of ATS within airspaces and at aerodromes should be established by the State or States concerned. When applicable, safety levels and safety objectives should be established on the basis of regional air navigation agreements.</i>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Overtaken by ATS0012200

Annex Reference & SARP Identifier	ANNEX 11 AIR TRAFFIC SERVICES Air Traffic Control Service – Flight Information Service Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 2 ATS0012300 2.26.4 Std.	An ATS safety management programme shall, <i>inter alia</i> : a) identify actual and potential hazards and determine the need for remedial action; b) ensure that remedial action necessary to maintain an acceptable level of safety is implemented; and c) provide for continuous monitoring and regular assessment of the safety level achieved.	ESARR 3 paragraphs 5.2.7, 5.3.1, 5.3.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		As above

Annex Reference & SARP Identifier	ANNEX 11 AIR TRAFFIC SERVICES Air Traffic Control Service – Flight Information Service Annex Standard or Recommended Practice	Legislation Compliance Quote Relevant State Act/Regulation or Document Reference	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
Chapter 2 ATS0012350 2.26.5 Std.	Any significant safety-related change to the ATC 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.	ESARR 3 paragraph 5.2.4 ESARR 4 paragraphs 5.1, 5.2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		As above

ANNEX C – ICAO ANNEX 13 USOAP COMPLIANCE TABLE

Important Note 1

This template for assisting States when being audited by ICAO under the Universal Safety Oversight Audit Programme (IUSOAP) relates only to those provisions of ESARR 2 which relate to Annex 13 Chapter 8 and is only valid if a State has enacted ESARR 2 within its own legislation without detriment to the provisions of ESARR 2 or their meaning.

Important Note 2

States with only a Voluntary Incident Reporting System

The template shown is an example for a State which has not implemented an incident mandatory reporting system as required by ICAO Annex 13 (Chapter 8 paragraph 8.1) but has, instead, only implemented a voluntary system as permitted by ESARR 2. In addition, this voluntary system does not meet the non-punitive provision of ICAO Annex 13 (Chapter 8 paragraph 8.3) nor the intention of ESARR 2.

States with a Mandatory Incident Reporting System

If a State has implemented ESARR 2 in a manner which is compliant with ICAO Annex 13 Chapter 8 paragraphs 8.1, 8.2 and 8.3 then the two alternative entries (in sea green) in the template should be applied.

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Annex Reference	SARP Identifier	ANNEX 13 AIRCRAFT ACCIDENT & INCIDENT INVESTIGATION Annex Standard or Recommended Practice	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	More Exacting or Exceeds	Yes Difference in character or Other means of compliance	Less protective or partially implemented or not implemented	Not applicable		
AIG5550	A13 C8 8.1	CHAPTER 8. ACCIDENT PREVENTION MEASURES <i>Incident reporting systems</i> 8.1 A State shall establish a mandatory incident reporting system to facilitate collection of information on actual or potential safety deficiencies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		A voluntary incident reporting system has been implemented as permitted by ESARR 2 paragraph 6.2.1.
AIG5600	A13 C8 8.2 Rec.	8.1 Alternative (see Important Note 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		ESARR 2 paragraphs 5.1.1 and 6.2.1.
		8.2 Recommendation. — A State should establish a voluntary incident reporting system to facilitate the collection of information that may not be captured by a mandatory incident reporting system.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		A voluntary incident reporting system has been implemented in accordance with ESARR 2.

Annex Reference	SARP Identifier	ANNEX 13 AIRCRAFT ACCIDENT & INCIDENT INVESTIGATION Annex Standard or Recommended Practice	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	Yes			Not applicable		
	More Exacting or Exceeds	Difference in character or Other means of compliance	Less protective or partially implemented or not implemented						
AIG5650	A13 C8 8.3	8.3 A voluntary incident reporting system shall be non-punitive and afford protection to the sources of the information.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ESARR 2 does not specify such requirements of a voluntary scheme.
		8.3 Alternative (see Important Note 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		The reporting system is non-punitive in accordance with the rationale for ESARR 2.
AIG5700	A13 C8 8.4 Rec.	Database systems 8.4 Recommendation.— A State should establish an accident and incident database to facilitate the effective analysis of information obtained, including that from its incident reporting systems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		ESARR 2 paragraph 5.2.1 Subject to use of ECCAIRS and TOKAI or other data base system
AIG5750	A13 C8 8.5 Rec.	8.5 Recommendation.— The database systems should use standardized formats to facilitate data exchange.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		ESARR 2 paragraphs 5.2.1, 8.1

Annex Reference	SARP Identifier	ANNEX 13 AIRCRAFT ACCIDENT & INCIDENT INVESTIGATION Annex Standard or Recommended Practice	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	Yes			Not applicable		
	More Exacting or Exceeds	Difference in character or Other means of compliance	Less protective or partially implemented or not implemented						
AIG5800	A13 C8 8.6	Analysis of data — Preventive actions 8.6 A State having established an accident and incident database and an incident reporting system shall analyse the information contained in its accident/incident reports and the database to determine any preventive actions required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 2 paragraphs 5.1.5, 5.1.6, 5.1.7, 5.1.8	
AIG5850	A13 C8 8.7 Rec.	8.7 Recommendation. — If a State, in the analysis of the information contained in its database, identifies safety matters considered to be of interest to other States, that State should forward such safety information to them as soon as possible.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ESARR 2 paragraph 5.1.9	

Annex Reference	SARP Identifier	ANNEX 13 AIRCRAFT ACCIDENT & INCIDENT INVESTIGATION Annex Standard or Recommended Practice	Difference					Text of the difference identified by the State including the reason for the difference	Comment
			Level of Implementation of SARPs						
			No	Yes		Not applicable			
	More Exacting or Exceeds	Difference in character or Other means of compliance	Less protective or partially implemented or not implemented						
AIG5900	A13 C8 8.8 Rec.	8.8 Recommendation.— In addition to safety recommendations arising from accident and incident investigations, safety recommendations may result from diverse sources, including safety studies. If safety recommendations are addressed to an organization in another State, they should also be transmitted to that State’s investigation authority.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		ESARR 2 paragraph 5.1.9
AIG5950	A13 C8 8.9 Rec.	Exchange of safety information 8.9 Recommendation.— States should promote the establishment of safety information sharing networks among all users of the aviation system and should facilitate the free exchange of information on actual and potential safety deficiencies.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		ESARR 2 paragraphs 5.1.9 and 5.2.1

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