



International
Civil Aviation
Organization

Organisation
de l'aviation civile
internationale

Organización
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Международная
организация
гражданской
авиации

منظمة الطيران
المدني الدولي

国际民用
航空组织

Tel.: +1 514-954-8219 ext. 6710

Ref.: AN 13/1.1-18/20

28 March 2018

Subject: Adoption of Amendment 46 to Annex 2

Action required: a) Notify any disapproval before 16 July 2018; b) Notify any differences and compliance before 8 October 2018¹ c) Consider the use of the Electronic Filing of Differences (EFOD) System for notification of differences and compliance

Sir/Madam,

1. I have the honour to inform you that Amendment 46 to the *International Standards, Rules of the Air* (Annex 2 to the Convention on International Civil Aviation) was adopted by the Council at the fifth meeting of its 213th Session on 7 March 2018. Copies of the Amendment and the Resolution of Adoption are available as attachments to the electronic version of this State letter on the ICAO-NET (<http://portal.icao.int>) where you can access all other relevant documentation.

2. When adopting the amendment, the Council prescribed 16 July 2018 as the date on which it will become effective, except for any part concerning which a majority of Contracting States have registered their disapproval before that date. In addition, the Council resolved that Amendment 46, to the extent it becomes effective, will become applicable on 8 November 2018 unless otherwise indicated.

3. Amendment 46 arises from:

- a) recommendations stemming from the fifth and sixth meetings of the Remotely Piloted Aircraft Systems Panel (RPASP/5 and RPASP/6); and
- b) recommendations developed by the thirteenth meeting of the Instrument Flight Procedures Panel (IFPP/13).

4. The amendment concerning licensing is consequential to the amendment to Annex 1 — *Personnel Licensing*. The change to the definition of “instrument approach procedure” results from the

¹ 3 October 2022 for provisions indicating applicable as of 3 November 2022.

restructuring of the *Procedures for Air Navigation Services — Aircraft Operations* (PANS-OPS, Doc 8168).

5. The subjects are given in the amendment to the Foreword of Annex 2, a copy of which is in Attachment A.

6. In conformity with the Resolution of Adoption, may I request:

- a) that before 16 July 2018 you inform me if there is any part of the adopted Standards amendments in Amendment 46 concerning which your Government wishes to register disapproval, using the form in Attachment B for this purpose. Please note that only statements of disapproval need be registered and if you do not reply it will be assumed that you do not disapprove of the amendment;
- b) that before 8 October 2018² you inform me of the following, using the Electronic Filing of Differences (EFOD) System or the form in Attachment C for this purpose:
 - 1) any differences that will exist on 8 November 2018 between the national regulations or practices of your Government and the provisions of the whole of Annex 2, as amended by all amendments up to and including Amendment 46, and thereafter of any further differences that may arise; and
 - 2) the date or dates by which your Government will have complied with the provisions of the whole of Annex 2, as amended by all amendments up to and including Amendment 46.

7. With reference to the request in paragraph 6 a) above, it should be noted that a registration of disapproval of Amendment 46 or any part of it in accordance with Article 90 of the Convention does not constitute a notification of differences under Article 38 of the Convention. To comply with the latter provision, a separate statement is necessary if any differences do exist, as requested in paragraph 6 b) 1). It is recalled in this respect that international Standards in Annexes have a conditional binding force, to the extent that the State or States concerned have not notified any difference thereto under Article 38 of the Convention.

8. With reference to the request in paragraph 6 b) above, it should be also noted that the ICAO Assembly, at its 38th Session (24 September to 4 October 2013), resolved that Member States should be encouraged to use the EFOD System when notifying differences (Resolution A38-11 refers). The EFOD System is currently available on the Universal Safety Oversight Audit Programme (USOAP) restricted website (<http://www.icao.int/usoap>) which is accessible by all Member States. You are invited to consider using this for notification of compliance and differences.

9. Guidance on the determination and reporting of differences is given in the Note on the Notification of Differences in Attachment D. Please note that a detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.

10. I would appreciate it if you would also send a copy of your notifications, referred to in paragraph 6 b) above, to the ICAO Regional Office accredited to your Government.

² 3 October 2022 for provisions indicating applicable as of 3 November 2022..

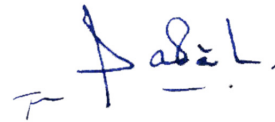
11. At the fifth meeting of its 204th Session, the Council requested that States, when being advised of the adoption of an Annex amendment, be provided with information on implementation and available guidance material, as well as an impact assessment. This is presented for your information in Attachments E and F, respectively.

Editorial adjustment and Comprehensive new edition of Annex 2

12. In order to maintain a comprehensive edition of Annex 2, provisions with delayed applicability dates as a result of Amendment 46 are identified with an italicized paragraph number and feature the date at the beginning of each provision. Definitions with amendments applicable at a future date are identified by a footnote indicating the date of applicability. Further information relating to the new editorial adjustment is available at <https://www.icao.int/2018-amendments>.

13. As soon as practicable after the amendment becomes effective, on 16 July 2018, replacement pages incorporating Amendment 46 will be forwarded to you.

Accept, Sir/Madam, the assurances of my highest consideration.

A handwritten signature in blue ink, appearing to read 'Fang Liu', with a small flourish at the end.

Fang Liu
Secretary General

Enclosures:

- A — Amendment to the Foreword of Annex 2
- B — Form on notification of disapproval of all or part of Amendment 46 to Annex 2
- C — Form on notification of compliance with or differences from Annex 2, Amendment 46
- D — Note on the Notification of Differences
- E — Implementation task list and outline of guidance material in relation to Amendment 46 to Annex 2
- F — Impact assessment in relation to Amendment 46 to Annex 2

ATTACHMENT A to State letter AN 13/1.1-18/20

AMENDMENT TO THE FOREWORD OF ANNEX 2

Add the following at the end of Table A:

<i>Amendment</i>	<i>Source(s)</i>	<i>Subject</i>	<i>Adopted/Approved Effective Applicable</i>
46	Fifth and sixth meetings of the Remotely Piloted Aircraft Systems Panel (RPASP/5 and RPASP/6) and the thirteenth meeting of the Instrument Flight Procedures Panel (IFPP/13)	a) regulatory structure for the issuance of remote pilot licences and the provision of a global framework for the regulation of remotely piloted aircraft systems (RPAS) licensing; and b) amendment of references.	7 March 2018 16 July 2018 8 November 2018

ATTACHMENT B to State letter AN 13/1.1-18/20

**NOTIFICATION OF DISAPPROVAL OF ALL OR PART OF
AMENDMENT 46 TO ANNEX 2**

To: The Secretary General
International Civil Aviation Organization
999 Robert-Bourassa Boulevard
Montréal, Quebec
Canada H3C 5H7

(State) _____ hereby wishes to disapprove the following parts of
Amendment 46 to Annex 2:

Signature _____

Date _____

NOTES

- 1) If you wish to disapprove all or part of Amendment 46 to Annex 2, please dispatch this notification of disapproval to reach ICAO Headquarters by 16 July 2018. If it has not been received by that date it will be assumed that you do not disapprove of the amendment. **If you approve of all parts of Amendment 46, it is not necessary to return this notification of disapproval.**
- 2) This notification should not be considered a notification of compliance with or differences from Annex 2. Separate notifications on this are necessary. (See Attachment C.)
- 3) Please use extra sheets as required.

ATTACHMENT C to State letter AN 13/1.1-18/20

NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM ANNEX 2

(including all amendments up to and including Amendment 46)

To: The Secretary General
International Civil Aviation Organization
999 Robert-Bourassa Boulevard
Montréal, Quebec
Canada H3C 5H7

1. No differences will exist on _____ between the national regulations and/or practices of **(State)** _____ and the provisions of Annex 2, including all amendments up to and including Amendment 46.

2. The following differences will exist on _____ between the regulations and/or practices of **(State)** _____ and the provisions of Annex 2, including Amendment 46 (Please see Note 2) below.)

a) Annex Provision (Please give exact paragraph reference)	b) Details of Difference (Please describe the difference clearly and concisely)	c) Remarks (Please indicate reasons for the difference)
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(Please use extra sheets as required)

3. By the dates indicated below, **(State)** _____ will have complied with the provisions of Annex 2, including all amendments up to and including Amendment 46 for which differences have been notified in 2 above.

a) Annex Provision (Please give exact paragraph reference)	b) Date	c) Comments
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(Please use extra sheets as required)

Signature _____

Date _____

NOTES

- 1) If paragraph 1 above is applicable to your State, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.
- 2) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
- 3) Guidance on the notification of differences is provided in the Note on the Notification of Differences and in the *Manual on Notification and Publication of Differences* (Doc 10055).
- 4) Please send a copy of this notification to the ICAO Regional Office accredited to your Government.

ATTACHMENT D to State letter AN 13/1.1-18/20

NOTE ON THE NOTIFICATION OF DIFFERENCES
(Prepared and issued in accordance with instructions of the Council)

1. *Introduction*

1.1 Article 38 of the *Convention on International Civil Aviation* (“Convention”) requires that a Contracting State notify ICAO any time it does not comply with a Standard in all respects, it does not bring its regulations or practices into full accord with any Standard, or it adopts regulations or practices differing in any particular respect from the Standard.

1.2 The Assembly and the Council, when reviewing the notification of differences by Contracting States in compliance with Article 38 of the Convention, have repeatedly noted that the timeliness and currency of such notifications is not entirely satisfactory. Therefore, this note is issued to reiterate the primary purpose of Article 38 of the Convention and to facilitate the determination and notification of differences.

1.3 The primary purpose of the notification of differences is to promote safety, regularity and efficiency in air navigation by ensuring that governmental and other agencies, including operators and service providers, concerned with international civil aviation are made aware of all national regulations and practices in so far as they differ from those prescribed in the Standards contained in Annexes to the Convention.

1.4 Contracting States are, therefore, requested to give particular attention to the notification of differences with respect to Standards in all Annexes, as described in paragraph 4 b) 1) of the Resolution of Adoption.

1.5 Although differences from Recommended Practices are not notifiable under Article 38 of the Convention, the Assembly has urged Contracting States to extend the above considerations to Recommended Practices contained in Annexes to the Convention, as well.

2. *Notification of differences from Standards and Recommended Practices (SARPs)*

2.1 Guidance to Contracting States in the notification of differences to Standards and Recommended Practices (SARPs) can only be given in very general terms. Contracting States are further reminded that compliance with SARPs generally extends beyond the issuance of national regulations and requires establishment of practical arrangements for implementation, such as the provision of facilities, personnel and equipment and effective enforcement mechanisms. Contracting States should take those elements into account when determining their compliance and differences. The following categories of differences are provided as a guide in determining whether a notifiable difference exists:

- a) ***A Contracting State’s requirement is more exacting or exceeds a SARP (Category A).*** This category applies when the national regulation and practices are more demanding than the corresponding SARP, or impose an obligation within the scope of the Annex which is not covered by the SARP. This is of particular importance where a Contracting State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;

- b) *A Contracting State's requirement is different in character or the Contracting State has established other means of compliance (Category B)**. This category applies, in particular, when the national regulation and practices are different in character from the corresponding SARP, or when the national regulation and practices differ in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and
- c) *A Contracting State's requirement is less protective, partially implemented or not implemented (Category C)*. This category applies when the national regulation and practices are less protective than the corresponding SARP; when no national regulation has been promulgated to address the corresponding SARP, in whole or in part; or when the Contracting State has not brought its practices into full accord with the corresponding SARP.

These categories do not apply to Not Applicable SARP. Please see the paragraph below.

2.2 **Not Applicable SARP.** When a Contracting State deems a SARP concerning aircraft, operations, equipment, personnel, or air navigation facilities or services to be not applicable to the existing aviation activities of the State, notification of a difference is not required. For example, a Contracting State that is not a State of Design or Manufacture and that does not have any national regulations on the subject, would not be required to notify differences from Annex 8 provisions related to the design and construction of an aircraft.

2.3 **Differences from appendices, tables and figures.** The material comprising a SARP includes not only the SARP itself, but also the appendices, tables and figures associated with the SARP. Therefore, differences from appendices, tables and figures are notifiable under Article 38. In order to file a difference against an appendix, table or figure, States should file a difference against the SARP that makes reference to the appendix, table or figure.

2.4 **Differences from definitions.** Contracting States should notify differences from definitions. The definition of a term used in a SARP does not have independent status but is an essential part of each SARP in which the term is used. Therefore, a difference from the definition of the term may result in there being a difference from any SARP in which the term is used. To this end, Contracting States should take into consideration differences from definitions when determining compliance or differences to SARPs in which the terms are used.

2.5 The notification of differences should be not only to the latest amendment but to the whole Annex, including the amendment. In other words, Contracting States that have already notified differences are requested to provide regular updates of the differences previously notified until the difference no longer exists.

2.6 Further guidance on the identification and notification of differences, examples of well-defined differences and examples of model processes and procedures for management of the notification of differences can be found in the *Manual on Notification and Publication of Differences* (Doc 10055).

* The expression “different in character or other means of compliance” in b) would be applied to a national regulation and practice which achieve, by other means, the same objective as that of the corresponding SARPs or for other substantive reasons so cannot be classified under a) or c).

3. *Form of notification of differences*

3.1 Differences can be notified:

- a) by sending to ICAO Headquarters a form on notification of compliance or differences; or
- b) through the Electronic Filing of Differences (EFOD) System at www.icao.int/usoap.

3.2 When notifying differences, the following information should be provided:

- a) the number of the paragraph or subparagraph which contains the SARP to which the difference relates*;
- b) the reasons why the State does not comply with the SARP, or considers it necessary to adopt different regulations or practices;
- c) a clear and concise description of the difference; and
- d) intentions for future compliance and any date by which your Government plans to confirm compliance with and remove its difference from the SARP for which the difference has been notified.

3.3 The differences notified will be made available to other Contracting States, normally in the terms used by the Contracting State when making the notification. In the interest of making the information as useful as possible, Contracting States are requested to ensure that:

- a) statements be as clear and concise as possible and be confined to essential points;
- b) the provision of extracts from national regulations not be considered as sufficient to satisfy the obligation to notify differences; and
- c) general comments, unclear acronyms and references be avoided.

* This applies only when the notification is made under 3.1 a).

ATTACHMENT E to State letter AN 13/1.1-18/20

**IMPLEMENTATION TASK LIST AND OUTLINE OF GUIDANCE
MATERIAL IN RELATION TO AMENDMENT 46 TO ANNEX 2**

1. IMPLEMENTATION TASK LIST

1.1 Essential steps to be followed by a State in order to implement the proposed amendment to Annex 2:

- a) identification of the rule-making process necessary to transpose the modified ICAO provisions into the national regulations;
- b) establishment of a national implementation plan that takes into account the modified ICAO provisions;
- c) drafting of the modification to the national regulations and means of compliance;
- d) official adoption of the national regulations and means of compliance; and
- e) filing of State differences with ICAO, if necessary.

2. STANDARDIZATION PROCESS

2.1 Effective date: 16 July 2018

2.2 Applicability date: 8 November 2018

2.3 Embedded applicability dates: 3 November 2022 for the element concerning the introduction of a regulatory structure for the issuance of remote pilot licences and the provision of a global framework for the regulation of RPAS licensing to support international flights operating under IFR.

3. SUPPORTING DOCUMENTATION

3.1 ICAO documentation

Title	Type (PANS/TI/Manual/Circ)	Planned publication date
<i>Procedures for Air Navigation Services — Training</i> (PANS-TRG, Doc 9868)	PANS (update)	2018

3.2 **External documentation**

Title	External Organization	Publication date
Nil		

4. **IMPLEMENTATION ASSISTANCE TASKS**

Type	Global	Regional
Nil		

5. **UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME (USOAP)**

5.1 No major changes are envisaged in the Protocol Questions (PQs).

ATTACHMENT F to State letter AN 13/1.1-18/20

**IMPACT ASSESSMENT IN RELATION TO
AMENDMENT 46 TO ANNEX 2**

1. INTRODUCTION

1.1 Amendment 46 to Annex 2 is intended to:

- a) address the introduction of Standards on licensing consequential to those introduced in Annex 1 — Personnel Licensing; and
- b) update references as a result of the restructuring of Procedures for Air Navigation Services — Aircraft Operations, Volume I — Flight Procedures (Doc 8168).

2. IMPACT ASSESSMENT

2.1 Consequential amendments as a result of the proposed provisions for Annex 1

2.1.1 *Safety impact:* Ensures consistency across Annexes.

2.1.2 *Financial impact:* No financial impact with the implementation of this proposal.

2.1.3 *Security impact:* No security impact with the implementation of this proposal.

2.1.4 *Environmental impact:* No environmental impact with the implementation of this proposal.

2.1.5 *Efficiency impact:* No impact on efficiency with the implementation of this proposal.

2.1.6 *Expected implementation time:* There is no significant change to State regulations foreseen with the implementation of this proposal.

2.2 Amendments as a result of the restructuring of PANS-OPS, Volume I

2.2.1 *Safety impact:* No safety impact with the implementation of this proposal.

2.2.2 *Financial impact:* Minimal financial impact with the implementation of this proposal from changes to regulatory material in line with the editorial change.

2.2.3 *Security impact:* No security impact with the implementation of this proposal.

2.2.4 *Environmental impact:* Implementation of these provisions has no environmental impact.

2.2.5 *Efficiency impact:* It is not anticipated that there will be a net change in the efficiency of the air transportation system.

2.2.6 *Expected implementation time:* Minimal time needed to update regulations where necessary.

— END —

AMENDMENT No. 46

TO THE

INTERNATIONAL STANDARDS

RULES OF THE AIR

ANNEX 2

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

The amendment to Annex 2 contained in this document was adopted by the Council of ICAO on **7 March 2018**. Such parts of this amendment as have not been disapproved by more than half of the total number of Contracting States on or before **16 July 2018** will become effective on that date and will become applicable on **8 November 2018** as specified in the Resolution of Adoption. (State letter AN 13/1.1-18/20 refers.)

MARCH 2018

INTERNATIONAL CIVIL AVIATION ORGANIZATION

AMENDMENT 46 TO THE INTERNATIONAL STANDARDS

ANNEX 2 — *RULES OF THE AIR*

RESOLUTION OF ADOPTION

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 7 March 2018 Amendment 46 to the International Standards contained in the document entitled *International Standards, Rules of the Air* which for convenience is designated Annex 2 to the Convention;
2. *Prescribes* 16 July 2018 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 8 November 2018 unless otherwise indicated;
4. *Requests the Secretary General:*
 - a) to notify each Contracting State immediately of the above action and immediately after 16 July 2018 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 8 November 2018 between its national regulations or practices and the provisions of the Standards in the Annex as hereby amended, such notification to be made before 8 October 2018¹, and thereafter to notify the Organization of any further differences that arise; and
 - 2) to notify the Organization before 8 October 2018¹ of the date or dates by which it will have complied with the provisions of the Standards in the Annex as hereby amended.

¹ 3 October 2022 for provisions indicating applicable as of 3 November 2022.

**NOTES ON THE PRESENTATION OF THE
AMENDMENT 46 TO ANNEX 2**

1. 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 46

TO THE

INTERNATIONAL STANDARDS

RULES OF THE AIR

ANNEX 2

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

...

CHAPTER 1. DEFINITIONS

...

Instrument approach procedure. A series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or en-route obstacle clearance criteria apply. Instrument approach procedures are classified as follows:

Non-precision approach (NPA) procedure. An instrument approach procedure designed for 2D instrument approach operations Type A.

Note.— Non-precision approach procedures may be flown using a continuous descent final approach (CDFA) technique. CDFAs with advisory VNAV guidance calculated by on-board equipment (see PANS-OPS (Doc 8168), Volume I, Part I, Section 4, Chapter 1, paragraph 1.8.1) are considered 3D instrument approach operations. CDFAs with manual calculation of the required rate of descent are considered 2D instrument approach operations. For more information on CDFAs, refer to PANS-OPS (Doc 8168) Volume I, Part I, Section 4, Chapter 1, paragraphs 1.7 and 1.8 Part II, Section 5.

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APPENDIX 4. REMOTELY PILOTED AIRCRAFT SYSTEMS

(Note.— See Chapter 3, 3.1.9 of the Annex)

Note.— The circular Unmanned Aircraft Systems (UAS) (Cir 328) Manual on Remotely Piloted Aircraft Systems (RPAS) (Doc 10019) contains explanatory information related to remotely piloted aircraft systems.

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2. Certificates and licensing

Note 1.— Assembly Resolution A37-15 A38-12 Appendix G C resolves that pending the coming into force of international Standards respecting particular categories, classes or types of aircraft, certificates issued or rendered valid, under national regulations, by the Contracting State in which the aircraft is

registered shall be recognized by other Contracting States for the purposes of flight over their territories, including landings and take-offs.

Note 2.— Certification and licensing Standards are not yet developed. Thus, in the meantime, any certification and licensing need not be automatically deemed to comply with the SARPs of the related Annexes, including Annexes 1, 6 and 8, until such time as the related RPAS SARPs are developed.

Note 3.— Notwithstanding Assembly Resolution ~~A37-15~~ A38-12, Article 8 of the Chicago Convention assures each Contracting State of the absolute sovereignty over the authorization for RPA operations over its territory.

...

2.3 ~~Remote~~ Until 2 November 2022, remote pilots shall be licensed, or have their licences rendered valid, in accordance with national regulations and in a manner that is consistent with the provisions of Annex 1.

2.3 As of 3 November 2022, remote pilots shall be licensed, or have their licences rendered valid, in accordance with the provisions of Annex 1.

...

— END —