

Tel.: +1 (514) 954-8219 ext. 8153

Ref.: AN 12/44.6-07/68

26 October 2007

Subject: 36th Session of the Assembly - Resolution A36-11: Proficiency in the English language used for radiotelephony

Action required: a) To note the Assembly resolution; b) where applicable, to develop a language proficiency implementation plan by 5 March 2008; and c) to notify ICAO with the names and contact details of language proficiency focal points, as soon as possible

Sir/Madam,

1. I have the honour to invite your attention to the attached Resolution A36-11 on Proficiency in the English language used for radiotelephony communications, as well as to the language proficiency requirements set out in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 10 — *Aeronautical Telecommunications* and Annex 11 — *Air Traffic Services*. Background may be found in the Report of the Technical Commission on Agenda Item 30 at <http://www.icao.int/Assembly36>.

2. The resolution urges Contracting States that are not in a position to comply with the language proficiency requirements by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk, as required, for pilots, air traffic controllers and aeronautical station operators involved in international operations on the ICAO website in accordance with the resolution's Associated Practices and ICAO guidance material. The resolution also directs the Council to provide guidelines to States on the development of implementation plans, including an explanation of the risk mitigation measures so as to enable Contracting States to post their plans as soon as practicable, but prior to 5 March 2008.

3. An implementation plan will provide a Contracting State that is not in a position to comply with the language proficiency requirements by the applicability date of 5 March 2008 with a means of communicating, in a transparent manner, the steps which that State will take to meet the requirements and to mitigate risks during a transition period from the applicability date until 5 March 2011. In this respect, the Organization has developed the guidelines at Attachment B to this

State letter. These guidelines which can be accessed through the FSIX website (<http://www.icao.int/fsix/>) will be adjusted over time and I invite you to consult them on a regular basis.

4. States who will comply with the language proficiency requirements by the 5 March 2008 applicability date need not prepare an implementation plan, but should advise ICAO of their intent using the form at Attachment C which has been provided for that purpose. Moreover, all States are invited to provide to ICAO the name, title and contact details of their focal points for the implementation of language proficiency requirements, as soon as possible.

5. States are invited to send their implementation plans, their focal point details, and their Notification of compliance with or differences from language provisions in Annexes 1, 6, 10 and 11 as necessary to ICAO by e-mail at fls@icao.int. ICAO will post this information on the FSIX website.

6. Additionally, in order to assist States with the development of implementation plans for language proficiency requirements, workshops will be conducted in each of the ICAO Regions prior to March 2008. You are invited to communicate with the ICAO Regional Office accredited to your Stat for more information on these workshops. The workshops are scheduled as follows:

- European and North Atlantic Region – Minsk, Belarus, 4 to 6 December 2007
- South American Region – Lima, Peru, 10 to 12 December 2007
- Asia and Pacific Region – Bangkok, Thailand, 29 to 31 January 2008
- Middle East Region – Location to be determined, 28 to 31 January 2008
- Western and Central African Region – Dakar, Senegal, 5 to 8 February 2008
- Eastern and South African Region – Nairobi, Kenya, 11 to 13 February 2008
- North American, Central American and Caribbean Region – Workshop conducted in English, Mexico, 5 to 7 February 2008; Workshop conducted in Spanish, location to be determined, 28 to 30 January 2008

7. I wish to further invite you to note that Resolution A36-11 urges all Contracting States to use ICAO standardized phraseology in all situations for which it has been specified.

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

Taïeb Chérif
Secretary General

Enclosures:

- A — Assembly Resolution A36-11
- B — Guidelines for the Development of a Language Proficiency Implementation Plan
- C — Notification of compliance with or differences from language provisions in Annexes 1, 6, 10 and 11

**RESOLUTION A36-11 - PROFICIENCY IN THE ENGLISH LANGUAGE USED FOR
RADIOTELEPHONY COMMUNICATION**

A36-11:	Proficiency in the English language used for radiotelephony communications
----------------	---

Whereas to prevent accidents, ICAO introduced language provisions to ensure that air traffic personnel and pilots are proficient in conducting and comprehending radiotelephony communications in the English language, including requirements that the English language shall be available on request at all stations on the ground serving designated airports and routes used by international air services;

Recognizing that the language provisions reinforce the requirement to use ICAO standardized phraseology in all situations for which it has been specified;

Recognizing that Contracting States have made substantial efforts to comply with the language proficiency requirements by 5 March 2008;

Recognizing that some Contracting States encounter considerable difficulties in implementing the language proficiency requirements including the establishment of language training and testing capabilities;

Recognizing that some Contracting States will require additional time to implement the language proficiency provisions beyond the applicability date;

Whereas in accordance with Article 38 of the Convention any Contracting State which finds it impracticable to comply in all respects with any international standard or procedure is obliged to give immediate notification to ICAO;

Whereas in accordance with Article 39 b) of the Convention any person holding a license not satisfying in full the conditions laid down in the international standard relating to the class of license or certificate held, shall have endorsed on or attached to the license all the particulars in which this person does not satisfy such conditions; and

Whereas pursuant to Article 40 of the Convention no personnel having certificates or licences so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered;

The Assembly:

1. *Urges* the Contracting States to use ICAO standardized phraseology in all situations for which it has been specified;
2. *Directs* the Council to support Contracting States in their implementation of the language proficiency requirements by establishing globally harmonized language testing criteria;
3. *Urges* Contracting States that are not in a position to comply with the language proficiency

requirement by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk, as required, for pilots, air traffic controllers and aeronautical station operators involved in international operations on the ICAO website as outlined in accordance with the Associated Practices below and ICAO guidance material;

4. *Directs* the Council to provide guidelines to States on the development of implementation plans, including an explanation of the risk mitigation measures so as to enable Contracting States to post their plans as soon as practicable, but prior to 5 March 2008;
5. *Urges* Contracting States to waive the permission requirement under Article 40 of the Convention, in the airspace under their jurisdiction for pilots who do not yet meet the ICAO language proficiency requirements, for a period not exceeding three years after the applicability date of 5 March 2008, provided that the States which issued or rendered valid the licences have made their implementation plans available to all other Contracting States;
6. *Urges* Contracting States not to restrict their operators, conducting commercial or general aviation operations, from entering the airspace under the jurisdiction or responsibility of other States where air traffic controllers or radio station operators do not yet meet the language proficiency requirements for a period not exceeding three years after the applicability date of 5 March 2008, provided that those States have made their implementation plans available to all other Contracting States;
7. *Urges* Contracting States to provide data concerning their level of implementation of the Language Proficiency Requirements when requested by ICAO;
8. *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding the implementation of the ICAO language proficiency requirements; and
9. *Declares* that this resolution supersedes Resolution A32-16.

Associated Practices

Contracting States that are not able to meet the language proficiency requirements by 5 March 2008 should:

1. Develop implementation plans for the language proficiency requirements that include the following:
 - a) a timeline for adoption of the language proficiency requirements in their national regulations;
 - b) a timeline for establishment of language training and assessment capabilities;
 - c) a description of a risk based prioritization system for the interim measures to be put in place until full compliance with the language proficiency requirements is achieved;
 - d) a procedure for endorsing licences to indicate the holders' language proficiency level; and
 - e) designation of a national focal point in relation to the English language proficiency implementation plan;

2. Make their language proficiency implementation plans available to all other Contracting States by posting their plans on the ICAO website as soon as practicable, but prior to 5 March 2008;
3. Notify ICAO of differences to the language proficiency Standards and Recommended Practices; and
4. Publish differences to the language proficiency requirements in relation to the provision of air navigation services in their Aeronautical Information Publications.

GUIDELINES FOR THE DEVELOPMENT OF A LANGUAGE PROFICIENCY IMPLEMENTATION PLAN

1. BACKGROUND

1.1 The decision to address language proficiency for pilots and air traffic controllers is long standing and was first made by the 32nd Session of the Assembly in September 1998 as a direct response to an accident that cost the lives of 349 persons, as well as previous fatal accidents where the lack of proficiency in English was a causal factor. Subsequently, the Air Navigation Commission initiated the development of language provisions in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 10 — *Aeronautical Telecommunications*, and Annex 11 — *Air Traffic Services*. On 5 March 2003, the Council adopted Amendment 164 to Annex 1. As of 5 March 2008, the ability to speak and understand the language used for radiotelephony that is currently required for pilots and air traffic controllers will have to be demonstrated based on the ICAO holistic descriptors and language proficiency rating scale (at Level 4 or above). Additionally, since November 2003, Annex 10 has required the availability of English language at all stations on the ground serving designated airports and routes used by international air services.

1.2 Several States have invested considerable resources and efforts to comply with the provisions by 5 March 2008. While some States may not be compliant by March 2008, the applicability date establishes a milestone that helps to retain the focus required to implement the safety Standards related to language proficiency as soon as practicable.

1.3 On 27 June 2007, the Council at the 18th meeting of its 181st Session, considered the consequence of non-compliance including the impact on multilateral recognition of pilots' licences provided for under Article 33 of the *Convention on International Civil Aviation* (Doc 7300) when a State is unable to meet the minimum Standards prescribed in Annex 1.

1.4 The Council proposed and the Assembly adopted Resolution A36-11 on Proficiency in the English language used for radiotelephony communications which urges Contracting States that are not in a position to comply with the language proficiency requirements by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk.

2. SCOPE

2.1 The intent of the implementation plan is to provide a means of communicating the steps that your State will take to meet the language proficiency requirements and mitigate risks during a transition period from the applicability date of 5 March 2008 to 5 March 2011. States that will comply by 5 March 2008 should advise ICAO that they will do so and need not prepare an implementation plan. A language proficiency implementation plan should consist of the following components:

- a) regulatory framework to support the implementation of the requirements;
- b) estimate of national level of implementation;
- c) language proficiency training programmes;
- d) language proficiency assessment plan for licensing purposes; and

- e) interim measures to mitigate risks.

2.2 Each Contracting State that will not be compliant by 5 March 2008 should provide their plans to ICAO for posting on the Flight Information Exchange Website (FSIX) as early as possible but no later than 5 March 2008. In this way, all other States will be aware of their implementation plans and can make informed decisions.

3. **CONTENT OF THE REGULATORY FRAMEWORK**

3.1 A regulatory framework is essential to support the implementation of the language proficiency requirements. States that do not have a regulatory framework in place should establish a plan to enact the necessary framework on a timely basis. The regulatory framework could consist of a combination of legislation, regulations or other documentary evidence (e.g. orders, advisory circulars) that a State Civil Aviation Authority deems would be sufficient to implement and enforce the language proficiency requirements. States can use the table below to document their regulatory framework or their plan to develop a regulatory framework. When the regulatory framework has already been established, a reference number to the applicable national provisions should be provided. When the national provisions have not yet been modified, the type of provisions envisaged should be indicated, as well as the date the provision is expected to be in place.

3.2 Beyond the establishment of a regulatory framework for the language requirements, Civil Aviation Authorities (CAAs) are responsible for the oversight of language proficiency assessments when issuing licenses or rendering valid licenses issued in other States. They should ensure that language assessments required for licensing purposes are conducted in a manner that provides valid and reliable results concerning the level of proficiency of the prospective licence holder. CAAs should develop procedures to collect and analyze language test/assessment results and analyze the safety occurrence reporting system, as well as any other safety data, as regards language proficiency.

3.3 A CAA staff member should be nominated as a focal point for each State as regards the implementation of language proficiency requirements. The focal point would:

- a) collect all the necessary information to complete the implementation plan;
- b) post the implementation plan with ICAO;
- c) assist in notifying a difference to ICAO and updating the AIP as necessary;
- d) liaise with ICAO and other Contracting States requesting information on the national implementation plan;
- e) liaise regularly with national airlines and service providers, language testing and training organizations, pilots and controllers, and any other stakeholder involved in the implementation of language proficiency requirements within the State;
- f) report any discrepancy or slippage of the implementation plan with the accountable managers and the appropriate authority; and
- g) amend the implementation plan as progress towards full compliance is achieved.

3.4 The name, title and contact details of the focal point should be provided in the plan.

Table 1 – National Regulatory Framework

Focal Point Information				
Name				
Title				
Organization				
Telephone				
Fax				
E-mail				
Compliance				
Standards and Recommended Practices (SARPs)		Yes , the regulatory framework is in place. <i>Indicate Reference</i>	The regulatory framework is partially in place. <i>Briefly describe what is in place, remaining work and expected date of completion</i>	No , the national regulatory framework has not yet been established. <i>Indicate the type of provision envisaged and the expected date of introduction</i>
Annex 1	1.2.9.1			
	1.2.9.2			
	1.2.9.4, Appendix 1, Attachment A			
	1.2.9.6			
	1.2.9.7 (Recommended Practice)			
	5.1.1.2 XIII)			
Annex 6	Part I – 3.1.8			
	Part III – 1.1.3			
Annex 10, Volume II	5.1.1.1			
	5.2.1.2.1			
	5.2.1.2.2			
Annex 11	2.29.1			
	2.29.2			

4. ESTIMATE OF NATIONAL LEVEL OF IMPLEMENTATION

4.1 In order to describe the degree of implementation of language proficiency requirements, the plan should provide an estimate, or snapshot, of the existing level of the proficiency of their pilots, controllers involved in international operations. This estimate should be revised at regular intervals and not less than once a year. The implementation plan should be updated with ICAO accordingly.

4.2 States, with the assistance of operators and service providers, should determine the number of pilots and controllers that are involved in international operations. Within these figures, the

following information would be required: the number of pilots holding ATPL, MPL, CPL and PPL and the number of controllers working in aerodrome, approach and area control facilities. These numbers should be further broken down into levels of language proficiency in accordance with the ICAO rating scale and included in the implementation plan using the table below.

4.3 The language proficiency requirements will be implemented to varying degrees in those States that will not be compliant by 5 March 2008: from minimal implementation activities to nearly full compliance. Thus, some States may not have developed or acquired a capability to determine the level of language proficiency of their personnel using assessment best practices. Those States should provide estimates, to the best of their capability, and update their numbers as their capacity to assess language proficiency in accordance with the ICAO Rating Scale is developed or acquired. If training programmes have been established, estimates based on training assessments may be provided. Other States may have begun to conduct tests and assessments for licensing purposes and would be in a position to confirm a level of proficiency for some of their personnel. In all cases, the manner in which the level of proficiency was estimated should be described (e.g. diagnostic tests, interviews, sampling, personnel linguistic history, licensing tests, etc.).

Table 2 – Estimate of National Level of Implementation

Date:				
Pilots involved in international operations	ATPL	CPL	MPL	Method of Assessment of Level of Proficiency
Level 3 and below				
Level 4				
Level 5				
Level 6				
PPL				
Date:				
Indicate number of PPLs involved in international operations		Briefly described the method of Assessment of Level of Proficiency		

Date:					
Controllers involved in international operations	Aerodrome	Approach	Area	Student	Method of Assessment of Level of Proficiency
Level 3 and below					
Level 4					
Level 5					
Level 6					

5. LANGUAGE PROFICIENCY TRAINING PROGRAMMES

5.1 Language proficiency training programmes are an essential component towards ensuring that personnel achieve and maintain ICAO Operational Level 4 in many States. States should ensure that training is appropriate, effective and efficient through oversight of training providers. Language training programmes can be developed within the resources of a State, air operator or air navigation service provider, or procured through private organizations. In any case, language training providers should ensure that the programmes address the holistic descriptors of Annex 1, Appendix 1, the ICAO rating scale and use language training best practices as described in ICAO *Manual on the Implementation of ICAO Language Proficiency Requirements* (Doc 9835).

5.2 States should use the table below to describe their existing and planned training programmes.

Table 3 – Language Proficiency Training Programmes

State oversight of aviation language training has been established. Yes <input type="checkbox"/> No <input type="checkbox"/>	If no, expected date of establishment:
Language Training will be provided through: (Check all that apply)	
Air Navigation Service Provider	
Air Operator/Airline	
Educational Institutions	
Private organizations	

6. LANGUAGE PROFICIENCY ASSESSMENT (OR TESTING) FOR LICENSING PURPOSES

6.1 The high stakes of language proficiency assessments (also referred to as tests) for licensing purposes are well recognized. Chapter 6 of Document 9835 provides more detailed information on the impact and requirements of these tests. These requirements apply whether all or part of the assessment process is established within the resources of a State, air operator or air navigation service provider, or procured through a private organization. States should therefore include information in their implementation plan concerning the process they have, or will be using for the initial and recurrent licensing assessments.

6.2 The following information concerning initial and recurrent proficiency assessments for licensing purposes for pilots and controllers should be provided in the implementation plan.

Table 4 – Language Proficiency Assessment (or Testing) for Licensing Purposes

State oversight of aviation language assessment has been established.	Yes <input type="checkbox"/> No <input type="checkbox"/>	If no, expected date of establishment:
Pilots		
The Language Proficiency Assessment was/is/will be developed by:		
Civil Aviation Authority		
Air Operator		
Educational Institution		

Private Organization <i>Optionally, indicate the private organization used</i>	
The Language Proficiency Assessment was/is/will be administered by:	
Civil Aviation Authority	
Air Operator	
Educational Institution	
Private Organization <i>Optionally, indicate the private organization used</i>	

Controllers	
The Language Proficiency Assessment was/is/will be developed by:	
Civil Aviation Authority	
Air Navigation Service Provider	
Educational Institution	
Private Organization <i>Optionally, indicate the private organization used</i>	
The Language Proficiency Assessment was/is/will be administered by:	
Civil Aviation Authority	
Air Navigation Service Provider	
Educational Institution	
Private Organization <i>Optionally, indicate the private organization used</i>	

7. INTERIM MEASURES TO MITIGATE THE RISK

7.1 States that are not in a position to comply with the language proficiency requirement by the applicability date should provide information on the interim risk mitigating measures they will introduce until they achieve compliance in March 2011. All States will need this information to carry out a risk analysis to ensure that the lack of language proficiency is minimized as a potential cause of accidents and incidents.

7.2 States should develop interim measures based on the identification of hazards and risks associated with non- or partial compliance with the language proficiency requirements. A hazard is any situation or condition that has the potential to cause adverse consequences and a risk is the assessed potential for adverse consequences resulting from a hazard. Risk mitigating measures can then be identified.

7.3 Risk mitigating measures should be carefully evaluated to ensure that they do not introduce additional risks and that they are appropriate to organizational and national circumstances. Therefore the prescription of universally applicable risk mitigating measures for the progressive implementation of language proficiency requirements is impractical. States are encouraged to apply the procedures outlined in the ICAO Safety Management Systems training course (<http://www.icao.int/anb/safetymanagement>) and the *Safety Management Manual (SMM)* (Doc 9859) to determine mitigating measures that are the most suitable to them.

7.4 States should document in their implementation plan the mitigating measures that will be introduced until compliance is achieved in March 2011 using the table below.

Table 5 – Interim Measures to Mitigate the Risk

Pilots (international operations)	2008	2009	2010
Commercial multi-pilot operations			
General aviation multi-pilot operations			
Commercial single-pilot operations			
General aviation single-pilot operations			
Controllers			
Aeronautical Station Operators			

7.5 In developing potential risk mitigating measures, States can prioritize the steps of their implementation plan considering the most urgent need in terms of safety for commercial operations involved in international operations and those involving general aviation operating under VFR in low density airspace. Implementation plans should examine the risks involved and could prioritize using a phased in compliance until March 2011.

8. POSTING THE PLAN AND NOTIFYING ICAO

8.1 Instructions on how States can post their implementation plan can be found on the ICAO Flight Safety Information Exchange (FSIX) Website at <http://www.icao.int/fsix/>. States may chose to provide a link to a national website where the implementation plan is located or provide ICAO with a PDF file. To facilitate the development of an implementation plan, all of the tables in this document have been compiled and can be found on the FSIX website.

8.2 Implementation plans will be posted in the language in which they are provided. When the implementation plan is provided in a language other than English, States are strongly encouraged to provide an English translation. Please note that implementation plans posted on the FSIX website have not been reviewed or approved by ICAO.

9. NOTIFICATION OF DIFFERENCE

9.1 The implementation plan should also include the required filing of differences pursuant to Article 38 of the Convention. A form of notification of differences to language provisions can be found in Attachment C and should be forwarded to ICAO as part of the implementation plan unless the State has already notified ICAO of such difference. A note on the notification of differences can be found on the FSIX website (<http://www.icao.int/fsix/>). States are reminded that they should document in the AIP any significant difference on language proficiency.

**NOTIFICATION OF COMPLIANCE WITH OR
DIFFERENCES FROM LANGUAGE PROVISIONS IN
ANNEXES 1, 6, 10 AND 11**

(Reference to Table 1, paragraph 3, Attachment B)

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

1. No differences will exist on _____ between the national regulations and/or practices of (State) _____ and the language provisions as detailed in Table 1, paragraph 3 of Attachment B of this State letter.

2. The following differences will exist on _____ between the regulations and/or practices of (State) _____ and the provisions the language provisions as detailed in Table 1, paragraph 3 of Attachment B of this State letter. (Please see Note 3) below.)

a) Annex Provision (Please give exact paragraph reference)	b) Difference Category (Please indicate A, B, or C)	c) Details of Difference (Please describe the difference clearly and concisely)	d) Remarks (Please indicate reasons for the difference)
--	---	---	---

(Please use extra sheets as required)

3. By the dates indicated below,

(State) _____ will have complied with the language provisions as detailed in Table 1, paragraph 3 of Attachment B of this State letter for which differences have been notified in 2 above.

a) Annex Provision (Please give exact paragraph reference)	b) Date	c) Comments
--	----------------	--------------------

(Please use extra sheets as required)

Signature _____

Date _____

NOTES

- 1) If paragraph 1 above is applicable to you, 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) Please dispatch the form to reach ICAO Headquarters as soon as possible but prior to 5 March 2008.
- 3) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
- 4) Guidance on the notification of differences from language provisions is provided in the Note on the Notification of Differences at <http://www.icao.int/fsix/>.
- 5) Please send a copy of this notification to the ICAO Regional Director accredited to your Government.

— END —