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ICAO Language Proficiency Testing

An ICAO standard requiring demonstrated language proficiency for air traffic controllers and pilots operating internationally is set to take effect on 5 March 2008. At that time aviation personnel must be highly proficient in either the language of the State of operation or English. IAOPA has opposed this requirement for most VFR operations and submitted a number of proposals to ICAO to modify the requirement; none of these proposals were accepted by ICAO.

IAOPA Secretary General John Sheehan, speaking at a 7 - 9 May ICAO language proficiency symposium in Montreal, cited a number of potentially negative effects on the worldwide general aviation community stemming from the forthcoming international language proficiency requirements. In part, he said, "Inadequate preparation to test pilots and air traffic controllers within many States will thwart the intent of the ICAO standard designed to bring a safe, intelligible communications to international civil aviation. Our sampling of States" testing preparedness indicates few are fully ready to accommodate the hundreds of thousands of aviation personnel that will require certification deadline.

"Few or remote testing facilities, excessive testing fees, and adequately qualified testing personnel are all matters for concern," said Sheehan. "The time and expense required for the more than one million general aviation pilots to be trained and tested to the high levels specified will have a significant impact on our community. This could lead to a substantial reduction of the number of pilots in areas of the world where sovereign boundaries are frequently crossed, such as Europe."

Sheehan went on to ask ICAO and States to delay implementation until testing protocols and facilities were universally available; prioritize implementation of the requirements, testing airline pilots and air traffic controllers first; or provide grandfather rights for private pilots operating under visual flight rules for a three year period.

Boyer Petitions ICAO President

On 17 May IAOPA President Phil Boyer sent a letter to ICAO President of Council Roberto Kobeh Gonzalez stating, in part, "IAOPA welcomes these standards for all flight operations under instrument flight rules (IFR) and in complex airspace; when implemented the high level of language proficiency will undoubtedly enhance safety and efficiency within the air traffic control system. However, for the new standard to be truly effective all IFR participants and those operating in complex airspace must comply with the standard. It will require just one participant with inadequate language proficiency, be it on the ground or in the air, to create an unsafe condition.

"Input from a number of our worldwide affiliates and informal contact with State representatives at the recent ICAO Language Symposium indicate that some States will not be capable of testing and certifying all of their licensed pilots and controllers prior to the March 2008 deadline. If all pilots and controllers are not certified by the deadline, States, pilots and controllers will assume that all are in full compliance, creating the false assumption that essential personnel are qualified. This assumption will elevate operational risk levels without the knowledge of all concerned. Additionally, unprepared States may be tempted to rush the certification process, providing less than fully qualified personnel to operate within the air traffic control system.

"In support of the above, two Air Navigation Bureau questionnaires to States regarding language proficiency compliance readiness failed to yield adequate responses from States. Importantly, the questionnaires did not ask whether private pilots would be tested and certified; this is potentially the largest group of pilots that will require certification.

"Additionally, IAOPA has twice petitioned the ICAO Secretariat to modify the language proficiency requirement for pilots operating under visual flight rules (VFR). The requirement for a pilot to meet the high levels of language proficiency specified by the new standard while operating under VFR and in non-complex airspace is unnecessary for the safety and efficiency of the air traffic control system. The high

costs and time required to meet this requirement cannot be justified for the few times a VFR pilot may be required to contact an air traffic control facility. Yet, the Secretariat has denied both of our petitions, based on anecdotal evidence presented by a few members of the Air Navigation Commission.

"The impact of this new standard, if left unmodified, will have a significant negative impact on the general aviation community. Most of our members operate under VFR and will have their activities severely restricted if they cannot readily cross national borders, especially within Europe. Qualifying for level 4 language proficiency will require hundred of hours of training for many and costly testing for hundreds of thousands of pilots who may only occasionally use language as required by the ICAO standard.

"In light of the above issues, I request the ICAO Council or Assembly, as appropriate, take the following actions:

- Delay implementation of the language proficiency requirement until such time that all applicable personnel within a clear majority of contracting States meet those requirements.
- While waiting for States to comply with this requirement, ICAO should regularly publish States' status of compliance to all contracting States for information purposes. This service will provide an incentive for early compliance by all concerned.
- Reconsider the IAOPA petitions to modify the language proficiency standards for VFR operations. Employ risk analysis techniques to properly consider the factors involved in the decision process."

Affiliate Action Requested

In a 17 May email to IAOPA affiliates John Sheehan requested that they take action with their national regulatory authorities to reduce the impact of the upcoming proficiency requirements. Alternative actions suggested included:

- Use a provision in the ICAO standards that permits States to excuse or delay new personnel licencing requirements for existing licence holders. This will ease the burden on all or a portion of licence holders, but will not excuse those applying for a licence for the first time.
- Employ existing aviation examiners, such as pilot flight examiners, to administer the required tests for all or a part of the pilot population. Some States will employ trained linguists to administer the tests which will increase the testing fees and may make testing sites not readily available. This alternative would be especially applicable for VFR-only pilots.
- If a national authority is not fully prepared to administer the language proficiency program they will be asked to notify ICAO of this fact and to request a delay of the testing program applicability dates. This would avoid an uneven application of the new standard which could unnecessarily penalize some pilots subjected to the standard while others would not be. Significantly, the uneven application of the standard would create a safety hazard if some countries thought that all others were in compliance with the standard.
- Request a modification to this requirement to incorporate one or more of the following provisions:
 - Request a lower level of language proficiency for VFR operations. Level 3 requires knowledge of work-related vocabulary (air traffic control phraseology) and basic pronunciation skills and would therefore be more appropriate.
 - Exempt VFR-only pilots from any language requirement if operations are not conducted in Class A, B or C airspace.
 - Execute bilateral agreements with bordering States and regional groups which will exempt VFR pilots from meeting the ICAO language proficiency requirement.

***Note:** At press time the ICAO Air Navigation Commission had just reconsidered its position on language proficiency implementation dates, potential phasing-in of the standard and other issues mentioned in the IAOPA petition. Apparently, the issue is of sufficient importance to be considered at the triennial ICAO Assembly in September.*

ICAO Issues Emergency Locator Transmitter Standards

The new ICAO standard for ELT requirements was recently released which will require all aeroplanes flying internationally to be equipped with a 406 MHz ELT beginning 1 July 2008. Aeroplanes for which an individual certificate of airworthiness is first issued after 1 July 2008 will require an automatic ELT (an automatic ELT is one which is automatically activated by crash forces and is permanently attached to the aircraft). From 1 July 2008 all aeroplanes must be equipped with any type of ELT – this includes automatic, automatic portable, automatic deployable and survival ELTs.

Of all types listed for existing aeroplanes, the survival ELT may be most attractive to many private pilots. The survival ELT is defined as, "An ELT which is removable from an aircraft, stowed so as to facilitate its ready use in an emergency, and manually activated by survivors." The portability feature makes it attractive for the occasional international flyer since the device may be shared with others or rented. As the July 2008 date approaches orders for the new ELTs and installations will increase, placing a burden on the supply and services system around the world. Therefore, pilots contemplating a significant amount of international flying should be advised to investigate the acquisition of a new ELT.

IAOPA has attempted to mitigate the impact of this new requirement over the past four years by requesting several modifications to the ICAO standard, all of which were rejected. The IAOPA Secretariat is still attempting to reduce the impact of the new standard by requesting that lower cost personal locator beacons be permitted as the substitute for the ELT.

See the COSPAS-SARSAT Information Bulletin for more information about the system and current developments — www.cospas-sarsat.org

AOPA-Spain Proposes Airport Network

AOPA-Spain President Marlies Campi chose a May Day air rally in Jaen, Andalusia to make a proposal to national and provincial authorities to establish a network of general aviation airports in the Province. The Spanish Minister of Industry and the Andalusian President spoke with Ms. Campi at the rally, receiving her proposal with great interest.

The proposal made by AOPA-Spain is to build a network of small airfields, aerodromes and grass strips that allow general aviation in all its forms to develop: soaring, microlights, light airplanes, flight training. (Since there is only one general aviation airport in the province additional airfields are needed.) Ms. Campi said, "These airfields could be made with public and private funds, should have fuel, and offer a taxi service or car rental. The idea is to start small in paving the way for the future to help GA to grow roots in the country and grow. AOPA-Spain will advise local authorities to make this plan come true."

As part of this program, AOPA-Spain was invited to give a presentation about the latest news from EASA, Eurocontrol, and ICAO affecting general aviation, and about how AOPA in Spain and IAOPA at international level is working on such issues to protect GA.

Jaén is located in the South of Spain, in the heart of Andalusia. It has been declared "Province of the Air" and during 2007 a series of events will take place to promote airports. The Rally of Jaén had the support of the Ministry of Industry, Tourism and Commerce.

Temporary Flight Restrictions No Solution to UAV Operations Says AOPA-US

Recently, a manned aircraft flew through a temporary flight restriction (TFR) that was in place for a Global Hawk unmanned aerial vehicle (UAV) flying above Beale Air Force Base in Northern California. At least one report indicates that the incident could have been a near miss.

AOPA-US said that example proves its argument that airspace restrictions around UAV operations do not enhance safety. The association has been adamant that the FAA require a chase plane with UAV operations in lieu of TFRs.

Since November 2006, the Federal Aviation Administration has been issuing a 10-nautical-mile-radius TFR that extends from the top of Beale's Class C airspace to 18,000 feet msl for every UAV flight.

AOPA has long argued that UAVs must fit seamlessly into the National Airspace System.

- Certified to the same level of safety as manned aircraft
- Pose no threat to manned aircraft
- Require no airspace restrictions

AOPA members have also voiced their opinion about UAVs: 95 percent believe that UAV operations should follow the same operating rules as manned aircraft.

- See and avoid manned aircraft
- Immediately respond to ATC instructions

"Until the FAA develops standards that allow UAVs to operate safely with manned aircraft, the agency must require chase planes," said Andy Cebula, AOPA executive vice president of government affairs.

"TFRs are ineffective and negatively impact the pilots flying near them."

ICAO Publishes Navigation Satellite Cost Allocation Study

The World-Wide Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems Implementation Conference (held in Rio de Janeiro in May 1998), called on ICAO to address the issue of

Global Navigation Satellite System (GNSS) cost allocation amongst all users of GNSS, including allocation between civil aviation and other user categories. The study has since been considered by several forums, including the Conference on the Economics of Airports and Air Navigation Services (ANSCConf 2000, June 2000), the Eleventh Air Navigation Conference (AN-Conf/11, September 2003) and three meetings of the Air Navigation Services Economics Panel (ANSEP) – IAOPA was represented at several of these meetings. The ICAO Council reviewed the study during its 180th Session in February 2007. The following five conclusions of the study were accepted by the Council as "provisional" policy guidance on the allocation of the incremental costs of more advanced GNSS services:

- Basic GNSS services will be provided free of charge as a common good to a multiple number of user categories, while more advanced GNSS services (including augmentation services) requiring a higher quality of service and hence higher costs will have to be paid for by all their users in most cases;
- The incremental costs for more advanced GNSS services should be allocated amongst all the users who can actually derive benefits from them. Such cost allocation should take place at the regional level and take into account the requirements of different user categories, where the service level can be adjusted to satisfy different requirements;
- Before any costs are recovered from civil aviation, cost allocation amongst all users should be discussed and agreed upon through transparent negotiations and consultations between a GNSS service provider and representatives of civil aviation as well as other user categories;
- Any cost allocation and resultant cost recovery should be consistent with ICAO's policies on air navigation services charges in order to ensure that civil aviation is requested to pay only its fair share of the relevant costs according to sound accounting principles and that international civil aviation is not discriminated against other modes of international transport and other user groups; and
- Once the civil aviation's share has been determined, the allocation among participating States (or air navigation services providers (ANSPs) and on the different phases of flights should be performed according to existing ICAO policy and guidance. ANSPs could then recover the costs from the users within their existing charging systems.

It is important for IAOPA affiliates to note these principles and ensure that regional and national authorities follow them.

Plan to attend the 24th IAOPA World Assembly in Athens, Greece, 9 – 14 June 2008

The International Council of Aircraft Owner and Pilot Associations represents the interests of more than 470,000 pilots and aircraft owners in 66 countries. Formed in 1962, IAOPA is dedicated to promoting the peaceful uses of general aviation and aerial work worldwide.

IAOPA eNews is published monthly by the International Council of Aircraft Owner and Pilot Associations for the use of its affiliate members in representing and advocating general aviation and aerial work interests worldwide.