

# Beyond borders



**A**S WORLD WAR II drew to a close, advances in aeronautical technology made it apparent that aircraft would be playing a major role in the postwar world. The 1944 Chicago Convention recognised aeroplanes' ability to soar over national boundaries. Thirty-eight countries ratified the convention, which aimed to develop a safe, economic and orderly civil aviation system. Australia was one of the first signatories.

The Chicago Convention also led to the creation of the International Civil Aviation Organization (ICAO), which became a specialised agency of the United Nations in 1947. ICAO is based in Montreal, and now has 188 members.

Australia has continuously provided a member of the ICAO Council and Air Navigation Commission. The Civil Aviation Act requires the Civil Aviation Safety Authority to perform its functions in a manner consistent with Australia's obligations under the Chicago convention.

In Article 5 of the convention, each state

agrees that the aircraft of other states, unless taking part in scheduled international air services, have the right to make flights into or across its territory and to make stops for non-traffic purposes without prior permission.

Scheduled services are subject to agreement, but all contracting ICAO countries agree to accept aircraft from other contracting states.

Australia has imposed conditions on scheduled services via the Air Navigation Act. For example, international operators must be licensed and can only land at nominated airports.

Article 33 provides for certificates of airworthiness and licences issued by the state where the aircraft is registered to be recognised as valid by other countries, as long as the certificates and licences satisfy ICAO standards.

Article 54 allows ICAO to issue standards and recommended practices (SARPs) and designate them as annexes to the convention. Article 37 requires each contracting state to work to secure the highest practicable degree

of uniformity in all matters which will facilitate and improve air navigation.

The main annexes covering aircraft are Annex 6, Operation of Aircraft, and Annex 8, Airworthiness of Aircraft.

A special provision in Article 41 is that changes to Annex 8 do not become binding on contracting states until three years after the annex was amended. This provision applies only to Annex 8 and recognises that the certification of aircraft and components is a lengthy procedure, and that a project, which is proceeding to an agreed standard, should not be disrupted because the ICAO standards have been changed.

Annex 6 focuses on aircraft over 5,700kg maximum takeoff weight, but the Airworthiness Panel meeting this year agreed to standards for aircraft below 5,700kg and aircraft engines and propellers. These standards will be issued as SARPs, and significantly extend ICAO recognised certification standards.

The basic aircraft is certificated, manufactured, and issued a Certificate of Airworthiness in accordance with Annex 8. Annex 6 covers operation and maintenance. This can include aircraft standards above Annex 8 for specific operations. For example, certain turbined-powered aircraft must have an airborne collision avoidance system. Standards have also been developed to allow single-engine aircraft to conduct regular public transport operations at night and in IFR conditions.

The first article of the Convention stresses that every state has sovereignty over its airspace. Under Article 38, each country may notify a difference and not adhere to a SARP. ICAO publishes these differences, and contracting states can decide if aircraft from that state are allowed to operate over their territories.

In recent years, ICAO has had an audit program to ensure that states are complying with requirements. To date, the audit has focused on Annexes 6 and 8 and Annex 1, Personnel Licensing, but further annexes are expected to be included in future audits. These have revealed deficiencies in several countries, and ICAO is monitoring the required corrective action.

Aircraft that are certificated to standards in Annex 8, and operated to standards in Annex 6, may operate over all contracting states, and the state can have confidence that the aircraft and its crew satisfy internationally accepted standards.

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