Appendix A

Relevant excerpts of the ITU constitution and convention

(as amended by the Plenipotentiary Conferences in 2006,[1] and in 2010)

Constitution of the International Telecommunication Union

Preamble

1 While fully recognizing the sovereign right of each State to regulate its telecommunication and having regard to the growing importance of telecommunication for the preservation of peace and the economic and social development of all States, the States Parties to this Constitution, as the basic instrument of the International Telecommunication Union, and to the Convention of the International Telecommunication Union (hereinafter referred to as "the Convention") which complements it, with the object of facilitating peaceful relations, international cooperation among peoples and economic and social development by means of efficient telecommunication services, have agreed as follows.

Article 1: Purposes of the union

2 1 The purposes of the Union are:

3 *a*) to maintain and extend international cooperation among all its Member States for the improvement and rational use of telecommunications of all kinds;

3A *abis*) to promote and enhance participation of entities and organizations in the activities of the Union and foster fruitful cooperation and partnership between them and Member States for the fulfilment of the overall objectives as embodied in the purposes of the Union;

4 *b*) to promote and to offer technical assistance to developing countries in the field of telecommunications, and also to promote the mobilization of the material, human and financial resources needed for its implementation, as well as access to information;

5 *c*) to promote the development of technical facilities and their most efficient operation with a view to improving the efficiency of telecommunication services,

increasing their usefulness and making them, so far as possible, generally available to the public;

6 *d*) to promote the extension of the benefits of the new telecommunication technologies to all the world's inhabitants;

7 *e*) to promote the use of telecommunication services with the objective of facilitating peaceful relations;

8 *f*) to harmonize the actions of Member States and promote fruitful and constructive cooperation and partnership between Member States and Sector Members in the attainment of those ends;

9 *g*) to promote, at the international level, the adoption of a broader approach to the issues of telecommunications in the global information economy and society, by cooperating with other world and regional intergovernmental organizations and those non-governmental organizations concerned with telecommunications.

10 2 To this end, the Union shall in particular:

11 *a*) effect allocation of bands of the radio-frequency spectrum, the allotment of radio frequencies and the registration of radio-frequency assignments and, for space services, of any associated orbital position in the geostationary-satellite orbit or of any associated characteristics of satellites in other orbits, in order to avoid harmful interference between radio stations of different countries;

12 *b*) coordinate efforts to eliminate harmful interference between radio stations of different countries and to improve the use made of the radio-frequency spectrum for radiocommunication services and of the geostationary-satellite and other satellite orbits;

13 *c*) facilitate the worldwide standardization of telecommunications, with a satisfactory quality of service;

14 *d*) foster international cooperation and solidarity in the delivery of technical assistance to the developing countries and the creation, development and improvement of telecommunication equipment and networks in developing countries by every means at its disposal, including through its participation in the relevant programmes of the United Nations and the use of its own resources, as appropriate;

15 *e*) coordinate efforts to harmonize the development of telecommunication facilities, notably those using space techniques, with a view to full advantage being taken of their possibilities;

16 *f*) foster collaboration among Member States and Sector Members with a view to the establishment of rates at levels as low as possible consistent with an efficient

service and taking into account the necessity for maintaining independent financial administration of telecommunications on a sound basis;

17 *g*) promote the adoption of measures for ensuring the safety of life through the cooperation of telecommunication services;

18 *h*) undertake studies, make regulations, adopt resolutions, formulate recommendations and opinions, and collect and publish information concerning telecommunication matters;

19 *i*) promote, with international financial and development organizations, the establishment of preferential and favourable lines of credit to be used for the development of social projects aimed, *inter alia*, at extending telecommunication services to the most isolated areas in countries;

19A *j*) promote participation of concerned entities in the activities of the Union and cooperation with regional and other organizations for the fulfilment of the purposes of the Union.

Article 4: Instruments of the union

29 1 The instruments of the Union are:

– this Constitution of the International Telecommunication Union,
– the Convention of the International Telecommunication Union and
– the Administrative Regulations.

30 2 This Constitution, the provisions of which are complemented by those of the Convention, is the basic instrument of the Union.

31 3 The provisions of both this Constitution and the Convention are further complemented by those of the Administrative Regulations, enumerated below, which regulate the use of telecommunications and shall be binding on all Member States:

– International Telecommunication Regulations,
– Radio Regulations.

32 4 In the case of inconsistency between a provision of this Constitution and a provision of the Convention or of the Administrative Regulations, the Constitution shall prevail. In the case of inconsistency between a provision of the Convention and a provision of the Administrative Regulations, the Convention shall prevail.

Article 6: Execution of the instruments of the union

37 1 The Member States are bound to abide by the provisions of this Constitution, the Convention and the Administrative Regulations in all telecommunication

offices and stations established or operated by them which engage in international services or which are capable of causing harmful interference to radio services of other countries, except in regard to services exempted from these obligations in accordance with the provisions of Article 48 of this Constitution.

38 2 The Member States are also bound to take the necessary steps to impose the observance of the provisions of this Constitution, the Convention and the Administrative Regulations upon operating agencies authorized by them to establish and operate telecommunications and which engage in international services or which operate stations capable of causing harmful interference to the radio services of other countries.

Article 7: Structure of the union

39 The Union shall comprise:

40 *a*) the Plenipotentiary Conference, which is the supreme organ of the Union;

41 *b*) the Council, which acts on behalf of the Plenipotentiary Conference;

42 *c*) world conferences on international telecommunications;

43 *d*) the Radiocommunication Sector, including world and regional radiocommunication conferences, radiocommunication assemblies and the Radio Regulations Board;

44 *e*) the Telecommunication Standardization Sector, including world telecommunication standardization assemblies;

45 *f*) the Telecommunication Development Sector, including world and regional telecommunication development conferences;

46 *g*) the General Secretariat.

Chapter II : Radiocommunication sector

Article 12 : Functions and structure

78 1 1) The functions of the Radiocommunication Sector shall be, bearing in mind the particular concerns of developing countries, to fulfil the purposes of the Union, as stated in Article 1 of this Constitution, relating to radiocommunication:

– by ensuring the rational, equitable, efficient and economical use of the radiofrequency spectrum by all radiocommunication services, including those using the geostationary-satellite or other satellite orbits, subject to the provisions of Article 44 of this Constitution and
– by carrying out studies without limit of frequency range and adopting recommendations on radiocommunication matters.

79 2) The precise responsibilities of the Radiocommunication Sector and the Telecommunication Standardization Sector shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close coordination shall be carried out between the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors.

80 2 The Radiocommunication Sector shall work through:

81 *a*) world and regional radiocommunication conferences;

82 *b*) the Radio Regulations Board;

83 *c*) radiocommunication assemblies;

84 *d*) radiocommunication study groups;

84A *dbis*) the radiocommunication advisory group;

85 *e*) the Radiocommunication Bureau, headed by the elected Director.

86 3 The Radiocommunication Sector shall have as members:

87 *a*) of right, the administrations of all Member States;

88 *b*) any entity or organization which becomes a Sector Member in accordance with the relevant provisions of the Convention.

Chapter III: Telecommunication standardization sector

Article 17: Functions and structure

104 1 1) The functions of the Telecommunication Standardization Sector shall be, bearing in mind the particular concerns of the developing countries, to fulfil the purposes of the Union relating to telecommunication standardization, as stated in Article 1 of this Constitution, by studying technical, operating and tariff questions and adopting recommendations on them with a view to standardizing telecommunications on a worldwide basis.

105 2) The precise responsibilities of the Telecommunication Standardization and Radiocommunication Sectors shall be subject to continuing review, in close cooperation, with regard to matters of common interest to both Sectors, in accordance with the relevant provisions of the Convention. Close coordination shall be carried out between the Radiocommunication, Telecommunication Standardization and Telecommunication Development Sectors.

106 2 The Telecommunication standardization sector shall work through:

107 *a*) world telecommunication standardization assemblies;

108 *b*) telecommunication standardization study groups;

108A *bbis*) the telecommunication standardization advisory group;

109 *c*) the Telecommunication Standardization Bureau headed by the elected Director.

110 3 The Telecommunication Standardization Sector shall have as members:

111 *a*) of right, the administrations of all Member States;

112 *b*) any entity or organization which becomes a Sector Member in accordance with the relevant provisions of the Convention.

Article 18: World telecommunication standardization assemblies

113 1 The duties of world telecommunication standardization assemblies are specified in the Convention.

114 2 World telecommunication standardization assemblies shall be convened every four years; however, an additional assembly may be held in accordance with the relevant provisions of the Convention.

115 3 Decisions of world telecommunication standardization assemblies must in all circumstances be in conformity with this Constitution, the Convention and the Administrative Regulations. When adopting resolutions and decisions, the assemblies shall take into account the foreseeable financial implications and should avoid adopting resolutions and decisions which might give rise to expenditure in excess of the financial limits laid down by the Plenipotentiary Conference.

Article 39: Notification of infringements

190 In order to facilitate the application of the provisions of Article 6 of this Constitution, Member States undertake to inform and, as appropriate, assist one another with regard to infringements of the provisions of this Constitution, of the Convention and of the Administrative Regulations.

Chapter VII: Special provisions for radio

Article 44: Use of the Radio-Frequency spectrum and of the Geostationary-Satellite and other satellite orbits

195 1 Member States shall endeavour to limit the number of frequencies and the spectrum used to the minimum essential to provide in a satisfactory manner the necessary services. To that end, they shall endeavour to apply the latest technical advances as soon as possible.

196 2 In using frequency bands for radio services, Member States shall bear in mind that radio frequencies and any associated orbits, including the geostationary-

satellite orbit, are limited natural resources and that they must be used rationally, efficiently and economically, in conformity with the provisions of the Radio Regulations, so that countries or groups of countries may have equitable access to those orbits and frequencies, taking into account the special needs of the developing countries and the geographical situation of particular countries.

Article 45: Harmful interference

197 1 All stations, whatever their purpose, must be established and operated in such a manner as not to cause harmful interference to the radio services or communications of other Member States or of recognized operating agencies, or of other duly authorized operating agencies which carry on a radio service, and which operate in accordance with the provisions of the Radio Regulations.

198 2 Each Member State undertakes to require the operating agencies which it recognizes and the other operating agencies duly authorized for this purpose to observe the provisions of No. 197 above.

199 3 Further, the Member States recognize the necessity of taking all practicable steps to prevent the operation of electrical apparatus and installations of all kinds from causing harmful interference to the radio services or communications mentioned in No. 197 above.

Article 46: Distress calls and messages

200 Radio stations shall be obliged to accept, with absolute priority, distress calls and messages regardless of their origin, to reply in the same manner to such messages, and immediately to take such action in regard thereto as may be required.

Article 47: False or deceptive distress, urgency, safety or identification signals

201 Member States agree to take the steps required to prevent the transmission or circulation of false or deceptive distress, urgency, safety or identification signals, and to collaborate in locating and identifying stations under their jurisdiction transmitting such signals.

Article 48: Installations for national defence services

202 1 Member States retain their entire freedom with regard to military radio installations.

203 2 Nevertheless, these installations must, so far as possible, observe statutory provisions relative to giving assistance in case of distress and to the measures to be taken to prevent harmful interference, and the provisions of the Administrative

Regulations concerning the types of emission and the frequencies to be used, according to the nature of the service performed by such installations.

204 3 Moreover, when these installations take part in the service of public correspondence or other services governed by the Administrative Regulations, they must, in general, comply with the regulatory provisions for the conduct of such services.

Convention of the International Telecommunication Union

Section 6: Telecommunication Standardization Sector

Article 13: World Telecommunication Standardization Assembly

184 1 In accordance with No. 104 of the Constitution, a world telecommunication standardization assembly shall be convened to consider specific matters related to telecommunication standardization.

184A 1*bis*) The world telecommunication standardization assembly is authorized to adopt the working methods and procedures for the management of the Sector's activities in accordance with No. 145A of the Constitution.

185 2 The questions to be studied by a world telecommunication standardization assembly, on which recommendations shall be issued, shall be those adopted pursuant to its own procedures or referred to it by the Plenipotentiary Conference, any other conference, or the Council.

186 3 In accordance with No. 104 of the Constitution, the assembly shall:

187 *a*) consider the reports of study groups prepared in accordance with No. 194 of this Convention and approve, modify or reject draft recommendations contained in those reports, and consider the reports of the telecommunication standardization advisory group in accordance with Nos. 197H and 197I of this Convention;

188 *b*) bearing in mind the need to keep the demands on the resources of the Union to a minimum, approve the programme of work arising from the review of existing questions and new questions and determine the priority, urgency, estimated financial implications and time-scale for the completion of their study;

189 *c*) decide, in the light of the approved programme of work derived from No. 188 above, on the need to maintain, terminate or establish study groups and allocate to each of them the questions to be studied;

190 *d*) group, as far as practicable, questions of interest to the developing countries to facilitate their participation in these studies;

191 *e)* consider and approve the report of the Director on the activities of the Sector since the last conference;

191A *f)* decide on the need to maintain, terminate or establish other groups and appoint their Chairmen and Vice-Chairmen;

191B *g)* establish the terms of reference for the groups referred to in No. 191A above; such groups shall not adopt questions or recommendations.

191C 4 A world telecommunication standardization assembly may assign specific matters within its competence to the telecommunication standardization advisory group indicating the action required on those matters.

191D 5 A world telecommunication standardization assembly shall be presided over by a Chairman designated by the government of the country in which the meeting is held or, in the case of a meeting held at the seat of the Union, by a Chairman elected by the assembly itself. The Chairman shall be assisted by Vice-Chairmen elected by the assembly.

Article 14: Telecommunication standardization study groups

192 1 1) Telecommunication standardization study groups shall study questions adopted in accordance with a procedure established by the world telecommunication standardization assembly and prepare draft recommendations to be adopted in accordance with the procedure set forth in Nos. 246A–247 of this Convention.

193 2) The study groups shall, subject to No. 195 below, study technical, operating and tariff questions and prepare recommendations on them with a view to standardizing telecommunications on a worldwide basis, including recommendations on interconnection of radio systems in public telecommunication networks and on the performance required for these interconnections. Technical or operating questions specifically related to radiocommunication as enumerated in Nos. 151–154 of this Convention shall be within the purview of the Radiocommunication Sector.

194 3) Each study group shall prepare for the world telecommunication standardization assembly a report indicating the progress of work, the recommendations adopted in accordance with the consultation procedure contained in No. 192 above, and any draft new or revised recommendations for consideration by the assembly.

195 2 Taking into account No. 105 of the Constitution, the tasks enumerated in No. 193 above and those enumerated in Nos. 151–154 of this Convention in relation to the Radiocommunication Sector shall be kept under continuing review by the Telecommunication Standardization Sector and the Radiocommunication Sector with a view to reaching common agreement on changes in the distribution

of matters under study. The two Sectors shall cooperate closely and adopt procedures to conduct such a review and reach agreements in a timely and effective manner. If agreement is not reached, the matter may be submitted through the Council to the Plenipotentiary Conference for decision.

196 3 In the performance of their studies, the telecommunication standardization study groups shall pay due attention to the study of questions and to the formulation of recommendations directly connected with the establishment, development and improvement of telecommunications in developing countries at both the regional and international levels. They shall conduct their work giving due consideration to the work of national, regional and other international standardization organizations, and cooperate with them, keeping in mind the need for the Union to maintain its pre-eminent position in the field of worldwide standardization for telecommunications.

197 4 For the purpose of facilitating the review of activities in the Telecommunication Standardization Sector, measures should be taken to foster cooperation and coordination with other organizations concerned with telecommunication standardization and with the Radiocommunication Sector and the Telecommunication Development Sector. A world telecommunication standardization assembly shall determine the specific duties, conditions of participation and rules of procedure for these measures.

Article 14A: Telecommunication standardization advisory group

197A 1 The telecommunication standardization advisory group shall be open to representatives of administrations of Member States and representatives of Sector Members and to chairmen of the study groups and other groups.

197B 2 The telecommunication standardization advisory group shall:

197C 1) review priorities, programmes, operations, financial matters and strategies for activities in the Telecommunication Standardization Sector;

197CA 1*bis*) review the implementation of the operational plan of the preceding period in order to identify areas in which the Bureau has not achieved or was not able to achieve the objectives laid down in that plan, and advise the Director on the necessary corrective measures;

197D 2) review progress in the implementation of the programme of work established under No. 188 of this Convention;

197E 3) provide guidelines for the work of study groups;

197F 4) recommend measures, *inter alia*, to foster cooperation and coordination with other relevant bodies, with the Radiocommunication Sector, the Telecommunication Development Sector and the General Secretariat;

197G 5) adopt its own working procedures compatible with those adopted by the world telecommunication standardization assembly;

197H 6) prepare a report for the Director of the Telecommunication Standardization Bureau indicating action in respect of the above items.

197I 7) prepare a report for the world telecommunication standardization assembly on the matters assigned to it in accordance with No. 191A and transmit it to the Director for submission to the assembly.

Article 15: Telecommunication standardization bureau

198 1 The Director of the Telecommunication Standardization Bureau shall organize and coordinate the work of the Telecommunication Standardization Sector.

199 2 The Director shall, in particular:

200 *a*) update annually the work programme approved by the world telecommunication standardization assembly, in consultation with the chairmen of the telecommunication standardization study groups and other groups;

201 *b*) participate, as of right, but in an advisory capacity, in the deliberations of world telecommunication standardization assemblies and of the telecommunication standardization study groups and other groups. The Director shall make all necessary preparations for assemblies and meetings of the Telecommunication Standardization Sector in consultation with the General Secretariat in accordance with No. 94 of this Convention and, as appropriate, with the other Sectors of the Union, and with due regard for the directives of the Council concerning these preparations;

202 *c*) process information received from administrations in application of the relevant provisions of the International Telecommunication Regulations or decisions of the world telecommunication standardization assembly and prepare it, where appropriate, in a suitable form for publication;

203 *d*) exchange with Member States and Sector Members data in machine-readable and other forms, prepare and, as necessary, keep up to date any documents and databases of the Telecommunication Standardization Sector, and arrange with the Secretary-General, as appropriate, for their publication in the languages of the Union in accordance with No. 172 of the Constitution;

204 *e*) submit to the world telecommunication standardization assembly a report on the activities of the Sector since the last assembly; the Director shall also submit to the Council and to the Member States and Sector Members such a report covering the two-year period since the last assembly, unless a second assembly is convened;

205 *f*) prepare a cost-based budget estimate for the requirements of the Telecommunication Standardization Sector and transmit it to the Secretary-General for consideration by the Coordination Committee and inclusion in the Union's budget;

205A *g*) prepare annually a rolling four-year operational plan that covers the subsequent year and the following three-year period, including financial implications of activities to be undertaken by the Bureau in support of the Sector as a whole; this four-year operational plan shall be reviewed by the telecommunication standardization advisory group in accordance with Article 14A of this Convention, and shall be reviewed and approved annually by the Council;

205B *h*) provide the necessary support for the telecommunication standardization advisory group, and report each year to Member States and Sector Members and to the Council on the results of its work;

205C *i*) provide assistance to developing countries in the preparatory work for world standardization assemblies, particularly with regard to matters of a priority nature for those countries.

206 3 The Director shall choose the technical and administrative personnel of the Telecommunication Standardization Bureau within the framework of the budget as approved by the Council. The appointment of the technical and administrative personnel is made by the Secretary-General in agreement with the Director. The final decision on appointment or dismissal rests with the Secretary-General.

207 4 The Director shall provide technical support, as necessary, to the Telecommunication Development Sector within the framework of the Constitution and this Convention.

Article 20: Conduct of business of study groups

242 1 The radiocommunication assembly, the world telecommunication standardization assembly and the world telecommunication development conference shall appoint the chairman and one Vice-Chairman or more for each study group. In appointing Chairmen and Vice-Chairmen, particular consideration shall be given to the requirements of competence and equitable geographical distribution, and to the need to promote more efficient participation by the developing countries.

243 2 If the workload of any study group requires, the assembly or conference shall appoint such additional Vice-Chairmen as it deems necessary.

244 3 If, in the interval between two assemblies or conferences of the Sector concerned, a study group Chairman is unable to carry out his duties and only one Vice-Chairman has been appointed, then that Vice-Chairman shall take the Chairman's place. In the case of a study group for which more than one Vice-

Chairman has been appointed, the study group at its next meeting shall elect a new Chairman from among those Vice-Chairmen and, if necessary, a new Vice-Chairman from among the members of the study group. It shall likewise elect a new Vice-Chairman if one of the Vice-Chairmen is unable to carry out his duties during that period.

245 4 Study groups shall conduct their work as far as possible by correspondence, using modern means of communication.

246 5 The Director of the Bureau of each Sector, on the basis of the decisions of the competent conference or assembly, after consultation with the Secretary-General and coordination as required by the Constitution and Convention, shall draw up the general plan of study group meetings.

246A 5*bis*) 1) Member States and Sector Members shall adopt questions to be studied in accordance with procedures established by the relevant conference or assembly, as appropriate, including the indication whether or not a resulting recommendation shall be the subject of a formal consultation of Member States.

246B 2) Recommendations resulting from the study of the above questions are adopted by a study group in accordance with procedures established by the relevant conference or assembly, as appropriate. Those recommendations which do not require formal consultation of Member States for their approval shall be considered as approved.

246C 3) A recommendation requiring formal consultation of Member States shall be either treated in accordance with No. 247 below or transmitted to the relevant conference or assembly, as appropriate.

246D 4) Nos. 246A and 246B above shall not be used for questions and recommendations having policy or regulatory implications such as:

246E *a*) questions and recommendations approved by the Radiocommunication Sector relevant to the work of radiocommunication conferences, and other categories of questions and recommendations that may be decided by the radiocommunication assembly;

246F *b*) questions and recommendations approved by the Telecommunication Standardization Sector which relate to tariff and accounting issues, and relevant numbering and addressing plans;

246G *c*) questions and recommendations approved by the Telecommunication Development Sector which relate to regulatory, policy and financial issues;

246H *d*) questions and recommendations where there is any doubt about their scope.

247 6 Study groups may initiate action for obtaining approval from Member States for recommendations completed between two assemblies or conferences. The

procedures to be applied for obtaining such approval shall be those approved by the competent assembly or conference, as appropriate.

247A 6*bis*) Recommendations approved in application of Nos. 246B or 247 above shall have the same status as ones approved by the conference or assembly itself.

248 7 Where necessary, joint working parties may be established for the study of questions requiring the participation of experts from several study groups.

248A 7*bis*) Following a procedure developed by the Sector concerned, the Director of a Bureau may, in consultation with the chairman of the study group concerned, invite an organization which does not participate in the Sector to send representatives to take part in the study of a specific matter in the study group concerned or its subordinate groups.

248B 7*ter*) An Associate, as referred to in No. 241A of this Convention, will be permitted to participate in the work of the selected study group without taking part in any decision-making or liaison activity of that study group.

249 8 The Director of the relevant Bureau shall send the final reports of the study groups to the administrations, organizations and entities participating in the Sector. Such reports shall include a list of the recommendations approved in conformity with No. 247 above. These reports shall be sent as soon as possible and, in any event, in time for them to be received at least one month before the date of the next session of the conference concerned.

Resolution 16 (Rev. Minneapolis, 1998)

Refinement of the Radiocommunication Sector and Telecommunication Standardization Sector

The Plenipotentiary Conference of the International Telecommunication Union (Minneapolis, 1998),

Noting

the report by the Council on the results of the implementation of Resolution 16 (Kyoto, 1994),

Considering

a) that ITU should be the pre-eminent global standardization body in the telecommunication field, including radiocommunication;

b) that ITU is the pre-eminent body for efficient worldwide cooperation in the radio regulatory field;

c) that the Additional Plenipotentiary Conference (Geneva, 1992) recognized Nos. 78 and 104 of the Constitution as an initial allocation of work between the Radiocommunication (ITU-R) and Telecommunication Standardization (ITU-T) Sectors and outlined general principles and guidelines pertaining to the allocation of work between ITU-R and ITU-T;

d) that, in application of instructions handed down by the Additional Plenipotentiary Conference (Geneva, 1992), the World Telecommunication Standardization Conference (Helsinki, 1993) and the Radiocommunication Assembly (Geneva, 1993) adopted resolutions that establish procedures for ongoing review and, as appropriate, allocation of work, in order to achieve goals in terms of effectiveness and efficiency;

e) the need to involve all interested participants of ITU-R and ITU-T in this ongoing review;

f) that, when implementing this resolution, questions that may have implications for the International Telecommunication Regulations and the Radio Regulations require a more cautious approach.

Resolves

1 that the current process, in conformity with the relevant resolutions of the world telecommunication standardization conference and the radiocommunication assembly which provide for ongoing review of new and existing work and its allocation to ITU-R and ITU-T, shall be maintained;

2 that changes in the allocation of work between ITU-R and ITU-T on matters that may be related to the International Telecommunication Regulations or the Radio Regulations shall not be considered within that process.

[1] Available online: https://www.itu.int/net/about/basic-texts/index.aspx (last accessed: 03 January 2011).

Appendix B

Relevant excerpts of the convention on international civil aviation (Signed at Chicago, on 7 December 1944) – Chicago convention

Excerpts from Part I: Air navigation

Chapter I: General principles and application of the convention

Article 1

Sovereignty

The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

Article 3

Civil and State aircraft

(a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to State aircraft.
(b) Aircraft used in military, customs and police services shall be deemed to be State aircraft.
(c) No State aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.
(d) The contracting States undertake, when issuing regulations for their State aircraft, that they will have due regard for the safety of navigation of civil aircraft.

Article 3*bis*

(a) The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of

interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations.

(b) The contracting States recognize that every State, in the exercise of its sovereignty, is entitled to require the landing at some designated airport of a civil aircraft flying above its territory without authority or if there are reasonable grounds to conclude that it is being used for any purpose inconsistent with the aims of this Convention; it may also give such aircraft any other instructions to put an end to such violations. For this purpose, the contracting States may resort to any appropriate means consistent with relevant rules of international law, including the relevant provisions of this Convention, specifically paragraph (a) of this Article. Each contracting State agrees to publish its regulations in force regarding the interception of civil aircraft.

(c) Every civil aircraft shall comply with an order given in conformity with paragraph (b) of this Article. To this end each contracting State shall establish all necessary provisions in its national laws or regulations to make such compliance mandatory for any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State. Each contracting State shall make any violation of such applicable laws or regulations punishable by severe penalties and shall submit the case to its competent authorities in accordance with its laws or regulations.

(d) Each contracting State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of this Convention. This provision shall not affect paragraph (a) or derogate from paragraphs (b) and (c) of this Article.

Article 11

Applicability of air regulations

Subject to the provisions of this Convention, the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

Article 12

Rules of the air

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

Article 25

Aircraft in distress

Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention.

Article 26

Investigation of accidents

In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

Article 31

Certificates of airworthiness

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

Article 32

Licenses of personnel

a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.
b) Each contracting State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another contracting State.

Article 33

Recognition of certificates and licenses

Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention.

Article 34

Journey log books

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time pursuant to this Convention.

Chapter VI: International standards and recommended practices

Article 37

Adoption of international standards and procedures

Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:

(a) Communications systems and air navigation aids, including ground marking;
(b) Characteristics of airports and landing areas;
(c) Rules of the air and air traffic control practices;
(d) Licensing of operating and mechanical personnel;
(e) Airworthiness of aircraft;
(f) Registration and identification of aircraft;
(g) Collection and exchange of meteorological information;
(h) Log books;
(i) Aeronautical maps and charts;
(j) Customs and immigration procedures;
(k) Aircraft in distress and investigation of accidents;

and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.

Article 38

Departure from international standards and procedures

Any State which finds it impracticable to comply in all respects with any such international standards or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within 60 days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other States of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

Article 39

Endorsement of certificates and licenses

(a) Any aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to

satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed.

(b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.

Article 40

Validity of endorsed certificates and licenses

No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported.

Article 41

Recognition of exiting standards of airworthiness

The provisions of this Chapter shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

Article 42

Recognition of exiting standards of competency of personnel

The provisions of this Chapter shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel whose licenses remain valid five years after the date of adoption of such standard.

Excerpts from Part II: The international civil aviation organization

Chapter VII: The organization

Article 44

Objectives

The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

(a) Insure the safe and orderly growth of international civil aviation throughout the world;
(b) Encourage the arts of aircraft design and operation for peaceful purposes;
(c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;
(d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;
(e) Prevent economic waste caused by unreasonable competition;
(f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;
(g) Avoid discrimination between contracting States;
(h) Promote safety of flight in international air navigation;
(i) Promote generally the development of all aspects of international civil aeronautics.

Excerpts from Part III: International air transport

Chapter XIV: Information and reports

Article 67

File reports with Council

Each contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics and financial statements showing among other things all receipts and the sources thereof.

Chapter XV: Airports and other air navigation facilities

Article 69

Improvement of air navigation facilities

If the Council is of the opinion that the airports or other air navigation facilities, including radio and meteorological services, of a contracting State are not reasonably adequate for the safe, regular, efficient, and economical operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose. No contracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

Article 71

Provision and maintenance of facilities by Council

If a contracting State so requests, the Council may agree to provide, man, maintain, and administer any or all of the airports and other air navigation facilities, including radio and meteorological services, required in its territory for the safe, regular, efficient and economical operation of the international air services of the other contracting States, and may specify just and reasonable charges for the use of the facilities provided.

Relevant excerpts from Annex 1 to Chicago convention – personnel licensing

Chapter 1: Definitions and general rules concerning licences (excerpts)

1.2 General rules concerning licences

Note 2. – International Standards and Recommended Practices are established for licensing the following personnel:

a) Flight crew

- private pilot – aeroplane, airship, helicopter or powered-lift;
- commercial pilot – aeroplane, airship, helicopter or powered-lift;

- multi-crew pilot – aeroplane;
- airline transport pilot – aeroplane, helicopter or powered-lift;
- glider pilot;
- free balloon pilot;
- flight navigator;
- flight engineer.

b) Other personnel

- aircraft maintenance (technician/engineer/mechanic);
- air traffic controller;
- flight operations officer/flight dispatcher;
- aeronautical station operator.

1.2.1 Authority to act as a flight crew member
A person shall not act as a flight crew member of an aircraft unless a valid licence is held showing compliance with the specifications of this Annex and appropriate to the duties to be performed by that person. The licence shall have been issued by the State of Registry of that aircraft or by any other Contracting State and rendered valid by the State of Registry of that aircraft.

1.2.2.3 **Recommendation** – *A pilot licence issued by a Contracting State should be rendered valid by other Contracting States for use in private flights.*

1.2.4 Medical fitness

1.2.4.1 An applicant for a licence shall, when applicable, hold a Medical Assessment issued in accordance with the provisions of Chapter 6.

1.2.5 Validity of licences

1.2.5.1 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.

1.2.5.1.1 **Recommendation** – A Contracting State should establish maintenance of competency and recent experience requirements for pilot licences and ratings based on a systematic approach to accident prevention and should include a risk assessment process and analysis of current operations, including accident and incident data appropriate to that State.

Chapter 2: Licences and Ratings for Pilots (Excerpts)

2.1 General rules concerning pilot licences and ratings

2.1.1 General licensing specifications

2.1.1.1 A person shall not act either as pilot-in-command or as co-pilot of an aircraft in any of the following categories unless that person is the holder of a pilot licence issued in accordance with the provisions of this Chapter:

– aeroplane
– airship of a volume of more than 4600 cubic metres
– free balloon
– glider
– helicopter
– powered-lift.

2.4 Commercial pilot licence

2.4.1 General requirements for the issue of the licence appropriate to the aeroplane, airship, helicopter and powered-lift categories.

2.4.1.1 *Age*
The applicant shall be not less than 18 years of age.

2.4.1.2 *Knowledge*
The applicant shall have demonstrated a level of knowledge appropriate to the privileges granted to the holder of a commercial pilot licence and appropriate to the category of aircraft intended to be included in the licence, in at least the following subjects:

Air law

a) rules and regulations relevant to the holder of a commercial pilot licence; rules of the air; appropriate air traffic services practices and procedures;

Aircraft general knowledge for aeroplanes, airships, helicopters and powered-lifts

b) principles of operation and functioning of powerplants, systems and instruments;

c) operating limitations of the relevant category of aircraft and powerplants; relevant operational information from the flight manual or other appropriate document;

d) use and serviceability checks of equipment and systems of appropriate aircraft;

e) maintenance procedures for airframes, systems and powerplants of appropriate aircraft;

Flight performance, planning and loading

h) effects of loading and mass distribution on aircraft handling, flight characteristics and performance; mass and balance calculations;

i) use and practical application of take-off, landing and other performance data;

j) pre-flight and en-route flight planning appropriate to commercial operations under VFR; preparation and filing of air traffic services flight plans; appropriate air traffic services procedures; altimeter setting procedures;

k) in the case of airships, helicopters and powered-lifts, effects of external loading on handling;

Human performance

l) human performance including principles of threat and error management;

Meteorology

m) interpretation and application of aeronautical meteorological reports, charts and forecasts; use of, and procedures for obtaining, meteorological information, pre-flight and in-flight; altimetry;

n) aeronautical meteorology; climatology of relevant areas in respect of the elements having an effect upon aviation; the movement of pressure systems, the structure of fronts, and the origin and characteristics of significant weather phenomena which affect take-off, en-route and landing conditions;

o) causes, recognition and effects of icing; frontal zone penetration procedures; hazardous weather avoidance;

Navigation

p) air navigation, including the use of aeronautical charts, instruments and navigation aids; an understanding of the principles and characteristics of appropriate navigation systems; operation of airborne equipment;

Operational procedures

r) application of threat and error management to operational performance;

u) appropriate precautionary and emergency procedures;
v) operational procedures for carriage of freight; potential hazards associated with dangerous goods;

Principles of flight

y) principles of flight;

Radiotelephony

z) communication procedures and phraseology as applied to VFR operations; action to be taken in case of communication failure.

2.4.1.3 *Skill*

The applicant shall have demonstrated the ability to perform as pilot-in-command of an aircraft within the appropriate category of aircraft, the procedures and manoeuvres described in 2.4.3.2 or 2.4.4.2 or 2.4.5.2 or 2.4.6.2 with a degree of competency appropriate to the privileges granted to the holder of a commercial pilot licence, and to:

a) recognize and manage threats and errors;
b) operate the aircraft within its limitations;
c) complete all manoeuvres with smoothness and accuracy;
d) exercise good judgement and airmanship;
e) apply aeronautical knowledge; and
f) maintain control of the aircraft at all times in a manner such that the successful outcome of a procedure or manoeuvre is assured.

2.4.1.4 *Medical fitness*

The applicant shall hold a current Class 1 Medical Assessment.

2.4.3.2 *Flight instruction*

The applicant shall have received dual instruction in aeroplanes appropriate to the class and/or type rating, sought from an authorized flight instructor.

Relevant excerpts from Annex 6 to the Chicago convention – operation of aircraft

Chapter 3: General (excerpts)

3.1 Compliance with laws, regulations and procedures

3.1.1 An operator shall ensure that all employees when abroad know that they must comply with the laws, regulations and procedures of those States in which operations are conducted.

3.1.2 An operator shall ensure that all pilots are familiar with the laws, regulations and procedures, pertinent to the performance of their duties, prescribed for the areas to be traversed, the aerodromes to be used and the air navigation facilities relating thereto. The operator shall ensure that other members of the flight crew are familiar with such of these laws, regulations and procedures as are pertinent to the performance of their respective duties in the operation of the aeroplane.

3.2 Safety management

3.2.1 States shall establish a safety programme in order to achieve an acceptable level of safety in the operation of aircraft.

3.2.2 The acceptable level of safety to be achieved shall be established by the State(s) concerned.

3.2.3 **Recommendation** – States should require, as part of their safety programme, that an operator implement a safety management system acceptable to the State of the Operator that, as a minimum:

a) identifies safety hazards;
b) ensures that remedial action necessary to maintain an acceptable level of safety is implemented;
c) provides for continuous monitoring and regular assessment of the safety level achieved; and
d) aims to make continuous improvement to the overall level of safety.

3.2.4 From 1 January 2009, States shall require, as part of their safety programme, that an operator implement a safety management system acceptable to the State of the Operator that, as a minimum:

a. identifies safety hazards;
b. ensures that remedial action necessary to maintain an acceptable level of safety is implemented;
c. provides for continuous monitoring and regular assessment of the safety level achieved and
d. aims to make continuous improvement to the overall level of safety.

3.2.5 A safety management system shall clearly define lines of safety accountability throughout the operator's organization, including a direct accountability for safety on the part of senior management.

3.2.6 **Recommendation** – An operator of an aeroplane of a certificated take-off mass in excess of 20,000 kg should establish and maintain a flight data analysis programme as part of its safety management system.

3.2.7 An operator of an aeroplane of a maximum certificated take-off mass in excess of 27,000 kg shall establish and maintain a flight data analysis programme as part of its safety management system.

3.2.8 A flight data analysis programme shall be non-punitive and contain adequate safeguards to protect the source(s) of the data.

3.2.9 An operator shall establish a flight safety documents system, for the use and guidance of operational personnel, as part of its safety management system.

Chapter 4: Flight Operations (excerpts)

4.1 Operating facilities

4.1.1 An operator shall ensure that a flight will not be commenced unless it has been ascertained by every reasonable means available that the ground and/or water facilities available and directly required on such flight, for the safe operation of the aeroplane and the protection of the passengers, are adequate for the type of operation under which the flight is to be conducted and are adequately operated for this purpose.

4.1.2 An operator shall ensure that any inadequacy of facilities observed in the course of operations is reported to the authority responsible for them, without undue delay.

4.1.3 Subject to their published conditions of use, aerodromes and their facilities shall be kept continuously available for flight operations during their published hours of operations, irrespective of weather conditions.

4.2 Operational certification and supervision

4.2.1 The air operator certificate

4.2.1.1 An operator shall not engage in commercial air transport operations unless in possession of a valid air operator certificate issued by the State of the Operator.

4.2.1.2 The air operator certificate shall authorize the operator to conduct commercial air transport operations in accordance with specified authorizations, conditions and limitations.

4.2.1.3 Contracting States shall recognize as valid an air operator certificate issued by another Contracting State, provided that the requirements under which the certificate was issued are at least equal to the applicable Standards specified in this Annex.

4.2.1.4 The issue of an air operator certificate by the State of the Operator shall be dependent upon the operator demonstrating an adequate organization, method of control and supervision of flight operations, training programme as well as ground handling and maintenance arrangements consistent with the nature and extent of the operations specified.

4.2.1.5 The continued validity of an air operator certificate shall depend upon the operator maintaining the requirements of 4.2.1.4 under the supervision of the State of the Operator.

4.2.1.6 The air operator certificate shall contain at least the following:

a) operator's identification (name, location);
b) date of issue and period of validity;
c) description of the types of operations authorized;
d) the type(s) of aircraft authorized for use; and
e) authorized areas of operation or routes.

4.2.1.7 The State of the Operator shall establish a system for both the certification and the continued surveillance of the operator in accordance with Appendix 5 to ensure that the required standards of operations established in 4.2 are maintained.

Relevant excerpts from Annex 8 to the Chicago convention: airworthiness of aircraft

Chapter 1: Type Certification (excerpts)

1.1 Applicability

The Standards of this chapter shall be applicable to all aircraft of types for which the application for certification was submitted to a Contracting State on or after 13 June 1960, except that the provisions of 1.4 of this part shall only be applicable to an aircraft type for which an application for a Type Certificate is submitted to the State of Design on or after 2 March 2004.

1.2 Design aspects of the appropriate airworthiness requirements

1.2.1 The design aspects of the appropriate airworthiness requirements, used by a Contracting State for type certification in respect of a class of aircraft or for any change to such type certification, shall be such that compliance with them will ensure compliance with the Standards of Part II of this Annex and, where applicable, with the Standards of Parts IIIA, IIIB and IV of this Annex.

1.2.2 The design shall not have any features or characteristics that render it unsafe under the anticipated operating conditions.

1.2.3 Where the design features of a particular aircraft render any of the design aspects of the appropriate airworthiness requirements or the Standards in Parts IIIA, IIIB and IV inappropriate, the Contracting State shall apply appropriate requirements that will give at least an equivalent level of safety.

1.2.4 Where the design features of a particular aircraft render any of the design aspects of the appropriate airworthiness requirements or the Standards in Parts IIIA, IIIB and IV inadequate, additional requirements that are considered by the Contracting State to give at least an equivalent level of safety shall be applied.

1.3 Proof of compliance with the appropriate airworthiness requirements

1.3.1 There shall be an approved design consisting of such drawings, specifications, reports and documentary evidence as are necessary to define the design of the aircraft and to show compliance with the design aspects of the appropriate airworthiness requirements.

1.3.2 The aircraft shall be subjected to such inspections and ground and flight tests as are deemed necessary by the State to show compliance with the design aspects of the appropriate airworthiness requirements.

1.3.3 In addition to determining compliance with the design aspects of the appropriate airworthiness requirements for an aircraft, Contracting States shall take whatever other steps they deem necessary to ensure that the design approval is withheld if the aircraft is known or suspected to have dangerous features not specifically guarded against by those requirements.

1.3.4 A Contracting State issuing an approval for the design of a modification, of a repair or of a replacement part shall do so on the basis of satisfactory evidence that the aircraft is in compliance with the airworthiness requirements used for the issuance of the Type Certificate, its amendments or later requirements when determined by the State.

1.4 Type Certificate

1.4.1 The State of Design, upon receipt of satisfactory evidence that the aircraft type is in compliance with the design aspects of the appropriate airworthiness requirements, shall issue a Type Certificate to define the design and to signify approval of the design of the aircraft type.

1.4.2 When a Contracting State, other than the State of Design, issues a Type Certificate for an aircraft type, it shall do so on the basis of satisfactory evidence that the aircraft type is in compliance with the design aspects of the appropriate airworthiness requirements.

Chapter 2: Production (excerpts)

2.1 Applicability

The Standards of this chapter are applicable to all aircraft.

2.2 Production

2.2.1 Aircraft production

The State of Manufacture shall ensure that each aircraft, including parts manufactured by sub-contractors, conforms to the approved design.

2.2.2 Parts production

The Contracting State taking responsibility for the production of parts manufactured under the design approval referred to in 1.3.4 of Part II shall ensure that the parts conform to the approved design.

2.2.3 Production control
When approving production of aircraft or aircraft parts, a Contracting State shall ensure that it is performed in a controlled manner including the use of a quality system so that construction and assembly are satisfactory.

2.2.4 Traceability
Records shall be maintained such that the identification of the aircraft and of the parts with their approved design and production can be established.

Chapter 3: Certificate of Airworthiness (excerpts)

3.1 Applicability

The Standards of this chapter are applicable in respect of all aircraft, except 3.3 and 3.4 which are not applicable in respect of all aircraft that are of a type of which the prototype was submitted to appropriate national authorities for certification before 13 June 1960.

3.2 Issuance and continued validity of a Certificate of Airworthiness

3.2.1 A Certificate of Airworthiness shall be issued by a Contracting State on the basis of satisfactory evidence that the aircraft complies with the design aspects of the appropriate airworthiness requirements.

3.2.2 A Contracting State shall not issue or render valid a Certificate of Airworthiness for which it intends to claim recognition pursuant to Article 33 of the Convention on International Civil Aviation unless it has satisfactory evidence that the aircraft complies with the applicable Standards of this Annex through compliance with appropriate airworthiness requirements.

3.2.3 A Certificate of Airworthiness shall be renewed or shall remain valid, subject to the laws of the State of Registry, provided that the State of Registry shall require that the continuing airworthiness of the aircraft shall be determined by a periodical inspection at appropriate intervals having regard to lapse of time and type of service or, alternatively, by means of a system of inspection, approved by the State, that will produce at least an equivalent result.

3.4 Aircraft limitations and information

Each aircraft shall be provided with a flight manual, placards or other documents stating the approved limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements and additional instructions and information necessary for the safe operation of the aircraft.

Part III: Large aeroplanes

Part IIIA: Aeroplanes over 5700 kg for which application for certification was submitted on or after 13 June 1960 but before 2 March 2004

Chapter 1: General (excerpts)

1.4 Unsafe features and characteristics

The aeroplane shall not possess any feature or characteristic that renders it unsafe under the anticipated operating conditions.

1.5 Proof of compliance

1.5.1 Compliance with the appropriate airworthiness requirements shall be based on evidence either from tests, calculations, or calculations based on tests, provided that in each case the accuracy achieved will ensure a level of airworthiness equal to that which would be achieved were direct tests conducted.

1.5.2 The tests of 1.5.1 shall be such as to provide reasonable assurance that the aeroplane, its components and equipment are reliable and function correctly under the anticipated operating conditions.

Chapter 2: Flight (excerpts)

2.1 General

2.1.1 Compliance with the Standards prescribed in Chapter 2 shall be established by flight or other tests conducted upon an aeroplane or aeroplanes of the type for which a Certificate of Airworthiness is sought, or by calculations based on such tests, provided that the results obtained by calculations are equal in accuracy to, or conservatively represent, the results of direct testing.

2.2 Performance

2.2.1 General

2.2.1.1 Sufficient data on the performance of the aeroplane shall be determined and scheduled in the flight manual to provide operators with the necessary information for the purpose of determining the total mass of the

aeroplane on the basis of the values, peculiar to the proposed flight, of the relevant operational parameters, in order that the flight may be made with reasonable assurance that a safe minimum performance for that flight will be achieved.

2.2.1.2 The performance scheduled for the aeroplane shall take into consideration human performance and in particular shall not require exceptional skill or alertness on the part of the flight crew.

2.3 Flying qualities

The aeroplane shall comply with the Standards of 2.3 at all altitudes up to the maximum anticipated altitude relevant to the particular requirement in all temperature conditions relevant to the altitude in question and for which the aeroplane is approved.

2.3.1 Controllability

The aeroplane shall be controllable and manoeuvrable under all anticipated operating conditions, and it shall be possible to make smooth transitions from one flight condition to another (e.g. turns, sideslips, changes of engine power, changes of aeroplane configurations) without requiring exceptional skill, alertness or strength on the part of the pilot even in the event of failure of any power-unit. A technique for safely controlling the aeroplane shall be established for all stages of flight and aeroplane configurations for which performance is scheduled.

Chapter 3: Structures (excerpts)

3.1 General

The Standards of Chapter 3 apply to the aeroplane structure consisting of all portions of the aeroplane, the failure of which would seriously endanger the aeroplane.

Chapter 4: Design and Construction (excerpts)

4.1 General

Details of design and construction shall be such as to give reasonable assurance that all aeroplane parts will function effectively and reliably in the anticipated operating conditions. They shall be based upon practices that experience has proven to be satisfactory or that are substantiated by special

tests or by other appropriate investigations or both. They shall observe Human Factors principles.

4.1.1 Substantiating tests
The functioning of all moving parts essential to the safe operation of the aeroplane shall be demonstrated by suitable tests in order to ensure that they will function correctly under all operating conditions for such parts.

4.1.2 Materials
All materials used in parts of the aeroplane essential for its safe operation shall conform to approved specifications. The approved specifications shall be such that materials accepted as complying with the specifications will have the essential properties assumed in the design.

4.1.3 Fabrication methods
The methods of fabrication and assembly shall be such as to produce a consistently sound structure which shall be reliable with respect to maintenance of strength in service.

4.1.4 Protection
The structure shall be protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion or other causes, which could pass unnoticed, taking into account the maintenance the aeroplane will receive.

4.1.5 Inspection provisions
Adequate provision shall be made to permit any necessary examination, replacement or reconditioning of parts of the aeroplane that require such attention, either periodically or after unusually severe operations.

Chapter 8: Instruments and Equipment (excerpts)

8.1 Required instruments and equipment
The aeroplane shall be provided with approved instruments and equipment necessary for the safe operation of the aeroplane in the anticipated operating conditions. These shall include the instruments and equipment necessary to enable the crew to operate the aeroplane within its operating limitations.

8.3 Safety and survival equipment

Prescribed safety and survival equipment that the crew or passengers are expected to use or operate at the time of an emergency shall be reliable, readily accessible and easily identified, and its method of operation shall be plainly marked.

Chapter 10: Continuing Airworthiness – Maintenance Information (excerpts)

10.1 General

Information for use in developing procedures for maintaining the aeroplane in an airworthy condition shall be made available. The information shall include that described in 10.2, 10.3 and 10.4.

10.2 Maintenance information

Maintenance information shall include a description of the aeroplane and recommended methods for the accomplishment of maintenance tasks. Such information shall include guidance on defect diagnosis.

10.3 Maintenance programme information

Maintenance programme information shall include the maintenance tasks and the recommended intervals at which these tasks are to be performed.

10.4 Maintenance information resulting from the type design approval

Maintenance tasks and frequencies that have been specified as mandatory by the State of Design in approval of the type design shall be identified as such.

Appendix C

Model code of conduct for space-faring nations[2]

Released by the Stimson Centre on October 24, 2007

Central Objective of this Code of Conduct

To preserve and advance the peaceful exploration and use of outer space.

Preamble

We the undersigned;

Recognizing the common interest of all humankind in achieving progress in the exploration and use of outer space for peaceful purposes;

Reaffirming the crucial importance of outer space for global economic progress, commercial advancement, scientific research, sustainable development, as well as national, regional and international security;

Desiring to prevent conflict in outer space;

Reaffirming our commitment to the United Nations Charter;

Taking into consideration the salience of Article 2(4) of the Charter, which obliges all members to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations;

Taking special account of Article 42 of the Charter, under which the United Nations Security Council may mandate action by air, sea or land forces as may be necessary to maintain or restore international peace and security;

Recognizing the inherent right of self-defense of all states under Article 51 of the Charter;

Reinforcing the principles of the Outer Space Treaty of 1967, including:

- the exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries,

- outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law;
- outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means, in the exploration and use of outer space, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space with due regard to the corresponding interests of all other States Parties to the Treaty;
- State Parties to the Treaty undertake not to place in orbit around the Earth any objects carrying weapons of mass destruction;
- the moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes.

Recalling the importance of space assets for non-proliferation, disarmament and arms control treaties, conventions and regimes;

Recognizing that harmful actions against space objects would have injurious consequences for international peace, security and stability;

Encouraging signature, ratification, accession, and adherence to all legal instruments governing outer space, including:

- 1967 Outer Space Treaty
- 1968 Rescue Agreement
- 1972 Liability Convention
- 1976 Registration Convention
- 1984 Moon Agreement

Recognizing the value of mechanisms currently in place related to outer space, including the 1994 Constitution of International Telecommunications Union; the 1963 Partial Test Ban Treaty; the 1988 Intermediate-Range Nuclear Forces Treaty; the 1994 Strategic Arms Reduction Treaty; and the 2003 Treaty on Strategic Offensive Reductions;

Recognizing the dangers posed by space debris for safe space operations and recognizing the importance of the 2007 Space Debris Mitigation Guidelines of the Scientific and Technical Sub-committee of the Committee on the Peaceful Uses of Outer Space;

Recognizing the importance of a space traffic management system to assist in the safe and orderly operation of outer space activities;

Believing that universal adherence to this Code of Conduct does not in any way diminish the need for additional international legal instruments that preserve, advance and guarantee the exploration and use of outer space for peaceful purposes; Declare the following rights and responsibilities:

Rights of Space-Faring States:

1. The right of access to space for exploration or other peaceful purposes.
2. The right of safe and interference-free space operations, including military support functions.
3. The right of self-defense as enumerated in the Charter of the United Nations.
4. The right to be informed on matters pertaining to the objectives and purposes of this Code of Conduct.
5. The right of consultation on matters of concern and the proper implementation of this Code of Conduct.

Responsibilities of Space-Faring States:

1. The responsibility to respect the rights of other space-faring states and legitimate stakeholders.
2. The responsibility to regulate stakeholders that operate within their territory or that use their space launch services in conformity with the objectives and purposes of this Code of Conduct.
3. Each state has the responsibility to regulate the behavior of its nationals in conformity with the objectives and purposes of this Code of Conduct, wherever those actions occur.
4. The responsibility to develop and abide by rules of safe space operation and traffic management.
5. The responsibility to share information related to safe space operations and traffic management and to enhance cooperation on space situational awareness.
6. The responsibility to mitigate and minimize space debris in accordance with the best practices established by the international community in such agreements as the Inter-Agency Debris Coordination Committee guidelines and guidelines of the Scientific and Technical Sub-committee of the United Nations Committee on the Peaceful Uses of Outer Space.
7. The responsibility to refrain from harmful interference against space objects.
8. The responsibility to consult with other space-faring states regarding activities of concern in space and to enhance cooperation to advance the objectives and purposes of this Code of Conduct.

9. The responsibility to establish consultative procedures to address and resolve questions relating to compliance with this Code of Conduct, and to agree upon such additional measures as may be necessary to improve the viability and effectiveness of this Code of Conduct.

The Model Code of Conduct was completed by experts from NGOs in Canada, France, Japan, Russia and the United States in October 2007. The group included Setsuko Aoki of Keio University, Alexei Arbatov of the Carnegie Moscow Center, Vladimir Dvorkin of the Center for Policy Studies in Russia, Trevor Findlay of the Canadian Centre for Treaty Compliance, Katsuhisa Furukawa of the Japan Science and Technology Agency, Scott Lofquist-Morgan of the Canadian Centre for Treaty Compliance, Laurence Nardon of the French Institute of International Relations, and Sergei Oznobistchev of the Institute of Strategic Studies and Analysis. NGO participants worked on this project in a personal capacity. Their support for the model Code of Conduct therefore does not reflect endorsements by their institutions or governments.

[2] Available at: http://www.stimson.org/books-reports/model-code-of-conduct-for-space-faring-nations/ (last accessed: 03 January 2011).

About the editors

Prof. Ram S. Jakhu has over 25 years of experience in space-related fields. He holds a position of Associate Professor at the Institute of Air and Space Law, Faculty of Law, of McGill University in Montreal, Canada, where he teaches several courses covering numerous subjects including, *inter alia*, public international law, international and national space law and policy, international trade, export controls, space applications, space commercialization, and telecommunications. From January 1995 to December 1998, Dr. Jakhu served the International Space University, Strasbourg, France, in a full-time capacity holding various titles, including Professor and first Director of the Master of Space Studies Programme. He has authored more than sixty articles in several reputed journals, and edited two books on "Space Safety Regulations and Standards" and "National Regulation of Space Activities." He has presented numerous papers and expert legal opinions at various conferences around the world and participated in several space-related studies. Prof. Jakhu is a "Fellow" as well as the Chairman of the Legal and Regulatory Committee of the International Association for the Advancement of Space Safety. He is a Member of the Board of Directors of the International Institute of Space law of the International Astronautical Federation (Paris). In 2007, he received a "Distinguished Service Award" from the International Institute of Space Law for his significant contribution to the development of space law. He holds a Doctor of Civil Law (Dean's Honours List) degree in Space Law from McGill University and a Master of Law (LL.M.) degree in the field of Air and Space Law from McGill University. In addition, he has earned LL.M. (in Public and Private International Law), LL.B. (in Laws of India) and Bachelor of Arts (in Economics and Political Science) degrees from Panjab University, Chandigarh, India.

Tommaso Sgobba holds an M.S. in Aeronautical Engineering from the Polytechnic of Turin (I), where he has been also professor of space system safety (1999–2001). T. Sgobba has over 33 years of experience in the aerospace industry. He is currently a staff member of the European Space Agency in charge of flight

safety for manned systems, spacecraft re-entries safety, space debris, use of nuclear power sources, and planetary protection. T. Sgobba joined the European Space Agency in 1989, after thirteen years in the aeronautical industry. Initially, he supported the development of the Ariane 5 launcher, of Earth observation and meteorological satellites, and the early Hermes space plane phase. Later, he became product assurance and safety manager for all European manned missions on Shuttle, MIR station, and for the European research facilities for the International Space Station. During his long and close cooperation with the NASA Shuttle/ISS Payload Safety Review Panel, T. Sgobba developed at ESA the safety technical and organizational capabilities that eventually led to the establishment of the first ESA formal safety review panel and first International Partner ISS Payload Safety Review Panel in 2002. He was also instrumental in setting up the ESA ATV Re-entry Safety Panel and to organize the first scientific observation campaign of a destructively re-entering spacecraft (ATV- Jules Verne). T. Sgobba has published several papers on space safety, and has co-edited the text book "Safety Design for Space Systems", published in 2009 by Elsevier. Mr. Sgobba received NASA recognition for his outstanding contribution to the International Space Station in 2004, and the prestigious NASA Space Flight Awareness (SFA) Award in 2007. T. Sgobba is President and co-founder of the IAASS (International Association for the Advancement of Space Safety). He is also vice-president and co-founder of the U.S. based International Space Safety Foundation (ISSF).

Dr. Paul Stephen Dempsey is Tomlinson Professor of Global Governance in Air and Space Law and Director of the Institute of Air and Space Law at McGill University, in Montreal, Canada. From 1979 to 2002, he held the endowed chair as Professor of Transportation Law and Director of the Transportation Law Programme at the University of Denver. He was also Director of the National Center for Intermodal Transportation. From 1975 to 1979, he served as an attorney with the Civil Aeronautics Board and the Interstate

Commerce Commission in Washington, D.C., and in 1981–81 he was Legal Advisor to the Chairman of the I.C.C. Professor Dempsey has written nearly 100 law review and professional journal articles, scores of newspaper and news magazine editorials, and twenty books. Dr. Dempsey holds the following degrees: Bachelor of Arts (1972), Juris Doctor (1975), University of Georgia; Master of Laws (1978), George Washington University; Doctor of Civil Laws (1986), McGill University. He is admitted to practice law in Colorado, Georgia and the District of Columbia. Professor Dempsey was a Fulbright Scholar, was awarded the Transportation Lawyers Association Distinguished Service Award, and was designated the University of Denver's Outstanding Scholar. He was the first individual designated the University of Denver's Hughes Research Professor and DePaul University's Distinguished Visiting Professor of Law. The Colorado transportation community named him "Educator of the Year", and inducted him into the Colorado Aerospace Hall of Fame. From 1979 to 2002, he was faculty editor of the Transportation Law Journal. He also served on the Editorial Boards of the Denver Business Journal, and The Aviation Quarterly (Lloyds, London).

International Association for the Advancement of Space Safety

The International Association for the Advancement of Space Safety (IAASS), legally established 16 April 2004 in the Netherlands, is a non-profit organization dedicated to furthering international cooperation and scientific advancement in the field of space systems safety. IAASS membership is open to anyone having a professional interest in space safety. For more information, visit: http://www.iaass.org/.

Institute of Air and Space Law, McGill University

In 1951, McGill University established the Institute of Air and Space Law (IASL) to provide graduate legal education to students from around the world. In the ensuing half century, IASL has educated more than 900 students, who today occupy senior positions in some of the most well known law firms, corporations, governmental and intergovernmental institutions in more than 120 countries around the world. In 1996, on the occasion of its 45th anniversary, the Institute received the prestigious Edward Warner Award, the highest distinction in the field of civil aviation awarded by the Council of ICAO. The award was granted "in recognition of the Institute's significant contribution to the development of international air law". For more information, visit: http://www.mcgill.ca/iasl/.