

REPUBLIC OF SOUTH AFRICA

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**SOUTH AFRICAN MARITIME AND  
AERONAUTICAL SEARCH AND  
RESCUE BILL**

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*(As introduced in the National Assembly as a section 75 Bill; Bill published in Government Gazette No 22509 of 7 September 2001) (The English text is the official text of the Bill)*

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(MINISTER OF TRANSPORT)

[B 23—2002]

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# BILL

To incorporate the International Convention on Maritime Search and Rescue, 1979, and Annex 12 to the Convention on International Civil Aviation, 1944, into South African law; to establish the South African Maritime and Aeronautical Search and Rescue Organisation; and to provide for matters connected therewith.

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

## Definitions

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning is ascribed in the Conventions bears the same meaning and—
- “**aircraft**” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;
  - “**Department**” means the Department of Transport;
  - “**Director-General**” means the Director-General: Transport;
  - “**executive committee**” means the executive committee of SASAR contemplated in section 5(2)(a);
  - “**head of SASAR**” means an official of the Department appointed in terms of section 5(7)(a);
  - “**International Civil Aviation Organisation**” means the specialised agency of the United Nations responsible for formulating standards and recommended practices for the purposes of civilian international air transport, established in terms of Article 43 of the Convention on International Civil Aviation, in Chicago on 7 December 1944;
  - “**International Maritime Organisation**” means the specialised agency of the United Nations responsible for formulating standards for civilian maritime transport and for the safety of life at sea, established in terms of the Convention on International Maritime Organisation, in Geneva on 6 March 1948;
  - “**Minister**” means the Minister of Transport;
  - “**person**” includes any institution or organisation equipped to assist in a search and rescue operation, an organ of state, a government and an agency of the government of a foreign country;
  - “**prescribed**” means prescribed by regulation;
  - “**rescue**” includes the provision of the initial medical treatment of a person rescued;
  - “**rescue co-ordination centre**” means an institution responsible for promoting the efficient organisation of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;
  - “**rescue subcentre**” means a suitably appointed unit tasked to carry out duties of a rescue co-ordination centre in instances where the rescue co-ordination centre cannot exercise direct and effective control over search and rescue facilities in certain parts of a search and rescue region;
  - “**SASAR**” means the South African Search and Rescue Organisation established by section 4;

**“search and rescue region”** means a region contemplated in section 11(1)(c) in which the co-ordination of search and rescue operations is effected by a single rescue co-ordination centre;

**“the Conventions”** means—

(a) the International Convention on Maritime Search and Rescue adopted on 27 April 1979 by the Maritime Safety Committee of the International Maritime Organisation; and 5

(b) Annex 12 to the Convention on International Civil Aviation adopted on 7 December 1944 at Chicago;

**“this Act”** includes the regulations; 10

**“vessel”** means any water-navigable craft of any type, whether self-propelled or not.

### Principal objects of Act

2. (1) The principal objects of this Act are to—

(a) incorporate the Conventions into South Africa law; and 15

(b) establish the South African Search and Rescue Organisation to act on behalf of the Department as the authority responsible for the application of the Conventions as well as other conventions binding on the Republic regarding maritime and aeronautical search and rescue operations.

(2) For purposes of subsection (1)(b) the expression “other conventions” includes— 20

(a) the Convention on the High Seas, 1958; and

(b) the International Convention for the Safety of Life at Sea, 1974.

### Incorporation of Conventions

3. (1) The Conventions contained in Schedules 1 and 2 are hereby enacted into law in the Republic. 25

(2) (a) Subject to paragraph (b), the Minister may from time to time by notice in the *Gazette* amend Schedules 1 and 2 to reflect any changes made to the Conventions by the International Maritime Organisation or the International Civil Aviation Organisation, as the case may be.

(b) The Minister may only amend Schedules 1 and 2 if the changes made by the two Organisations are binding on the Republic in terms of section 231(2) of the Constitution or are self-executing as contemplated in section 231(4) of the Constitution. 30

### Establishment and object of South African Search and Rescue Organisation

4. (1) The South African Search and Rescue Organisation is hereby established.

(2) (a) The object of SASAR is to ensure a co-ordinated and effective maritime and aeronautical search and rescue service within the South African search and rescue regions. 35

(b) Any person appointed in terms of this Act or concerned with the carrying out of the provisions thereof must perform his or her functions pursuant to the object of SASAR.

### Composition of SASAR 40

5. (1) SASAR is made up of representatives from those government departments and commercial and voluntary organisations which are signatories to the SASAR manual, contemplated in section 15, and which are able to contribute services and facilities for use by SASAR, including representatives of—

(a) the Department; 45

(b) the South African Maritime Safety Authority;

(c) the South African Civil Aviation Authority;

(d) the Air Traffic and Navigation Services Company Limited;

(e) the South African National Defence Force;

(f) the South African Police Service; 50

(g) the National Port Authority;

- (h) the Department of Provincial and Local Government;
- (i) Telkom SA Limited.
- (2) SASAR has—
  - (a) an executive committee; 5
  - (b) a maritime committee; and
  - (c) an aeronautical committee.
- (3) The executive committee consists of—
  - (a) the persons appointed in terms of subsection (7); and
  - (b) if necessary, such other members as may be nominated by the head of SASAR, and appointed by the Director-General either permanently or on an *ad hoc* basis. 10
- (4) The executive committee must—
  - (a) determine and put into effect the policy of SASAR; and
  - (b) determine the size and composition of the other committees of SASAR depending on the areas of speciality of the different members of SASAR. 15
- (5) The maritime and the aeronautical committees must assess the policy of SASAR and make recommendations to the executive committee whenever any change is necessary.
- (6) The executive committee is accountable to the Minister and the other committees of SASAR are accountable to the executive committee. 20
- (7) The Director-General must appoint suitable persons from among the members of SASAR to serve as—
  - (a) the head of SASAR, who is the chairperson of the executive committee and responsible for search and rescue operations by SASAR;
  - (b) the head of aeronautical search and rescue operations who is the chairperson of the aeronautical committee; 25
  - (c) the head of maritime search and rescue operations, who is the chairperson of the maritime committee.
- (8) The different heads contemplated in subsection (7) must ensure that search and rescue operations are conducted in accordance with laid down standards and recommended practices as reflected in the SASAR Manual and as considered the norm in terms of international agreements. 30

### Functions of SASAR

- 6. (1) SASAR must within its means and capabilities co-ordinate its resources to—
  - (a) search for, assist and, where appropriate, effect a rescue operation for— 35
    - (i) survivors of aircraft crashes or forced landings;
    - (ii) the crew and passengers of vessels in distress;
    - (iii) survivors of maritime accidents or incidents; and
    - (iv) survivors of any military aircraft or vessel accident or incident if such aircraft or vessel is not engaged in an act of war; and 40
  - (b) co-ordinate the evacuation of a seriously injured or ill person from a vessel at sea where the person's condition is such that he or she must obtain medical treatment sooner than that vessel would be able to get him or her to a suitable medical facility.
- (2) The functions set out in subsection (1)(a) exclude salvage operations. 45
- (3) SASAR must perform its functions in a manner which promotes efficient, economic and effective use of all resources.
- (4) In performing its functions, SASAR must endeavour to co-operate with disaster management agencies established in terms of any law providing for the management of disasters. 50
- (5) SASAR may perform its functions outside the Republic.

### Meetings of SASAR

- 7. (1) SASAR must meet at such times as the executive committee may determine in order to—
  - (a) discuss proposals and take decisions regarding the effective application of this Act; 55

- (b) discuss possible proposals to the Minister regarding amendments to this Act;  
or
- (c) discuss any other matter which the executive committee deems necessary.

(2) The head of SASAR must preside at any meeting of SASAR.

(3) The executive committee must determine the rules of procedure at any meeting of SASAR. 5

### Meetings of committees

8. (1) The first meeting of any committee of SASAR after the commencement of this Act must be held at the time and place determined by the Director-General and all meetings thereafter must be held at the times and places that the committee determines. 10

(2) The chairperson of a committee may at any time call a special meeting of the committee to be held at the time and place determined by the chairperson.

(3) All members of a committee must be notified in writing of any meeting of that committee.

(4) A majority of the total number of members forms a quorum at any meeting of a committee and a decision agreed on by a majority of the members present at a duly constituted meeting of a committee is a decision of that committee. 15

(5) In the event of an equality of votes on any matter, the chairperson of the relevant meeting has a casting vote in addition to a deliberative vote.

(6) The chairperson of a committee must designate a person to act as chairperson if he or she is unable to act as chairperson. 20

(7) Each committee must meet at least twice a year.

### Personnel

9. All administrative work in connection with the performance of the functions of SASAR must be carried out by officers in the Department designated for that purpose by the Director-General. 25

### Search and rescue regions

10. (1) The Minister must, by notice in the *Gazette* as well as in relevant maritime and aeronautical publications, publish the search and rescue regions within which search and rescue services will be provided. 30

(2) The search and rescue regions contemplated in subsection (1) must cover the area of responsibility of the Republic laid down by the International Civil Aviation Organisation and the International Maritime Organisation.

### Rescue co-ordination centres and subcentres

11. (1) Subject to subsection (2), the Minister must designate— 35

- (a) organisations or institutions to act as maritime or aeronautical rescue co-ordination centres;
- (b) organisations or institutions to act as maritime or aeronautical rescue subcentres under the auspices of rescue co-ordination centres;
- (c) a maritime or aeronautical search and rescue region for which each rescue co-ordination centre is responsible; and 40
- (d) organisations or institutions to act as registrars and custodians of registers of emergency beacons contemplated in section 17.

(2) Any designation contemplated in subsection (1) must be—

- (a) done in accordance with an agreement reached with the applicable organisation or institution; and 45
- (b) published by the Minister by notice in the *Gazette* as well as in relevant maritime and aeronautical publications.

(3) The organisations or institutions designated in terms of subsection (1)(a) and (b) must, with the concurrence of the executive committee of SASAR, appoint their respective chiefs. 50

(4) Each chief of a rescue co-ordination centre or rescue subcentre must establish and preside over an operational committee to discuss, evaluate and effect operational procedures.

(5) Operational committees must consist of persons representing organisations controlling the resources available to that rescue co-ordination centre or rescue subcentre. 5

### **Functions of rescue co-ordination centres and subcentres**

**12.** (1) A chief of a rescue co-ordination centre or any person authorised by him or her is responsible for co-ordinating available resources for the purpose of searching, assisting and, where appropriate, effecting a rescue operation in its search and rescue region. 10

(2) A chief of a rescue subcentre must support the chief of a rescue co-ordination centre in carrying out assigned duties in a particular area or instance.

(3) The designation of a search and rescue region contemplated in section 11(1)(c) does not preclude a rescue co-ordination centre from— 15

- (a) operating in another region; or
- (b) performing the tasks of another rescue co-ordination centre.

### **Requisitioning of aircraft and vessels**

**13.** (1) Subject to subsection (2), the Minister may for purposes of any aeronautical or maritime search and rescue operation— 20

- (a) requisition any civil aircraft or vessel;
- (b) request the assistance of any military aircraft or vessel; or
- (c) instruct any holder of a South African flight or vessel crew licence to assist in the operation.

(2) In a case where the Minister contemplates requisitioning a civilian aircraft or vessel or instructing a civilian holder of a flight or vessel crew licence, the Minister may do so only if— 25

- (a) human life is in immediate and grave danger; and
- (b) there are no other means available to conduct the operation.

(3) Any person who, without lawful reason, fails to give effect to a requisition or to comply with an instruction contemplated in subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding five years. 30

### **Recovery of certain expenses**

**14.** If any search and rescue operation is undertaken by SASAR in connection with any occurrence caused by the unlawful act or omission of any person, the Minister may recover from that person the whole or any portion of the expenses incurred by SASAR in connection with that operation. 35

### **SASAR manual, and responsibilities of signatories thereto**

**15.** (1) SASAR must compile a manual regarding search and rescue services and operations and matters connected therewith and keep that manual up to date. 40

(2) The responsibilities of the signatories to the SASAR manual contemplated in section 5(1) must be set out in the manual and be executed in accordance with it.

### **Search and rescue measures regarding aircraft and vessels**

**16.** (1) Subject to this Act, any search and rescue action must be undertaken in accordance with the SASAR manual. 45

(2) Where an aircraft has failed to reach its destination or is reported missing, SASAR must forthwith institute search and rescue action if the flight plan was filed prior to departure and the flight in question was—

- (a) between aerodromes where air traffic services are provided, unless otherwise indicated on the flight plan or through aeronautical publications or notices;
  - (b) conducted in airspace within which air traffic control services are provided, except for flights crossing a route at right angles; or
  - (c) a flight to an aerodrome where air traffic services are not provided, if search and rescue action is specifically requested by the pilot-in-command. 5
- (3) Search and rescue action must be instituted in respect of all flights for which flight plans were filed in flight when such action is specifically requested by the pilot-in-command.
- (4) Search and rescue action may be instituted— 10
- (a) in respect of a flight for which no flight plan has been filed, when information that the aircraft is overdue or missing is received from any source;
  - (b) for any aircraft which is believed to be in need of assistance.
- (5) In an event contemplated in subsection (4), authorisation by the head of SASAR or his or her assignee must be obtained prior to the commencement of a search and rescue operation and he or she must be kept informed of the progress made and the termination of the search and rescue action. 15
- (6) SASAR must forthwith institute search and rescue action where a vessel is reported missing or in distress.

### **Registration of emergency beacons** 20

17. The owner of any aircraft or vessel registered or licensed in the Republic must register the emergency locator beacons of such aircraft or vessel, as the case may be, with the organisations or institutions designated in terms of section 11(1)(d).

### **Filing of disaster management and aerodrome emergency plans**

18. (1) All aerodrome managers must file their emergency plans and any amendments thereto with the aeronautical rescue co-ordination centre. 25
- (2) All heads of disaster management agencies established in terms of any law providing for the management of disasters must file their emergency plans in respect of aircraft incidents, and any amendments thereto, with the aeronautical rescue co-ordination centre. 30

### **Reporting of aircraft or vessel in distress**

19. (1) Any person who knows that an aircraft or vessel is in distress must report the occurrence at the police station nearest to that person or at such other office or facility as the executive committee may determine.
- (2) The Minister must publish the addresses and telephone numbers of the offices or facilities contemplated in subsection (1)— 35
- (a) by notice in the *Gazette*; and
  - (b) by means of the printed and electronic media so as to ensure wide publicity.
- (3) Any person who fails to report as contemplated in subsection (1) is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months. 40

### **Co-operation between aeronautical rescue co-ordination centre and maritime rescue co-ordination centre**

20. (1) The aeronautical rescue co-ordination centre and the maritime rescue co-ordination centre must exchange information freely and regularly to ensure effective and efficient provision of a search and rescue service. 45
- (2) The aeronautical rescue co-ordination centre and the maritime rescue co-ordination centre must, with the prior approval of the executive committee of SASAR, hold joint exercises at least once a year to—
- (a) foster and maintain close co-operation; and 50

(b) test SASAR's capability to deal with search and rescue operations of any magnitude.

(3) The exercises contemplated in subsection (2) may be extended to include search and rescue organisations or services of foreign countries.

(4) The head of SASAR must ensure that the exercises contemplated in subsection (3) are organised in conjunction with both the aeronautical rescue co-ordination centre and the maritime rescue co-ordination centre. 5

### Delegation and assignment

21. The Minister may—

- (a) delegate any power conferred or assign any duty imposed upon the Minister by this Act to an officer of the Department, except the power to publish notices or to make regulations; and 10
- (b) at any time, withdraw a delegation or assignment effected in terms of this section.

### Report 15

22. (1) SASAR must furnish the Minister with a report on its activities—

- (a) at least once a year; and
- (b) whenever required by the Minister.

(2) The Minister must table a copy of SASAR's annual report in Parliament within 30 days after it has been received by him or her if Parliament is then sitting and if Parliament is not sitting, within 14 days after the start of the next sitting. 20

### Regulations

23. (1) The Minister may, by notice in the *Gazette*, make regulations regarding—

- (a) the conditions which must be complied with when a person from another country which is a party to the conventions wishes to enter the Republic for purposes of any search and rescue operation; 25
- (b) anything which must or may be prescribed in terms of this Act;
- (c) any matter which it is necessary or expedient to prescribe for the effective carrying out or implementation of this Act.

(2) Any regulation made under subsection (1)(a) must be made with the concurrence of the Minister of Home Affairs. 30

### Transitional provisions

24. (1) Any person who occupied a post or served in a particular capacity in the institution known as the South African Search and Rescue Organisation immediately prior to the commencement of this Act continues to occupy or to serve in the corresponding post or capacity in SASAR. 35

(2) Any person who received any allowance, remuneration or other benefit or privilege by virtue of a post or capacity contemplated in subsection (1) must continue to receive such allowance, remuneration or other benefit or privilege from the same source and in the same manner after the commencement of this Act. 40

(3) Unless otherwise provided for in this Act, any committee or subcommittee of the institution known as the South African Search and Rescue Organisation which existed immediately prior to the commencement of this Act continues to exist as if it were a committee referred to in section 5(2).

(4) Anything done in terms of a law repealed by section 25 and which could have been done in terms of this Act, is regarded as having been done in terms of this Act. 45

**Repeal of legislation**

25. The laws mentioned in Schedule 3 are hereby repealed to the extent indicated in the third column of that Schedule.

**Short title**

26. This Act is called the South African Maritime and Aeronautical Search and Rescue Act, 2002. 5

**SCHEDULE 1**  
**(Section 3)**

**INTERNATIONAL CONVENTION ON  
MARITIME SEARCH AND RESCUE, 1979**

**THE PARTIES TO THE CONVENTION**

**NOTING** the great importance attached in several conventions to the rendering of assistance to persons in distress at sea and to the establishment by every coastal State of adequate and effective arrangements for coast watching and for search and rescue services,

**HAVING CONSIDERED** Recommendation 40 adopted by the International Conference on Safety of Life at Sea, 1960, which recognizes the desirability of co-ordinating activities regarding safety on and over the sea among a number of inter-governmental organizations,

**DESIRING** to develop and promote these activities by establishing an international maritime search and rescue plan responsible to the needs of maritime traffic for the rescue of persons in distress at sea,

**WISHING** to promote co-operation among search and rescue organizations around the world and among those participating in search and rescue operations at sea,

**HAVE AGREED** as follows:

**Article I**

*General obligations under the Convention*

The Parties undertake to adopt all legislative or other appropriate measures necessary to give full effect to the Convention and its Annex, which is an integral part of the Convention. Unless expressly provided otherwise, a reference to the Convention constitutes at the same time a reference to its Annex.

**Article II**

*Other treaties and interpretation*

(1) Nothing in the Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

(2) No provision of the Convention shall be construed as prejudicing obligations or rights of vessels provided for in other international instruments.

**Article III**

*Amendments*

(1) The Convention may be amended by either of the procedures specified in paragraphs (2) and (3) hereinafter.

(2) Amendment after consideration within the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as the Organization):

- (a) Any amendment proposed by a Party and transmitted to the Secretary-General of the Organization (hereinafter referred to as the Secretary-General), or any amendment deemed necessary by the Secretary-General as a result of an amendment to a corresponding provision of Annex 12 to the Convention on International Civil Aviation, shall be circulated to all Members of the Organization and all Parties at least six months prior to its consideration by the Maritime Safety Committee of the Organization.

- (b) Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.
  - (c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee on condition that at least one third of the Parties shall be present at the time of adoption of the amendment.
  - (d) Amendments adopted in accordance with sub-paragraph (c) shall be communicated by the Secretary-General to all Parties for acceptance.
  - (e) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall be deemed to have been accepted on the date on which the Secretary-General has received an instrument of acceptance from two thirds of the Parties.
  - (f) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall be deemed to have been accepted at the end of one year from the date on which it is communicated to the Parties for acceptance. However, if within such period of one year more than one third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.
  - (g) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall enter into force:
    - (i) with respect to those Parties which have accepted it, six months after the date on which it is deemed to have been accepted;
    - (ii) with respect to those Parties which accept it after the condition mentioned in sub-paragraph (e) has been met and before the amendment enters into force, on the date of entry into force of the amendment;
    - (iii) with respect to those Parties which accept it after the date on which the amendment enters into force, 30 days after the deposit of an instrument of acceptance.
  - (h) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall enter into force with respect to all Parties, except those which have objected to the amendment under sub-paragraph (f) and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force, any Party may give notice to the Secretary-General that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee at the time of the adoption of the amendment.
- (3) Amendment by a conference:
- (a) Upon the request of a Party concurred in by at least one third of the Parties, the Organization shall convene a conference of Parties to consider amendments to the Convention. Proposed amendments shall be circulated by the Secretary-General to all Parties at least six months prior to their consideration by the conference.
  - (b) Amendments shall be adopted by such a conference by a two-thirds majority of the Parties present and voting, on condition that at least one third of the Parties shall be present at the time of adoption of the amendment. Amendments so adopted shall be communicated by the Secretary-General to all Parties for acceptance.
  - (c) Unless the conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in sub-paragraphs (2)(e), (2)(f), (2)(g), and (2)(h) respectively, provided that reference in sub-paragraph (2)(h) to the Maritime Safety Committee expanded in accordance with sub-paragraph (2)(b) shall be taken to mean reference to the conference.

(4) Any declaration of acceptance of, or objection to, an amendment or any notice given under sub-paragraph (2)(h) shall be submitted in writing to the Secretary-General who shall inform all Parties of any such submission and the date of its receipt.

(5) The Secretary-General shall inform States of any amendments, which enter into force, together with the date on which each such amendment enters into force.

#### **Article IV**

##### *Signature, ratification, acceptance, approval and accession*

(1) The Convention shall remain open for signature at the Headquarters of the Organization from 1 November 1979 until 31 October 1980 and shall thereafter remain open for accession. States may become Parties to the Convention by:

- (a) signature without reservation as to ratification, acceptance or approval; or
- (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
- (c) accession.

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

(3) The Secretary-General shall inform States of any signature or of the deposit of any instrument of ratification, acceptance, approval or accession and the date of its deposit.

#### **Article V**

##### *Entry into force*

(1) The Convention shall enter into force 12 months after the date on which 15 States have become Parties to it in accordance with Article IV.

(2) Entry into force for States which ratify, accept, approve or accede to the Convention in accordance with Article IV after the condition prescribed in paragraph (1) has been met and before the Convention enters into force, shall be on the date of entry into force of the Convention.

(3) Entry into force for States which ratify, accept, approve or accede to the Convention after the date on which the Convention enters into force shall be 30 days after the date of deposit of an instrument in accordance with Article IV.

(4) Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to the Convention in accordance with Article III shall apply to the Convention, as amended, and the Convention, as amended, shall enter into force for a State depositing such an instrument 30 days after the date of its deposit.

(5) The Secretary-General shall inform States of the date of entry into force of the Convention.

#### **Article VI**

##### *Denunciation*

(1) The Convention may be denounced by any Party at any time after the expiry of five years from the date on which the Convention enters into force for that Party.

(2) Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General who shall notify States of any instrument of denunciation received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Secretary-General.

## Article VII

### *Deposit and registration*

(1) The Convention shall be deposited with the Secretary-General who shall transmit certified true copies thereof to States.

(2) As soon as the Convention enters into force, the Secretary-General shall transmit the text thereof to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

## Article VIII

### *Languages*

The Convention is established in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German and Italian languages shall be prepared and deposited with the signed original.

**DONE AT HAMBURG** this twenty-seventh day of April one thousand nine hundred and seventy-nine.

**IN WITNESS WHEREOF** the undersigned\*, being duly authorized by their respective Governments for that purpose, have signed the Convention.

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\* *Signatures Omitted*

## ANNEX

### CHAPTER 1

#### Terms and definitions

- 1.1 “Shall” is used in the Annex to indicate a provision, the uniform application of which by all Parties is required in the interest of safety of life at sea.
- 1.2 “Should” is used in the Annex to indicate a provision, the uniform application of which by all Parties is recommended in the interest of safety of life at sea.
- 1.3 The terms listed below are used in the Annex with the following meanings:
  - .1 *Search*. An operation, normally co-ordinated by a rescue co-ordination centre or rescue sub-centre, using available personnel and facilities to locate persons in distress;
  - .2 *Rescue*. An operation to retrieve persons in distress, provide for their initial medical or other needs, and deliver them to a place of safety;
  - .3 *Search and rescue service*. The performance of distress monitoring, communication, co-ordination and search and rescue functions, including provision of medical advice, initial medical assistance, or medical evacuation, through the use of public and private resources including co-operating aircraft, vessels and other craft and installations;
  - .4 *Search and rescue region*. An area of defined dimensions associated with a rescue co-ordination centre within which search and rescue services are provided;

- .5 *Rescue co-ordination centre.* A unit responsible for promoting efficient organization of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region;
- .6 *Rescue sub-centre.* A unit subordinate to a rescue co-ordination centre established to complement the latter according to particular provisions of the responsible authorities;
- .7 *Search and rescue facility.* Any mobile resource, including designated search and rescue units, used to conduct search and rescue operations;
- .8 *Search and rescue unit.* A unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations;
- .9 *Alerting post.* Any facility intended to serve as an intermediary between a person reporting an emergency and a rescue co-ordination centre or rescue sub-centre;
- .10 *Emergency phase.* A generic term meaning, as the case may be, uncertainty phase, alert phase or distress phase;
- .11 *Uncertainty phase.* A situation wherein uncertainty exists as to the safety of a person, a vessel or other craft;
- .12 *Alert phase.* A situation wherein apprehension exists as to the safety of a person, a vessel or other craft;
- .13 *Distress phase.* A situation wherein there is a reasonable certainty that a person, a vessel or other craft is threatened by grave and imminent danger and requires immediate assistance;
- .14 *On-scene co-ordinator.* A person designated to co-ordinate search and rescue operations within a specified area;
- .15 *Secretary-General.* The Secretary-General of the International Maritime Organization.

## CHAPTER 2

### ORGANIZATION AND CO-ORDINATION

#### **2.1 Arrangements for provision and co-ordination of search and rescue services**

- 2.1.1 Parties shall, as they are able to do so individually or in co-operation with other States and, as appropriate, with the Organization, participate in the development of search and rescue services to ensure that assistance is rendered to any person in distress at sea. On receiving information that any person is, or appears to be, in distress at sea, the responsible authorities of a Party shall take urgent steps to ensure that the necessary assistance is provided.
- 2.1.2. Parties shall, either individually or, if appropriate, in co-operation with other States, establish the following basic elements of a search and rescue service:
  - .1 legal framework;
  - .2 assignment of a responsible authority;
  - .3 organisation of available resources;
  - .4 communication facilities;
  - .5 co-ordination and operational functions; and
  - .6 processes to improve the service including planning, domestic and international co-operative relationships and training.

Parties shall, as far as practicable, follow relevant minimum standards and guidelines developed by the Organization.
- 2.1.3 To help ensure the provision of adequate shore-based communication infrastructure, efficient distress alert routeing, and proper operational co-ordination to effectively support search and rescue services, Parties shall, individually or in co-operation with other States, ensure that sufficient search and rescue regions are established within each sea area in accordance with paragraphs 2.1.4 and 2.1.5. Such regions should be contiguous and, as far as practicable, not overlap.

- 2.1.4 Each search and rescue region shall be established by agreement among Parties concerned. The Secretary-General shall be notified of such agreement.
- 2.1.5 In case agreement on the exact dimensions of a search and rescue region is not reached by the Parties concerned, those Parties shall use their best endeavours to reach agreement upon appropriate arrangements under which the equivalent overall co-ordination of search and rescue services is provided in the area. The Secretary-General shall be notified of such arrangements.
- 2.1.6 Agreement on the regions or arrangements referred to in paragraphs 2.1.4 and 2.1.5 shall be recorded by the Parties concerned, or in written plans accepted by the Parties.
- 2.1.7 The delimitation of search and rescue regions is not related to and shall not prejudice the delimitation of any boundary between States.
- 2.1.8 Parties should seek to promote consistency, where applicable, between their maritime and aeronautical search and rescue services while considering the establishment of maritime search and rescue regions which shall be established by agreement in accordance with paragraph 2.1.4 or the reaching of agreement upon appropriate arrangements in accordance with paragraph 2.1.5.
- 2.1.9 Parties having accepted responsibility to provide search and rescue services for a specified area shall use search and rescue units and other available facilities for providing assistance to a person who is, or appears to be, in distress at sea.
- 2.1.10 Parties shall ensure that assistance be provided to any person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.
- 2.1.11 Parties shall forward to the Secretary-General information on their search and rescue service, including the:
  - .1 national authority responsible for the maritime search and rescue services;
  - .2 location of the established rescue co-ordination centres or other centres providing search and rescue co-ordination, for the search and rescue region or regions and communications therein;
  - .3 limits of their search and rescue region or regions and the coverage provided by their shore-based distress and safety communication facilities; and
  - .4 principal types of available search and rescue units.
 Parties shall, with priority, update the information provided with respect to any alterations of importance. The Secretary-General shall transmit to all Parties the information received.
- 2.1.12 The Secretary-General shall notify all Parties of the agreements or arrangements referred to in paragraph 2.1.4 and 2.1.5.

## **2.2. Development of national search and rescue services**

- 2.2.1 Parties shall establish appropriate national procedures for overall development, co-ordination, and improvement of search and rescue services.
- 2.2.2 To support efficient search and rescue operations, Parties shall:
  - .1 ensure the co-ordinated use of available facilities; and
  - .2 establish close co-operation between services and organizations which may contribute to improve the search and rescue service in areas such as operations, planning, training, exercises and research and development.

## **2.3 Establishment of rescue co-ordination centres and rescue sub-centres**

- 2.3.1 To meet the requirements of paragraphs 2.2, Parties shall individually or in co-operation with other States establish rescue co-ordination centres for their search and rescue services and such rescue sub-centres as they consider appropriate.
- 2.3.2 Each rescue co-ordination centre and rescue sub-centre, established in accordance with paragraph 2.3.1, shall arrange for the receipt of distress alerts originating from within its search and rescue region. Every such centre shall also arrange for communications with persons in distress, with search and rescue facilities, and with other rescue co-ordination centres or rescue sub-centres.

- 2.3.3 Each rescue co-ordination centre shall be operational on a 24-hour basis and be constantly staffed by trained personnel having a working knowledge of the English language.

**2.4 Co-ordination with aeronautical services**

- 2.4.1 Parties shall ensure the closest practicable co-ordination between maritime and aeronautical services so as to provide for the most effective and efficient search and rescue services in and over their search and rescue regions.
- 2.4.2 Whenever practicable, each Party should establish joint rescue co-ordination centres and rescue sub-centres to serve both maritime and aeronautical purposes.
- 2.4.3 Whenever separate maritime and aeronautical rescue co-ordination centres or rescue sub-centres are established to serve the same area, the Party concerned shall ensure the closest practicable co-ordination between the centres or sub-centres.
- 2.4.4 Parties shall ensure as far as is possible the use of common procedures by search and rescue units established for maritime purposes and those established for aeronautical purposes.

**2.5 Designation of search and rescue facilities**

Parties shall identify all facilities able to participate in search and rescue operations, and may designate suitable facilities as search and rescue units.

**2.6 Equipment of search and rescue units**

- 2.6.1 Each search and rescue unit shall be provided with equipment appropriate to its task.
- 2.6.2 Containers and packages containing survival equipment for dropping to survivors should have the general nature of their contents indicated by markings in accordance with standards adopted by the Organization.

### CHAPTER 3

#### CO-OPERATION BETWEEN STATES

**3.1 Co-operation between States**

- 3.1.1 Parties shall co-ordinate their search and rescue organizations and should, whenever necessary, co-ordinate search and rescue operations with those of neighbouring States.
- 3.1.2 Unless otherwise agreed between the States concerned, a Party should authorize, subject to applicable national laws, rules and regulations, immediate entry into or over its territorial sea or territory of rescue units of other Parties solely for the purpose of searching for the position of maritime casualties and rescuing the survivors of such casualties. In such cases, search and rescue operations shall, as far as practicable, be co-ordinated by the appropriate rescue co-ordination centre of the Party which has authorized entry, or such other authority as has been designated by that Party.
- 3.1.3 Unless otherwise agreed between the States concerned, the authorities of a Party which wishes its rescue units to enter into or over the territorial sea or territory of another Party solely for the purpose of searching for the position of maritime casualties and rescuing the survivors of such casualties, shall transmit a request, giving full details of the projected mission and the need for it, to the rescue co-ordination centre of that other Party, or to such other authority as has been designated by that Party.
- 3.1.4 The responsible authorities of Parties shall:
- .1 immediately acknowledge the receipt of such a request; and
  - .2 as soon as possible indicate the conditions, if any, under which the projected mission may be undertaken.
- 3.1.5 Parties should enter into agreements with neighbouring States setting forth the conditions for entry of each other's rescue units into or over their respective territorial sea or territory. These agreements should also provide for expediting entry of such units with the least possible formalities.

- 3.1.6 Each Party should authorize its rescue co-ordination centres:
- .1 to request from other rescue co-ordination centres such assistance, including vessels, aircraft, personnel or equipment, as may be needed;
  - .2 to grant any necessary permission for the entry or such vessels, aircraft, personnel or equipment into or over its territorial sea or territory; and
  - .3 to make the necessary arrangements with the appropriate customs, immigration, health or other authorities with a view to expediting such entry.
- 3.1.7 Each Party shall ensure that its rescue co-ordination centres provide, when requested, assistance to other rescue co-ordination centres, including assistance in the form of vessels, aircraft, personnel or equipment.
- 3.1.8 Parties should enter into agreements with other States, where appropriate, to strengthen search and rescue co-operation and co-ordination. Parties shall authorize their responsible authority to make operational plans and arrangements for search and rescue co-operation with responsible authorities of other States.

## **CHAPTER 4**

### **OPERATING PROCEDURES**

#### **4.1 Preparatory measures**

- 4.1.1 Each rescue co-ordination centre and rescue sub-centre shall have available up-to-date information especially concerning search and rescue facilities and available communications relevant to search and rescue operations in its area.
- 4.1.2 Each rescue co-ordination centre and rescue sub-centre should have ready access to information regarding the position, course and speed of vessels within its area which may be able to provide assistance to persons, vessels or other craft in distress at sea, and regarding how to contact them. This information should either be kept in the rescue co-ordination centre, or be readily obtainable when necessary .
- 4.1.3 Each rescue co-ordination centre and rescue sub-centre shall have detailed plans of operation for the conduct of search and rescue operations. Where appropriate, these plans shall be developed jointly with the representatives of those who may assist in providing, or who may benefit from, the search and rescue services.
- 4.1.4 Rescue co-ordination centres or sub-centres shall be kept informed of the state of preparedness of search and rescue units.

#### **4.2 Information concerning emergencies**

- 4.2.1 Parties, either individually or in co-operation with other States, shall ensure that they are capable on a 24-hour basis of promptly and reliably receiving distress alerts from equipment used for this purpose within their search and rescue regions. Any alerting post receiving a distress alert shall:
- .1 immediately relay the alert to the appropriate rescue co-ordination centre or sub-centre, and then assist search and rescue communications as appropriate; and
  - .2 if practicable, acknowledge the alert.
- 4.2.2 Parties shall, where appropriate, ensure that effective arrangements are in place for the registration of communication equipment and for responding to emergencies, to enable any rescue co-ordination centre or sub-centre to access pertinent registration information quickly.
- 4.2.3 Any authority or element of the search and rescue service having reason to believe that a person, a vessel or other craft is in a state of emergency shall forward as soon as possible all available information to the rescue co-ordination centre or rescue sub-centre concerned.
- 4.2.4 Rescue co-ordination centres and rescue sub-centres shall, immediately upon receipt of information concerning a person, a vessel, or other craft in a state of emergency, evaluate such information and determine the phase of emergency in accordance with paragraph 4.4, and the extent of operations required.

### 4.3 Initial action

Any search and rescue unit receiving information of a distress incident shall initially take immediate action if in the position to assist and shall, in any case without delay, notify the rescue co-ordination centre or rescue sub-centre in whose area the incident has occurred.

### 4.4 Emergency Phase

To assist in determining the appropriate operating procedures, the following emergency phases shall be distinguished by the rescue co-ordination centre or sub-centre concerned:

.1 *Uncertainty phase:*

- .1.1 when a person has been reported as missing, or a vessel or other craft is overdue; or
- .1.2 when a person, a vessel or other craft has failed to make an expected position or safety report.

.2 *Alert Phase*

- .2.1 when, following the uncertainty phase, attempts to establish contact with a person, a vessel or other craft have failed and inquiries to other appropriate sources have been unsuccessful; or
- .2.2 when information has been received indicating that the operating efficiency of a vessel or other craft is impaired, but not to the extent that a distress situation is likely.

.3 *Distress phase:*

- .3.1 when positive information is received that a person, a vessel or other craft is in danger and in need of immediate assistance; or
- .3.2 when, following the alert phase, further unsuccessful attempts to establish contact with a person, a vessel or other craft and more widespread unsuccessful inquiries point to the probability that a distress situation exists; or
- .3.3 when information is received which indicates that the operating efficiency of a vessel or other craft has been impaired to the extent that a distress situation is likely.

### 4.5 Procedures to be followed by rescue co-ordination centres and rescue sub-centres during emergency phases

- 4.5.1 Upon the declaration of the uncertainty phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall initiate inquiries to determine the safety of a person, a vessel or other craft, or shall declare the alert phase.
- 4.5.2 Upon the declaration of the alert phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall extend the inquiries for the missing person, vessel or other craft, alert appropriate search and rescue services and initiate such action, as is necessary in the light of the circumstances of the particular case.
- 4.5.3 Upon the declaration of the distress phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall proceed as prescribed in its plans of operation, as required by paragraph 4.1.
- 4.5.4 *Initiation of search and rescue operations in respect of a vessel whose position is unknown*

In the event of an emergency phase being declared for a search object whose position is unknown, the following shall apply:

- .1 when an emergency phase exists, a rescue co-ordination centre or rescue sub-centre shall, unless it is aware that other centres are taking action, assume responsibility for initiating suitable action and confer with other centres with the objective of designating one centre to assume responsibility;
- .2 unless otherwise decided by agreement between the centres concerned, the centre to be designated shall be the centre responsible for the area in which the search object was according to its last reported position; and

- .3 after the declaration of the distress phase, the centre co-ordinating the search and rescue operations shall, if appropriate, inform other centres of all the circumstances of the emergency and of all subsequent developments.
- 4.5.5 *Passing information to persons, vessels or other craft for which an emergency phase has been declared*  
Whenever possible, the rescue co-ordination centre or rescue sub-centre responsible for search and rescue operations shall forward to the person, a vessel or other craft for which an emergency phase has been declared, information on the search and rescue operations it has initiated.
- 4.6 Co-ordination when two or more Parties are involved**  
For search and rescue operations involving more than one Party, each Party shall take appropriate action in accordance with the plans of operation referred to in paragraph 4.1 when so requested by the rescue co-ordination centre of the region.
- 4.7 On-scene co-ordination of search and rescue activities**
- 4.7.1 The activities of search and rescue units and other facilities engaged in search and rescue operations shall be co-ordinated on-scene to ensure the most effective results.
- 4.7.2 When multiple facilities are about to engage in search and rescue operations, and the rescue co-ordination centre or rescue sub-centre considers it necessary, the most capable person should be designated as on-scene co-ordinator as early as practicable and preferably before the facilities arrive within the specified area of operation. Specific responsibilities shall be assigned to the on-scene co-ordinator, taking into account the apparent capabilities of the on-scene co-ordinator and operational requirements.
- 4.7.3 If there is no responsible rescue co-ordination centre or, for any reason, the responsible rescue co-ordination centre is unable to co-ordinate the search and rescue mission, the facilities involved should designate an on-scene co-ordinator by mutual agreement.
- 4.8 Termination and suspension of search and rescue operations**
- 4.8.1 Search and rescue operations shall continue, when practicable, until all reasonable hope of rescuing survivors has passed.
- 4.8.2 The responsible rescue co-ordination centre or rescue sub-centre concerned shall normally decide when to discontinue search and rescue operations. If no such centre is involved in co-ordinating the operations, the on-scene co-ordinator may take this decision.
- 4.8.3 When a rescue co-ordination centre or rescue sub-centre considers, on the basis of reliable information, that a search and rescue operation has been successful, or that the emergency no longer exists, it shall terminate the search and rescue operation and promptly so inform any authority, facility or service which has been activated or notified.
- 4.8.4 If search and rescue operation on-scene becomes impracticable and the rescue co-ordination centre or rescue sub-centre concludes that survivors might still be alive, the centre may temporarily suspend the on-scene activities pending further developments, and shall promptly so inform any authority, facility or service which has been activated or notified. Information subsequently received shall be evaluated and search and rescue operations resumed when justified on the basis of such information.

## CHAPTER 5

### SHIP REPORTING SYSTEMS

- 5.1 General**
- 5.1.1 Ship reporting systems may be established either individually by Parties or in co-operation with other States, where this is considered necessary, to facilitate search and rescue operations.

- 5.1.2 Parties contemplating the institution of a ship reporting system should take account of the relevant recommendations of the Organization. Parties should also consider whether existing reporting systems or other sources of ship position data can provide adequate information for the region, and seek to minimize unnecessary additional reports by ships, or the need for rescue co-ordination centres to check with multiple reporting systems to determine availability of ships to assist with search and rescue operations.
- 5.1.3 The ship reporting system should provide up-to-date information on the movements of vessels in order, in the event of a distress incident, to:
- .1 reduce the interval between the loss of contact with a vessel and the initiation of search and rescue operations in cases where no distress signal has been received;
  - .2 permit rapid identification of vessels which may be called upon to provide assistance;
  - .3 permit delineation of a search area of limited size in case the position of a person, a vessel or other craft in distress is unknown or uncertain; and
  - .4 facilitate the provision of urgent medical assistance or advice.

## **5.2 Operational requirements**

- 5.2.1 Ship reporting systems should satisfy the following requirements:
- .1 provision of information, including sailing plans and position reports, which would make it possible to determine the current and future positions of participating vessels;
  - .2 maintenance of a shipping plot;
  - .3 receipt of reports at appropriate intervals from participating vessels;
  - .4 simplicity in system design and operation; and
  - .5 use of an internationally agreed standard ship reporting format and procedures.

## **5.3 Types of reports**

- 5.3.1 A ship reporting system should incorporate the following types of ship reports in accordance with the recommendations of the Organization:
- .1 Sailing plan;
  - .2 Position report; and
  - .3 Final report.

## **5.4 Use of systems**

- 5.4.1 Parties should encourage all vessels to report their positions when travelling in areas where arrangements have been made to collect information on positions for search and rescue purposes.
- 5.4.2 Parties recording information on the position of vessels should disseminate, so far as practicable, such information to other States when so requested for search and rescue purposes.

**SCHEDULE 2**  
**(Section 3)**

**SEARCH AND RESCUE**

**ANNEX 12**

**TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION**

**FOREWORD**

**Historical background**

In December 1946, the Search and Rescue Division, at its second session, made recommendations for Standards and Recommended Practices for Search and Rescue. These were developed by the Secretariat and the then existent Air Navigation Committee; and were duly submitted to the Council. The proposals were not accepted by the Council in the form in which they were presented and, on 20 April 1948, were referred back to the Air Navigation Committee for further consideration.

A further draft Annex was then developed in the light of experience gained at Regional Air Navigation Meetings and eventually was approved in principle by the Air Navigation Commission and circulated to States for comment. Further development was made by the Air Navigation Commission as a result of States' comments and the resulting proposals were adopted by the Council on 25 May 1950 and designated as Annex 12 to the Convention on International Civil Aviation. The Annex became effective on 1 December 1950 and came into force on 1 March 1951.

Table A shows the origin of subsequent amendments together with a list of the principal subjects involved and the dates on which the Annex and the amendments were adopted by the Council, when they became effective and when they became applicable.

**Applicability**

The Standards and Recommended Practices in this document govern the application of the *Regional Supplementary Procedures — Search and Rescue*, contained in Doc 7030, in which document will be found subsidiary procedures of regional application.

Annex 12 is applicable to the establishment, maintenance and operation of search and rescue services in the territories of Contracting States and over the high seas, and to the coordination of such services between States.

**Action by Contracting States**

*Notification of differences.* The attention of Contracting States is drawn to the obligation imposed by Article 38 of the Convention by which Contracting States are required to notify the Organization of any differences between their national regulations and practices and the International Standards

contained in this Annex and any amendments thereto. Contracting States are invited to extend such notification to any differences from the Recommended Practices contained in this Annex, and any amendments thereto, when the notification of such differences is important for the safety of air navigation. Further, Contracting States are invited to keep the Organization currently informed of any differences which may subsequently occur, or of the withdrawal of any differences previously notified. A specific request for notification of differences will be sent to Contracting States immediately after the adoption of each Amendment to this Annex.

Attention of States is also drawn to the provisions of Annex 15 related to the publication of differences between their national regulations and practices and the related ICAO Standards and Recommended Practices through the Aeronautical Information Service, in addition to the obligation of States under Article 38 of the Convention.

*Promulgation of information.* Information relating to the establishment and withdrawal of and changes to facilities, services and procedures affecting aircraft operations provided according to the Standards and Recommended Practices specified in this Annex should be notified and take effect in accordance with Annex 15.

*Use of the text of the Annex in national regulations.* The Council, on 13 April 1948, adopted a resolution inviting the attention of Contracting States to the desirability of using in their own national regulations, as far as practicable, the precise language of those ICAO Standards that are of a regulatory character and also of indicating departures from the Standards, including any additional national regulations that were important for the safety or regularity of air navigation. Wherever possible, the provisions of this Annex have been written in such a way as would facilitate incorporation, without major textual changes, into national legislation.

**Status of Annex components**

An Annex is made up of the following component parts, not all of which, however, are necessarily found in every Annex; they have the status indicated:

1.— *Material comprising the Annex proper:*

- a) *Standards and Recommended Practices* adopted by the Council under the provisions of the Convention. They are defined as follows:

*Standard.* Any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38.

*Recommended Practice.* Any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interests of safety, regularity or efficiency of international air navigation, and to which Contracting States will endeavour to conform in accordance with the Convention.

- b) *Appendices* comprising material grouped separately for convenience but forming part of the Standards and Recommended Practices adopted by the Council.
- c) *Definitions* of terms used in the Standards and Recommended Practices which are not self-explanatory in that they do not have accepted dictionary meanings. A definition does not have an independent status but is an essential part of each Standard and Recommended Practice in which the term is used, since a change in the meaning of the term would affect the specification.

2.— *Material approved by the Council for publication in association with the Standards and Recommended Practices:*

- a) *Forewords* comprising historical and explanatory material based on the action of the Council and including an explanation of the obligation of States with regard to the application of the Standards and Recommended Practices ensuing from the Convention and the Resolution of Adoption.
- b) *Introductions* comprising explanatory material introduced at the beginning of parts, chapters or sections of the Annex to assist in the understanding of the application of the text.
- c) *Notes* included in the text, where appropriate, to give factual information or references bearing on the

Standards or Recommended Practices in question, but not constituting part of the Standards or Recommended Practices.

- d) *Attachments* comprising material supplementary to the Standards and Recommended Practices, or included as a guide to their application.

#### Selection of language

This Annex has been adopted in five languages — English, Arabic, French, Russian and Spanish. Each Contracting State is requested to select one of those texts for the purpose of national implementation and for other effects provided for in the Convention, either through direct use or through translation into its own national language, and to notify the Organization accordingly.

#### Editorial practices

The following practice has been adhered to in order to indicate at a glance the status of each statement: *Standards* have been printed in light face roman; *Recommended Practices* have been printed in light face italics, the status being indicated by the prefix **Recommendation**; *Notes* have been printed in light face italics, the status being indicated by the prefix *Note*.

The following editorial practice has been followed in the writing of specifications: for Standards the operative verb “shall” is used, and for Recommended Practices the operative verb “should” is used.

Throughout this document:

- a) measurements are given in the metric system followed in parentheses by corresponding measurements in the foot-pound system; and
- b) the use of the male gender should be understood to include male and female persons.

Any reference to a portion of this document, which is identified by a number and/or title, includes all subdivisions of that portion.

