
ICAO

International Civil Aviation Organization

COUNCIL — 207TH SESSION

Montréal, 15 February — 11 March 2016

**SUMMARY MINUTES
WITH SUBJECT INDEX**



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COUNCIL — 207TH SESSION**SUMMARY MINUTES OF THE FIRST MEETING****(THE COUNCIL CHAMBER, MONDAY, 15 FEBRUARY 2016, AT 1430 HOURS)****OPEN MEETING**

First Vice-President of the Council: Mr. Englebert Zoa Etundi

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Mr. A.J. Dumont	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Bolivia (Plurinational State of)	— Mr. J.G. Soruco	Nicaragua	— Mrs. E.A. Aráuz Betanco
Brazil	— Mr. O. Vieira (Alt.)	Nigeria	— Mr. M.E. Nwafor
Burkina Faso	— Mr. A. Dieye (Alt.)	Norway	— Mr. K.M. Skaar
Canada	— Mr. J.-B. Leblanc	Poland	— Prof. M. Polkowska
Chile	— Mr. C. Mac-Namara	Portugal	— Mrs. M.H. Faleiro T. de Almeida
China	— Mr. Tao Ma	Republic of Korea	— Mr. J. Hur
Dominican Republic	— Mr. C.A. Veras Rosario	Russian Federation	— Mr. D. Subbotin (Alt.)
Egypt	— Mr. A. Khedr	Saudi Arabia	— Mr. H.A. Abudaowd
France	— Mr. O. Caron	Singapore	— Mr. T.C. Ng
Germany	— Mr. U. Schwierczinski	South Africa	— Mr. M.D.T. Peege
India	— Mr. A. Shekhar	Spain	— Mr. V.M. Aguado
Italy	— Mr. E. Padula	United Arab Emirates	— Miss A. Alhameli
Japan	— Ms. N. Ueda	United Kingdom	— Mr. M. Rodmell
Kenya	— Ms. M.B. Awori	United Republic of Tanzania	— Mr. R.W. Bokango
Libya	— Mr. M. Sayeh Eltayf	United States	— Mr. M.A. Lawson
		Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mr. P. Jardim (Alt.)	— Brazil
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. M. Delisle (Alt.)	— Canada
Mr. M. Vidal (Alt.)	— Chile
Mr. I. Camino (Alt.)	— Chile
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. M. Kang (Alt.)	— Republic of Korea
Mr. A. Almoghraby (Alt.)	— Saudi Arabia
Mr. G. Alston (Alt.)	— United Kingdom
Mr. S. Kotis (Alt.)	— United States

SECRETARIAT:

Mr. I. Galán	— D/TCB
Mr. J. Augustin	— D/LEB
Mr. S. Creamer	— D/ANB
Mr. V. Smith	— D/ADB
Mr. R. Bhalla	— C/FIN
Mr. M. Belayneh	— DD/TCB
Mr. O. Myard	— C/EAO
Mr. P. Molinari	— C/PRO
Mrs. K. Balram	— C/SEA
Ms. H. Jackson	— EAO
Mr. A. Bilaver	— OSG
Ms. S. Brand	— C/RPM
Mr. S. Dehinde	— C/ICT
Mr. A. Philbin	— C/COM
Mr. A. Larcos	— ACC
Mrs. T. Mancini	— Précis-writer

Representatives to ICAO

Cuba
Ecuador
Equatorial Guinea
Ethiopia
Ghana
Greece
Iran (Islamic Republic of)
Lebanon
Peru
Turkey
Uganda

Airports Council International (ACI)
European Union (EU)

Opening of the Session

1. The First Vice-President of the Council welcomed Council Representatives to the 207th Session of the Council and advised that he would be presiding over the first meeting in the absence of the President of the Council.

Order of Business

2. The First Vice-President of the Council informed the Council that two of the items listed on the Order of Business, i.e. “Draft Assembly working paper – Proposal to amend Article 50 a) of the *Convention on International Civil Aviation* so as to increase the membership of the ICAO Council” (C-WP/14358), and “Draft Assembly working paper – Proposal to amend Article 56 of the *Convention on International Civil Aviation* so as to increase the membership of the Air Navigation Commission” (C-WP/14359), would be delayed until at least the third meeting of the session (Friday, 19 February 2016), in order to allow additional time for informal consultations to be undertaken among Representatives.

3. The Council was further informed that consideration of the item “Proposed Council Resolution on promoting Women Representatives on the Council and professionals in the Secretariat” (C-WP/14361), would be postponed until the fourth week of the session (week commencing 7 March 2016), in order to ensure any decision on the subject would coincide as closely as possible with International Women’s Day (8 March 2016).

Welcome to new Representative on the Council

4. On behalf of all Council Representatives, the First Vice-President of the Council extended a warm welcome to Mr. Alok Shekhar, the newly-appointed Representative of India.

Subject No. 13: Work programmes of the Council and its subsidiary bodies

Schedule for consideration of items during the 207th Session

5. The Council noted the meeting schedule for the 207th Session presented in the President’s memorandum PRES OBA/2467 dated 1 December 2015, subject to the following changes:

- a) the addition of a meeting of the Finance Committee (FIC), which would take place on Friday, 19 February 2016 at 1430 hours; and
- b) the Council meeting on Wednesday, 24 February 2016 at 1000 hours would be rescheduled to Monday, 22 February 2016 at 1000 hours to accommodate the convening of the first meeting of the High-level Group on a Global Market-based Measure (HLG GMBM) Scheme on 24 and 25 February 2016.

6. The Council also noted the schedule for the consideration of items during the 207th Session of the Council as presented in the President’s memorandum PRES OBA/2475 dated 2 February 2016, subject to the following changes:

- a) the item “ICAO Policy on Secondments and Consultants” would be deferred to the 208th Session;

- b) an additional item entitled “Air Navigation Programme”, had been included in the work programme for this session;
- c) an additional item entitled “Proposal to waive on an exceptional basis the retirement age for Mr. Franklin Hoyer, Regional Director, South American Office”, had been included in the work programme for this session.

Subject No. 3: Election of the President of the Council

Draft State letter on the election of the President of the Council

7. The Secretary General introduced this item and in so doing, informed the Council that in accordance with the *Rules of Procedure for the Council* (Doc 7559), the draft State letter contained in C-WP/14352 would be issued to States not less than three months before the opening of the 39th Session of the Assembly. The Council noted that the State letter informs States that the Council to be elected at the Assembly will elect its President. Attachments A and B to the State letter reproduce the pertinent articles of the Convention, and Attachment C provides the conditions of service, salary and other benefits. The First-Vice President of the Council advised that some of the figures in Attachment C might need to be adjusted in light of a subsequent item to be considered by the Council (C-WP/14407), “Representation allowances and net base salaries of the President of the Council and the Secretary General”.

8. The Council approved the draft State letter appended to C-WP/14352, which would notify Member States of the forthcoming election of the President of the Council and invite the submission of candidatures. The Council also agreed that the submission of candidatures for the President of the Council should be received by the Secretary General not later than 16 September 2016. It was understood that the information in Attachment C (Conditions of Service) would, if necessary, be updated in light of the Council’s upcoming consideration of the net base salaries and representation allowances of the President of the Council and the Secretary General.

Subject No. 42: Technical cooperation

Report on Technical Cooperation Programme Development for 2014 and update of Administrative and Operational Services Cost (AOSC) income and expenditures for the year 2015

9. The Council considered this subject on the basis of: an oral report which was presented by the Secretary General; and a joint oral report thereon from the Finance Committee (FIC) and the Technical Cooperation Committee (TCC) which had considered this item at a combined meeting on 25 January 2016. The two oral reports are presented below.

Oral Report by the Secretary General

10. The Council, at its 192nd Session, decided to change the Technical Cooperation Bureau's (TCB) reporting requirements set forth in C-DEC 188/12 and requested that an oral report on the preliminary financial and operational performance results of the Technical Cooperation Programme for the previous year be presented to the Council in the Winter session, pending a full written report, with audited figures, which should be provided in the Spring session.

Programme Financial Performance

11. The total Technical Cooperation Programme implementation for the year 2015 amounted to approximately USD 125.0 million, representing an increase of about 2.1 per cent as compared to 2014. These results equalled the expected implementation of USD 125.2 million reported to the Council in November 2015.

12. A breakdown of the Technical Cooperation Programme's geographical distribution in 2015 shows that, in terms of economic resources, the Americas region continued to account for the majority of the Programme delivery at 63.4 per cent, while the Africa region represented 25.6 per cent, followed by the Europe Middle East and the Asia Pacific region at 8.8 and 2.2 per cent, respectively. The personnel and training components of the projects accounted for 32.6 per cent of the total Programme for the year, while procurement activities represented 67.4 per cent.

AOSC Income and Expenditure

13. Though the total volume of implementation equalled what was forecasted, the AOSC Fund is expected to arrive at a surplus greater than the original projection of CAD 0.2 million noted by the Council in the Fall session at approximately CAD 0.5 million in 2015. Total estimated AOSC income amounted to approximately CAD 9.7 million and expenditures to CAD 9.2 million as compared to the forecast of CAD 9.2 million and CAD 9.0 million, respectively. The AOSC Fund Accumulated surplus stands at approximately CAD 4.2 million as at 31 December 2015. It is to be noted that the figures presented in this report are based on estimates and are subject to change upon completion of transactions from the field and other final adjustments

14. A full written report with audited figures for 2015, together with an update of the programme forecast and AOSC budgetary estimates for 2016, will be presented to the Council through the Finance Committee and Technical Cooperation Committee at the Spring Session.

Programme Operational Performance

15. During 2015, there were 87 national and 28 regional operationally active technical cooperation and technical assistance projects contributing to further improving aviation safety, security, air navigation capacity and efficiency, environmental protection and economic development of air transport in 140 countries. Of these countries, 44 are in Africa, 39 in Asia Pacific, 35 in the Americas and 22 in Europe (16) and in the Middle East (8) regions.

16. Out of the 115 projects, TCB implemented four technical assistance projects in the area of aviation safety, which received contributions from the ICAO Safety Fund in 2014 or 2015, i.e. Cambodia (USD 135,000), Comoros (USD 450,000), Madagascar (France - USD 458,000) and Nepal (USD 350,000).

Experts

17. In 2015, 253 international field experts were deployed as compared to 226 in 2014, and 871 national experts were recruited for civil aviation administrations, compared to 761 in 2014. These experts were responsible for the transfer of knowledge in various fields to national counterparts, the implementation of ICAO SARPs, the development of adequate civil aviation organizational structures, institutional development and capacity building, as well as the rectification of safety and security deficiencies.

Training

18. In terms of capacity building through technical cooperation projects, 4447 nationals received in- country training, as compared to 5 411 in 2014. This was in addition to the training provided to 351 staff under procurement contracts, compared with 566 in the previous year. Furthermore, 758 fellowships were awarded under the ICAO Fellowship Programme, Spain's AENA-AECID Fellowship Programme and the Developing Countries Training Programme, the latter offered by India, the Republic of Korea and Singapore, as compared to 650 fellowships in 2014. These fellowships were awarded mainly in the fields of safety, aviation security and air navigation. The training of management, technical and operational personnel was particularly important in terms of improving State oversight capabilities.

Procurement

19. Civil aviation equipment and services were procured for a total of USD 84 million, compared to USD 76.7 million in 2014. Assistance provided to States to upgrade their civil aviation infrastructure ranged from the development of technical specifications in compliance with ICAO SARPs and regional air navigation plans, tendering and administering of complex multiphase turnkey contracts to the commissioning of equipment, and had a direct and positive impact on the safety and security of airports, communications and air navigation infrastructure, enabling more efficient and economic aviation operations in the countries and regions concerned.

20. A summary of the major achievements for each technical project will be provided in the Annual Report of the Council - 2015. An outline of the main activities implemented by region will be part of the written report to the 208th Session of the Council. Results of Key Performance Indicators (KPIs) and statistical data will be uploaded to the Council Secure Portal once audited figures are available.

Joint FIC/TCC Oral Report

21. The Chairperson of the Finance Committee (Representative of Mexico) indicated that during the joint meeting, the Finance Committee (FIC) and the Technical Cooperation Committee (TCC) had considered an oral report which presented the preliminary operational and financial results of the Technical Cooperation Programme for the period 1 January to 31 December 2015, as well as the Administrative and Operational Services Costs (AOSC) Fund results for 2015. The Council noted that a written report containing the main activities implemented by region would be presented during the 208th Session and that major achievements for each technical project would be provided in the Annual Report to the Council.

22. The Committees had been informed that the Technical Cooperation Bureau (TCB) had implemented a Programme of approximately USD 125.0 million in 2015, which equalled the expected implementation of USD 125.2 million reported to the Council in November 2015 and which represented an increase of about 2.1 per cent as compared to 2014. With regard to the AOSC Fund, the Committees noted that a greater surplus than the original projection of CAD 0.2 million noted by the Council in the 206th Session was expected and should amount to approximately CAD 0.5 million in 2015.

23. Regarding the difference in the estimated AOSC Fund results in the Report as compared to the November 2015 financial statement in the ICAO Council Portal, which shows a deficit of CAD 728 000, it had been clarified to the Committees that this difference emanated mainly from the recognition of income derived from large contracts concluded during the month of December 2015, resulting in a positive situation. The figures presented in the Report were based on estimates and are subject to change upon recording of transactions from the field and other adjustments made at year-end.

24. With respect to the Programmes operational results, one Committee member requested a breakdown of the nationality of experts by Region. The Committees were informed that the requested statistical data on the recruitment of experts indicating their nationality, contract duration, title, etc., is uploaded to the Council Portal every year in February. It was also confirmed that the contribution of the Government of Spain to the Latin American region included not only fellowships for international seminars but also a master's programme in airport operations, air navigation services and airport management.

25. With regard to the cross-funding issue whereby an annual transfer from the regular programme budget to the AOSC Fund for services provided to the regular programme should occur, the Committees recalled that while the Assembly had approved an annual transfer of CAD 1.2 million from the AOSC Fund to the regular programme budget in the 2014-2016 triennium, no provision had been made for the yearly reimbursement of CAD 496 000 for Travel and Procurement services which TCB provided to the Regular Programme. Concern was expressed that the outstanding amount of CAD 1.5 million had not been paid to TCB in the current triennium. In order to regularize this situation, a suggestion was made that the internal auditors be consulted to analyze the financial and legal implications of this matter and recommend a possible solution to be presented to the Council during its 208th Session. The Committees further noted that during its 206th Session, the Council had agreed to make provisions in the 2017 - 2019 budget for the cost of TCB services to the Regular Programme.

26. The Council noted that the Committees had acknowledged with satisfaction the Technical Cooperation Programme's positive performance with the implementation of 115 projects in 140 countries in 2015.

27. While expressing appreciation for the report and support for the proposal to regularize the cross-funding arrangement, the Representative of Portugal drew attention to the Committee meeting discussion thereon and recalled that it had been agreed that the External Auditors would be consulted, rather than the Internal Auditors as indicated in the report.

28. In response to the Representative of Portugal, the Chairperson of the Finance Committee (FIC) acknowledged that the meeting deliberations had suggested the External Auditors undertake a review of the financial and legal implication of the cross-funding issue. However, he expressed the view that the internal and external auditors were equally equipped to undertake the review and that the issue might be addressed more expeditiously if the Internal Auditors were assigned the task. The Director, Technical Cooperation Bureau (D/TCB) concurred with the FIC Chairperson that timely delivery of results would be more likely if the Internal Auditors were requested to conduct the study.

29. The Representative of Spain commended the FIC/TCC Chairs for a report which accurately reflected the meeting deliberations. Regarding the recruitment of experts, he expressed support for the provision of statistical data on the Council website and referenced the number of fellowships and grants, as well as the master's programme, offered by the Government of Spain. The Representative of Spain remarked on the training seminars conducted by the Government of Spain over the past 15 years which had resulted in 2000 beneficiaries and advised of two upcoming seminars in the region. He noted that D/TCB had agreed to include the fellowship information in his next report.

30. The First Vice President of the Council thanked the Representative of Spain for the sponsorship offered by the Government of Spain. D/TCB confirmed that the information regarding fellowships provided by the Government of Spain for the Latin American region would be included in his next report.

31. The Representative of Venezuela (Bolivarian Republic of) complimented the FIC/TCC Committee Chairs for the report and remarked on the importance of transparency with respect to the expenditures of the Organization. He referred to the USD 1.5 million that had been accumulated during the triennium and cited Assembly Resolution A36-17 (*Consolidated statement of ICAO policies on technical cooperation*), Appendix A, paragraph 7, which requested the Secretary General to “implement greater efficiency measures leading to a gradual reduction of administrative support costs charged to technical cooperation projects”. He expressed conviction that administrative costs could be reduced, and that a reduction would benefit developing countries resolve deficiencies, build capacity, and sustain a safe and robust aviation system. The Representative of Venezuela (Bolivarian Republic of) requested that the above-mentioned proposal be documented for Secretariat action.

32. In responding to the comments by the Representative of Venezuela (Bolivarian Republic of), D/TCB stated that the Secretariat consistently endeavoured to enhance efficiency and effectiveness in all aspects of project administration, and to maintain low administrative costs. He advised that the proposal to consider means by which to reduce administrative costs would be included in an impending Secretariat study. In commenting on the steady increase in workload and reduced TCB resources, D/TCB advised that the audits and the Customer Satisfaction Survey conducted by the McGill University Centre for Research in Air and Space Law had identified the need to increase staff to accommodate the workload.

33. The Representative of Malaysia voiced appreciation to the FIC/TCC Chairs for the oral report and referred to the remarkable turnaround from a deficit to a surplus situation in the AOSC fund. He stated that such an impressive result should be promoted, and queried why the revised figures were not yet available on the ICAO website. The Chief, Finance Branch (C/FIN) explained that results of key performance indicators (KPIs) and statistical data would be uploaded to the Council secure portal upon completion of the audit currently underway which would produce firm statistical data. The Representative of Malaysia stated that the website currently displayed an unaudited AOSC 2012 report, an AOSC January to November 2013 report, and an unaudited 2014 report and underscored the need for consistency.

34. The Representative of Norway referred to the proposal to regularize the cross-funding issue, recalled previous Council discussions regarding the need to monitor the transfer of funds between TCB and the regular programme budget, and expressed support for a review by the auditors. Regarding the proposal by the Representative of Venezuela (Bolivarian Republic of), the Representative of Norway expressed confidence that all Council Representatives supported increased efficiency and effectiveness and requested that the proposal be clarified with a view to ascertaining a decision by the Council.

35. The Representative of Venezuela (Bolivarian Republic of) reiterated his reference to Assembly Resolution A36-17 which called for the Secretary General to introduce measures by which greater efficiencies, and subsequently reduced administration support costs, could be achieved and repeated the comments provided by D/TCB regarding the Secretariat assessment to be conducted which would result in options for cost reductions.

36. While sympathetic to the intent of the proposal by Representative of Venezuela (Bolivarian Republic of), the Representative of Australia recalled that no provision had been made in the 2014-2016 regular programme budget to reimburse TCB for the services provided to the regular programme and emphasized the need to establish a formal mechanism in this regard prior to considering means by which to reduce administrative costs. The Representative of Australia recalled the comprehensive evaluation that had been conducted prior to Council approval of the annual transfer of CAD 1.2 million from the AOSC Fund to the regular programme budget and remarked that it was both timely and appropriate to re-evaluate the situation to ensure equity in the two programme areas.

37. The First Vice President of the Council remarked that the report under consideration was provisional and would be followed by a comprehensive *Report on Technical Cooperation Programme development in 2015 and update of Administrative and Operational Services Costs (AOSC) income and expenditures for 2016* during the 208th session. He expressed the view that a Council review, including recalculation of figures pertaining to the cross-funding issue, should be conducted during the next session in conjunction with its review of the full report.

38. The Representative of South Africa expressed thanks to India, the Republic of Korea, Singapore and Spain for their continued efforts to provide capacity-building and training services. He voiced appreciation to the Secretariat regarding the provision of statistical data on the recruitment of experts and underscored the positive outcome that would result from the *No Country Left Behind* initiative in reinforcing these efforts.

39. In concluding its discussion on this item, the Council acknowledged with satisfaction the Technical Cooperation Programme's positive performance with the implementation of 115 projects in 140 countries in 2015. It was understood that a summary of the major achievements for each technical project would be provided in the Annual Report of the Council for 2015, and that an outline of the main activities implemented by region would form part of the written report to be presented at the 208th Session. Results of key performance indicators (KPIs) and statistical data would be uploaded to the Council secure portal once the audited figures were available.

40. In the context of Assembly Resolution A36-17 ("*Consolidated statement of ICAO policies on technical cooperation*"), and specifically the request for cross-funding whereby an annual transfer from the Regular Budget to the AOSC Fund for services provided to the Regular Programme should occur and for which no provision had been made in in the 2014-2015-2016 triennium regular budget, the Council requested the Secretariat to undertake a review of this issue in order to identify the most optimal solution. The Council also decided to request the external auditors to undertake further analysis of the ongoing financial and legal implications of this issue as part of their audit of the 2015 Financial Statement and to include the results in the Annual Report of the External Auditor, which will be presented at the 208th Session.

Subject No. 42: Technical Cooperation

Customer satisfaction surveys

41. The Council considered the above subject on the basis of: information paper C-WP/14355, in which the Secretary General presented a proposed Action Plan to implement the recommendations of the customer satisfaction survey report produced by McGill University Centre for Research in Air and Space Law and which had been considered at the previous session (C-WP/14317 and C-DEC 206/1). The Council also had for consideration an oral report thereon by the Technical Cooperation Committee (TCC), as presented below.

Oral report by the TCC

42. In introducing the item, the Chairperson of the TCC (Representative of Nigeria) indicated that the Committee had considered the Secretary General's report at its Second Meeting of the current session on 25 January 2015 which presented a Secretariat Action Plan developed on Council's request to address the recommendations in the Report on the customer satisfaction surveys conducted by the McGill University Centre for Research in Air and Space Law.

43. The Committee noted that out of twelve recommendations in the Action Plan, four had

not been accepted. In this regard, the Committee Secretary clarified that the recommendations in question were either not applicable or attainable in the context of the ICAO Technical Cooperation Programme, since it must operate in accordance with particular policies, rules and regulations under the auspices of the United Nations common system. The gap could therefore be explained by the surveyor's lack of familiarity with the Bureau's structure and operations.

44. The Committee had noted that, while the Report confirmed that the majority of the Technical Cooperation Bureau (TCB) customers are satisfied or very satisfied with its services, some dissatisfaction had been expressed in a few areas. The Committee therefore concluded that although the report's findings and recommendations were not binding on the Organization, they should be looked at as opportunities for improvement for the Technical Cooperation Bureau to enhance its service delivery and customer satisfaction. This was in line with TCB's continuous improvement philosophy under its Quality Management System.

45. Recalling that the main objective of the exercise had been to provide the Council with an independent assessment of customer feedback on the services provided by TCB, but not to conduct an audit review, the Committee recommended that the survey results be considered as a historical reference point for TCB to gauge its performance with respect to the needs of its customers.

46. The Committee further enquired on the scope of the surveys and recommended that recently completed projects under an established timeframe be included in the next round of external surveys.

47. In accordance with the decision of the Council (C-DEC 206/1), the Committee considered the interval cycle for the next round of external customer satisfaction surveys and recommended that the surveys be carried out on an biennial basis.

48. The Committee recommended to the Council that:

- a) customer satisfaction surveys be carried out by an independent party in alternate years as of 2017 and that its results be reported to the Council in the third (Fall) session of the same year;
- b) the Terms of Reference for the next customer satisfaction surveys not include recommendations as deliverables; and
- c) the scope of the customer satisfactory surveys be expanded to include projects completed within six months prior to the undertaking of the activity.

49. The Representative of Japan expressed support for the report and underscored two recommendations presented in the Action Plan, i.e. "The intensification of the Bureau's recruitment of experts and experienced staff, perhaps in tandem with ICAO's overall talent attraction initiatives", and "The Bureau establish more effective quality management processes that will enable it to identify and respond to disruptions in the smooth progress of projects at an earlier stage than is currently possible". In this regard, the Representative of Japan encouraged the Secretariat to continue its efforts to bridge the gap between TCB officer/consultant expertise and State expectations to ensure successful implementation of ICAO Standards and Recommended Practices (SARPs). She referred to the coordinated efforts of TCB, the Global Aviation Training (GAT) Office, the Air Navigation Bureau (ANB), and the Air Transport Bureau (ATB) to address the issue and requested that information regarding the development of mechanisms designed to assist TCB be provided to Council at the first opportunity. The First Vice President of the Council underscored the importance of the views expressed by the Representative of

Japan and recalled the key performance indicators (KPIs) designed to enhance TCB service delivery and measure the achievement of TCB's goals previously endorsed by the Council (C-DEC 203/3 refers).

50. Further to the comments above, the Secretary General advised that she had requested D/TCB to institute mandatory training for all TCB experts to ensure that officers/consultants had current knowledge on SARPs. In addition, she advised that ANB and GAT were developing implementation kits (iKITS) which would assist experts in the execution of technical cooperation projects.

51. The Representative of Venezuela (Bolivarian Republic of) referred to the Council discussion of C-WP/14317 (Customer Satisfaction Surveys) in May 2015 at which time a representative of the McGill Research Centre indicated that the cost of the survey had amounted to less than that stipulated in the signed contract between ICAO and the McGill University Centre for Research in Air and Space Law (i.e. CAD 40 000). In response to a query regarding the final cost to ICAO, D/TCB advised that the total cost of the survey was CAD 25 000 and that payment had been made upon receipt of the report.

52. The Representative of Saudi Arabia remarked that the aim of the satisfaction survey was to determine customer satisfaction and the role of the external entity undertaking the survey was to assess and advise Council thereon. He stated that it was imperative that the external entity conducting the review produce recommendations and proposed that the reference in the report to the terms of reference for the next customer satisfaction surveys not including recommendations as deliverables, be deleted.

53. The Representative of the United Republic of Tanzania complimented the Committee Chair for the report and expressed appreciation to TCB for their commitment to improved performance in assisting States. He concurred with the Representative of Saudi Arabia on the need to delete the suggestion in the report that the terms of reference not include recommendations as deliverables, citing the necessity for all reports to produce recommendations in order to move forward. The Representative referred to paragraph 2 of the report, which identified the unintended lack of understanding by the consultant of the particular circumstances regarding the operation, structure, financial and regulatory framework of the Technical Cooperation Bureau and remarked on the need for the consultant to familiarize himself with the operation of the Bureau in order to produce a relevant report. In view of the determination that the customer satisfaction surveys would be conducted on a biennial basis, he proposed that a requirement for consultants engaged in this regard have a thorough knowledge of the framework and operation of the Bureau.

54. The Representative of Norway referred to paragraph 3 of the report which confirmed that most TCB customers were "satisfied" or "very satisfied" with the services provided but that dissatisfaction had been expressed in a few areas. In this connection, he remarked that the areas in which dissatisfaction had been documented would be of interest to Council Representatives. He emphasized the need to bear in mind that the results under consideration were that of a survey and not an audit and, in light of the fact that the consultant did not have the expertise to make recommendations, expressed his support for retaining the recommendation of the Committee that future such reports not include recommendations as deliverables. In this regard, the Representative of Norway proposed that the terms of reference for the next survey be amended to clarify that the consultant be required to produce an analysis of the responses received and not audit-style recommendations.

55. The D/TCB referred to ISO 9001:2008 (quality management system) and advised that pursuant to a customer satisfaction survey, TCB was obliged to take corrective action to address any response or observation considered, or perceived to be, unsatisfactory. D/TCB suggested that future reports to Council contain details regarding corrective action undertaken by the Bureau.

56. The Representative of the United Arab Emirates (UAE) expressed support for the proposal that future such reports contain recommendations for deliverables as this would in her view help to improve the overall performance of the Organization in this area.

57. The Representative of Argentina voiced his support that future such reports should not contain recommendations for deliverables. He recalled the Committee discussion during which the need for an assessment regarding the public image of ICAO to the aviation community at large was determined, and emphasized that the requirement was not for an internal audit. He underscored the need for the consultant to gauge customer satisfaction, after which it was the responsibility of the Committee and Council to determine the action required. The Representative of Argentina cautioned against soliciting recommendations from an external entity unfamiliar with the Organization and its working methods.

58. Referring to the proposal regarding whether future such surveys should result in recommendations as deliverables, D/TCB remarked that the surveys conducted thus far had been undertaken by a company specializing in the conduct of surveys and not a company with comprehensive knowledge of ICAO and its various regulations, procurement code etc. He advised that while such an undertaking would not be impossible, it would be significantly more expensive to expect such an entity to derive meaningful recommendations as deliverables.

59. In response to a request by the First Vice President of the Council to clarify the intent of the corresponding paragraph in the TCC report, the TCC Chairperson underscored that the customer satisfaction survey undertaken was just that i.e. a survey as opposed to an audit. In this regard, he confirmed that the consultant was not familiar with the framework under which the Organization operated and therefore should not be expected to produce recommendations.

60. The Representative of Spain underscored the need to differentiate between a satisfaction survey by an organization specializing therein, and the assessment of the management of an organization. He reiterated the services required as outlined in C-WP/14317 (Customer Satisfaction Surveys), i.e., evaluating customer responses to the services provided by TCB; reporting on the results and conclusions of the survey; and providing recommendations to enhance the Bureau's service delivery. He stated that all three requirements had been completed. Furthermore, the Representative of Spain observed that the recommendations presented to improve TCB's services were subject to the review of the Council and recommended prudence for the Council when considering recommendations that had been produced by a consultant not fully familiar with the management framework of the Organization.

61. The Representative of the United Kingdom voiced support for the intervention of the Representative of Spain, and expressed the view that the terms of reference in the proposal document (C-WP/14317) were clear enough. He remarked that the analysis of survey responses might prescribe an obvious and/or necessary action and reiterated D/TCB's comments regarding TCB's quality management system and the obligation to address areas of customer dissatisfaction. With a view to avoiding future lengthy discussions in the future regarding the issue of whether such surveys should or should not include recommendations, the Representative of the United Kingdom proposed that the relevant paragraph in the TCC report be revised to express the view that subsequent customer satisfaction surveys should clarify the need for an analysis of responses rather than audit-style recommendations.

62. The Representative of Mexico expressed appreciation for the clear report presented by the TCC Chair and stated that the survey results demonstrated overall customer satisfaction and compliance with the action requested by Council (C-DEC 206/1 refers). He voiced support for the comments of the Representative of the United Kingdom and stated that the proposal of the Representative of Saudi Arabia could be addressed by revising the relevant paragraph in the report to ensure that the

concept of “recommendations as deliverables” was eliminated.

63. In clarifying his proposal, the Representative of Saudi Arabia reiterated his position emphasizing that familiarity with the regulatory framework of the Organization was necessary in that it would impact the ability of the consultant to formulate questions that would produce an accurate reflection of the views of customers. He expressed support for the comments of the Representative of the United Kingdom and the Representative of Mexico but cautioned against removing all mention of “recommendations” as such an approach might detract from the purpose of the exercise.

64. In concluding the discussion, the First Vice President of the Council specified the need to revise the relevant paragraph in the report so that the terms of reference for the next customer satisfaction survey would convey the need for an in-depth analysis of responses. The Representative of the United Kingdom clarified his proposal advising that the text should include a statement reflecting both what is required and what is not required to aid in its understanding and to ensure clarity regarding the need of an analysis of responses but not audit type recommendations.

65. In conclusion, the Council reaffirmed its previous decision (C-DEC 206/1) that customer satisfaction surveys should be carried out by an independent party in alternate years as of 2017 and that the results of the exercise should be reported to the Council in the third session of the same year. It was further agreed that the terms of reference for the next customer satisfaction surveys would be amended in order to clarify that an analysis of the responses received would be required by the entity undertaking the survey and not specific audit-style recommendations, as it was understood that the entity would lack the requisite expertise and technical knowledge to produce such deliverables. The Council also agreed that the scope of future customer satisfaction surveys should be expanded to include projects completed within six months prior to the undertaking of the activity.

66. The Council also requested the Secretariat to explore options by which to further strengthen the operations of the Technical Cooperation Bureau (TCB) and that the lines of cooperation between TCB, ANB, ATB and the GAT be reviewed so as to ensure that the combined efforts of this collaboration fully enhanced the implementation of Standards and Recommended Practices (SARPs).

Subject No. 13: Work Programmes of Council and its subsidiary bodies

2015 Report on the activities of the Evaluation and Internal Audit Office (EAO)

67. The Council had for consideration: information paper C-WP/14282 in which the Secretary General transmitted the Report on activities undertaken by EAO in 2015, together with her comments on internal audit and evaluation reports completed during that year.

68. The Chief of the Evaluation and Audit Office (C/EAO) advised that since the 2014 Report on activities undertaken by EAO (C-WP/14245 [with Corrigendum No. 1 (Arabic, Chinese, French, Spanish and Russian only)], C-DEC 204/3), five internal audits and two evaluations had been completed and two audits and one evaluation were currently underway. The Council noted that the working paper under review provided a summary of all internal audit reports and evaluations completed in 2015, including reports of external stakeholder perspectives on ICAO, a comprehensive report on which had been provided in C-WP/14297 (Report on the Evaluation of External Stakeholder Perspectives on ICAO), and the evaluation of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan), details of which were presented in C-WP/14310 (Report on the Evaluation of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI PLAN)). Council Representatives were reminded that, as of May 2014, all internal audit reports and evaluations reports were made available on the Council website.

69. The C/EAO also informed that two investigations that had been conducted in 2015, as compared to five investigations in 2014, two in 2013, and one in 2012. He equated the work involved in the conduct of the two investigations to that required to complete 1.5 audits. The Council noted that investigations were conducted by C/EAO and two internal auditors rather than by a dedicated investigation officer, resulting in savings for the Organization.

70. The C/EAO explained EAO's role as focal point for the Joint Inspection Unit (JIU) of the United Nations and advised that EAO was responsible for the coordination of input; in 2015, EAO coordinated input for 17 JIU reviews as opposed to 16 reviews in 2014.

71. Referring to the work of the External Auditors, C/EAO informed that EAO was responsible for the preparation of Secretariat action plans designed to implement the recommendations of the External Auditors, which included follow up with respective managers in the Secretariat on the status of outstanding recommendations. The Council noted the following implementation rate for recommendations issued by EAO: 100 per cent implementation for 2010; 98 per cent implementation for 2011; 82 per cent implementation for 2012 and 2013; and 90 per cent for 2014.

72. The Representative of Mexico welcomed the report provided by EAO and the important information provided therein. Referring to the audit of consultants, he expressed concern regarding continuous employment of consultants in ongoing roles, inadequate documentation to support the selection of consultants, lack of compliance with the 2013 *Administrative Instructions on Contracts of Individual Consultants/Contractors*, and lack of transparency regarding the calculation of monthly fees and lump sum payments. He expressed the view that the issues represented inadequate human resource management and poor practices which had resulted in resources being transferred to, and accommodated by, the Ancillary Revenue Generation Fund (ARGF). He emphasized the need to take immediate action to rectify the serious deficiencies and to ensure that ICAO Member States could be confident that the critical functions of the Organization are conducted by ICAO staff members working under the regular programme budget and not by external consultants. He stated that failure to maintain oversight with respect to consultants placed the Organization at risk.

73. In further addressing deficiencies, the Representative of Mexico referred to the findings presented in paragraph 3.5 "Audit of the Procurement of Goods and Services for ICAO Headquarters' Needs" which had been rated as "unsatisfactory". He remarked on the need for planning with regard to purchases below CAD 10 000 to ensure compliance with the procurement rules. Regarding paragraph 3.7, (Audit of the Commissariat), he referred to the high rate of staff turnover in 2014 and difficulty in the management of the large inventory and underscored the importance of reviewing the structure and administration of the Commissariat in order to minimize the risks associated therein. The Representative of Mexico requested the Secretariat to take immediate action and report to Council accordingly.

74. In response to the comments by the Representative of Mexico regarding procurement, C/EAO confirmed that long-term planning was imperative and that the audit had highlighted that there was a concentration of orders at the end of each year in some areas of the Secretariat.

75. The Representative of Italy expressed appreciation for the report and emphasized the need to address the shortcomings highlighted with respect to consultants, the procurement of goods and services, and information and technology (IT) project management. He remarked on the particular importance of addressing the deficiencies related to the Commissariat and underscored the failure by the Board of Management to convene on a regular basis, the lack of documentation on roles and responsibilities, the significant inventory discrepancies, the weaknesses in labelling prices, the location and scanning of inventory items, and the unauthorized entering/purchasing of individuals by means of

authorized personnel. He referred to the “unsatisfactory” rating as being generous and expressed support for the request by the Representative of Mexico that these issues urgently be addressed and report thereon to Council.

76. The Secretary General expressed appreciation for the comments of Council Representatives on the EAO report and referred to the Council instruction to engage in cost-effective management procedures. She advised of three areas in which she had witnessed an increase in the use of consultancy services, i.e., revenue generation, Information, Communications and Technology (ICT), and Global Aviation Training (GAT). She stated that the use of consultants in these particular areas was a result of the varying activities and expertise required to adequately perform tasks, particularly with respect to ICT, and the lack of financial resources. The Secretary General noted that the administrative instructions dictated a maximum 33 month period for consultancy services and remarked that such limitations could place the Organization at risk as the consultants were often tasked with regular programme activities supported by extra-budgetary funds. She advised that the use of consultants often represented the most cost-effective manner by which to accomplish Secretariat tasks and was based on an outsourcing business model. Regarding the lack of transparency on the calculation of consultant fees, the Secretary General informed that the current practice was in line with that of the United Nations but underscored the need to ensure that the contract process as a whole followed United Nations practices. With respect to the Commissariat, the Secretary General acknowledged an urgent need to address the management concerns and advised that the oversight role had now been reassigned.

77. In supplementing the information provided by the Secretary General, the Director, Bureau of Administration and Services (D/ADB) informed of a meeting of the Board of Management for the Commissariat scheduled to occur during March 2016 at which management, pricing and access issues would be addressed. Regarding consultancy services, he advised that he was in the process of discussing the audit report with EAO and expressed his intention to finalize the Audit Implementation Plan which would establish a clear set of specific, measurable, achievable, realistic, time bound (SMART) goals pertaining to audit recommendations for 2016. He underscored the need to address the audit recommendations with a view to adding value to the Organization and to ensuring a high level of implementation.

78. In addressing the issue raised by the Representative of Mexico regarding contacts under CAD 10 000, the Chief, Procurement Section (C/PRO) clarified that the approval authority lay with the allotment holder and not the Procurement Section. He remarked that reducing the amount for which allotment holders had authority would result in generating double the number of purchase orders. In response to the EAO report, the Procurement Section was taking the following action: disseminating administrative guidelines for direct purchase orders to assist general service and professional level staff in the exercise of purchases below CAD 10 000; recruiting an additional staff member to work with Bureau chiefs to ensure improved oversight; soliciting nominations for procurement focal points within the Bureaux and Regional Offices to whom training would be provided; convening meetings with focal points as of 14 March 2016; and organizing training in May 2016 for individuals who had delegated procurement authority. C/PRO advised that consultation with GAT and ICT would be undertaken regarding the possibility of a mandatory online procurement course for staff.

79. In commending the report by EAO and action by the Secretariat to address audit recommendations, the Representative of Portugal noted the rating “major improvement needed” and “unsatisfactory” regarding the audits of consultants and procurement respectively. She expressed support for the comments of the Representatives of Italy and Mexico on the lack of compliance with rules and procedures of the Organization and emphasized the need for action. The Representative of Portugal noted that the current consultant and procurement practices had produced a negative impact on the Organization and supported the EAO recommendation for increased oversight by the Human Resources Section (HR),

prior to the signing of individual contracts, as well as a proactive role in Bureau support in the implementation of standardized procedures. She proposed the development of a centralized system applicable to all procurement, under the auspices of the Bureau of Administration and Services (ADB). Referring to paragraph 2 of the report “Core activities”, which identified four audits and one evaluation carried forward from the 2014 work programme to 2015, she sought the opinion of C/EAO as to whether EAO had the resources to conduct an analysis of the financial and legal implications thereon or if, in accordance with a previous Council decision (Report on Technical Cooperation Programme Development for 2014 and update of Administrative and Operational Services Cost (AOSC) income and expenditures for the year 2015), the External Auditor should be requested to undertake the analysis and to include the results thereon in the Annual Report of the External Auditor, to be presented during the 208th Session.

80. In responding to the query by the Representative of Portugal, C/EAO explained that the Charter stipulated that the President of the Council, Secretary General, or Council were entitled to request EAO to undertake specific tasks but remarked on the need to consider the financial implications thereon, particularly in view of the reduced human resources in EAO and a recently approved request for a performance audit of the Cairo Office. He suggested that, as the External Auditor would be in the process of auditing the 2015 Financial Statement with a view to reporting thereon to Council, they would be in a better position to undertake such an evaluation.

81. Also in response to the Representative of Portugal, C/PRO advised that a centralized system existed, i.e. Agresso, in which procurement requests were submitted and processed systematically through allotment holders, the Finance Section, and also the Procurement Section. In his view the existing Agresso system provided an adequate audit trail for purchases under CAD 10 000.

82. The First Vice President of the Council referred to the Council review on the “Report on Technical Cooperation Programme Development for 2014 and update of Administrative and Operational Services Cost (AOSC) income and expenditures for the year 2015” and noted that the Council had not taken a decision as to the use of Internal or External Auditors. In view of the suggestion by C/EAO, he proposed that the mandate be delegated to the External Auditor and documented accordingly as part of the Council decision to be taken for this item.

83. The Representative of South Africa remarked on the many unsatisfactory ratings highlighted in the EAO report and expressed support for the comments by the Representatives of Italy, Mexico, and Portugal. He expressed confidence in the ability of the recently appointed Secretary General and Director, Bureau of Administration and Services (ADB) to undertake a thorough review with the aim of rectifying the issues.

84. The Representative of Spain expressed appreciation for the report, noted the unsatisfactory ratings and emphasized the need for immediate action. He identified D/ADB as the authority responsible for ensuring action with regard to the Commissariat and ICT but requested clarification as to who was responsible for issues pertaining to procurement. In addition, he queried whether the Internal Auditors had considered the ramification of cases in which a company had been hired by ICAO to act as a consultant.

85. In response to the query from the Representative of Spain, C/PRO advised that procurement below CAD 10 000, referred to as direct purchase orders as they were not processed through the Procurement Section, was the responsibility of Bureau Directors or Chiefs. He reiterated that, in accordance with the ICAO Procurement Code, Directors had delegated authority to approve such purchases. He stated that purchases over CAD 10 000 were the responsibility of the Procurement Section and noted that, aside from delays in processing which resulted from a lack of resources, the EAO report did not identify concerns with the conduct of the section. C/PRO assured the Council that the

Procurement Section recognized their role as one of assistance to Bureaux, repeated the need to streamline the procedures, to produce administrative instructions and to provide training, and expressed confidence that assistance to Bureaux would help to improve the situation. C/EAO commented on the distribution of funds and advised that Bureau Directors did not always receive funding at the beginning of the year, thus making it difficult to plan expenditures and remarked on the need to improve planning at that level.

86. The Representative of Malaysia complimented C/EAO for an interesting and comprehensive report and noted that many issues relating to efficiency had been raised. Referring to the operation of the Commissariat and the comments by the Secretary General on the business model currently in use, he enquired whether EAO had considered the possibility of reviewing its operations in terms of applying a better business model. He expressed the need to consider efficiency and resource mobilization and queried whether one option was for the operation of the Commissariat to be outsourced.

87. In response to the query from the Representative of Malaysia, the Secretary General advised that the outsourcing model for the operation of the Commissariat was not currently under consideration, as she perceived other options to be more appropriate in terms of determining the most cost efficient method of operation. C/EAO echoed the comments of the Secretary General advising that the Secretariat had a responsibility to manage the structure and resources of the Commissariat and to assess the best means by which to operate the facility. C/EAO also remarked on the need for the Organization to comply with its duties as a United Nations agency, one of which was the operation of a Commissariat, and cautioned that the legal issues pertaining to outsourcing the Commissariat would need to be considered in advance if this option was to be pursued.

88. The C/PRO referred to the EAO report findings regarding economy and best value and underscored the importance of soliciting several quotes when purchasing goods or services under CAD 10 000; he stated that guidelines had been developed to assist Bureaux in this regard. He also remarked on the practices by Bureaux of separating purchases over CAD 10 000 into smaller purchases thereby avoiding the ICAO Procurement Code procedures and advised that a purchase order summary system had been developed to identify such infractions. C/PRO reiterated the need for planning to rectify this situation and informed of an impending meeting with Directors of Bureaux and other allotment holders with a view to determining if purchases could be grouped in order to take advantage of economies of scale.

89. Elaborating on the comments by C/PRO, the Secretary General stated that, subsequent to a meeting with D/TCB and C/PRO, she had recently issued a memorandum to members of the Senior Management Group (SMG) to emphasize their responsibilities regarding the procurement process, including that of planning for the year so as to ensure cost savings for the Organization and the acquisition of goods and services on a timely basis. She assured the Council that procurement practices would be improved by means of an improved management mechanism and training.

90. In expanding on the issue of consultants, the Secretary General remarked on the challenges faced by the Secretariat in its effort to comply with the Policy on Consultants, in particular, regarding the issue of the engagement of consultants on a recurring basis. She advised of the need for consideration of a mechanism by which to accomplish Secretariat activities and the need for Council guidance with respect to the areas in which the continuous employment of a consultant was acceptable.

91. The Representative of Japan expressed appreciation for the information provided by the Secretary General, D/ADB and C/PRO. She referred to the summary report under consideration and requested that the comprehensive Internal Audit Report be made available in a timely fashion in order for the Council to better understand concerns therein and provide guidance on a revised policy for consultants,

as requested by the Secretary General. She acknowledged the pending report to be presented by D/ADB and the time constraints under which the Secretariat was working but requested that, in future, the comprehensive audit report be made available prior to Council consideration so that Representatives could assess the potential threat to the Organization and the Secretariat proposals for solution.

92. The Representative of Australia complimented EAO for its work, acknowledged the resource constraints under which it had been prepared, and underscored the value of the work it undertook for the Organization. She echoed the remarks of the Representative of Italy and stated that the audit results represented a grave situation. Moreover, she commented on the fundamental issue of the need to be prudent and accountable in the use of financial resources and expressed concern that on previous occasions the Council had been presented erroneously, with a misleading positive snapshot of the Organization. With reference to the Commissariat audit results, she expressed support for the need to consider alternative business models and questioned the need for such a facility at all on the premises, citing the inherent risks which accompanied its management, the resources it required, and its failure to generate funds of sufficient magnitude. The Representative also noted that various other options existed by which diplomatic privileges in this regard could be exercised and expressed her ongoing skepticism with respect to the value of a continued on-site operation of the Commissariat.

93. The Representative of Norway voiced alarm regarding the behaviour by which orders above CAD 10 000 were separated in order to circumvent the rules and procedures dictated by the Procurement Policy. He expressed a need to differentiate between a lack of competence or training and inappropriate behaviour and urged allotment holders to identify and address any such procurement submissions.

94. The Representative of Spain endorsed the comments of the Representative of Norway and reiterated his queries regarding clarification on which was the authority responsible for the overall procurement process, including that of procurement under CAD 10 000, and if the internal auditors had encountered instances in which a company had been engaged for consultancy purposes.

95. The Representative of Singapore expressed support for the comments voiced by Council Representatives and referred to the remarks of the Secretary General in which she requested guidance regarding the circumstances in which consultants can be employed on a continuous basis. He remarked that the current policy dictated that no such exceptions be made. He expressed the view that should there be need for the employment of consultants on a recurring basis, the Secretary General should present a separate working paper outlining in detail the situation of the Organization regarding its consultants, including the number of consultants currently employed, the number of contacts in which the timeline was respected, and the number of contacts that have been renewed and/or renewed repeatedly. In supporting the comments of the Representative of Spain, the Representative of Singapore also expressed concern that inadequate oversight might result in the employment of an individual both through his/her company and as an individual.

96. The Representative of Bolivia (Plurinational State of) expressed appreciation for the EAO report, voiced concern that fundamental organizational issues were not regulated and underscored the need for transparency and oversight, particularly with respect to procurement practices and the Commissariat. He highlighted the need to eliminate discrepancies between the Organization's rules for procedures and current practices and emphasized the need to ensure that arbitrary decisions regarding inappropriate financing practices were addressed. In placing responsibility for the unacceptable situation illustrated in the EAO report, the Representative remarked that fault lay with the

Organization and its lack of rules and procedures. He proposed that a mapping exercise be undertaken to illustrate the lines of authority for the tasks of the Organization and to identify deficiencies in this regard.

97. In addressing the issue of procurement, D/ADB reiterated the need for long-term planning and advised Representatives that, in his capacity as Director, he was responsible for purchases under CAD 10 000. He also remarked that his Bureau was responsible for the major portion of purchases within the Organization. By means of providing an example of how the Secretariat was addressing the audit report, he advised that, further to the memorandum of the Secretary General, he had met with the procurement officers to review the reporting process with a view to ensuring accountability and to highlight the primary and secondary focal points so as to identify staff requiring procurement training. As a next step, he intended to review the procurement plans which had been submitted by all ADB sections to ensure no intentional separation of goods and services and to confirm that purchases fit into a long-term plan. He cited the need to consider a succession plan for purchases and remarked that poor planning was not an excuse for exigencies but almost always resulted in urgent situations which did not allow for the provision of three quotes. He assured Council that a plan would be developed, that primary and secondary focal points would undergo training, and that the ultimate goal was to purchase all goods and services in the first half of each year in accordance with the objective of all procurement plans. The Director also took the opportunity to explain the concept of “backwards induction”, i.e. identifying the date by which the goods/services are required and calculating backwards the date by which it was necessary to initiate the procurement process and informed that he would be following up assiduously to ensure that the Organization purchased only what was required. He expressed confidence that the same procedures would be implemented throughout the Organization with a view to rectifying the issues raised in the audit report.

98. The First Vice President of the Council reiterated the appreciation expressed by the Council for the work of EAO and voiced support for the recommendation of the Representative of Japan for immediate publication of the comprehensive Audit Report and Action Plan thereon. In this regard, the Representative of Japan clarified that she had requested that the posting of the comprehensive report not be delayed by the development of the Action Plan so that Council Representatives could review the findings prior to considering the Action Plan. The First Vice President of the Council confirmed that the request by the Representative of Japan had been noted by the Secretariat.

99. C/EAO confirmed that the report would be posted on the Council website within days and invited Council Representatives to submit, in writing, any questions they had thereon. In response to the query from the Representative of Spain, the Senior Internal Auditor clarified that the procurement audit considered companies owned by one individual and that the consultancy audit addressed contracts of individuals, and as such all aspects were considered. She advised that only one case had been identified where an individual had been contracted both through his company and as an individual but that the contracts were not for the same time period.

100. The Representative of Mexico referred to the request for guidance by the Secretariat and noted that a number of suggestions to address deficiencies had been voiced. He emphasized the need for immediate action on the part of the Secretariat.

101. The First Vice President of the Council commended EAO for the detailed work it had undertaken in producing the report and for the valuable insights and conclusions presented. Comments made and concerns expressed in the course of the consideration of this item were noted by the Secretariat, particularly as they related to the issues of consultants, procurement, and the Commissariat. In this regard, the Council requested that the Secretariat take immediate action to respond to and

address the deficiencies in the identified areas. The Council noted that CWP/14382 presented a summary of the audits undertaken and requested in future that the more detailed audit reports be made available to Representatives prior to the item being considered by Council.

Any other business

Appointments on the Air Navigation Commission (ANC) (Subject No. 6.3)

102. In the absence of comments by 4 December 2015 to the President of the Council's email dated 24 November 2015, Mr. Christian Schulthess, nominated by the Governments of Austria, Belgium, Ireland, Luxembourg, The Kingdom of the Netherlands, Portugal and Switzerland, had been appointed as a Member of the Air Navigation Commission to succeed Mr. Declan Fitzpatrick with effect from 1 January 2016.

103. In the absence of comments by 20 January 2016 to the President of the Council's email dated 13 January 2016, Mr. Victor Kwame Kwakye Mamphey, nominated by the Government of Ghana, has been appointed as a Member of the Air Navigation Commission to succeed Mr. Simon Allotey with effect from 1 January 2016.

Appointment of a Member on the Air Transport Committee (ATC), Finance Committee (FIC) and the Technical Cooperation Committee (TCC) (Subject No. 6.3)

104. In the absence of comments by 9 December 2015 to the President of the Council's email dated 25 November 2015, and in accordance with paragraphs 3 & 7 of the Rules of Procedure for Standing Committees of the Council, Mr. Alok Shekhar, Representative of the India on the Council, has been appointed to succeed Mr. Sukul, as Member of the ATC with immediate effect and as member of the FIC and TCC for the remainder of the period 2015-2016.

Appointment of a Member to the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR) (Subject No. 16)

105. In the absence of comments by 15 January 2016 to the President of the Council's memorandum PRES OBA/2469 dated 18 December 2015, and pursuant to Rule 2 d) of the *Rules of Procedure for the Commission of Experts of the Supervisory Authority of the International Registry* (Doc 9893), Mr. Ilitrus Diemkwap Ahmadu of Nigeria has been appointed as member of CESAIR to replace Mr. Paulinus Okoronkwo until 1 July 2018.

Appointment of Observers on the Committee on Aviation Environmental Protection (CAEP) (Subject No. 50)

106. In the absence of comments by 22 January 2016 to the President of the Council's email dated 31 December 2015, Mr. Luis Enrique Mojovich La Vera has been appointed as a CAEP Observer from Peru with effect from 25 January 2016.

107. In the absence of comments by 19 January 2016 to the President of the Council's email dated 13 January 2016, Mr. Atef Ajili had been appointed as a CAEP Observer from the Arab Civil Aviation Commission (ACA) to replace Mr. Rachid Tiroual with effect from 20 January 2016.

108. In the absence of comments by 29 January 2016 to the President of the Council's email dated 27 January 2016, Mr. Nico Voorbach had been appointed as a CAEP Observer from the Civil Air Navigation Services Organisation (CANSO) to replace Mr. Eugene Hoeven with effect from 30 January 2016.

Request from the European Union (EU) to participate as Observer in closed meetings of the Council on aviation security (Subject No. 10)

109. In the absence of comments by 8 January 2016 to the President of the Council's email dated 14 December 2015, Mr. Christopher Ross, Head of Office, Office of the EU in Montréal, has been invited, in accordance with Rules 32 a) of the Rules of Procedure for the Council (Doc 7559), to participate as Observer on behalf of the EU during the 207th Session of the Council's consideration, in closed session, of all items related to aviation security.

Request from Airports Council International (ACI) to participate as Observer in closed meetings of the Council on aviation safety and security (Subject No. 10)

110. In the absence of comments by 12 January 2016 to the President of the Council's email dated 5 January 2016, Mr. Michael Rossell, Deputy Director General of ACI in Montréal, has been invited, in accordance with Rules 32 a) of the *Rules of Procedure for the Council* (Doc 7559), to participate as Observer on behalf of the ACI during the current 207th Council's consideration, in closed session, of all items related to aviation safety and security.

Establishment of a High-level Group on a Global Market-based Measure (GMBM) Scheme (Subject No. 12)

111. In the absence of comments by 26 January 2016 to the President of the Council's memorandum PRES OBA/2478 dated 22 January 2016, the High-level Group on a GMBM Scheme had been approved to be convened from 24 to 25 February 2016.

Convening of the High-level Group on a Global Market-based Measure (GMBM) Scheme (Subject No. 12)

112. In the absence of comments by 23 January 2016 to the President of the Council's email dated 13 January 2016, the draft agenda and list of organizations to be invited to the ICAO High-level Meeting on a Global Market-based Measure Scheme, which is scheduled to take place in Montreal from 11 to 13 May 2016, had been approved.

Convening of the ICAO Global Aviation Dialogues (GLADs), 21 March to 8 April 2016, various regions (Subject No. 12)

113. In the absence of comments by 26 January 2016 to the President of the Council's email dated 19 January 2016, the organizations listed therein had been approved to be invited to the ICAO GLADs to be held in various regions, from 21 March to 8 April 2016.

Request from the European Commissioner for Mobility and Transport to address the Council (Subject No. 10)

114. In the absence of comments by 9 February 2016 to the President of the Council's email dated 2 February 2016, Violeta Bulc, European Commissioner for Mobility and Transport, had been

invited to address the Council on international aviation developments from a European perspective, on 29 February 2016 at 1430 hours.

115. The meeting adjourned at 1735 hours.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE SECOND MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 17 FEBRUARY 2016, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Mr. A.J. Dumont	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Bolivia (Plurinational State of)	— Mr. J.G. Soruco	Nicaragua	— Mrs. E.A. Aráuz Betanco
Brazil	— Mr. O. Vieira (Alt.)	Nigeria	— Mr. M.E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Prof. M. Polkowska
Canada	— Mr. J.-B. Leblanc	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. C. Mac-Namara	Republic of Korea	— Mr. J. Hur
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Dominican Republic	— Mr. C.A. Veras Rosario	Saudi Arabia	— Mr. H.A. Abudaowd
Egypt	— Mr. A. Khedr	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. M.D.T. Peege
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. A. Shekhar	United Arab Emirates	— Miss A. Alhameli
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Ms. N. Ueda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Ms. M.B. Awori	United States	— Mr. M.A. Lawson
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Mr. P. Jardim (Alt.)	— Brazil
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. M. Vidal (Alt.)	— Chile
Mr. I. Camino (Alt.)	— Chile
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. M. Kang (Alt.)	— Republic of Korea
Mr. A. Almoghraby (Alt.)	— Saudi Arabia
Mr. S. Kotis (Alt.)	— United States

SECRETARIAT:

*Mr. I. Galán	— D/TCB
*Mr. B. Djibo	— D/ATB
*Mr. J. Augustin	— D/LEB
*Mr. S. Creamer	— D/ANB
*Mr. V. Smith	— D/ADB
*Mr. O. Myard	— C/EAO
*Mr. M. Belayneh	— A/C/GAT
*Ms. K. Balram	— C/SEA
*Mr. D. Martinez Rodriguez	— GAT/TPP
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Afghanistan
Cuba
Ecuador
Equatorial Guinea
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Paraguay
Peru
Turkey
Uganda

Airports Council International (ACI)
European Union (EU)

Minute of silence and condolences

1. The Council observed a minute of silence to mark the passing, on 16 February 2016, at the age of 93, of His Excellency Boutros Boutros-Ghali, an Egyptian scholar and statesman and former Secretary-General of the United Nations (UN). H.E. Boutros-Ghali had become the sixth UN Secretary-General in January 1992, at a time when the world faced a number of challenges, and had initiated several reforms at the UN and broadened its peacekeeping missions. On 7 December 1994 he had visited ICAO Headquarters to take part in the activities celebrating the 50th Anniversary of the signing of the *Convention on International Civil Aviation* (Chicago Convention) and the establishment of ICAO.
2. Following the end of his term of office in December 1996, H.E. Boutros-Ghali had served in leadership positions in several international organizations, including La Francophonie, South Centre, and The Hague Academy of International Law, and had also lent his support to the Campaign for the Establishment of a United Nations Parliamentary Assembly. The Council recognized his life well-lived and his many accomplishments through its said observance of a minute of silence.
3. It was noted that, on behalf of the Council and the ICAO Secretariat, the President of the Council and the Secretary General had sent a letter of condolences to the current UN Secretary-General conveying their deepest sympathy. A copy of that letter had been sent to the Representative of Egypt on the Council, in the expectation that their condolences and sympathy would be conveyed to H.E. Boutros-Ghali's immediate family and loved ones.
4. The Representative of Egypt expressed appreciation for the letter of condolences on the passing of H.E. Boutros-Ghali, who had been one of Egypt's and Africa's greatest sons.

Subject No. 13: Work programmes of Council and its subsidiary bodies

Action Plan to implement the recommendations of the Evaluation and Audit Advisory Committee (EAAC) in its annual report for 2014-2015

5. The Council had for consideration: C-WP/14383, in which the Secretary General, pursuant to its earlier decision (206/6), presented an Action Plan to implement the recommendations set forth in the EAAC's 2014-2015 annual report (C-WP/14308); and an oral report thereon by the Finance Committee (FIC), which had considered the Action Plan at its Second Meeting of the current session on 22 January 2016.
6. During the Committee's deliberations, a question had been raised regarding EAAC Recommendation 3 ("Improve the implementation rate of all oversight recommendations, and ensure that action is taken to address internal control weaknesses on a more timely basis.") (cf. Appendix to C-WP/14383). The Secretariat had explained that the current target that was included in the annual performance objectives of all members of the Senior Management Group (SMG) to reinforce their responsibility for implementing oversight recommendations on a timely basis would be revised for the 2016 reporting year to ensure that there was more emphasis placed on implementing overdue recommendations.
7. A suggestion that a mechanism be established to inform the Council of the consistency of action plans for implementing all oversight recommendations had been noted by the Secretariat.
8. The Committee had taken note that work underway by the Working Group on Governance and Efficiency (WGGE) Sub-group on ICAO's Corporate Risk Register and Assurance

Framework (SGRA) may have an effect on some of the actions proposed in the said Action Plan to implement the recommendations set forth in the EAAC's 2014-2015 annual report.

9. In the absence of any comments on the proposed responses to the EAAC's said recommendations, the Council noted the FIC's oral report and, as recommended by the Committee, approved the Action Plan appended to C-WP/14383.

Subject No. 20: Periodic reports by the Secretary General

Annual Report of the Ethics Officer

10. The Council considered: information paper C-WP/14349, whereby the Secretary General transmitted the annual report of the former Ethics Officer, Mr. Ian Fuller, for the period 1 January to 30 September 2015, on which she had not made any comments; and a related oral report by the Human Resources Committee (HRC), which had considered the annual report at its First Meeting of the current session on 26 January 2016.

11. The said annual report provided an overview of the activities undertaken with regard to ethics training and guidance, policy guidance and development, investigations, financial disclosure and protection from retaliation, as well as an analysis of the ethics issues that had arisen during the reporting period and the impact of reduced funding for the Ethics Officer post. In addition, it set forth the observations of the former Ethics Officer on the functioning of the Council-approved (193/6) *ICAO Framework on Ethics*. It was noted that, following the completion of his annual report, the Ethics Officer had left the Organization in October 2015.

12. In its oral report, the HRC had recognized the improvements resulting from the implementation of the said *ICAO Framework on Ethics*, as highlighted in the annual report, and had commended Mr. Fuller for his achievements as Ethics Officer. In addition, the Committee had noted that a representative of the ICAO Staff Association was taking part, as an observer, in the ongoing recruitment process for a new Ethics Officer.

13. Referring to paragraph 4.1.1 of the annual report, the Representative of Mexico queried whether the ICAO Financial Disclosure and Conflict of Interest Declaration was aligned with the United Nations (UN) standard. In then drawing attention to paragraph 5.2, he suggested that the Secretary General identify in the draft Budget of the Organization for the 2017-2018-2019 triennium (C-WP/14397) the necessary administrative resources to ensure that the ethics-related activities would be properly carried out. The Representative of Venezuela (Bolivarian Republic of) echoed this suggestion.

14. Responding, in the absence of the former Ethics Officer, the Chief of the Evaluation and Internal Audit Office (C/EAO) indicated that while, to the best of his knowledge, the said Declaration was aligned with the UN standard, it would be for the new Ethics Officer to ensure that there were no gaps and that the ICAO Declaration was in total compliance therewith.

15. The Representative of Venezuela (Bolivarian Republic of) endorsed the annual report, as well as HRC's oral report. Referring to paragraph 4.2.2, he expressed concern that the continued omission in coverage of ethics-related activities of non-staff categories such as Technical Cooperation Bureau (TCB) field personnel and experts could impact ICAO's image and reputation and enquired as to the reason for that omission.

16. Recalling that he had discussed that issue with the former Ethics Officer on several occasions, C/EAO indicated that the latter had planned to involve TCB field personnel and experts in the

ethics-related activities to ensure that they understood their responsibilities and duties. As it had not been possible for the former Ethics Officer to travel to all the locations where such field personnel and experts were deployed, due to both time and budget constraints, he had considered various alternatives, such as video conferences using Skype and meeting in central locations. However, the former Ethics Officer had left the Organization before implementing any of those solutions. C/EAO assumed that the new Ethics Officer would consider the matter and try to find an appropriate response.

17. Observing that that was also her understanding of the situation, the Secretary General recalled that for the current 2014-2015-2016 triennium, due to budget constraints, the funding for the Ethics Officer's post had been reduced by 50 per cent. The remaining 50 per cent of the Ethics Officer's time had been transferred to duties funded by and within EAO. However, as indicated in paragraph 4.2.1 of the paper, it had not been possible for the former Ethics Officer to achieve the required 50:50 split in 2014 and 2015, with the actual allocation having been nearer 75 per cent dedicated to ethics issues and 25 per cent or less dedicated to EAO activities. Based on his experience, the former Ethics Officer had considered that working on ethics issues only on a part-time (50 per cent) basis had not proven successful as it had led to a reduction in face-to-face training and guidance provision, the postponement of the development of additional web-based training courses, the continued postponement of automation of the ICAO Financial Disclosure and Conflict of Interest Declaration processes and the said continued omission in coverage of ethics-related activities of non-staff categories such as TCB field personnel and experts. Furthermore, it had not allowed the former Ethics Officer to perform some EAO activities.

18. The Secretary General clarified that, in light of the views expressed by the former Ethics Officer and some Representatives, she had made provision for a full-time P-5 level Ethics Officer in her draft Budget proposal for the 2017-2018-2019 triennium (C-WP/14397), which would be considered by the Finance Committee (FIC) and the Council later in the current session.

19. The Secretary General indicated that the Secretariat would explore the possibility of extending ethics-related web-based training to TCB field personnel and experts. She further noted that the Secretariat was currently working on the automation of the ICAO Financial Disclosure and Conflict of Interest Declaration processes and considered that it could be done for relevant Regular Budget staff at ICAO Headquarters.

20. Observing that TCB field personnel and experts presented business cards carrying the ICAO logo and were perceived to be ICAO staff even though they were not funded under the Regular Budget, the President of the Council emphasized the need to not only consider providing them with ethics-related web-based training but also consider whether they should be required to complete the said Declaration, taking into account their grade level and functions. He underscored that the automation of the processes would facilitate the filing of the said Declaration.

21. Noting that although ICAO TCB field personnel and experts worked in a high risk area in terms of potential fraud and corruption they were not currently covered by ethics services due to resource constraints, the Secretary General indicated that they should be so covered in future. In view of the high number of such field personnel and experts, she would discuss the possibility of co-funding those ethics services with TCB and submit a proposal for the Council's consideration. The Secretary General further indicated that if their grade level and functions so required, ICAO TCB field personnel and experts should also complete the said ICAO Financial Disclosure and Conflict of Interest Declaration.

22. The Representative of Mexico emphasized that the new Ethics Officer should make specific proposals on how to address, in the most efficient way possible, the various gaps identified in the

annual report, including the provision of ethics services to TCB field personnel and experts and the filing of the said Declaration by such field personnel and experts.

23. In highlighting the need for the Ethics Officer to be independent, the Representative of Saudi Arabia recommended that: the post be subject to the same terms and conditions as D-1 level posts, namely, a one five-year term with no possibility of renewal; and that the Ethics Officer be accountable to, and report to, the Council on all ethics-related issues. He stressed the importance of providing the Council with a comparative analysis of ICAO's practices and those of other UN organizations with regard to those two issues. The Representative of Saudi Arabia also suggested that the HRC be requested to consider them and to report thereon to the Council.

24. The Secretary General recalled that during the development of the *ICAO Framework on Ethics* a comparative analysis had been done of the ethics-related practices of ICAO and other UN organizations. To the best of her recollection, in the majority of those UN organizations that had Ethics Officers, the latter reported directly to the Chief Executive Officer i.e. Secretary General. She emphasized that the said ICAO Framework was based on the best practices at the time of its development and reflected the advice received from the UN Headquarters Ethics Officer. The Secretariat could, nevertheless, seek further clarifications from other UN organizations regarding their ethics-related practices and provide that information to the Council.

25. In welcoming the comments made earlier by the Secretary General regarding TCB field personnel and experts, the Representative of Spain underscored that there was a risk to the Organization arising from the lack of clarity surrounding their professional status, as well as from the fact that they did not receive ethics services and did not file the ICAO Financial Disclosure and Conflict of Interest Declaration.

26. Reiterating that action would be taken to address that risk, the Secretary General indicated that a proposal would be presented for the Council's consideration in due course. To another point raised by the Representative, she clarified that the involvement of a representative of the ICAO Staff Association, as observer, in the recruitment process for the new Ethics Officer was a special case and that no such representative took part in the recruitment process for other posts. The Secretary General noted, however, that there had been a special arrangement for the recruitment of the incumbent C/EAO, whereby the Chairperson of the Evaluation and Audit Advisory Committee (EAAC) had been invited to participate, as observer, in the interviews of the short-listed candidates and to provide his independent professional advice to the Secretary General for consideration, together with the Panel's recommendation. Emphasizing that the EAAC was a Council Committee and that the Chairperson of the EAAC thus represented the Council in the recruitment process for C/EAO, the Secretary General indicated that it was envisaged that for the upcoming recruitment for the new C/EAO the Chairperson of the EAAC would be invited to participate, as observer, not only in the conduct of the interviews of short-listed candidates but also in the administration of the written test.

27. Observing that the Organization's e-mail address database contained the names of staff and members of national delegations who were no longer at ICAO, the Representative of Malaysia stressed the need to update it in order to enhance efficiency. He highlighted, in this regard, the database's usefulness to the Ethics Officer in communicating with staff regarding the provision of ethics services.

28. Recalling that she had encountered the same problem with the database, the Secretary General indicated that the Information and Communication Technology (ICT) Section was already taking the necessary action to update it.

29. The Representative of Australia noted that the former Ethics Officer had done an excellent job over the past few years in establishing the foundational ethics elements, including, inter alia, the provision of initial and refresher training courses and the administration of the ICAO Financial Disclosure and Conflict of Interest Declaration. However, as indicated in his annual report, that momentum had unfortunately tapered off with the said reduction in funding for the Ethics Officer post. The Representative of Australia recalled that the EAAC had highlighted that that was not an optimal situation and that it had raised the specific risk arising from the non-provision of ethics services to TCB project staff in the field (cf. C-WP/14308, paragraph 5.2.3; 206/6). She was thus very pleased to hear that the Secretary General was proposing, in the draft Budget of the Organization for the next triennium, the reinstatement of a full-time Ethics Officer post. In urging States to consider that proposal very seriously, the Representative of Australia underscored that the Ethics Officer post was an integral part of ICAO's Assurance Framework and that its funding should not be viewed simply as an administrative overhead. Noting that TCB field personnel and experts could form a large part of potential future work of the new Ethics Officer, she emphasized that consideration should also be given to the possibility raised by the Secretary General of having TCB co-fund the provision of ethics services to them.

30. Referring to the comments made by the Representative of Saudi Arabia on the independence of the Ethics Officer, the Representative of Australia indicated that she did not have any issue with the latter reporting directly to the Secretary General pursuant to paragraph 57 of the *ICAO Framework on Ethics*. She noted, however, that there were a couple of areas that could probably benefit from greater clarity in the said ICAO Framework. Highlighting the implied need for the specific approval of the Secretary General for the Ethics Officer to undertake an investigation, the Representative of Australia indicated that consideration should be given to whether the Ethics Officer should have the independence to decide himself/herself to conduct an investigation. She also underscored the need to clarify the mechanism to address any concerns raised about possible impropriety on the part of the Secretary General.

31. C/EAO noted, in this regard, that he was monitoring the development, within the UN common system, of a mechanism for addressing allegations of misconduct concerning an Executive Head of a UN organization.

32. While agreeing that, in most cases, it was good for the Ethics Officer to put in place informal resolution alternatives to investigation wherever possible, as indicated in paragraph 3.1.5 of the paper, the Representative of Norway emphasized that sometimes the action taken could depend on the severity of the case. Noting, from Appendix B, that the three sexual harassment issues raised with the Ethics Officer in 2015 had not resulted in any investigations, he sought clarification as to how those issues had been dealt with informally. Underscoring the importance, from the governance point of view, of ensuring that every case received the treatment it deserved, the Representative of Norway noted that in his State there was zero tolerance for sexual harassment.

33. C/EAO clarified that the former Ethics Officer had decided, for several reasons, to seek, wherever possible, informal resolution alternatives. One reason was the psychological impact of a formal investigation on the large number of colleagues who were interviewed as part of the proceedings. While there was the presumption of innocence, the opening of an investigation always came as a shock to them. A second reason was the amount of time required to conduct an investigation. A third reason was ICAO's lack of a full-time investigator. While the Organization's size would normally justify having one, it had been decided not to have such an investigator in order to effect cost savings. If it was not possible to achieve an informal resolution of the matter, and if the Ethics Officer considered that there might be a conflict of interest in the Bureau concerned conducting an investigation thereof, or that it concerned a serious or complex case, then the Ethics Officer could recommend to the Secretary General that the

matter be referred to an alternative investigating mechanism. Depending on its nature, the matter could be referred to EAO, the Legal Affairs and External Relations Bureau (LEB), Human Resources (HR) or an external consultant. The trend, however, was to centralize such investigations in EAO. While such work complemented EAO's internal audit activities, EAO could not conduct investigations on a full-time basis due to the resources required and the impact on its work. C/EAO noted, in this regard, that investigations referred to his Office tended to be carried out by him and one of the internal auditors. Underscoring that time spent conducting investigations resulted in less time being spent on internal audits, he highlighted that the time spent by EAO in conducting the two investigations in 2015 represented the time that it could have spent performing one and a half internal audits. The former Ethics Officer had been fully aware of the need for EAO to balance its workload and had tried to avoid placing additional demands on EAO by seeking informal resolution alternatives.

34. The Representative of Nigeria fully endorsed the comments made by the Representative of Australia. While noting the Secretary General's proposal to reinstate a full-time Ethics Officer for the next triennium, he recalled the former Ethics Officer's observation that the portfolio of responsibilities outlined in the *ICAO Framework on Ethics* was very wide for just one staff member, without any staff or secretarial support. In enquiring whether there were any plans to provide the Ethics Officer with such support, the Representative of Nigeria noted that reducing the funding for the Ethics Officer post in the current triennium had "potentially signaled to the Organization and wider environment that ICAO does not take governance and ethics-related issues seriously" (cf. paragraph 5.2).

35. The Secretary General noted that whereas she was proposing a full-time Ethics Officer for the coming triennium some other UN organizations that were similar in size to ICAO, such as the International Maritime Organization (IMO), or smaller, currently did not have Ethics Officers due to budget constraints.

36. The Representative of Japan welcomed the Secretary General's said proposal. While noting that the Organization's draft Budget for the next triennium would be considered in a holistic manner rather than piecemeal, she emphasized the need to ensure that, in the many discussions and negotiations that would take place prior to its adoption, the issue of funding for a full-time Ethics Officer remained one of ICAO's very important priorities, even if the approved Budget envelope and level of States' assessment were lower than those proposed by the Secretary General. It should not be assumed that any such decrease would automatically adversely affect the funding for a full-time Ethics Officer.

37. In underscoring that the priorities would be determined by the Council, the President indicated that there would be good negotiations since what was a priority for one Representative might not necessarily be a priority for another. Such prioritization would, however, be left for when the Budget envelope was known.

38. The Representative of South Africa supported the intervention by the Representative of Norway, especially with regard to investigations. In also endorsing the comments made by the Representative of Malaysia, he stressed the need to establish a timeline for the completion, by ICT, of the updating of ICAO's e-mail address database.

39. Responding to questions then raised by the Representative regarding investigations conducted during 2015 (cf. Appendix C), C/EAO clarified, with regard to the investigation no. 2, that the contract of the staff member concerned had been terminated as a result of an investigation carried out in 2014 and that a second investigation had been conducted in 2015 to ensure that there were no secondary impacts due to that staff member's activities. It had been confirmed that there was no new exposure to risk for ICAO. The disciplinary action was listed as "N/A" as the staff member's contract had already

been terminated. With respect to investigation no. 3, C/EAO clarified that the disciplinary action was listed as “N/A” as the investigation had still been underway when the former Ethics Officer completed his annual report.

40. The Representative of Libya highlighted the important role played by the Ethics Officer in enhancing the Organization’s performance from the ethics point of view. Recalling that paragraph 57 of the *ICAO Framework on Ethics* stipulated that the Ethics Officer shall report directly to the Secretary General, he suggested that it be reviewed to determine if that was the best course of action and that a report thereon be submitted to the Council, together with any proposed changes to the reporting lines.

41. It was noted that although the Ethics Officer post was graded at the P-5 level in the Budget for the current triennium and in the draft Budget for the 2017-2018-2019 triennium, the issues raised regarding the grade level of that post and the provision of staff/secretarial support for the latter would be considered holistically in the context of the said draft Budget for the next triennium.

42. The President of the Council underscored that although the former Ethics Officer had only worked on ethics-related issues on a part-time (50 per cent) basis in the current triennium, he had been able to develop the necessary basic material, including training courses, and policies. The work that remained to be done in the next triennium was routine in nature and related to training and investigations. He emphasized the need for the Council to bear in mind the nature and volume of that work in determining the allocation of budget resources therefor. Recalling that, in his previous capacity as Representative of Nigeria and Member of the HRC, he, together with five other HRC Members, had visited the Office of Human Resources Management (OHRM) and the Ethics Office at the UN in New York from 3 to 5 June 2009, the President indicated that the subsequent establishment in ICAO of a P-5 Ethics Officer post had been a major step forward.. From his perspective, the grade level of that post was sufficient for the time being.

43. In stressing the need to always strike a balance in all ethics-related activities, the President of the Council underscored that while protection from retaliation was very good, it was also important not to encourage frivolous complaints. He affirmed that the former Ethics Officer had adopted a balanced approach by ensuring that wherever possible informal resolution alternatives to investigation were put in place.

44. The Council then noted the information contained in the former Ethics Officer’s annual report (C-WP/14349), as well as the supplementary information provided during the discussion and the HRC’s oral report.

45. In addition, the Council took the action proposed by the President in light of the discussion and:

a) requested the HRC:

- i) to consider, in consultation with the Secretariat, including TCB, whether non-core ICAO TCB field personnel and experts who were operating under the ICAO logo should be required to complete the ICAO Financial Disclosure and Conflict of Interest Declaration taking into account their grade level and functions;
- ii) notwithstanding the Ethics Officer’s conclusion that the current *ICAO Framework on Ethics* does not require any significant revision or change (cf.

paragraph 5.3 of C-WP/14349), to consider whether it was necessary to revise paragraph 57 of the ICAO Framework, which stipulated that the Ethics Officer shall report directly to the Secretary General, so as to reflect that additionally the Ethics Officer shall report directly to the Council as required in exceptional circumstances; and

iii) to report to the Council on the above-mentioned two issues.

- b) requested the Secretariat to explore the possibility of developing additional web-based ethics training courses and of automating the ICAO Financial Disclosure and Conflict of Interest Declaration processes (cf. paragraphs 3.1.2 and 4.2.2), which could lead to substantial efficiencies in the Ethics Officer's work, and to report thereon to the Council; and
- c) requested Representatives to provide the Secretariat with any comments/suggestions they might have regarding ICT-related services to enable the Secretariat to compile a list and establish a timeline for addressing them in the near- or medium-term.

Subject No. 14.3.8: Aviation training

Report on the implementation of the *ICAO Civil Aviation Training Policy* and the Global Aviation Training Programme for the next triennium

46. The Council reviewed information paper C-WP/14357, in which the Secretary General, further to its earlier request (204/1), provided a summary of the activities of the Global Aviation Training (GAT) Office since its establishment on 1 January 2014, the achievements in the implementation of the *ICAO Civil Aviation Training Policy*, and the planned activities for 2016 and the next (2017-2018-2019) triennium.

47. In introducing the paper, the Secretary General emphasized that the GAT Office had delivered concrete results in 2015 by consolidating and developing major tools and methods in aviation training. Furthermore, it had initiated an Action Plan for 2016 and the next triennium to optimize assistance to Member States in training and capacity building pursuant to the Council's recommendations arising from its second Off-site Strategy Meeting (Mont Tremblant, Québec, 13-14 June 2015) (COSM 2015) (cf. C-WP/14329, Appendix; 206/6). Noting that the Action Plan came under the umbrella of the ICAO Business Plan, she invited Representatives to review the latter, in particular, the GAT Office activities reflected in the associated Operating Plan, and to provide her with any comments or advice they might have.

48. The Secretary General underscored that, in line with the ICAO *No Country Left Behind* (NCLB) initiative, the Organization would continue to focus on the implementation and the delivery of training, human resources development, and capacity building through greater cooperation with Member States, international regional organizations and educational institutions. She thanked Member States and the international aviation community for their continued support of ICAO's training programme.

49. Referring to paragraph 3.1.1 of the paper, the Representative of Mexico suggested that more emphasis be placed on the development of certain ICAO Training Packages (ITPs) on the basis of priorities. He highlighted, as an example, the development of an ITP, in all ICAO working languages, that was based on the *Universal Safety Oversight Audit Programme Continuous Monitoring Manual*

(Doc 9735). Noting that such an ITP had been pending for some time, the Representative of Mexico suggested that if an ITP on the entire Manual could not be completed due to resource constraints, then an ITP could be developed on a chapter-by-chapter basis.

50. Observing, from paragraph 5.2.1, that membership in the TRAINAIR PLUS Programme (TPP) was expected to reach 100 Members by the end of 2016, the Representative of Mexico stressed the importance of promoting the TPP in all six ICAO working languages, on an equal footing, in order that the Programme's capacity building benefits would reach all Member States as effectively as possible. He suggested, in this regard, that the training of Universal Safety Oversight Audit Continuous Monitoring Approach (USOAP CMA) and Universal Security Audit Programme Continuous Monitoring Approach (USAP-CMA) auditors be promoted as a means of ensuring the validity of the audit results.

51. With reference to paragraph 5.3.2, the Representative of Mexico underscored the importance of ensuring that training on ICAO provisions was properly delivered and that due consideration was given to the provisions' practical implementation. Noting that it was a very broad field, he suggested that there be an open dialogue with those Member States that were implementing the ICAO Train-the-Trainers Programme with a view to optimizing the operational experience. The Representative of Mexico emphasized that it would be beneficial to receive feedback on the effectiveness of course instructors who were trained in the field.

52. The TPP Manager clarified that a USOAP CMA computer-based training (CBT) course already existed for prospective ICAO auditors and/or ICAO Coordinated Validation Mission (ICVM) experts nominated by States and recognized organizations. Its aim was to familiarize such nominees with the auditing techniques to be applied in their respective specializations in the different types of CMA activities. The second phase of the Programme would be in-class training. He noted that, in addition, a Safety Management Training Programme (SMTP) had been developed for State aviation safety personnel to enhance their competencies.

53. Responding to the point raised regarding diversity in the TPP membership, the TPP Manager underscored that over the course of the last four years there had been exponential growth in the membership, which was currently composed of some 87 Civil Aviation Training Centres (CATCs), inter alia. Noting that one or two new CATCs joined the TPP each month, he indicated that it was expected that there would be 100 CATCs in operation by Summer 2016. The training was delivered in all six ICAO working languages, as well as in some other languages in order to address the specific needs of States. The TPP Manager highlighted, in this context, that training courses were being offered in Portuguese for the first time, in CATCs in Brazil and certain African States.

54. Emphasizing that training course instructors was a priority for the GAT Office, the TPP Manager noted that a very robust programme had been put in place by ICAO as part of capacity building. Its Train-the-Trainers Programme was offered to new TPP Members with a view to enhancing the qualifications of the CATCs' instructional teams, namely, their managers and their course instructors, designers and evaluators.

55. While noting this explanation, the Representative of Mexico reiterated the need to strike a better balance in providing USOAP CMA and USAP-CMA auditor training in the various ICAO working languages.

56. Drawing attention to paragraph 5.10.1, the Representative of Saudi Arabia affirmed that establishing a network of corporate partnerships with universities and academic institutions to enhance the delivery of joint educational programmes and capacity building would be a big step in the right

direction. Recalling that he had previously (204/1) highlighted the need for a Standardized Training Package (STP) on firefighting at aerodromes, he queried whether a STP or other training course had since been developed. The Representative of Saudi Arabia also enquired what action had been taken: to implement the decision made by the Council (205/7), on the basis of a recommendation by the Finance Committee (FIC), that the *ICAO Civil Aviation Training Policy* be amended to reflect that the GAT financial activities were “ring-fenced” to ensure that any surpluses generated would remain within and be used solely for GAT activities and programmes; and to implement the said approved COSM 2015 recommendations.

57. Noting that more than fifty TPP training courses were currently under development, the TPP Manager indicated that a training package for aerodrome firefighters was being developed by ICAO in collaboration with two TPP Members, the Centre français de formation de pompiers d'aéroport (C2FPA) of France and the Airport Authority Rescue and Firefighting Services Training Centre of India. Once completed, the training package would form part of the ICAO Training Portfolio.

58. The Secretary General confirmed that the said COSM 2015 recommendations had been duly incorporated into the 2016 operational plans of the relevant Bureaux and Regional Offices, in particular, in the GAT Office's 2016 operational plan.

59. In underscoring that all relevant recommendations were being seriously considered by the GAT Office in a comprehensive manner, the Acting Chief of the GAT Office (A/C/GAT) noted that a Secretariat working group had been established to review, with the various Bureaux and Regional Offices concerned, cross-cutting recommendations so that coordinated action could be taken to implement them within the timelines indicated in the COSM 2015 Action Plan (cf. C-WP/14329, Appendix). He further indicated that as requested by the Council (206/6), the sufficiency of the competency-based training provisions contained in Annex 1 – *Personnel Licensing*, Section 1.2.8 (*Approved training and approved training organization*), and Appendix 2 (*Approved training organization*) would be assessed prior to developing the competency-based training guidance material referred to in Recommendation C, main activity C.4.

60. Responding to the other point raised by the Representative of Saudi Arabia, the Secretary General noted that although the TPP was “ring-fenced”, she considered that other GAT financial activities should not be “ring-fenced” as the revenue generated therefrom formed part of the contributions of the Ancillary Revenue Generation Fund (ARGF) to the Regular Budget.

61. In acknowledging, with appreciation, the work done by the GAT Office, the Representative of Venezuela (Bolivarian Republic of) highlighted its importance in not only building capacity in States but also in achieving compliance with ICAO's Strategic Objectives. Noting that his State had benefited from its capacity building efforts, he indicated that it would continue to work hand-in-hand with the GAT Office. Drawing attention to paragraph 5.10.1 of the paper, the Representative of Venezuela (Bolivarian Republic of) underscored that reference should be made to, and focus placed on, capacity building in States rather than within the industry. This was noted by the Secretariat.

62. Observing that the training information available on the GAT website was scattered, the Representative of Venezuela (Bolivarian Republic of) suggested that the website be enhanced by presenting a holistic view of training activities by region, State and Strategic Objective. The Representatives of Japan, the United Republic of Tanzania and Poland endorsed this proposal.

63. In then referring to paragraph 5.5.1, the Representative of Venezuela (Bolivarian Republic of) underscored the importance of the ICAO Training Needs Assessment (TNA) methodology

to identify and prioritize specific training needs, data from which provided the basis for improving training plans and developing competency-based programmes for short- and long-term performance needs. He highlighted the TNA's particular relevance for those States which had been referred to the Monitoring and Assistance Review Board (MARB) due to their Significant Safety Concerns (SSCs), and stressed the need for them to be closely involved in that ICAO initiative.

64. Turning attention to paragraph 5.12.1, the Representative of Venezuela (Bolivarian Republic of) recalled that during its Special Session on 12 February 2016, the Council had welcomed the statement made by the United Nations Secretary-General, His Excellency Ban Ki-moon, regarding ICAO's contributions to the UN's work, including toward the attainment of the 2030 Agenda for Sustainable Development. While the Representative had no objections to the UN Sustainable Development Goals (SDGs), and was aware that ICAO contributed to their attainment, he did not consider that ICAO's main objective was to comply therewith. In his view, the Organization should focus instead on achieving its own Strategic Objectives, notably those relating to Safety and Security & Facilitation. The Representative of Venezuela (Bolivarian Republic of) reiterated that by fulfilling its own Strategic Objectives ICAO would be contributing, both directly and indirectly, to the achievement of the UN SDGs.

65. Observing that that issue had been exhaustively discussed in previous meetings, the Representative of Japan suggested that the last phrase of paragraph 5.12.1 ("... to contribute to the UN Sustainable Development Goals") be replaced with a phrase reading along the lines of "with a view to [contributing to][its linkage with][its alignment with] the UN Sustainable Development Goals", in line with the agreement reached with the Secretariat on the Business Plan during a recent FIC meeting. She noted that while during the said Council Special Session the UN Secretary-General had commended the strong links between ICAO's five Strategic Objectives and the seventeen UN SDGs, he had not stated that the objective of ICAO's activities was the achievement of the UN SDGs; rather, the UN Secretary-General had recalled that the main theme of the 2030 Agenda for Sustainable Development was to leave no one behind, and, noting the self-evident theme of ICAO's *No Country Left Behind* (NCLB), had highlighted the fact that both organizations had the same vision. The Representative of Japan suggested that the last phrase of paragraph 5.12.1 be amended so as to be in line with the philosophy expressed by the UN Secretary-General by using one of the said expressions. She further suggested that other ICAO documents be so aligned.

66. In noting these suggestions, the Secretary General confirmed that in future relevant ICAO documents would refer to the relationship between the Organization's various programmes/activities and Strategic Objectives and the UN SDGs using the appropriate suggested expression.

67. While commending the tremendous efforts being made by the GAT Office, the Representative of Japan stressed the need for greater coordination between that Office and the two Bureaux involved in the development of ICAO Standards and Recommended Practices (SARPs), namely, the Air Navigation Bureau (ANB) and the Air Transport Bureau (ATB), and other relevant Bureaux in order to identify anticipated training requirements for the implementation of new SARPs, in line with COSM 2015 Recommendation C, main activity C.3 (cf. C-WP/14329, Appendix). She recalled that, during the last meeting of the Technical Cooperation Committee (TCC), it had been highlighted that Technical Cooperation Bureau (TCB) field personnel and experts needed to have up-to-date information on ICAO SARPs in order to provide the necessary assistance to States, and that they should consequently be able to take advantage of the most recent information thereon that was available in ANB and ATB, inter alia. In observing that the same was true for the GAT Office, the Representative of Japan underscored the importance of keeping ICAO training courses current and of having a quality control system in place for training materials. Noting that she welcomed the coordination mechanism that had

been established within the Secretariat, she requested that the Council be provided with updated information on the increased coordination efforts between the GAT Office and other Bureaux such as ANB and ATB. In concluding, the Representative of Japan indicated that all of the points on which she had placed emphasis were very important for maintaining ICAO's good image to its Member States.

68. In also voicing appreciation for the work of the GAT Office, the Representative of the United Republic of Tanzania highlighted the considerable progress that had been made in the area of training, which was very important to States as it enabled them to build capacity. He found it very encouraging that the GAT Office had coordinated a Partnership Training Package (PTP) with Concordia University's John Molson School of Business (JMSB) to launch an Executive Certificate Programme in Civil Aviation Management, which was the equivalent of a graduate business programme. The Representative of the United Republic of Tanzania affirmed that the Programme would be very useful for States and other stakeholders.

69. In underscoring the importance of TPP membership assessments, the Representative of the United Republic of Tanzania sought further information regarding the high number of non-conformance findings (389) that had been identified during the 41 membership assessments carried out in 2015, and the overall percentage of conformity.

70. The TPP Manager clarified that all State-approved training organizations (ATOs) had to pass an assessment in order to become a TPP Member and thereafter had to pass an assessment every three years to remain a Member. In noting that, on average, 35 to 40 assessments were conducted every year, he emphasized that a very robust management system was in place to assess each ATO: there were 252 Protocol Questions to be answered, with it being necessary for the ATO to provide evidence that it had the requisite organization, level of facility, equipment and level of management of instructors, that it was implementing a quality control system and that it had the relevant documents [e.g. a Training and Procedures Manual (TPM), a Quality Manual (QM), and a Safety Management Manual (SMM), if applicable]. The TPP Manager noted that there were two types of findings, Category 1 and Category 2. Category 2 findings were not critical for safety and for the quality of the training provided. While it was necessary for the ATO to prepare a corrective action plan, the TPP membership process was not stopped. As Category 1 findings were critical for safety and the quality of the training, it was necessary for the ATO to not only prepare but also implement a corrective action plan before TPP membership was granted. The membership process was stopped until the ATO provided evidence that it had resolved the said findings. In underscoring that all of the non-conformance findings were analyzed, the TPP Manager indicated that most related to the implementation of a quality control system, the documentation (TPM and QM), and the management of instructors.

71. In supporting the proposal by the Representative of Venezuela (Bolivarian Republic of) to enhance the GAT website, the Representative of Poland suggested that the latter be further improved by providing information, in tabular form, regarding planned initiatives and their target dates for completion. She also suggested that an electronic newsletter be issued to provide the international aviation community with updated information on the GAT Office's activities and to notify the publication of relevant training documents, such as the third edition of the ICAO *TRAINAIR PLUS Operations Manual* (TPOM) (Doc 10052).

72. Expressing appreciation for the comprehensive report on the implementation of the *ICAO Civil Aviation Training Policy*, the Representative of Italy affirmed that the latter was a crucial element of the Organization's policies, especially in the framework of its NCLB campaign. In seeking further information on the post-training evaluation methodology referred to in paragraph 5.7.1 of the paper, he

emphasized that training was not an end in and of itself and that it was very important to verify that the training had been effective and that participants' skills had improved.

73. While noting that post-training evaluation was very difficult as the trainees had returned to the workplace, the TPP Manager indicated that the fact that all ICAO training courses were competency-based was an advantage. He noted that prior to developing a training course an analysis was done of the problems to be resolved thereby in order to facilitate the post-training evaluation. The TPP Manager further indicated that, under the expanded post-training evaluation methodology that was currently being developed, a questionnaire would be sent to the ex-trainees in the workplace for a self-assessment of their job performance and an identification of any improvements in the latter. In addition, an automatic message would be sent to the ex-trainees' supervisors three months and six months after the completion of the training course for an assessment of the training's impact on the performance of their staff and on the ATO. The TPP Manager underscored that training in the said post-training evaluation methodology would be provided in order to identify post-training evaluators in all TPP Members. It would then be possible for the latter to implement the said methodology in their centres to obtain information on the effectiveness of their training and its impact on trainee's job performance.

74. In commending the work done by the GAT Office, the Representative of Bolivia (Plurinational State of) affirmed that the ICAO Train-the-Trainers Programme would assist States considerably in addressing the high turnover rate of civil aviation personnel which many of them experienced. Referring to paragraph 5.10.1 of the paper, he emphasized the importance of making ICAO training courses as widely-accessible as possible and suggested that consideration be given to also offering them on-line.

75. Noting that on-line training courses were already included in the said GAT Office Action Plan, the Secretary General underscored that in future an increasing number of such courses would be made available.

76. Referring to paragraph 5.12.1 of the paper, the Representative of Spain underscored that the GAT Office had carried out an impressive amount of work in its two years of operation to consolidate and develop major tools and methods in aviation training and thus establish the pillars for such training in the future. That work deserved recognition by the Council. In agreeing with the Representative of Italy that training was not an end in and of itself, he reiterated the importance of ensuring its effectiveness through ongoing evaluation. Recalling the comments made by the Representatives of Venezuela (Bolivarian Republic of) and Japan, inter alia, the Representative of Spain emphasized that it was essential that the TPP adhere to ICAO's Strategic Objectives. Noting that the said GAT Office Action Plan would be a triennial rolling plan similar to the Management Plan for the Technical Cooperation Programme (TCP) and that it would be under the umbrella of the ICAO Business Plan, he recommended that in future the Council not only review a report on the implementation of the *ICAO Civil Aviation Training Policy* and the Global Aviation Training Programme but also the said Action Plan.

77. In commending the assessments of TPP Members as described in paragraphs 4.1.1 and 5.2.1 of the paper, the Representative of South Africa encouraged the GAT Office to continue its good work in that regard. To a query by the Representative regarding various training centres that were operating without ICAO's recognition and approval, the TPP Manager clarified that in order for them to become TPP Members, they first had to be approved by their respective States as ATOs. Thereafter, they had to pass the said TPP assessment, which was more stringent than the requirements set by States for becoming ATOs.

78. Noting that ATOs were responsible for the issuance of licenses, the President of the Council suggested that the GAT Office discuss the different level of stringency with ANB with a view to ensuring that the ATOs met ICAO's basic requirements. He cautioned that otherwise a situation could arise similar to that of a State safety oversight system which issued an Air Operator Certificate (AOC) to an operator which failed to meet ICAO's basic requirements.

79. To a related point raised by the Representative of Malaysia, the TPP Manager clarified that USOAP CMA findings did not usually relate to the training provided by a State's ATO.

80. The Secretary General indicated that, in light of comments made, future annual reports on the GAT Office's activities would be expanded to include information on: the existing mechanism for coordination between the GAT Office and relevant Bureaux; the quality control system in place for training materials; the priorities for training identified through the MARB; and the non-conformance findings identified during training assessments. Note was taken of a suggestion then made by the Representative of Venezuela (Bolivarian Republic of) that in future such reports be issued as working papers instead of information papers so as to better enable the Council to take decisions to enhance the work of the GAT Office.

81. Note was also taken of the above-mentioned suggestions to: enhance the GAT website by presenting a holistic view of training activities by region, State and Strategic Objective and by providing information, in tabular form, regarding planned initiatives and their target dates for completion; and issue an electronic newsletter to provide the international aviation community with updated information on the GAT Office's activities and to notify the publication of relevant training documents, such as the third edition of the ICAO *TRAINAIR PLUS Operations Manual* (TPOM) (Doc 10052).

82. It was noted that, pursuant to the Council's earlier decision (205/7), the *ICAO Civil Aviation Training Policy* was being reviewed and amended to reflect that the GAT financial activities were "ring-fenced" to ensure that any surpluses generated would remain within and used solely for GAT activities and programmes. A revised Policy would be presented to the Council for consideration during the next (208th) session.

83. In noting the information contained in C-WP/14357, as well as the supplementary information provided during the discussion, the Council took the additional action proposed by the President in light of the comments made and:

- a) expressed appreciation for the work done by the GAT Office;
- b) requested the Secretary General to inform the Council, during the next (208th) session, of:
 - i) a methodology for taking advantage of the data obtained from the analysis of the results of assessments of training organizations and TRAINAIR PLUS Members to formulate conclusions and decisions;
 - ii) a methodology for measuring the performance of the GAT Office using key performance indicators (KPIs); and
 - iii) the action taken to provide more information on the GAT website pursuant to the suggestions made (cf. paragraph 80 above); and

- c) requested the Secretary General to circulate to Representatives, prior to the conclusion of the budgetary discussions, a tabular Action Plan for the GAT Office indicating how and when the Council's relevant decisions, including its present decision, would be implemented, drawing upon the existing Operating Plan.

Subject No. 12.6: Plans for Council off-site strategy meetings and visits

ICAO Council State Visit – Jamaica (Montego Bay, 12-15 October 2015)

84. The Council commenced its consideration of C-WP/14356, in which the Secretary General reported on the Council State visit to Jamaica hosted by that State's Civil Aviation Authority (CAA), which had included a Meeting with North American, Central American and Caribbean Directors General of Civil Aviation (NACC DGCA's). The working papers and presentations provided during that meeting were available on the Council website under the caption "Council Visits", in the folder "2015 – Jamaica".

85. In introducing the paper, the Secretary General highlighted the presentation made by the ICAO Regional Director (ICAO RD) of the NACC Regional Office (Mexico) during the said Meeting of a new strategy being adopted in its regional activities under the ICAO *No Country Left Behind* (NCLB) initiative to: endeavour the effective implementation of the Organization's Standards and Recommended Practices (SARPs); increase effective implementation status of Member States; and set measurable and accountable deliverables and specific expected outcomes. ICAO RD, Mexico had underscored that, while initial results were very positive, and with many States now requesting prioritization for implementation within the NACC NCLB strategy, continued implementation of the strategy posed a serious challenge. Without additional budget and resource allocations, the possibility of an impasse in the very near future was a strong reality. ICAO RD, Mexico had recommended that the effectiveness of the NACC NCLB strategy be evaluated at the end of 2016 on the basis of tangible and sustainable results and that a report thereon be made to the Council in 2017 in the Annual Report on Regional Offices' activities.

86. The Secretary General noted that the Meeting had recognized that the NACC NCLB strategy, assistance, methodology and culture change were having a transformational effect on the NAM/CAR States. Furthermore, representatives from the International Air Transport Association (IATA), the International Federation of Air Line Pilots' Associations (IFALPA) and the Civil Air Navigation Services Organisation (CANSO) had also voiced support for the NACC NCLB approach. As a result of the discussions, the Meeting had unanimously supported the NACC NCLB strategy and recognized that the ICAO Council's support for that endeavour would be critical when considering the draft Budget of the Organization for the next triennium, including appropriate NACC Regional Office budget and human resources allocation.

87. The Council was invited to note the support expressed for the NACC NCLB strategy as presented in the ICAO Business Plan and to support its continued implementation through the allocation of additional resources to the Regional Offices as proposed in the Organization's draft Budget for 2017-2018-2019 (C-WP/14397).

88. The President of the Council observed that, although the executive summary of the paper indicated that the financial implications of the proposed action were nil, there were financial implications, namely, the said allocation of additional resources to the Regional Offices.

89. Responding to a question by the President, the Secretary General clarified that the proposed additional resources were mainly for the implementation of the ICAO NCLB initiative in the

next triennium. She underscored that existing resources were already being used to fund NCLB-related implementation activities currently underway at ICAO Headquarters and in all of the Regional Offices.

90. It was noted that, further to a request made by the Representative of the United Arab Emirates and supported by the Representative of the United Republic of Tanzania, the Secretary General would provide Representatives with detailed information on the resources requested in the draft Budget of the Organization for 2017-2018-2019 for the overall implementation of the ICAO NCLB initiative.

91. The President of the Council noted that an item that could be immediately identified in that context was the envisaged strengthening of the seven Regional Offices through: the addition of one P-4 Technical Officer each, responsible for safety and technical assistance; and the creation of two more P-4 posts for the Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in African (AFI SECFAL Plan), one in the Western and Central African Office (WACAF) (Dakar), and one in the Eastern and Southern African Office (ESAF) (Nairobi). He emphasized that it would be for the Council to decide, during the overall budgetary discussions, whether or not that increase in the Regional Offices' human resources was sufficient.

92. Although he had been unable to take part in the said visit to Jamaica, the Representative of the United Kingdom noted, from the paper, that it had been a useful and informative one. Observing that there had been extensive discussions regarding the status of the visit and its relationship to the Council Off-site Strategy Meeting (COSM 2015) (Mont-Tremblant, Québec, 12-14 June 2015), in particular, whether they should be combined or separate events, he indicated that it was his recollection that the conclusions had been that: the event represented an invitation to individual Council Representatives to attend discussions in Montego Bay, Jamaica, rather than a visit of the Council itself; and that no formal business would be conducted. Averring that the title of the paper, "ICAO Council State Visit" was therefore problematic, the Representative of the United Kingdom maintained that it had been a visit of a number of Council Representatives to Montego Bay, Jamaica, for informal discussions rather than a visit of the Council. He stressed the need to reflect that point. Noting that the paper referred to a Meeting of NACC DGCA's "and ICAO Council", he reiterated that it had not been a Meeting of the ICAO Council but a Meeting with certain Members of the Council who were attending on an optional, voluntary and informal basis. The Representative of the United Kingdom averred that the proposed action thus did not seem to be appropriate as the support of the Council would be given to matters with budgetary implications. That was aside from the fact that the paper was being considered outside of, and ahead of, the discussion of the Organization's draft Budget for the next triennium. He considered that the paper should have been presented as an information paper rather than as a working paper which proposed action, and that more care should have been taken with regard to the terminology used to describe the status of the visit and Meeting.

93. The Secretary General recalled that she had been requested at the said Meeting to submit a report to the Council on the visit to Jamaica.

94. The President of the Council emphasized that all ICAO Council Representatives had been invited to visit Jamaica. He noted that it had been decided (204/4) to separate the COSM 2015 from the visit as some Representatives, while comfortable with attending the former, had not been comfortable with taking part in the latter, for various reasons, including financial reasons. The President underscored that the Council should focus not on an issue of semantics, namely, whether the visit had been formal or informal in nature, but rather on the very useful discussions which had taken place during that visit. He reiterated that a request had been made that the Secretary General submit a written report on the visit for the benefit of those Council Representatives who had not participated therein. In taking on board the point made that the allocation of additional resources to the Regional Offices should not be considered and

decided in isolation, the President indicated that the Council could just note the NACC Regional Office NCLB strategy as presented in the ICAO Business Plan and further consider the proposed strengthening of the Regional Offices during the upcoming Budget discussions.

95. The Representative of South Africa reiterated that the invitation to visit Jamaica had been extended to the Council and not to individual Council Representatives. Drawing attention to paragraph 2.14 of the paper, he expressed appreciation to IATA, IFALPA and CANSO for their highly informative presentations which had enriched the said Meeting's discussions. With reference to paragraph 2.7, the Representative of South Africa emphasized that the information that had been gathered during the visit to Jamaica on the scope and implementation of the four-phase NACC NCLB strategy had also been enriching. He therefore suggested that the action proposed in the executive summary of the paper be expanded to include an additional action paragraph whereby visits by the Council to other regions in the near future would be encouraged as they would also provide the opportunity to obtain information relating to the core principles of the ICAO NCLB initiative.

96. In disagreeing with the comment made by the President that the characterization of the visit to Jamaica was a question of semantics, the Representative of Italy voiced strong support for the view expressed by the Representative of the United Kingdom. Emphasizing that, in his opinion, the visit could not be characterized as an ICAO Council State visit, he underscored the need to define when the Council, as such, travelled abroad i.e. whether it would be necessary to have a majority of Representatives take part in such a visit, or merely a third or a quarter in order to be able to characterize it as a Council State visit. Noting that the issue had been extensively discussed beforehand, the Representative of Italy indicated that it was his understanding that the decision reached was that, as a rule, the Council met in Montréal. While he did not exclude the possibility of the Council deciding to travel outside of Montréal, he considered that that must be on an exceptional basis. That had not been the case of the visit to Jamaica. The Representative of Italy reiterated that the paper should have been issued as an information paper rather than as a working paper.

97. The Representative of the United Republic of Tanzania affirmed that Representatives had learned very much from the said visit regarding the situation in the region, in particular, regarding the ongoing implementation of the NACC NCLB strategy without any additional resources. Noting that the many presentations that had been given during the said Meeting with the NACC DGCAs had provided a very good way forward, and that the work done, and the results achieved, by the NACC Regional Office were very impressive, he affirmed that it would be beneficial for the other ICAO Regional Offices to learn from its experiences. He emphasized that the most important achievement of the NACC Regional Office in implementing its NCLB strategy was the fostering of the political will of the Ministers and other senior level government officials in the NAM/CAR States to develop and support a sustainable and ICAO-compliant aviation system. In also underscoring that the said Regional Office had set targeted goals for improving the NAM/CAR States' effective implementation (EI) status in all civil aviation fields, the Representative of the United Republic of Tanzania highlighted, as an example, its very high goal of 90 per cent of the NAM/CAR States having, within the next four years, a sustainable EI of at least 80 per cent to ensure safe, secure and environmentally sound aviation systems. Expressing confidence that that goal would be achieved due to the determination of the NACC Regional Office and the NAM/CAR States, as well as the culture change which was taking place in those States, he stressed the need for such determination and culture change in other regions. The Representative of the United Republic of Tanzania recalled, in this context, the Council's many discussions on the lack of the requisite political will in those States that had a very low level of EI.

98. Referring to the action proposed in the executive summary of the paper, the Representative of the United Representative of Tanzania agreed on the high importance of supporting the

continued implementation of the NACC Regional Office NCLB strategy. Recalling, however, the comments made by the Secretary General and the President of the Council, he emphasized that it was necessary for all of the Regional Offices to have adequate additional resources with which to implement their respective NCLB strategies. The Representative of the United Republic of Tanzania reiterated that that issue could be considered further during the discussion of the Organization's overall Budget for the next triennium.

99. With regard to the comments made on the characterization of the visit to Jamaica, the Representative of the United Republic of Tanzania noted that the Air Navigation Commission (ANC) undertook annual visits to obtain first-hand information on any difficulties being encountered by States in implementing ICAO's Standards and Recommendations (SARPs). Such visits were referred to as "ANC Familiarization Visits" and not as visits of individual ANC Members. Emphasizing that the Council also needed to know, first-hand, the situation of States in the various regions, he underscored that the Council had, in the past, undertaken several other visits. The Representative of the United Republic of Tanzania stressed that the invitations to participate in those visits had been extended to all Council Representatives and not to individual Representatives, as had been the case of the visit to Jamaica. He nevertheless recognized that it might not be easy for all Council Representatives to take part in such visits. Recalling that the President of the Council, the Secretary General of ICAO and Council Representatives had participated in the visit to Jamaica, the Representative of the United Republic of Tanzania questioned how the Council could disassociate itself therefrom and not refer to it as a Council visit.

100. While noting the reservations expressed previously and during the present meeting on the characterization of the Meeting with the NACC DGCA's, the Representative of the United Republic of Tanzania stressed that it could not be referred to as a Council meeting as it was obligatory for every Council Representative to attend Council meetings and it was not obligatory for them to participate in visits to States in the various regions. In underscoring that the Meeting conducted in Montego Bay with the NACC DGCA's had thus not been a Council Meeting, he reiterated that the purpose of that Meeting, and of the visit as a whole, had been to obtain first-hand information regarding the situation of the States in the NACC region.

101. Having been unable to take part in the visit to Jamaica, the Representative of Nicaragua expressed appreciation for the information provided in the paper. In endorsing the latter, she indicated that she had no objection to the paper having been presented as a working paper instead of as an information paper. The Representative of Nicaragua commended the Secretariat, as well as the NACC Regional Office, in particular, the ICAO RD, for all of the work done. She highlighted, in this regard: the positive outcomes achieved through the implementation of the said NACC NCLB strategy, notably through the fostering of political will under its Phase I; and the prioritization of NAM/CAR States on the basis of their EI level in all civil aviation fields. The Representative of Nicaragua stressed that such prioritization would enable a better assessment of not only the implementation assistance needs of those States but also the outcomes of the assistance provided.

102. Noting that the President's clarification had enabled him to place the characterization of the said visit by its context, the Representative of France underscored that the information provided, and the conclusions reached, during the visit were not intended to commit the entire Council to any action. At least, that was not the spirit in which he personally had participated in the visit. The Representative of France considered that in effect it had been an information-gathering visit for the Council, and not a meeting of the Council per se. In thanking the Jamaican CAA for having hosted the visit, which he had found very useful, the Representative of France indicated that it had enabled him to better understand the issues relating to the development of air transport in a zone where it was highly important to regional connectivity and integration. He noted that that was a subject of particular interest to France in the

regional context. Observing that the visit had also given him a better comprehension of ICAO's role, the Representative of France stressed that future visits should be considered in the context of the information to be provided to the Council and the Organization.

103. Notwithstanding some of the reservations expressed by the Representatives of the United Kingdom and Italy, and the fact that she herself had not participated in the visit, the Representative of Australia considered that, on balance, such visits were very informative. She agreed with the Representative of South Africa and others that it was beneficial for Representatives to see first-hand the situation in the States and to hear first-hand the States' views on whether ICAO was delivering the right services to the right authorities. Recalling that one of the main reasons why she had been unable to take part in the visit was that the latter had only been brought to the Council's attention after her Government's planning cycle for allocating her budget, the Representative of Australia indicated that it might be well worth considering, as a Council, whether an annual visit to the regions should be institutionalized and regularized as the ANC's yearly familiarization visits were. She underscored that if the Council were to discuss such an annual visit as part of its planning, then at least Representatives' respective national administrations would be well and truly forewarned that it was part of the Council's work programme.

104. The Representative of Australia noted, from the paper, that the information provided during the Meeting with the NACC DGCA's had been very informative. Taking into account the President's clarifications, and in line with comments made previously on other papers with budget implications, she suggested that the action proposed in the executive summary of the paper be amended to refer to the Council supporting the continued implementation of the NACC Regional Office NCLB strategy "including through the consideration of" the allocation of additional resources for the Regional Offices, so as to not to be so suggestive of an agreement by the Council to commit to the allocation of those resources.

105. Responding to concerns expressed over the characterization of the said visit and Meeting as a Council State visit and a meeting with the ICAO Council, the President recalled that the Council had adopted the recommendation arising from its first Off-site Strategy Meeting (Montebello, Québec, 12-14 June 2014) that it conduct periodic visits to the regions and the Regional Offices on an annual basis, starting in the first quarter of 2015 (cf. C-WP/14211, Appendix, paragraph 3; 203/7). He further noted that the Jamaican CAA had invited the NACC DGCA's to a meeting with Representatives so that they could discuss key issues in a holistic manner. Representatives of industry had also participated in that meeting.

106. The President considered that, in accordance with that earlier decision (203/7), the Council should, to the maximum extent possible, continue to conduct a visit to one ICAO region each year. In asking Representatives to offer opportunities to the Council to visit their respective regions, he noted that a formal invitation had already been received from the United Arab Emirates for the Council to visit the Middle East region in 2016. The United Arab Emirates was currently exploring the possibility of convening a meeting of regional DGCA's and representatives of industry with the Council during that visit.

107. In view of time constraints, further discussion of this subject was deferred to the next Council meeting (207/3).

Any other business

Subject No. 19.1: Reports by the President of the Council

President's mission to Singapore

108. The President of the Council expressed appreciation to the First Vice-President, the Representative of Cameroon, Mr. Englebert Zoa Etundi, for having chaired the First Meeting of the current session (207/1) in his absence on mission to Singapore on 14 and 15 February 2016 to address the opening session of the Aviation Leadership Summit and to attend the opening ceremony of the Singapore Airshow.

109. In also expressing appreciation to the Delegation of Singapore for the many well-organized meetings that had been arranged for him during the said mission, the President of the Council highlighted his meeting with the Pacific Island States' Transport Ministers, as well as his meeting with the Association of Southeast Asian Nations (ASEAN) Member States' Transport Ministers. It was noted that a report on the activities during the recess, including the missions undertaken by the President of the Council and the Secretary General, would soon be posted on the Council website under the caption "Periodic reports".

**Subject No. 33: Character and working methods of Representative Bodies in Council
(Council, Committees, etc.)**

Enhancing the efficiency of Council discussions

110. The President of the Council recalled that on 10 February 2016 the Representative of South Africa had sent him an e-mail, with a copy to all Delegations and the Office of the Secretary General, suggesting that Representatives be reminded of the need to observe the three-minute rule for their interventions in order to increase the efficiency of their debates. The Representative of South Africa had also recommended, inter alia, that Representatives all observe the signs at the entrance to the Council Chamber regarding the use of cellphones. Underscoring that the Council's work programmes for the current 207th Session and for the upcoming 208th Session were very heavy in the lead up to the 39th Session of the Assembly, the President of the Council supported the need for Representatives to be a little more efficient in their discussions going forward.

111. The meeting adjourned at 1300 hours.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE THIRD MEETING

(THE COUNCIL CHAMBER, FRIDAY, 19 FEBRUARY 2016, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu
Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|----------------------------------|--------------------------|------------------------------------|-----------------------------------|
| Argentina | — Mr. A.J. Dumont | Malaysia | — Mr. Y.-H. Lim |
| Australia | — Ms. K. Macaulay | Mexico | — Mr. D. Méndez Mayora |
| Bolivia (Plurinational State of) | — Mr. J.G. Soruco | Nicaragua | — Mrs. E.A. Aráuz Betanco |
| Brazil | — Mr. O. Vieira (Alt.) | Nigeria | — Mr. M.E. Nwafor |
| Burkina Faso | — Mr. M. Dieguimde | Norway | — Mr. K.M. Skaar |
| Cameroon | — Mr. E. Zoa Etundi | Poland | — Prof. M. Polkowska |
| Canada | — Mr. J.-B. Leblanc | Portugal | — Mrs. M.H. Faleiro T. de Almeida |
| Chile | — Mr. C. Mac-Namara | Republic of Korea | — Mr. J. Hur |
| China | — Mr. Tao Ma | Russian Federation | — Mr. A.A. Novgorodov |
| Dominican Republic | — Mr. C.A. Veras Rosario | Saudi Arabia | — Mr. H.A. Abudaowd |
| Egypt | — Mr. A. Khedr | Singapore | — Mr. T.C. Ng |
| France | — Mr. O. Caron | South Africa | — Mr. M.D.T. Peege |
| Germany | — Mr. U. Schwierczinski | Spain | — Mr. V.M. Aguado |
| India | — Mr. A. Shekhar | United Arab Emirates | — Miss A. Alhameli |
| Italy | — Mr. E. Padula | United Kingdom | — Mr. M. Rodmell |
| Japan | — Ms. N. Ueda | United Republic of Tanzania | — Mr. R.W. Bokango |
| Kenya | — Ms. M.B. Awori | United States | — Mr. M.A. Lawson |
| Libya | — Mr. M. Sayeh Eltayf | Venezuela (Bolivarian Republic of) | — Mr. D.A. Blanco Carrero |

ALSO PRESENT:

- *Mr. F. Zizi, President, ANC
- Mr. P. Jardim (Alt.) — Brazil
- Mr. R. da Rosa Costa (Alt.) — Brazil
- Mr. P. Langlais (Alt.) — Canada
- Mr. M. Vidal (Alt.) — Chile
- Mr. I. Camino (Alt.) — Chile
- Mr. M. Millefert (Alt.) — France
- Mr. M. Ishii (Alt.) — Japan
- Mrs. D. Valle Álvarez (Alt.) — Mexico
- Mrs. H. Jansson Saxe (Alt.) — Norway
- Mr. S. Kim (Alt.) — Republic of Korea
- Mr. S. Koh (Alt.) — Republic of Korea
- Mr. A. Almoghraby (Alt.) — Saudi Arabia

SECRETARIAT:

- *Mr. I. Galán — D/TCB
- *Mr. B. Djibo — D/ATB
- *Mr. J. Augustin — D/LEB
- *Mr. S. Creamer — D/ANB
- *Mr. V. Smith — D/ADB
- *Mr. A. Detchou — DD/LP
- *Mr. J. Marriott — Senior Adviser/AVSEC
- *Mr. A. Quiroz — C/ASA
- *Mr. S. Berti — C/ASP
- *Mr. S. Lam — ASP
- *Mr. A. Bilaver — OSG
- *Mr. A. Djojonegoro — ASP
- *Mr. A. Philbin — C/COM
- *Mrs. D. Rahmani — DMO
- Miss S. Black — Précis-writer

**Mr. P. Neffenger, Administrator of the Transportation Security Administration (TSA) of the United States*

*Part-time

Representatives to ICAO

Afghanistan
Cuba
Ecuador
Equatorial Guinea
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Paraguay
Peru
Turkey
Uganda

Airports Council International (ACI)
European Union (EU)

Welcome to the Administrator of the Transportation Security Administration (TSA) of the United States

1. On behalf of the Council, the President extended a warm welcome to the Administrator of the Transportation Security Administration (TSA) of the United States, Mr. Peter Neffenger, who provided the following overview of threats and risks currently facing aviation from the United States' perspective:

“Introduction

“Secretary General Liu, Council President Aliu, Ambassador Lawson and Members of the ICAO Council: I thank you very much for the opportunity to be before you today. It is a special honor to be the first TSA Administrator to speak to the ICAO Council and I thank you for that privilege.

“I also thank you for the warm welcome that a number of Representatives have already given me this morning. In the interest of our shared concerns and common goals regarding aviation security, I would like to share some general thoughts from our perspective with respect to the current security environment and also give you some thoughts with respect where we are going in the TSA. I know that you are preparing for the Assembly this Fall and establishing budget priorities and would like to suggest a couple of priorities to consider in the process.

“I believe it is imperative that ICAO continue to promote a strong security agenda, addressing the threats that we face with a global approach. This Organization is a very powerful voice in the international and global aviation security programmes.

“Transforming TSA

“I have been a TSA Administrator since July 2015 and during my first seven months as TSA Administrator, I have focused on correcting the lapses in the United States system that were identified by some covert testing done by our Inspector General. Those lapses unfortunately were made public and hit the news, but what they taught us was that there are usually systemic issues for why things are not working to the extent that you would like them to. So what we found was a set of foundational factors that range across six critical elements if you are looking at establishing an effective security regime. Those are: leadership; technology; workforce performance; environmental influences i.e. things that are happening around you, the attempts of people to convince you that they are not acting badly, the volume of people travelling through systems, and the pressure from the airlines to move people more efficiently and effectively through systems; our operating procedures; and the design of the system itself. This allowed us to really renew our focus on what I call the primary mission i.e. keeping things that should not go on aircraft from getting past the checkpoint and finding their way on. We have realigned the TSA around this fundamental security mission.

“The lessons we learned, I believe, are universal. I believe all of us will experience these same challenges. As TSA Administrator, I really am excited at the opportunity to work with ICAO to share the lessons that we learned with all of you because I think that, as I said, they are universal, and that they speak to how we need a global security Standard. Ensuring that these same fundamentals are in place across the global system is important. I think that we can do that by sharing our experiences and by also working together to raise the consistent and sustainable security Standards around the world. This is where we are putting our time and energy in the coming months.

“Inflection Point in Aviation Security: The Threat Environment

“It is important, I think more so now than at any time in recent history, because as you all know we are in a new phase in a global terrorism threat. It used to be that we worried about single groups working very hard directing something from a central operating entity. We have now moved to a world in which not only is that happening, but you have terrorist-inspired attacks. If you look at some of the recent tragic events, whether the attacks in Paris, France, the attacks in San Bernardino, California, the recent attacks on aviation, some of these look to be not only terrorist-directed but also terrorist-inspired. It is also a very complex threat environment now. You have many, many more groups operating than we did even just a few years ago. These are groups with capability and very strong intent to attack interests around the world and, in particular, to attack aviation. What makes it particularly challenging is that they are much more capable of communicating now than they have ever been before. With the various types of social media capability, along with the ability to move information quickly, it becomes easy to recruit members, easy to inspire people. They are publishing manuals on how to construct weapons and how to place those weapons for maximum effect. All of that makes it a much more challenging environment and, in my opinion, focuses all of us on the importance of raising the security Standards globally.

“The other interesting thing is that all of that connection allows these adversaries to evolve faster than they have ever before. They share information on tactics, they share information on techniques, and they improve upon those. And they watch to see what is happening. As I said with recent events, some of which were successful, it encourages others to try the same thing. So this is the imperative that is driving our action in the TSA and this is why I so appreciate the opportunity to be here today.

“Stopping these groups requires a shared approach. We are all in this together. The global aviation system is just that. An aircraft may fly the flag of a particular country, but in many respects it does not spend much time in that country. It spends time travelling the world. The aviation system connects the world, and a catastrophic loss of an aircraft or damage to the system itself affects all of us, and affects every nation’s ability to survive economically. We are looking to embrace innovation and to work together to adapt, evolve and learn from one another. That requires that we share information. As I mentioned, we will be sharing some of the things we have learned about our own systems. I will look forward to working with ICAO to think about other types of information, and the quantity and quality of information to share. To do that, I think ICAO plays an indispensable role.

“Global Security Standards

“I recognize that aviation safety has a wide array of activities already in place within ICAO, but the security portfolio that ICAO carries is, in my opinion, of equal import and perhaps more immediate import given the current situation. Safety and security go hand-in-hand. In fact, in some languages, perhaps some spoken in this room, there are no different words for ‘safety’ and ‘security’. They are really the same word as you go forward. I do not discriminate about where the danger comes from. I look to see what the most current risks are. We are doing a series of threat assessments and risk assessments domestically, and we are working with my counterparts in other countries to do some international risk assessments. Again, these are things that need to be shared. I think the Assembly in 2016 is an opportunity for ICAO to promote an ambitious agenda that links the world in safety and security more specifically, more tightly, and that encourages capacity building, sharing of best practices and transparency through reciprocal visits. I think we need to understand where the challenges are, without pointing fingers and without placing blame, but to ensure that we understand where the vulnerabilities are. As Member States, we all have the responsibility to ensure that we set a security agenda with desired outcomes that reflect our real concerns, address the risks that we believe to be out

there, and that promote outcomes that help us address those risks. As we collaborate with one another, we would like to do so in a way that looks to the future, that looks to evolving our capabilities, that looks to learning from one another, and that looks to assisting those Member States that we believe have either capacity issues or challenges in fielding the capability and the talents that they need.

“To that end, the TSA, this past year, created for the first time a TSA Academy. It is at the Federal Law Enforcement Training Centre in Georgia. For those of you who are not familiar with it, it is a large compound, an academic institution where the United States trains many of its security and law enforcement professionals. I hope, over the next 18 to 24 months, to develop that into a true United States Centre of Excellence for Transportation and Aviation Security. I look forward to working with ICAO to see what opportunities that might present for capacity building and development globally.

“Conclusion

“We all know that the tragic events of 11 September 2001 did not affect only the United States. The tragic loss of lives on those four aircraft affected transportation throughout the world. It has taken a long time for the global aviation system to recover from those attacks. If there is any lesson to be learned out of that, it is that we do not want that to ever happen again. We certainly would not wish that upon any other nation of the world. So that is why I see us all in together in this.

“I have had the opportunity, during my first seven months as TSA Administrator, to meet with many of my international counterparts to discuss aviation security from a global perspective. A lot of those conversations have dealt with their concerns, their priorities and the opportunities we discuss here. I am certain that many of them have been speaking to all of you as their Representatives to ICAO. I would like to continue to work with ICAO, to look for opportunities to share these best practices, to incorporate best ideas, to further develop our understanding of risk, to come to common definitions of ‘risk’, common definitions of ‘security’ and, without blame, to begin to look towards the Member States that need the most help and to share our respective resources to do that.

“I am committed to collaboration, to a healthy and open dialogue on global issues, and to working together.

“Let me once again thank Secretary General Liu, Council President Aliu and Ambassador Lawson and all of you for the opportunity to speak here today. Ensuring the safety and security of our global aviation system, in my opinion, is the greatest challenge we face right now. Developing a vision and a way forward, with plans and the means to get there, will be our greatest contribution to addressing that challenge. I know that we are all up to the challenge, if we work together. The TSA will assist in any way that we can.

“Thank you again for the opportunity to be here, and I look forward to continuing to work with you all into the future.”

2. Observing that the Council was most pleased to have heard the views of the TSA Administrator on the current security environment, the President noted that the various issues which the latter had raised would be taken into consideration in the Council’s work programme going forward, and in ICAO’s relationship with the United States and the TSA in particular.

3. The Council went into closed session at 1015 hours to consider the next item on the order of business, then reconvened in open session at 1110 hours to discuss the following remaining items:

Subject No. 52: Unlawful interference with international civil aviation and its facilities

Draft Assembly working paper – ICAO Comprehensive Aviation Security Strategy (ICASS)

4. The Council had for consideration: C-WP/14350 presented by the Secretary General, to which was attached a draft Assembly working paper outlining the outcomes and achievements arising from the ICASS' implementation during the current triennium and recommending, inter alia, the ICASS' continued implementation as the primary strategy for the Aviation Security Programme during the next triennium pending approval of a Global Aviation Security Plan (GASeP); and an oral report thereon by the Committee on Unlawful Interference (UIC), which had reviewed the draft Assembly working paper at its First Meeting of the current session on 13 January 2016.

5. In providing additional clarification during the UIC's meeting concerning the link between the ICASS and the GASeP, the Secretariat had recalled that the ICASS had been a key instrument in efforts to enhance aviation security worldwide. It had emphasized that the valuable lessons learned confirmed not only the ICASS's relevance but also the need for an up-to-date, forward-looking and ambitious new global plan for aviation security. The Committee had noted the Secretariat's proposal that there be one single plan – the GASeP – as the overarching framework for aviation security, which would be a high-level policy, planning and implementation document. The GASeP, under which the ICASS would be subsumed, would define the means and targets by which ICAO, States and aviation security stakeholders could align their security enhancement activities while addressing new threats.

6. Some UIC Members had suggested that Section 3 of the paper on lessons learned could be enhanced to indicate the data from which the lessons had been drawn and to expand on their relevance for the GASeP, while specifying some key deliverables for the 2017-2019 triennium.

7. The Committee had noted that a draft Assembly working paper on the proposed GASeP would be considered during the next (208th) session and had recommended that the Council approve the draft Assembly working paper on the ICASS attached to C-WP/14350, as modified by the Committee.

8. The Chairperson of the UIC proposed that, unless the Council had any other significant changes to make to the draft Assembly working paper on the ICASS, it limit further discussion thereon during the present meeting and wait until the 208th session, when it could be discussed in conjunction with the said draft Assembly working paper on the proposed GASeP.

9. In noting the UIC's oral report, the Council agreed that, as recommended by the Committee, Section 3 of the draft Assembly working paper on lessons learned from the ICASS' implementation during the 2011–2013 and 2014–2016 triennia be enhanced to indicate the data from which they had been drawn, to expand on their relevance for the envisaged GASeP, and to specify some key deliverables for the 2017–2019 triennium, in order to increase coherence. It also agreed that the executive summary be amended to clarify that the ICASS would be subsumed under the GASeP.

10. The Council requested that the revised draft Assembly working paper on the ICASS be tabled for its consideration during the next (208th) session in conjunction with the closely-related draft Assembly working paper proposing the establishment of the GASeP. It was noted that the Executive Committee of the 39th Session of the Assembly was expected to likewise consider both working papers concurrently.

Subject No. 12.6: Plans for Council off-site strategy meetings and visits

ICAO Council State Visit – Jamaica (Montego Bay, 12-15 October 2015)

11. The Council resumed (207/2) and completed its consideration of C-WP/14356, in which the Secretary General reported on the Council State visit to Jamaica hosted by that State's Civil Aviation Authority (CAA), which had included a Meeting with North American, Central American and Caribbean Directors General of Civil Aviation (NACC DGCA) at which a presentation of the NACC Regional Office *No Country Left Behind* (NCLB) strategy had been given.

12. In welcoming such Council regional visits, the Representative of the Russian Federation emphasized that the latter, as well as the Air Navigation Commission (ANC) familiarization visits, were extremely important to the regions, the Council and the ANC as they enabled direct communication of information on the situation in each region and on the specific challenges each one faced, and consequently fostered a better understanding thereof. Recalling the comments made at the previous meeting by the Representative of Australia, he indicated that similarly the only reason that he had been unable to participate in the visit to Jamaica had been the budgetary implications. In nevertheless sharing the view expressed by the Representative of the United Kingdom, the Representative of the Russian Federation underscored the need to strictly adhere to the *Rules of Procedure for the Council* (Doc 7559) and the provisions of the *Convention on International Civil Aviation* in order to maintain the Organization's stability. Noting that Rule 21 of the said Rules of Procedure (Doc 7559) stipulated that "The Council shall meet at the seat of the Organization [i.e. Montréal] unless the Council decides that a particular session or meeting shall take place elsewhere", he emphasized that the Council had not taken a decision to have a meeting in Jamaica.

13. Although he had carefully listened to all of the comments made, both during the last meeting and the present meeting, the President of the Council still failed to understand how the visit to Jamaica had been equated to a formal meeting of the Council. No reference was made in C-WP/14356 to a formal Council meeting having taken place in Jamaica. Furthermore, no Council decision (C-DEC) had subsequently been issued. The President reiterated that it was an issue of semantics.

14. Recalling that the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan), which all Representatives commended, was the result of an ANC familiarization visit, the President queried whether advantage should not be taken of information received during informal visits. He underscored that advantage was taken of the information provided during informal briefings by industry given at the Council's request, and of the information provided during its Off-site Strategy Meetings.

15. While indicating that it was understandable that not all Representatives had been able to participate in the visit to Jamaica due to financial reasons, the President cautioned against diverting the Council's discussion away from the important lessons learned from that visit to procedural matters as it would be inefficient. Affirming that no formal meeting of the Council had taken place during the said visit, he emphasized that Representatives had had a Meeting with the NACC DGCA and some industry representatives. Observing that the present meeting was a formal Council meeting and that it was being held in Montréal, the President stressed that focus should be on whether the Council was ready to take advantage of the information received and lessons learned during the visit.

16. In welcoming the report on the visit to Jamaica, the Representative of Japan noted that although she had been unable to take part therein, she had heard from some participants that there had

been a very useful exchange of views and information. In addition, she had reviewed the said presentation of the NACC Regional Office NCLB strategy which was posted on the Council website and had found the strategy quite impressive. Affirming that the NACC Regional Office operated very effectively, the Representative of Japan suggested that its good example be mainstreamed in all of the other Regional Offices. Averring that such mainstreaming could be done without any budgetary implications as it would be an intellectual exercise on the Secretariat's part, she emphasized that it would lead to substantial benefits in terms of strengthening the Regional Offices and, in turn, State implementation of ICAO Standards and Recommended Practices (SARPs).

17. Endorsing these comments, the Representative of Saudi Arabia commended the four-phase NACC Regional Office NCLB strategy outlined in paragraph 2.7 of the paper, which included, inter alia: fostering the political will of the Ministers and other senior level government officials in the NAM/CAR States to develop and support a sustainable and ICAO-compliant aviation system; intelligence gathering and prioritization of the strategic activities to ensure that all deficiencies in all areas of each State's aviation system were identified; development and implementation of State action plans to rectify those deficiencies; and continuous measuring/monitoring. In proposing that the Secretary General give guidance to the other Regional Offices so that they could begin implementing such a NCLB strategy, the Representative of Saudi Arabia averred that they could take such action even under the current budget constraints. He reiterated the comment made by the Representative of Japan in that regard. The Representative of Saudi Arabia further suggested that the Regional Offices submit detailed information to the upcoming 39th Session of the Assembly on their efforts to ensure that no country is left behind.

18. Noting the difference of opinion on the nature of the visit to Jamaica, the Representative of Bolivia (Plurinational State of) emphasized the need to take into account its purpose: to provide Representatives, regardless of how many were able to participate, with official information on the work being done by the NACC Regional Director and DGCAs to fulfill ICAO's Strategic Objectives. He averred that, out of respect to the NACC Regional Director and DGCAs, the visit should be recognized as having been an official one. The Representative of Bolivia (Plurinational State of) nonetheless supported the President's statement.

19. In noting that he did not consider that he had participated in a formal or informal meeting of the Council in Jamaica, the Representative of Spain underscored that in his view he had taken part in a visit to Jamaica, the two most important aspects of which had been the NACC Regional Office NCLB strategy, and the presence of the NACC DGCAs. Commending the said NCLB strategy, he agreed with the Representative of Saudi Arabia that it should be applied generally in all of the other Regional Offices so that there would be a common approach. In addition, the Representative of Spain affirmed that the discussions with the NACC DGCAs had been very beneficial for all concerned. Recalling that the ANC familiarization visits had been initiated when he was President of the Commission, he indicated that he thus supported regional visits, especially as they were a good source of information. The Representative of Spain recommended that the Council contact the other Regional Offices in the future to obtain a comprehensive overview and assessment of each region. He underscored that it was also important for the Council to receive information and input from industry and for Representatives to take part in important meetings hosted by industry, such as the International Air Transport Association (IATA) Annual General Assembly and the yearly World ATM Congress hosted by the Civil Air Navigation Services Organisation (CANSO) in association with the Air Traffic Control Association (ATCA). The Representative of Spain highlighted, in this regard, that the next World ATM Congress would be convened in Madrid from 8-10 March 2016. He stressed that information from both the regions and industry was important as it enabled the Council to take sound decisions to enhance the efficiency and effectiveness of international civil aviation.

20. Affirming that the visit to Jamaica had been a valuable experience from which he had learned much, the Representative of Norway noted that he had found the NACC Regional Office's NCLB strategy for addressing the various challenges faced by NAM/CAR States very interesting. He hoped that it had also been beneficial for the NACC DGCA's to meet with Representatives from ICAO Headquarters. Recalling the business adage "Know your customer", the Representative of Norway observed that in order to do so, it was often necessary for business owners to meet their customers in person. He underscored that while the DGCA's were not called ICAO's customers, they were, nevertheless, the ones who received the Council's decisions and who were expected to implement them. Recalling that, in the past, he had been responsible for some fifty service units and had visited each one monthly, regardless of their remote locations, the Representative of Norway averred that the Council could conduct a regional visit each year, to the benefit of both Representatives and regional participants.

21. The Representative of the United Kingdom agreed with the President of the Council that it was unfortunate that the form of C-WP/14356 had overshadowed the content i.e. the work that had been done and the information that had been gathered during the visit to Jamaica. In also concurring with the Representative of the Russian Federation and others that such regional fact-finding visits were useful, he noted that they could produce important initiatives. The Representative of the United Kingdom suggested that, in order to take full advantage of Council regional visits, a system be established for their conduct, similar to the system set up by the ANC for the conduct of its familiarization visits. In further suggesting that the Working Group on Governance and Efficiency (WGGE) be requested to consider whether the process for conducting regional Council visits should be formalized, the Representative of the United Kingdom averred that it would serve to maximize participation by Representatives and would enable the Council to derive optimal benefit from such visits while avoiding procedural problems.

22. The President of the Council observed that this proposal mirrored that made by the Representative of Australia during the previous (207/2) meeting. Recalling that the Council had already adopted the recommendation arising from the first Council off-site strategy meeting (Montebello, Québec, 12-14 June 2014) that it conduct periodic visits to the regions and the Regional Offices on an annual basis (cf. C-WP/14211, Appendix, paragraph 3; 203/7), he suggested that the Council take that decision forward and agree that, in consultation with the Secretary General and the ICAO RDs, it would continue to identify and undertake regional visits annually, to the maximum extent possible. In reiterating the importance of such interaction, the President underscored that all of ICAO's Standards, policies and programmes were expected to be implemented by the Organization's Member States. He emphasized that the visit to Jamaica had been better than the snapshot information received in replies to ICAO's State letters as it had enabled Representatives: to see the interaction at both the regional and global levels between the DGCA's, representatives of industry and the NACC Regional Office through the comprehensive discussions that had taken place; and to receive a wealth of information, particularly on the level of State implementation of ICAO Standards and the challenges being faced in that context.

23. In affirming that the NACC Regional Office NCLB strategy could be useful to the other Regional Offices, the President of the Council took the point made regarding the horizontal sharing of information thereon, while recognizing that there were regional specificities. Recalling that all of the ICAO RDs would be coming to ICAO Headquarters soon for the consideration of the *Annual Reports to Council on Regional Offices' activities during 2015 and work programmes for 2016* (C-WP/14381) and would subsequently attend a meeting of the Senior Management Group (SMG), he noted that the Secretary General could raise the matter at that time.

24. Voicing support for the President's interventions, the Representative of South Africa suggested that the action proposed in the executive summary of the paper be expanded to include a new paragraph on the identification of a similar Council visit to another region in 2017.

25. In agreeing with the President's statement on the distinction to be made between statutory Council meetings and Council regional visits, the Representative of Italy indicated that he would be happy to join in any future regional visits undertaken by the Council in accordance with its earlier decision (203/7). Recalling that he had taken part in very interesting visits to Mexico and Singapore by courtesy of those two States, he underscored that regional visits could certainly enrich the Council in terms of its knowledge, discussions and decision-making. The Representative of Italy noted that while all statutory Council meetings should take place in Montréal pursuant to Rule 21 of the *Rules of Procedure for the Council* (Doc 7559), there had been an exception as provided for in that Rule, namely, the convening of an Extraordinary Session of the Council in Chicago on 8 December 2014 to commemorate the 70th Anniversary of the signing of the *Convention on International Civil Aviation*.

26. In also endorsing the President's interventions, the Observer from Peru affirmed that the positive experience of the Council visit to Jamaica could set a precedent for future regional visits. He indicated, however, that issues relating to the frequency of the visits (e.g. annual, biannual) and their nomenclature should be discussed at a future meeting to avoid the confusion which had arisen with regard to the visit to Jamaica. The Observer from Peru noted that, on the basis of that good experience, States such as Peru, which hosted ICAO's South American Regional Office (SAM) (Lima), welcomed the possibility of having the whole Council, or as many Representatives as possible, undertake visits to, inter alia, the various Regional Offices. He observed, in this regard, that many Representatives had never had the opportunity to visit them. In indicating that the Regional Offices could invite all regional DGCA's to participate in the Council visit, he emphasized that they would have no difficulty in doing so as they travelled regularly to the Regional Offices. The Observer from Peru noted that, as had been the case during the visit to Jamaica, the regional DGCA's could provide information on their experiences and their best practices with a view to enhancing the implementation of ICAO's Standards, policies and programmes, for the benefit of the States, the regions, the Council and the Organization. He underscored that, in addition, the Regional Offices could coordinate visits by the Council to States in their respective regions. Recalling that the Council had already decided to conduct periodic visits to the regions and the Regional Offices on an annual basis (cf. C-WP/14211, Appendix, paragraph 3; 203/7), the Observer from Peru stressed that it was time for the Council to make such visits a common practice and to commit to undertaking them to the maximum extent possible, although not necessarily annually or biannually. In underscoring that he would be interested in visiting other Regional Offices and States, he endorsed the comments made by the Representatives of Spain, the United Kingdom and Norway.

27. In likewise supporting the President's interventions regarding Council regional visits, the Observer from Ecuador reiterated that the visit to Jamaica had undeniably yielded positive results. He considered, however, that the process for conducting such visits did not have to be formalized. The Observer from Ecuador underscored that regional Council visits sparked interest in the various subjects discussed in the heart of ICAO, the alma mater of international civil aviation, and offered the opportunity to share experiences and lessons learned in the field. He recalled that in 2010, when Ecuador had started to implement and promote the ICAO Safety Management System (SMS) and the State Safety Programme (SSP), it had hosted "The Galápagos High-level Meeting 2010+", in which DGCA's from not only the SAM region but also other regions had participated. The Observer from Ecuador noted that the Galápagos was a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Biosphere Reserve. Underscoring that both the formal and informal meetings that had taken place during that High-level Meeting had been very successful, he highlighted that new objectives had been developed, including for the environment, and that the Meeting's many conclusions had been mainstreamed into ICAO's work. In applauding the fact that Council Representatives participated in regional visits, and recalling the suggestion made by the Representative of South Africa, the Observer from Ecuador indicated that his State would be delighted to host a Council visit to the South American region in 2017

28. The Secretary General thanked Representatives for their recognition of, and support for, the said NACC Regional Office NCLB strategy. It was noted that she planned to request the other ICAO RDs to put that strategy in their own regional contexts with a view to enhancing the political will of the Ministers and other senior level government officials in their respective regions to develop and support a sustainable and ICAO-compliant aviation system.

29. In then taking the action indicated in the executive summary of C-WP/14356, as amended by the President in light of the discussion, the Council:

- a) noted the NACC Regional Office NCLB strategy as outlined in Section 2 of the paper and as presented in the ICAO Business Plan, and supported its continued implementation, including through the consideration of the allocation of additional resources for the Regional Offices as proposed in the draft Budget of the Organization for 2017-2018-2019 (C-WP/14397);
- b) requested the Secretary General to share the NACC Regional Office NCLB strategy, as well as the experiences gained and lessons learned during the Council State visit to Jamaica, among the other Regional Offices;
- c) recalling its adoption of the recommendation arising from the first Council off-site strategy meeting (Montebello, Québec, 12-14 June 2014) that it conduct periodic visits to the regions and the Regional Offices on an annual basis (cf. C-WP/14211, Appendix, paragraph 3; 203/7), agreed that, in consultation with the Secretary General and the ICAO RDs, it would continue to identify and undertake regional visits annually, to the maximum extent possible; and
- d) noted, with appreciation, Ecuador's offer to host a Council visit to the South American region in 2017 and requested that it ensure that as many regional DGCA's and representatives of industry as possible participate therein.

30. Recalling the formal invitation received from the United Arab Emirates for the Council to visit the Middle East region in 2016, the President of the Council expressed the hope that as many Representatives as possible would take full advantage of that invitation.

31. It was noted that a draft Assembly working paper on activities related to the ICAO NCLB initiative would be presented for the Council's consideration during the next (208th) session.

Subject No. 20: Periodic reports by the Secretary General

Secretary General's sessional progress report

32. The Council reviewed information paper C-WP/14351, in which the Secretary General, pursuant to the reporting expectations in the Charter Letter from the President, on behalf of the Council, dated 2 April 2015 (cf. PRES OBA/2399) and her response (cf. C-WP/14312; 206/7), presented her first sessional progress report, for the 207th Session, on the status of delivery of programmes/projects on policy objectives and any emerging issues and/or risks. In line with the Council's request that the progress reports be presented in a clear and concise manner, the progress report appended to the paper was in tabular format, with key topic headings aligned with the priorities of the Strategic Objectives and goals set forth in the Attachment to the Secretary General's said response. Where relevant, commentary had

been included on any new and emerging risks and on strategies for their mitigation, as had references to documentation or links where additional or updated information could be found.

33. In expressing appreciation for the tabular format of the progress report, the Council noted that it represented a very good first step.

34. While noting that the list of activities set forth in the table was very useful, the Representative of Spain enquired as to its context and completeness. Assuring him that all of the listed activities were in line with her response to the said Charter Letter (cf. PRES OBA/2399), the Secretary General indicated that the Secretariat could provide any additional clarifications required after the meeting.

35. In view of Attachment A (Rules, Duties and Responsibilities) of the said Charter Letter, the Representative of Japan suggested that a new section be added to the sessional report on the leadership provided by the Secretary General to the staff of the ICAO Secretariat, which would link to her management of the operational matters referred to in the sessional report pursuant to Attachment B of the Charter Letter. She further suggested that for each activity listed in the sessional report an indication be given of the target date for implementation and of the progress thus far made (e.g. percentage completed).

36. The Representative of Poland suggested that, in addition, another section be added on identified risks, which would set forth key features and target dates for mitigation.

37. In noting these suggested enhancements to the sessional report's format, the Secretary General underscored that while it would be easier to include an indication of the said target dates for implementation and progress made starting in 2017, when the ICAO Business Plan and Operating Plan, which contained key performance indicators (KPIs), would be in place, she would endeavour to provide the requested new format for her progress report for the 208th Session.

38. The Representative of South Africa commended the progress report, in particular the completion of an aviation security and facilitation training needs assessment conducted in September 2015 in accordance with the Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa (AFI SECFAL Plan), and the scheduling of a related Ministerial Meeting in Windhoek, Namibia from 5-8 April 2016.

39. Responding to questions raised by the Representatives of Poland and Mexico regarding the 2016 public relations projects referred to in Section 2. External communications and positioning of the progress report (cf. page A-6), the Secretary General confirmed that all of the Secretariat's work was in line with, and would continue to be in line with, the Council's decisions, including its instruction that ICAO be promoted. She underscored that such promotion by the Secretariat would likewise be in line with the Council's decisions as reflected in the Organization's various Strategic Objectives. In elaborating on some of the public relations projects for 2016 that had been identified by the Communications Unit (COM), the Secretary General noted that COM was working with local communities to have an ICAO promotion at the Pierre Elliott Trudeau International Airport in Montréal so that Delegates coming to ICAO meetings, as well as all of the other passengers at the airport, would gain knowledge of the Organization. Another project that was also under consideration was a forum similar to the United Nations (UN) Model Court, which would be used to promote aviation and ICAO to the younger generation. The Secretary General noted that information on the other public relations projects under consideration could be shared with interested Representatives in bilateral meetings.

40. The Secretary General further indicated that clarifications requested by the Representative of France regarding the different references made in Section 1. Strategic Planning and Section 3. Implementation of SARPs (cf. pages A-5 and A-7 of the progress report) to the voluntary Action Plans to reduce aviation CO₂ emissions would be provided after the meeting.

41. Responding to a query by the Representative of Bolivia (Plurinational State of) regarding the issue of conflict zones referred to in Section 5. Organizational and programme issues (cf. page A-10), the President of the Council indicated that during the next (208th) session the Repository Review Group (RRG) would present, for the Council's consideration and approval, a report on the outcome of its review of the operation of the Conflict Zone Information Repository (CZIR) and the associated procedure to disseminate information on risks to civil aviation arising from conflict zones following the completion of the one-year evaluation phase, as well as any recommendations for enhancements (cf. C-DEC 204/10, paragraph 9).

42. In then noting the information contained in the progress report for the current session (cf. Appendix to C-WP/14351), as well as the supplementary information provided during the discussion, the Council requested the Secretary General to review the report's format in light of the above-mentioned suggestions and align it with the formats of the sessional reports on implementation of Council decisions and the said ICAO Business Plan and Operating Plan.

43. It was noted that an informal briefing on the proposed communications strategy would be given during the next (208th) session, rather than during the present session as had originally been envisaged, and that Representatives would have the opportunity to make substantive comments on the strategy and its implementation.

Subject No. 24.3: Action on Assembly resolutions and decisions

Review of the overall structure of the preparatory work for the Assembly

44. This subject was considered on the basis of C-WP/14360 presented by the Working Group on Governance and Efficiency (WGGE) pursuant to the Council's earlier request (201/1).

45. In introducing the paper, the Chairperson of the WGGE, the Representative of Saudi Arabia, Mr. Hazim A. Abudaowd, noted that the WGGE had solicited proposals from both the Secretariat and Representatives to improve the overall structure of the preparatory work for the Assembly and had developed recommendations relating to, inter alia, the submission of working papers and information papers by Member States and international organizations, including deadlines; the convening of high-level meetings; and the format of Assembly resolutions (cf. paragraphs 2.3, 2.4 and 2.5). He thanked the Members of the WGGE and Council Representatives for their input, as well as the Secretariat for its support and contributions. In underscoring that improving the preparatory work for the Assembly was a continuous process, the Chairperson indicated that the Working Group looked forward to observing the positive impact of its recommendations in the coming months.

46. The Representative of the Russian Federation, a Member of the WGGE, commended the Chairperson's report. He noted, however, that whereas the recommended deadline for the submission of working papers by States was 9 August 2016, the recommended deadline for the submission of working papers by international organizations was later, 23 August 2016, which seemed to give preference to the international organizations. While the Representative of the Russian Federation considered that 9 August 2016 should be the deadline for the submission of working papers by both States and international organizations, he could agree to retain the said 23 August 2016 deadline for the submission of working

papers by international organizations in view of the latter's additional responsibility for translating such papers. He suggested that action paragraph a) iii) be amended by adding the word "all" so as to read "... submission of working papers from international organizations to be published in all ICAO language versions provided by the international organizations;"

47. The Representative of Nicaragua spoke in favour of a 9 August 2016 deadline for the submission of working papers from both States and international organizations.

48. The Representative of the United Kingdom suggested that action paragraph a) iii) be further amended by inserting the word "as" before the word "provided", for added clarity. He likewise proposed that action paragraph a) iv) be amended by inserting the word "only" after the word "published" so as to read "... to be published only in the ICAO languages provided by the States and international organizations;"

49. The above-mentioned amendments to action paragraphs iii) and iv) were agreed.

50. In then drawing attention to paragraph 2.4.3 of the paper, the Representative of the Russian Federation highlighted the WGGE's recommendation that the Council consider requesting high-level meetings to develop draft Resolutions for the Assembly's approval. Recalling previous discussions on the issue of rules of procedure for high-level meetings, he suggested that a new action paragraph be added whereby the Council would request that such rules of procedure be developed on the basis of existing practices. Averring that that would not be a difficult task, the Representative of the Russian Federation indicated that the *Standing Rules of Procedure of the Assembly of the International Civil Aviation Organization* (Doc 7600) could also serve as a basis.

51. Observing that this was a long-standing issue, the President of the Council indicated that if the practice of holding high-level meetings every three years for safety and air navigation and at regular intervals for the other Strategic Objectives was going to be formalized, then it would be necessary to establish rules of procedure for such meetings, including for the approval of papers to be presented for consideration. He suggested that the Council task the WGGE with reviewing the existing *Directives to Divisional-type Air Navigation Meetings and Rules of Procedure for their Conduct* (Doc 8143) and existing practices for high-level meetings with a view to formalizing the rules of procedure applicable to the latter. In stressing the need for the WGGE to ensure that the envisaged rules of procedure were more efficient and effective than the current practices, the President recalled that questions had arisen in the past in the Air Navigation Commission (ANC) regarding its role in reviewing papers to be submitted to high-level meetings on safety. He indicated that that issue could be discussed later.

52. In highlighting the challenges that the Secretariat would face in translating the high volume of Assembly documentation in the short period of time available, the Representative of Egypt concurred that international organizations should be responsible for the translation of their working papers and information papers pursuant to action paragraphs a) iii) and iv). He emphasized the need to inform the international organizations accordingly.

53. In then referring to the second bullet of paragraph 2.3.3 of the paper, the Representative of Egypt questioned how working papers submitted by States after the deadline of 9 August 2016 could be considered as information papers when by definition they contained proposals for action by the Assembly which might have budget implications. He therefore suggested that related action paragraph a) iv) be deleted.

54. The Chairperson of the WGGE reiterated that the Working Group had agreed to recommend that working papers submitted by States after the 9 August 2016 deadline be considered as information papers even if they contained proposals for action which might have budget implications.

55. Drawing attention to paragraph 2.3.4 and action paragraph c) of the paper, the Representative of Spain agreed that for the sake of efficiency, the Secretariat should reclassify working papers from States that do not call for substantive action as information papers. He emphasized that such reclassification should also apply to working papers submitted by international organizations, as well as by the Secretariat and the Council. In highlighting the need for good classification criteria, the Representative of Spain indicated that both the Secretariat and the Council should consider the matter in the lead up to the 39th Session of the Assembly in September/October 2016.

56. Referring to paragraph 2.4.3, the Representative of Spain stressed the need to make clear that any draft Resolutions developed by high-level meetings were to be submitted to the Council for approval prior to being presented to the Assembly for adoption. To a question then raised by the Representative regarding paragraph 2.5.2, the Secretary General confirmed that the review of the form and content of Assembly Resolutions had already commenced, with the Director of the Legal Affairs and External Relations Bureau (D/LEB) leading the work, in cooperation with all of the other Bureaux.

57. Recalling, from the WGGE's discussions, that the 40th Session of the Assembly in September/October 2019 and subsequent Assemblies were expected to have a slightly different focus than the upcoming Assembly, the Representative of Spain noted that it was anticipated that global plans for all of ICAO's Strategic Objectives would be presented for endorsement/approval, namely, the Global Aviation Safety Plan (GASP) and the Global Air Navigation Plan (GANP), as well as the envisaged Global Aviation Security Plan (GASeP), Global Facilitation Plan and Global Environment Plan. He emphasized that it would therefore be necessary to submit a paper to the 39th Session of the Assembly informing it of the way in which the Organization's work would be conducted in future i.e. on the basis of the said Global Plans.

58. The President of the Council indicated that action paragraph c) would be accordingly amended so as to also refer the reclassification of working papers submitted by international organizations. In noting that all reports from high-level meetings, regardless of whether or not they contained draft Assembly Resolutions, were presented to the Council for consideration, he confirmed that any draft Assembly Resolutions proposed by the high-level meetings would be submitted to the Council for review and approval before being presented to the Assembly for adoption.

59. As a Member of the WGGE, the Representative of France fully endorsed the Working Group's recommendations. With regard to the recommended formalization of the practice of holding high-level meetings, he underscored the latter's usefulness in addressing complex issues where consensus might be difficult to achieve. The Representative of France stressed the importance of clarifying, in future work on this subject, the mandate, deliverables and the status of high-level meetings vis-à-vis those of the standing bodies of ICAO, in particular, panels. Referring to action paragraph d), he emphasized the need to specify the timeframe for the presentation to the Council of the envisaged working paper detailing the mechanism by which high-level meetings will inform post-2016 Assembly sessions.

60. In agreeing with the Representative of Spain and others that high-level meetings were different in nature from Assemblies, the Representative of the United Kingdom averred that it was not necessary to unite their rules of procedure completely. He voiced support for action paragraph d) in its present form.

61. Responding to a query by the Representative of Portugal, the Secretary General recalled that State letter SA 39/1-15/86 dated 18 December 2015 had: advised States that, pursuant to the Council's decision (206/7), any proposal for a new initiative or project activity that they wished to present to the Assembly and that had budget implications for the Organization was required to include a cost estimate; and encouraged States to submit any such proposal before 1 June 2016 to enable the Council to decide if it should be included in the draft Budget of the Organization for the 2017-2018-2019 triennium (cf. paragraph 2.1.3 of the paper). She noted that States would be duly notified in the event that the Council decided not to make provision in the draft Budget for their proposals.

62. To a further question raised by the Representative of Portugal regarding paragraph 2.5.2, the President of the Council indicated that the WGGE's recommendation that the number of Preambular Clauses in each Assembly Resolution should be limited to a maximum of five would be taken by the Council as a best practice for now. In cautioning against setting a strict limit, he underscored that the number of Preambular Clauses depended upon the complexity of the Assembly Resolution's subject matter. The President cited, as an example, the complicated issue of environmental protection. He considered that the message being conveyed by the WGGE in its said recommendation was that Assembly Resolutions should be streamlined so as to be efficient and effective.

63. In elaborating on the timeline for convening future high-level meetings/conferences, the Director of the Air Navigation Bureau (D/ANB) noted that the Secretariat had had a very positive experience with the Twelfth Air Navigation Conference (AN-Conf/12) which had been held one year prior to the 38th Session of the Assembly in September/October 2013, and with the recent Second High-level Safety Conference (HLSC 2015), in terms of the dialogue and conclusions reached. The Secretariat was looking to essentially formalize a routine of developing the cycle of those high-level meetings/conferences some 18 months prior to each triennial Assembly. That timeline would be early enough so that any recommendations arising from future high-level meetings/conferences could be incorporated in the draft Budget proposal which the Council considered in the year prior to the Assembly. D/ANB noted that, in the case of the 40th Session of the Assembly in September/October 2019, it was expected that a high-level conference would be convened no later than early Spring 2018, in the format of a divisional meeting, with recommendations that would be presented to the Council. The technical issues would be referred to the ANC for consideration before being submitted to the Council and ultimately to the Assembly. He further indicated that the technical questions to be raised at those high-level meetings/conferences would be carefully coordinated and orchestrated in advance with the consent of the ANC and the advice of the Council. D/ANB underscored that the Secretariat was thus looking to formalize, to some degree, that technical collaboration and decision-making process using the rules of procedure that already existed but in a way that would allow the Secretariat to very carefully analyze and collate the budget impacts in a more comprehensive way before the next Assembly.

64. Referring to action paragraph a) i), the Representative of Japan highlighted that the WGGE recommended a deadline of 8 July 2016 for the publication of working papers prepared by the Secretariat in all working languages of ICAO in recognition that States needed to be informed well in advance of the Secretariat's views on the various Assembly Agenda items in order to prepare themselves for the Assembly. While she had expected an earlier deadline for the publication of the working papers prepared by the Secretariat, she accepted the WGGE's recommendation. Observing that the WGGE had also discussed the number of such working papers, the Representative of Japan recalled that in order to put it in context she had suggested that the Bureau Directors who served as Secretaries of the Executive Committee and the various Commissions of the 39th Session of the Assembly brief the Council on the Assembly's expected outcomes. Noting that D/ANB had provided his very useful bird's-eye view thereon, the Representative of Japan affirmed that his views, and those of the other Bureau Directors, would be very helpful to Representatives in preparing for the Assembly. She suggested that a new action paragraph

be added requesting that an informal briefing be given to the Council during the next (208th) session on the Secretariat's expected outcomes of the Assembly.

65. Drawing attention to action paragraph a) iv), the Representative of Japan recalled that the WGGE had recommended a deadline of 13 September 2016 for the submission of information papers from States and international organizations as they, and not the Secretariat, were responsible for the translation of those papers. In noting that the last sentence of paragraph 2.3.3, fourth bullet ("Changes to information papers will not be accepted after this date" i.e. 13 September 2016 was not reflected in action paragraph a) iv), she indicated that it was her understanding that the WGGE had agreed that States and international organizations would be permitted to modify their submitted information papers after 13 September 2016 as such changes would be made at their own cost and would not entail any additional administrative burden or cost for the Secretariat in terms of translation.

66. Referring to action paragraph b), the Representative of Venezuela (Bolivarian Republic of) indicated that although, in his experience, the non-simultaneous distribution of documentation was a common practice for ICAO's various meetings, he did not consider that it would be appropriate to indicate in the Council's decision that such non-simultaneous distribution was approved for all Assembly documentation submitted by States, as proposed in paragraph 2.1.3 of the paper. He cautioned that Delegates might not necessarily receive the required language version of such Assembly documentation in a timely manner.

67. Recalling that the Secretariat was responsible for the translation into all ICAO working languages of working papers submitted by States before the deadline of 13 September 2016, the President of the Council indicated that it would continue to adjust the translation schedule to ensure their timely publication. He affirmed that the proposed non-simultaneous distribution for all documentation submitted by States would be beneficial as it would minimize delays in their availability by enabling the posting in advance of both the original submissions and the English version thereof, with the other language versions following as soon as they became available.

68. The Representative of Australia suggested that an additional action paragraph be added to highlight to the upcoming Assembly the Council's commitment to viewing the Assembly preparatory work in a more holistic manner in order to enhance efficiency and effectiveness. She noted that its efforts to improve the management of the Assembly could include, inter alia: the use of the said Global Plans, to which the Council was committed; the establishment of a mechanism by which high-level meetings would inform post-2016 Assembly sessions; reviewing the format of Assembly Resolutions; and having the Assembly primarily focus on the review and endorsement/approval of the Global Plans, the Organization's triennial Budget, the Council elections, and perhaps some peripheral issues. The Representative of Australia emphasized the importance of signaling the Council's intentions in this regard to the international aviation community as early as possible.

69. The Representative of South Africa suggested, and it was agreed, that action paragraph a) v) be amended by replacing the word "changes" with the word "amendments".

70. The Representative of the Russian Federation emphasized the need for the Secretary General to inform States as soon as possible of the Council's decision regarding, inter alia, the deadlines for the submission of States' working papers and information papers, and suggested that a corresponding action paragraph be added. Averring that it would be very difficult for States to submit their proposals for new initiatives or project activities, with cost estimates, by 1 June 2016 pursuant to State letter SA 39/1-15/86 dated 18 December 2015, he further suggested that in future States only submit

information on the budget implications of their proposals for new initiatives or project activities by 1 June and that they submit their actual working papers later, by the Council-approved deadline.

71. In then taking the action recommended by the WGGE, as amended by the President in light of the discussion, the Council:

- a) approved, for the upcoming 39th Session of the Assembly:
 - i) 8 July 2016 as the deadline for the publication of working papers prepared by the Secretariat in all working languages of ICAO;
 - ii) 9 August 2016 as the deadline for the submission of working papers by States for translation by ICAO into all of its working languages and publication before 13 September 2016;
 - iii) 23 August 2016 as the deadline for the submission of working papers by international organizations to be published in all ICAO language versions as provided by the international organizations;
 - iv) 13 September 2016 as the deadline for the submission of information papers by States and international organizations to be published only in the ICAO languages provided by the States and international organizations; and
 - v) that working papers from States are considered final upon submission and that no further amendments will be accepted after 23 August 2016;
- b) in order to minimize delays in the availability of Assembly documentation, approved, for implementation from the 39th Session of the Assembly, non-simultaneous distribution for all documentation submitted by States as proposed in paragraph 2.3.6 of C-WP/14360 to enable the posting in advance of both the original submissions and the English version thereof, with the other language versions following as soon as they are available;
- c) approved, for implementation from the 39th Session of the Assembly, that the Secretariat reclassify working papers from States and international organizations that do not call for substantive action as information papers, on the understanding that the States and international organizations concerned will be informed accordingly (cf. paragraph 2.3.4 of the paper, as expanded);
- d) requested the Secretary General to prepare a working paper detailing a mechanism by which high-level meetings will inform post-2016 Assembly sessions, taking into account comments made, including those of the Representative of Australia (cf. paragraph 68 above), and to present it for consideration during the next (208th) session;
- e) requested the Secretary General to review the format of Assembly Resolutions and to propose revisions for post-2016 Assembly sessions for its consideration;
- f) requested the WGGE, in consultation with the Secretariat, to review the existing *Directives to Divisional-type Air Navigation Meetings and Rules of Procedure for*

their Conduct (Doc 8143) and existing practices for high-level meetings with a view to formalizing the rules of procedure applicable to the latter;

- g) requested the Secretariat, in conjunction with the President's Office, to arrange an informal briefing, during the next (208th) session, on the Secretariat's expected outcomes from the Executive Committee and the various Commissions of the 39th Session of the Assembly; and
- h) noted that the Secretary General, in State letter SA 39/1–15/86 dated 18 December 2015 had: informed States that, pursuant to the Council's decision (206/7), any proposal for a new initiative or project activity that they wished to present to the Assembly and that had budget implications for the Organization was required to include a cost estimate; and encouraged States to submit any such proposal before 1 June 2016 to enable the Council to decide if it should be included in the draft Budget of the Organization for the 2017-2018-2019 triennium.

72. The President of the Council observed that the WGGE's recommendation that working papers from States received after the 9 August 2016 deadline be considered as information papers [cf. action paragraph a) vi) of C-WP/14360] did not seem to be aligned with its recommendation as reflected in paragraph 71 a) iii) above that 23 August 2016 be the deadline for the submission of working papers by international organizations to be published in all ICAO language versions as provided by the international organizations. Indicating that the recommendation contained in action paragraph a) vi) of C-WP/14360 was therefore left in abeyance, he requested WGGE Members to consult one another regarding that recommendation and to report thereon to the Council at a later stage.

73. The Council adjourned at 1310 hours.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE FOURTH MEETING

(THE COUNCIL CHAMBER, MONDAY, 22 FEBRUARY 2016, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|----------------------------------|--------------------------|------------------------------------|-----------------------------------|
| Argentina | — Mr. A.J. Dumont | Malaysia | — Mr. Y.-H. Lim |
| Australia | — Ms. K. Macaulay | Mexico | — Mr. D. Méndez Mayora |
| Bolivia (Plurinational State of) | — Mr. J.G. Soruco | Nicaragua | — Mrs. E.A. Aráuz Betanco |
| Brazil | — Mr. P. Jardim (Alt.) | Nigeria | — Mr. M.E. Nwafor |
| Burkina Faso | — Mr. M. Dieguimde | Norway | — Mr. K.M. Skaar |
| Cameroon | — Mr. E. Zoa Etundi | Poland | — Prof. M. Polkowska |
| Canada | — Mr. P. Langlais (Alt.) | Portugal | — Mrs. M.H. Faleiro T. de Almeida |
| Chile | — Mr. C. Mac-Namara | Republic of Korea | — Mr. J. Hur |
| China | — Mr. C. Ding (Alt.) | Russian Federation | — Mr. A.A. Novgorodov |
| Dominican Republic | — Mr. C.A. Veras Rosario | Saudi Arabia | — Mr. H.A. Abudaowd |
| Egypt | — Mr. A. Khedr | Singapore | — Mr. T.C. Ng |
| France | — Mr. O. Caron | South Africa | — Mr. M.D.T. Peege |
| Germany | — Mr. U. Schwierczinski | Spain | — Mr. V.M. Aguado |
| India | — Mr. A. Shekhar | United Arab Emirates | — Miss A. Alhameli |
| Italy | — Mr. E. Padula | United Kingdom | — Mr. M. Rodmell |
| Japan | — Ms. N. Ueda | United Republic of Tanzania | — Mr. R.W. Bokango |
| Kenya | — Ms. M.B. Awori | United States | — Mr. M.A. Lawson |
| Libya | — Mr. M. Sayeh Eltayf | Venezuela (Bolivarian Republic of) | — Mr. D.A. Blanco Carrero |

ALSO PRESENT:

- | | |
|--------------------------------|---------------------|
| Mr. F. Zizi, President, ANC | |
| Dr. N. Luongo (Alt.) | — Argentina |
| Mr. J. Bollard (Alt.) | — Australia |
| Mr. L. Sacchi Guadagnin (Alt.) | — Brazil |
| Mr. R. da Rosa Costa (Alt.) | — Brazil |
| Mr. M. Vidal (Alt.) | — Chile |
| Mr. I. Camino (Alt.) | — Chile |
| Mr. M. Millefert (Alt.) | — France |
| Mr. R. Monning (Alt.) | — Germany |
| Mr. M. Ishii (Alt.) | — Japan |
| Mr. H. Yoshimura (Alt.) | — Japan |
| Mr. W.C. Wan Said (Alt.) | — Malaysia |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mrs. H. Jansson Saxe (Alt.) | — Norway |
| Mr. S. Kim (Alt.) | — Republic of Korea |
| Mr. S. Koh (Alt.) | — Republic of Korea |

SECRETARIAT:

- | | |
|---------------------|-------------|
| Mr. Creamer | — D/ANB |
| Mr. H. Gourdji | — DD/MO |
| Dr. A. Jordaan | — C/MED |
| Mr. Y. Wang | — C/AOI |
| Mr. M. Vreedenburgh | — C/IMP-SAF |
| Mr. C. Dalton | — C/AMO |
| Mr. G. Brock | — C/IPS |
| Dr. K. Rooney | — C/CSS |
| Mr. E. Lassooij | — PM/PBN |
| Mr. M. Marin | — A/C/OPS |
| Mr. A. Capretti | — TO/AOI |
| Mr. J. Cheong | — TO/AOI |
| Mr. R. Romero | — TO/AMO |
| Mr. N. Halsey | — TO/AOI |
| Mr. M. Boyd | — TO/AMO |
| Ms. R. Luccioli | — TO/AOI |

ALSO PRESENT: (Cont'd)

Mr. A. Korsakov (Alt.) — Russian Federation
 Mr. A. Almoghraby (Alt.) — Saudi Arabia
 Mr. I. Pacheco (Alt.) — Spain
 Mr. M. Salem (Alt.) — United Arab Emirates
 Ms. K. Riensema (Alt.) — United Kingdom
 Mr. W. Voss (Alt.) — United States

SECRETARIAT: (Cont'd)

Mr. A. Shilo — TO/AOI
 Mr. A. Larcos — ACC
 Miss M. Barry — Précis-writer

Representatives to ICAO

Ecuador
 Equatorial Guinea
 Ethiopia
 Greece
 Lebanon
 Paraguay
 Peru
 Turkey
 Uganda

Airports Council International (ACI)
 European Union (EU)

Order of business

1. Before commencing discussions, the President of the Council recalled that there were five items outstanding from the previous week's agenda, which required an additional meeting of the Council during its current session. The President of the Council requested the Secretariat to look into the matter and advise him of the financial cost should one extra Council meeting need to be scheduled.
2. Referring to the series of reports of the Air Navigation Commission (ANC) regarding the adoption of Standards that had been scheduled for the day's discussion, the President reminded the Council that it had been requested to inform his office and the Secretariat if substantial amendments to any of the amendments being recommended by the ANC were required. As no such amendments had been received, the President anticipated that the Council would agree with the Commission's recommendations.

Safety Week Presentation

3. The President of the Air Navigation Commission (P/ANC) and the Director of the Air Navigation Bureau (D/ANB) delivered a joint presentation on Safety Week, which provided information on, inter alia, challenges related to the Global Air Navigation Plan (GANP) and the Global Aviation Safety Plan (GASP); initiatives to assist Member States in their implementation efforts; consolidation and clarification of issues arising from Annex 19; areas of focus in the lead-up to the 39th Session of the ICAO Assembly; proposed Universal Safety Oversight Audit Continuous Monitoring Approach (USOAP CMA) missions in 2016; emerging issues related to lithium batteries, conflict zones, global tracking and cyber safety; and coordination efforts with other agencies in the United Nations system in responding to the outbreak of the Zika virus.
4. The President of the Council thanked the President of the Commission and D/ANB for their detailed presentation which set the stage for the activities to be undertaken during the current and following weeks, as well as in preparation for and following the upcoming Thirty-ninth Session of the ICAO Assembly (A39). He then apprised the Council of a number of issues that he had recently discussed with the Secretariat and P/ANC to advance implementation under the *No Country Left Behind* (NCLB) initiative.
5. The President of the Council recalled that the original intent of the Global Air Navigation Plan (GANP) was that it would be a planning tool to: help to address the issue of growth and its associated challenges; assist States with the investment certainties; and inform manufacturers concerning requirements of the aviation industry. He stated that, in developing its plans and standards, ICAO should be cognizant of implementation challenges and requested the Secretariat to bear those challenges in mind when developing the road map leading up to A39.
6. The President recalled that, while there were plans and programmes whose implementation was based on that of aviation safety block upgrades (ASBU), the Global Air Navigation Plan used a performance-based approach. While the expected performance was clear, States and industry required clarification on how to correlate those performance requirements with the necessary ground- or satellite-based equipment, as well as with the required equipment on the aircraft. He stated that it was often unclear which aspect of the requirements met the national needs and which aspect was required to implement the regional programmes. The President cautioned that care should be given to ensuring that clear information was shared with States so that subsequent discussions between vendors, consultants and investment banks who financed the programme were based on accurate information. He stressed that the road map should reflect ICAO's responsibility to support States with respect to the implementation of the

GANP so that the objectives of the plan could be achieved. He suggested that the planning and implementation regional groups (PIRG) could be invaluable in this regard.

7. Turning his attention to PIRGs and regional aviation safety groups (RASGs) and their implementation and reporting functions, the President recalled that PIRGs had been established by the Council prior to the development of the Global Air Navigation Plan to implement regional plans, and had included both air navigation and regulatory activities. Given the redirection of their activities and responsibilities, he considered that the scope of the PIRGs could be expanded. Referring to a shift in the structure of States' participation in the PIRGs, whereby air navigation service providers were represented but the regulatory body rarely was, the President also saw an issue of coordination, which prevented the Organization from being able to take full advantage of the PIRGs to address the issue of implementation. The President felt it necessary for the Council, when reviewing the reporting format of PIRGs, to make a decision so that the policy decision-makers could take advantage of the result of the meeting in order to make appropriate decisions.

8. The President of the Council fully supported the analysis of Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA) reports, as mentioned by P/ANC, but stressed that the Air Navigation Commission and the Air Navigation Bureau should collaborate to determine the best way to address the analysis. He requested that the methodology applied to the analysis USOAP CMA reports also be applied to Universal Security Audit Programme (USAP) reports, as well as to other areas where performance was assessed, such as the Global Training Office's assessment of aviation training organizations. Noting the expected objectives of the USOAP CMA, the President emphasized the importance of quickly validating States' work performed under the *No Country Left Behind* initiative to improve their systems. The President confirmed that the Organization had begun to compile the best practices for safety and security that had been identified during the CMA, as well as those for aviation training organizations, and would provide the compilation to States.

9. Recalling that the Organization had previously sought to have associated guidance material available by the applicability date of amended Standards and Recommended Practices (SARPs), the President appreciated the Secretariat's efforts to make that guidance available by the effective date of the SARPs. Bearing in mind the Council's recent discussions regarding the budget, he considered it important that the impact of having both safety- and security-related guidance material available by the effective date be assessed. In this connection, the President recalled a decision of the most recent off-site strategy meeting of the Council, whereby collaboration with the Global Aviation Training (GAT) Office should be sought with respect to the development of standardized training packages in parallel with the guidance material. This, too, was to be available prior to the Standards becoming applicable or effective.

10. The President requested that the items he had mentioned be taken into consideration during the Council's review of the road maps, as well as during its review of the RASG and PIRG reporting system. He stressed the importance of informing States that both the policymakers and the experts had to participate in PIRG meetings and suggested that the PIRG mechanism be reviewed immediately, if required.

11. The Representative of South Africa thanked the President of the Air Navigation Commission and D/ANB for their presentation. Recalling that a number of search and rescue-related Memoranda of Understanding (MoU) had been signed following the disappearance of Malaysia Airlines Flight MH370 in March 2014, and suggesting that the upcoming Assembly may enquire as to recent developments regarding that incident and implications for Annex 12, the Representative requested that the Council be briefed on those developments.

12. The President of the Council reiterated the importance of States' concluding MoUs and supporting each other in the area of search and rescue and informed the Council that he had recently requested the Secretariat to consider developing a policy that would facilitate a more comprehensive response to emergency situations such as that which arose in relation to the disappearance of Malaysia Airlines Flight MH370. In this connection, it was understood that an informal briefing of the Council on the development of such a policy would be presented at a future session of the Council.

13. The Representative of the Bolivarian Republic of Venezuela thanked the President of the Air Navigation Commission and D/ANB for their presentation and expressed concern over the emerging issues that D/ANB had mentioned in his presentation, i.e. lithium batteries, conflict zones, security, the Zika virus and global tracking. He also requested additional information regarding the issue of climate change and its potential impact on the aviation sector, in particular for aviation safety and air navigation.

14. The Representative of Mexico expressed his appreciation to P/ANC and D/ANB for their presentations and associated himself with the earlier questions. He reiterated his view that the terms of reference and membership of PIRGs required revision to maintain the relevancy of their work and for effective GANP implementation.

15. Responding to the Representative of the Bolivarian Republic of Venezuela, D/ANB acknowledged that an increasing number of extreme weather events were considered attributable to climate change and confirmed that two Meteorology (MET) technical officers in the Air Navigation Bureau were working with their counterparts to address the issue. He indicated that the Bureau was focused on outcomes that took into account all of the climate-related information to ensure that its safety and air navigation regimes accommodated those changes. An associated challenge faced by the Secretariat pertained to information flow and ensuring that real-time information was available to pilots, work on which was being done by the Communications Panel, the Aeronautical Information Panel and the MET Panel. He was confident that this cross-disciplinary approach to addressing the risk and the problem would ensure an adequate response.

16. Recalling HLSC/15-WP/36 regarding extreme meteorological conditions, the President of the ANC confirmed D/ANB's views and agreed that the important question of how to adapt the system to accommodate the negative impacts of climate change would require future consideration. In responding to the suggestion of the Representative of South Africa regarding search and rescue, P/ANC informed the Council that the ANC would review the Standards for distress tracking and flight data recovery the following week. He advised that, in the meantime, the Council should re-familiarize themselves with the Global Aeronautical Distress and Safety System (GADSS) concept, which had already been the focus of considerable work regarding search and rescue.

17. The President of the Air Navigation Commission also informed the Council that the ANC and Secretariat were working to improve the functionality and scope of PIRGs and the RASGs. This evolution was based on the regional groups' progress on the GANP and safety enhancement initiatives to support the GASP, as indicated in their meeting reports.

18. Given the relatively recent establishment of RASGs, which had been created in tandem with the development of the Global Aviation Safety Plan, the President of the Council acknowledged that there were more issues that warranted attention within the PIRG mechanism.

19. The Representative of Spain deemed the presentation and the opportunity to exchange views to be very useful, particularly for when the Council Representatives communicated with their respective State's employees responsible for implementation. The Representative considered it important

to increase the flow of communication and the understanding of tools to support implementation, and supported the convening of regional workshops where similar presentations could be delivered to regulatory bodies.

20. The Representative of Spain associated himself with the comments of the Representative of Mexico and expressed concern regarding the coherence, coordination and status of the global plan vis-à-vis the regional and national plans. Beyond the membership of the PIRGs, he considered it important that the Council consider its approach to global and regional planning to ensure that the various plans were cohesive and consistent.

21. In relation to Annex 12 – *Search and Rescue*, the Council noted that the Secretariat had recently been requested to consider developing a policy that would facilitate a more comprehensive response to emergency situations such as that which arose in relation to the disappearance of Malaysia Airlines Flight MH370 in March 2014. It was understood that an informal briefing of the Council on the development of such a policy would be presented at a future session of the Council.

Subject No. 14.5: Safety oversight

Progress report on the implementation of the ICAO Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA)

22. The Council considered this item on the basis of information paper C-WP/14364, in which the Secretary General provided a progress report on the implementation and activities of the Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA) during 2015. The Council also had for consideration an oral report thereon by the President of the Air Navigation Commission, which supplemented the information provided in C-WP/14364 in relation to future activities planned for 2016.

23. In presenting his report on the information paper, the President of the Air Navigation Commission conveyed the ANC's appreciation for the report, which it considered provided a good indication of the dynamic of both the audits, and the increasing number of off-site validations. He recalled the Council's consideration of the topic in 2015 (C 204/4 refers), during which discussion centred around how to plan the resources for the year and the Secretariat had committed to adapt to the needs as they developed. In this regard, P/ANC confirmed that the Secretariat had fulfilled its commitment and the planned 10 audits, 15 ICVMs and 15 off-site validations were increased to 10, 18 and 23, respectively. He proposed the Council approve the plan for 2016 with the same caveat that it be adapted to the needs.

24. The President of the Commission informed the Council that the continuous monitoring approach had revealed a decrease in some States' levels of effective implementation (EI). To address the situation, a mandatory information request (MIR) mechanism had been implemented which allowed the Secretariat to request specific information from a State and, depending on the answer, to activate an audit. P/ANC emphasized that the MIR mechanism, by allowing the Secretariat to respond to a decreasing situation, created a sustainable means to maintain the level of safety.

25. The President of the Commission next referred to discussions surrounding Annex 19 — *Safety Management* and implementation of the State Safety Programme (SSP). Recalling that the audit of SSP-related protocol questions had been postponed to 2018 (paragraph 2.4 of information paper C-WP/14364 refers), P/ANC considered the deferral a good opportunity to motivate States vis-à-vis their perception of the safety management principles. Further recalling that the intent of Annex 19 was to

create sound principles of safety management, P/ANC informed the Council that the Secretariat was planning several trial phases with a number of States who had agreed to participate on a voluntary basis.

26. Turning his attention to the Commission's discussions of the 60 per cent EI rate, the President of the Commission acknowledged that there were both positive and negative aspects to that delimiter. Cautioning that States that met the 60 per cent EI level may become complacent, he suggested that other indicators be created to encourage States toward sustainable EI improvement. While the Commission was not proposing anything in that regard at the moment, P/ANC considered that the safety road map in the Global Aviation Safety Plan (GASP) and future initiatives could promote sustainable EI improvement.

27. Finally, the President of the Air Navigation Commission reiterated his comments during the Safety Week presentation regarding the ANC's intention to use the report on USOAP CMA activities that was expected to be available at the end of March 2016 for quality management of Standards and Recommended Practices (SARPs). The Commission intended to fully analyse the USOAP CMA results to determine implementation issues, challenges and best practices in order to improve the SARPs development system.

28. The President of the Council thanked the President of the Air Navigation Commission for his report. Referring to the graphs on pages B-2 and B-3 of C-WP/14364, he requested clarification regarding the relatively minor fluctuations in EI for those States whose level of EI was 61 per cent yet had shown significant improvement after an ICAO Coordinated Validation Mission (ICVM).

29. The Deputy Director, Monitoring and Oversight (DD/MO) explained that the actual figure when the graph had been prepared was 61.9 per cent but it had been rounded down to 61; however, that number was constantly changing and was currently approximately 62.8 per cent. He reminded the Council that, although an ICVM could result in a significant improvement for one State, given the number of activities that were performed and the amount of data collected for 191 States, that change would have minimal impact on the average EI.

30. Alluding to the President of the ANC's comment regarding complacency among States at the 60 per cent level of EI, the President of the Council indicated that he had seen a disturbing trend among States that had had a higher level of EI at the time of a previous audit. Those States had neither required nor received much assistance from ICAO and after a subsequent audit, their levels of EI had dropped substantially, some by 30 or 40 per cent.

31. Responding to the President's query whether an analysis had been done to determine the reason for that significant drop, DD/MO drew the Council's attention to Appendix C to C-WP/14363, which presented the table of contents of the detailed analysis of USOAP CMA results that would be published at the end of March 2016. He reminded the Council that the protocol questions (PQs) used to perform audits reflected the most recent amendments to the Annexes that had become applicable. It was therefore possible that some of the requirements contained in the latest amendments had not yet been implemented by the State, which would lower the results, as would a State's failure to continuously perform self-assessments. Recent audits had revealed that some States, after having been audited and receiving an ICVM, had failed to continuously update their regulations after a subsequent Annex amendment. This would show up as a finding in a later audit. DD/MO was confident that the upcoming thorough analysis would provide accurate details. In this context, the Council noted that the USOAP CMA protocol questions covered not only Standards but Recommended Practices and guidance material.

32. DD/MO agreed with the President's assessment that it was necessary to recognize the impact on the overall scope of the State of a PQ relating to a Recommended Practice or guidance material. Recalling that guidance material supported provisions contained in the Annexes, he emphasized that PQs relating to guidance material did not address areas that were not directly linked to a provision. This tied in with the concept that guidance material should be developed in parallel with Annex amendments as, in addition to guiding the auditors, the PQs served to guide States in their own internal monitoring. DD/MO noted the absence of associated guidance material in all official languages as one of the reasons that the auditing of the State Safety Programme element of Annex 19 had been postponed.

33. The Representative of Australia noted with appreciation the progress made with regard to the USOAP CMA and stated that Australia fully supported the approach and principles which it considered to be sound. The level of activity in 2015 was encouraging, particularly the greater emphasis on off-site validations, and Australia believed that efforts in this area and the use of the designee system needed to increase significantly in order to better inform ICAO regarding risks and the overall changes in EI, as well as to better serve the States in closer to real time.

34. With regard to the USOAP CMA online framework (OLF), Australia appreciated the efforts to improve technical issues and provide additional guidance on its use. The Representative pointed out that, with this transition, the burden of effort and the burden of proof had shifted more squarely to States. It was no small task to keep all relevant elements of the system up to date, including the thousand plus PQs, the State activity questionnaire, the compliance checklists, the corrective action plans and the filing of differences to over 12,000 SARPs and, unless States had high levels of coordination and appropriate resources allotted at all times, this was a significant ongoing challenge.

35. The Representative of Australia stated that the number of SARPs continued to increase and, while noting the reasons explained by ICAO that it had elected to defer the audit of the SSP-related PQs until January 2018, she considered that Annex 19 alone would result in a significant increase in SARPs and related PQs. She therefore agreed with the ANC's observation that the Organization needed to think differently about the arbitrary EI rate of 60 per cent. While it might be possible for all States to achieve that target at some point in the future, the increase in the number of SARPs over the same period as a result of ICAO's continued efforts in rule-making would also result in an increased number of unimplemented SARPs, in much the same way as a steady accident rate in the face of growing international traffic results in higher actual accident numbers.

36. The Representative next referred to data collected through the USOAP CMA quality management system regarding States' levels of satisfaction with USOAP CMA activities (paragraph 2.8 of C-WP/14364 refers). She requested the Secretariat to provide further information on the methodology used to conduct the survey, such as the type of survey instrument, the number of States involved, the type of CMA activities covered in the survey, the response rates and the timing of the survey.

37. Moving to the 2016 programme, Australia noted that New Zealand had been scheduled for what appeared to be a full audit. Given New Zealand's relatively sound USOAP scores, ICAO's limited resources, and the risk-based approach that was the foundation of USOAP CMA planning decisions, Australia questioned whether ICAO's resources could not more usefully be deployed to other States in the Asia and Pacific (APAC) Region with poorer USOAP results.

38. The Representative of Mexico expressed appreciation for P/ANC's report on a successful programme and agreed with the Presidents of the Council and the Air Navigation Commission regarding those States that had achieved 60 per cent EI. He supported the comments of the Representative of

Australia and raised a few additional questions in the context of P/ANC's statement that this was a year for the representative bodies to review their work.

39. The Representative of Mexico reiterated his comments of the previous week that the capacity for audits in all official languages of ICAO needed to be strengthened to ensure that the audit findings were as realistic as possible and that the corrective action plan process needed to be more efficient. The Representative advocated the review of the PQs to ensure that those aspects pertaining to serious accidents and incidents were assessed proactively and recommended that the audit resources in the Air Navigation Bureau be reviewed to ensure that the programme was effective. While acknowledging that it was beneficial to have staff with academic experience, he underlined the importance of the Organization recruiting more officers with practical experience to support the USOAP CMA Programme, thus ensuring the optimal interpretation and proper implementation of risk indicators.

40. As an extension of the Representative of Mexico's comments, and noting that the PQs addressed not only Standards but Recommended Practices and guidance material as well, the President of the Council queried whether it was possible to weight the protocol questions in terms of the safety-critical element of each, so that the information received could be properly related to the associated level of risk.

41. Responding to the Representative of Australia, DD/MO explained that a questionnaire was sent to the State concerned for every USOAP activity performed, including audits, ICVMs and on- and off-site activities, as well as during the pre- and post-activity phases when the Secretariat had engaged with the State. The State would provide feedback on whether all the processes, as identified in the fully transparent activity documentation, had been adequately followed. The questionnaire measured the three phases of each activity: the pre-, on-site and post activities. DD/MO explained that a minimum 50 per cent response rate was required and, when responses fell below that level, USOAP's ISO 9001 certification required evidence either that all efforts were being made to reach out to the States with reminders or that the questionnaire was being simplified to facilitate its completion. DD/MO indicated that the current response rate to the USOAP questionnaires was 70 or 75 per cent and the benchmark minimum satisfaction rate was 85 per cent. He explained that a feedback mechanism existed in the event that a State had questions or concerns or that scoring fell below a set level.

42. DD/MO recalled that, aside from the surveys issued through the ISO process, the Council had recently directed the Secretariat, through its Evaluation and Internal Audit Office (EAO), to perform a comprehensive survey of all Member States on the usefulness of tools that had been made available to them. The results of that survey had indicated that the majority of States were satisfied with the USOAP online system, which had received the second highest ranking after ICAO's publications mechanism.

43. With respect to the Representative of Australia's query regarding the selection of States, and New Zealand in particular, for an audit, DD/MO stated that the criteria for the selection of States for an audit were clearly identified in the *Universal Safety Oversight Audit Programme Continuous Monitoring Manual* (Doc 9735). New Zealand had been identified using that criteria and was fully engaged in providing the necessary information in preparation for the upcoming audit which, he clarified, only addressed the accident investigation, air navigation services and aerodromes areas.

44. Turning to the matters raised by the Representative of Mexico regarding increased capacity of all audits with respect to languages, DD/MO observed that the complete set of USOAP CMA documentation, including the questionnaires, as well as the online framework (OLF) and tools, were available in the six official languages, which allowed States to prepare their respective corrective action plans and information in their own languages. He explained that, due to the OLF's translation capabilities, all the documentation related to findings, recommendations and action plans could be translated online.

45. DD/MO recalled that the current USOAP experts could fully support on-site activities in English, French and Spanish. When on-site activities were scheduled for States where the language spoken was one of the ICAO official languages other than English, every effort was made to have at least one expert on the audit team who spoke that language. A State was permitted to provide all the information in its own ICAO language.

46. Bearing in mind the volume of USOAP activities, DD/MO acknowledged that it was a challenge to train and maintain the currency of experts who spoke at least two official languages, in all regions, who were also qualified to cover all of the subject matter in all of the Annexes. He reported that, following the Council's decision to waive States' fees for USOAP computer-based training (CBT) in order to increase the number of qualified experts to perform on-site activities in other ICAO languages (paragraph 2.6 of C-WP/14364 refers), there was a large number of such candidates who were currently following the CBT. While waiving the fees benefited both the States and ICAO, DD/MO cautioned that there was a cost associated with the development of computer-based training which had to be taken into account. He suggested that, once the roster of qualified experts was suitably populated, the Council may wish to re-institute the fee for the training.

47. Responding to the President's query regarding weighting of the protocol questions, D/ANB explained that the implement tool and "big data" were intended to complement what was accomplished through the structured USOAP process which, being ISO-certified, required yes or no responses and as such were not weighted. Citing the examples of a flight operations oversight deficiency in a country that did not require flight operations oversight and a tourist destination country that had a deficiency in its airport operations and airport safety, D/ANB noted that the priority of the corrective action plans to be addressed would be determined once the outcomes had been established. While the Secretariat was trying to consider the market and safety impacts, the assessment of risk fell within the purview of safety management systems (SMS) which, under the State Safety Programme, was a developing capacity. He indicated that it would take several years for the Secretariat to understand the priority in each situation; however, the Secretariat was cognizant that the audit programme itself had to remain tightly structured and then it could be complemented with the additional data and analysis.

48. The Secretary General informed the Council that, taking into consideration that in some cases the result of the ICVM did not necessarily reflect the real concerns or risks in the given States, she had requested ANB to review the PQs and the issues already raised during the course of the CMA audit. She stated that the Secretariat would determine the type of adjustment or improvement that was required and would revert to the Council.

49. The President thanked D/ANB for the clarification and examples cited, indicating his understanding that if a State was not meeting a requirement but the associated risk was minimal, the analysis would garner different results than would have been the case if the audit had been examined in isolation.

50. The Representative of the United Republic of Tanzania expressed his appreciation to the Secretary General and the Secretariat for the good work and progress that had been accomplished thus far and thanked the President of the Air Navigation Commission for his oral report. The Representative was pleased with the overall satisfaction rate of 89 per cent and expressed his gratitude to the Secretariat for the consideration it had shown to States in waiving the fee for the computer-based training. He observed that the positive response of States reflected strong cooperation between States and ICAO, which in turn resulted in a substantial number of experts from the States, to everyone's benefit. The Representative applauded ICAO's efforts in seconding experts from States to meet the increased demand for off-site validations.

51. Appreciating that the number of significant safety concerns had decreased (paragraph 3.3 of C-WP/14364 refers), the Representative of the United Republic of Tanzania noted the comments of the Representative of Australia and opined that the increasing number of non-implemented SARPs required attention. While the North American, Central American and Caribbean (NACC) Region had made good progress with its NCLB strategy, the Representative hoped that the other regions, especially the Eastern and Southern Africa (ESAF) Region, would show similar results. He supported the comment of the President of the Council regarding the compilation of best practices so that other States could benefit from that experience.

52. The Representative of the United Republic of Tanzania supported P/ANC's statement, in his oral report, that the Secretariat intended to work towards a more systematic measurement approach that would tie the safety oversight capability of States according to the demand which is actually placed on it. In this connection, the Representative considered that an assessment of the level of activities of each State would be required.

53. The Representative of the Republic of Korea extended his appreciation to the Secretariat for its management of the USOAP CMA, including its recent capacity building efforts for the programme. He considered the USOAP CMA to be one of the most important and successful policy configurations of ICAO in terms of rule-setting and auditing and acknowledged that the circumstances of data use had greatly expanded in recent times. The Representative deemed it imperative that the Secretariat and Member States take the initiative to urge end-users to make use of the USOAP CMA feedback mechanism and hoped that the information gathered would be utilized when decisions regarding the prioritization of safety-related SARPs were made.

54. The Representative of Cameroon joined his colleagues in thanking the Secretary General and her team for the USOAP CMA report and agreed with many of the comments previously voiced, including that of the President and P/ANC that some of the PQs and the implementation rate for safety-related Standards should be reviewed. Considering that compliance with Critical Element 4 (CE-4) — *Qualified Technical Personnel* greatly contributed to the effective implementation of SARPs in the USOAP system, he expressed grave concern that CE-4 had the lowest level of effective implementation, even after receiving a USOAP activity (Appendix B to C-WP/14364 refers). Pointing to a lack of guidance from ICAO, the Representative asked the Secretariat to elaborate on steps that had been taken to provide guidance to States with respect to oversight personnel training.

55. The Representative of Portugal expressed her appreciation to the President of the Air Navigation Commission for his oral report and information provided on the progress report on the implementation of ICAO USOAP CMA, and to the Secretariat for the comprehensive overview on the EI issue. The Representative associated herself with the comments of the Representative of Cameroon and queried how the Secretariat monitored the continuity, continuous training and capability in the staff of the civil aviation authorities. She also enquired whether the Secretariat had a follow-up mechanism to track the maintenance of the qualified technical personnel of the civil aviation authorities after the audits had been performed.

56. The Representative of Venezuela (Bolivarian Republic of) thanked the President of the ANC and the Secretariat for their reports. Observing that States considered ICVMs as a form of ICAO assistance that provided guidance and advice on implementation of their corrective actions (C-WP/14364, Appendix A, item 1.2 refers), the Representative fully supported the conduct of ICVMs and, given the value added by such missions and the tight resources both in ICAO and in States, suggested that the number of ICVMs be increased.

57. In light of the USOAP CMA's reliance on information provided by the States themselves, the Representative of Spain questioned the reliability and currency of that information. As audit and validation missions were planned based on that information and "big data", the Representative wondered how reliable and useful those activities were. He also questioned the effectiveness of mandatory information requests in obtaining information.

58. The Representative of Singapore commended Secretariat for C-WP/14364 and voiced his State's full support of the USOAP CMA process. Recalling that the USOAP model was predicated on each State having its own full-fledged civil aviation authority (CAA) and personnel, the Representative expressed concern regarding those States with very small populations that did not have their own CAA yet were highly dependent on aviation for access and connectivity. As the absence of a full-functioning CAA would result in an SSC for the State, which would be counter-productive to its economic development, he suggested that consideration be given for such States to have an alternative means of providing safety oversight, possibly through bilateral agreements or even multilateral agreements. The Representative encouraged the Secretariat to continue its efforts in this regard and, to the extent possible, to facilitate contacts.

59. Acknowledging the importance of the issue raised by the Representative of Singapore, the President informed the Council that the matter had been discussed the previous week when he had met with the relevant Ministers from the eleven Pacific Island States.

60. Responding to the questions raised by the Representatives of Cameroon and Portugal related to CE-4, DD/MO acknowledged that qualified experts and training was the area that had the largest number of identified deficiencies; regardless of the size of the State, CE-4 was the biggest challenge. To address the issue, the Secretariat was developing a system whereby the best practices of other States would be available to all Member States. Based on various PQs and the State's level of activities, the system would guide the State regarding the best practices and the desirable number of qualified experts required for that particular domain. The system would be integrated into the solution centre that the ANC was in the process of establishing and would be launched by March 2016.

61. Turning to the matter raised by the Representative of Portugal regarding the monitoring of changes in qualified CAA staff, DD/MO informed the Council that States were responsible for updating the documentation in the online system (i.e. the OLF). He indicated that, when there were significant changes, States were required to complete an activity questionnaire that addressed such areas as the number of qualified staff in each domain and changes in the organizational structure. Citing the example of a change in the qualified personnel of a State that did not have a robust training programme in place, as evidenced by the information in the OLF, DD/MO loosely correlated this indicator to the President's earlier query regarding a possible weighting of protocol questions. He considered the OLF to be mature enough to provide useful indicators regarding which PQs would be more important than others, based on the change in activities in a particular State.

62. DD/MO fully agreed with the Representative of Venezuela (Bolivarian Republic of) regarding the importance of providing ICAO with guidance to States through ICVMs. While such missions were performed primarily by Regional Offices, their main goal was to provide guidance to States. DD/MO explained that ICVM experts validated the progress being made in the State and, if the State was not making the necessary progress, the ICVM experts provided much-appreciated guidance.

63. Responding to the Representative of Spain, DD/MO confirmed that there were cases where the information in the OLF had not been updated by the States. In such cases, the Secretariat would send reminders, asking the State to update the information. While other mechanisms to obtain that data

did exist, it was imperative that the information was submitted by the State. An audit would be scheduled if all attempts to reach out to the State failed to result in the submission of updated information. The auditors would take the opportunity to also provide assistance, if required.

64. In response to the Representative of Singapore, DD/MO confirmed that bilateral agreements for an alternate means for oversight was definitely a solution. The Secretariat was currently working with those States that would benefit from such an arrangement, providing a template of aspects to be included in such an agreement so that neighbouring States could provide certain oversight functions on behalf of that State.

65. With respect to CE-4, the Representative of Burkina Faso expressed concern regarding brain drain, whereby officials were trained by the State but could not be retained. With the link between civil aviation and economic development having been established, the Representative stated that the correlation between qualified personnel and commensurate salaries needed to be impressed upon States by ICAO, failing which all other efforts by the Organization would be unsuccessful.

66. Associating himself with the issue raised by Burkina Faso regarding the retention of qualified personnel, the President of the Council recalled that a similar concern had been discussed by the Air Navigation Commission a number of years ago. At that time, an Observer had voiced the concern and had queried whether the matter of remuneration for industry personnel could be reflected in Annex 1, possibly through a Recommended Practice. The President indicated that he was not aware of any such discussions at the current time.

67. Further responding to the Representative of Spain, DD/MO confirmed that the information on which off-site activities had been based had proven to be very reliable. Elaborating on the scope of off-site activities, DD/MO explained that, to save on time and resources and thereby increase efficiency, such activities were limited to the review of documentation. While a team would perform the implementation portion on-site at the appropriate time, a substantial amount of material could be validated at Headquarters and credit promptly given to the State, if appropriate, for those protocol questions that strictly dealt with documentation. This approach had been so effective and appreciated that the number of States asking for off-site validations had increased substantially.

68. In continuation, DD/MO confirmed that the information on which ICVMs had been based had also proven to be reliable. He reiterated that ICVMs were not audits, but rather validation missions that evaluated progress on those items that had a finding at the time of the audit, which could have been a few years prior. DD/MO explained that the USOAP CMA programme had moved on from an audit cycle and was now more risk-based and stated that, while an audit was optimal, it was not cost-effective.

69. DD/MO also acknowledged that the retention of qualified personnel, as raised by the Representative of Burkina Faso, was a challenge that required further study, perhaps in conjunction with the results of the detailed analysis that would be undertaken in March. While regional safety oversight organizations (RSOOs) could possibly provide solutions, he considered that as a whole RSOOs had not fully matured or delivered the benefits for which they had originally been intended. It was hoped that, in the future, the focus would be on the pooling of resources as a logical solution.

70. Recalling that the intent of the USOAP CMA was to create a permanent motivation for safety improvement, the President of the Air Navigation Commission reiterated his earlier statement that additional incentives for sustainable improvement were required in light of the complacency of those

States above the target 60 per cent EI. When next audited, a number of States that had been above that level had fallen well below 60 per cent effective implementation.

71. The President of the Council concluded that the *No Country Left Behind* initiative was meant for all States, regardless of their level of effective implementation. In light of the Secretary General's statement that the results of USOAP CMA audits were being thoroughly reviewed, he anticipated that comprehensive reports to the Council and the Assembly would be presented during the Council's 208th Session. He suggested that the aforementioned reports include concrete steps that would be taken and, if resources were required to accomplish the task, that it be taken into account in the budget proposals. The President considered the USOAP CMA to be very important programme which required the allocation of sufficient resources to continue.

72. In closing its discussion of this item, the Council noted the issues raised with respect to the 60 per cent effective implementation target for States, as indicated in the GASP. In this regard, the Council acknowledged the advantages that existed in presenting to States a simplistic target to aim for. However, the Council noted that this measurement did not necessarily reveal the totality of how a State could be assessed in terms of risk factors. Accordingly, the Council recognized that the time may have come to consider an approach that was more systematic in measuring safety oversight capabilities of States and the linkage of those capabilities to the demands related to the unique characteristics of each State's aviation sector activity. While acknowledging the value of the ICAO audits that were conducted, particularly as a means to generate political will in certain States to effect the requisite safety improvements, the Council also noted that it might be necessary to explore other options that could provide sufficient incentive for States to improve and continuously maintain their EI well beyond the current 60 per cent target.

73. In the context of the *No Country Left Behind* campaign, the Council underscored that this effort at improving implementation rates should not be seen as targeting only a few States but was in fact aimed at all States. It was understood that a working paper outlining concrete measures to deliver on NCLB objectives, was scheduled to be presented for consideration at the 208th Session of the Council.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of ANC – Adoption of Amendment 173 to Annex 1

74. The Council considered C-WP/14366, which presented a proposal of the Air Navigation Commission (ANC) for Amendment 173 to Annex 1 — *Personnel Licensing*. The aim of the amendment proposal was to improve flight safety by reducing the incidence of ill-health conditions in licence holders.

75. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2016 and a proposed applicability date of 8 November 2018 would be suitable for the implementation of the provisions.

76. In introducing C-WP/14366, the President of the Air Navigation Commission indicated that the promotion of good health among aviation professionals was part of the State Safety Programme. He assured the Council that, as a great deal of flexibility had been left to the States regarding those aspects of health that they wished to promote and how to promote them, there were no increased costs associated with this promotion.

77. In response to a query from the Representative of South Africa regarding whether the proposed amendment applied to flight crews or to both flight and ground crews, the President of the Air Navigation Commission (P/ANC) clarified that it applied to every aviation professional who was required to hold a license, i.e. flight crews, ground crews and anyone else who was required to be in good health to provide their services.

78. Referring to paragraph 1.1 a) of C-WP/14366, the Representative of Nigeria requested clarification regarding those license holders affected by the amendment. The President of the Air Navigation Commission confirmed that, while the Standard did specify holders of Class 1 medical certificates, the spirit of the amendment was to promote health among all license holders.

79. The Chief of the Aviation Medicine Section (C/MED) explained that Annex 1 had previously referred to a standard for Class 1 pilots. In the amendment currently under discussion, that Recommended Practice was upgraded to a Standard that would include all license holders of all classes.

80. In closing its consideration of this item, by 35 votes in favour, none against and no abstentions (one Representative being absent), the Council adopted, as Amendment 173 to Annex 1, the amendments to Standards and Recommended Practices as contained in Appendix C to C-WP/14366. The Council also approved, as part of the said amendment, the amendments to the Notes as contained in Appendix C to the paper and approved the Resolution of Adoption in Appendix D to the paper. Moreover, the Council approved, as part of the said amendment, the amendment to the Foreword of Annex 1 as contained in Appendix E to the paper.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of ANC – Adoption of Amendment 45 to Annex 2

81. The Council considered this item on the basis of C-WP/14367, which presented a proposal of the Air Navigation Commission for Amendment 45 to Annex 2 – *Rules of the Air*. The amendment concerned provisions related to speed variation emanating from the Separation and Airspace Safety Panel (SASP).

82. It was noted that having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2016 and a proposed applicability date of 10 November 2016 would be suitable for the implementation of these provisions.

83. In introducing C-WP/14367, the President of the Air Navigation Commission indicated that the amendment was required to address the variation in speed that could influence the longitudinal separation minima. He assured the Council that both inadvertent and intentional speed deviations were covered by the amendment and that there would be minimal cost to States and industry.

84. In concluding its discussion on this item, the Council, by 36 votes in favour, none against and no abstentions, adopted as Amendment 45 to Annex 2, the amendment to the International Standards as contained in Appendix C to C-WP/14367. The Council also approved the Resolution of Adoption in Appendix D to the paper and in addition, approved, as part of the said amendment, the amendment to the Foreword of Annex 2 as contained in Appendix E to the paper.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)**Report of ANC – Adoption of Amendment 77 to Annex 3**

85. The Council considered this item on the basis of C-WP/14368, which presented a proposal of the Air Navigation Commission for Amendment 77 to Annex 3 – *Meteorological Service for International Air Navigation*. The amendment proposal introduced amendments to the Standards and Recommended Practices (SARPs) in Annex 3 resulting from a recommendation of the Meteorological (MET) Divisional Meeting (2014) and a proposal relating to the use of a global reporting format for assessing and reporting runway surface conditions from the Friction Task Force (FTF) of the Aerodrome Design and Operations Panel (ADOP).

86. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2016 and a proposed applicability date of 10 November 2016 would be suitable for the implementation of the provisions arising from the recommendation of the MET Divisional Meeting and an applicability date of 5 November 2020 for the element concerning the use of a global reporting format for assessing and reporting runway surface condition.

87. In presenting the paper, the President of the Air Navigation Commission indicated that the amendment introduced a digital format for AIRMET, as well as volcanic ash and tropical cyclone advisories. It also included additional World Area Forecast System (WAFS) information and removed references to legacy satellite dissolution systems in lieu of internet-based services. P/ANC pointed out that a number of components of the amendment would be discussed further in other amendments. The current Annex 3-related component pertained to the assessment and reporting of runway surface conditions and would also be reflected in an associated amendment to Annex 14 et als.

88. Given the cross-disciplinary nature of the amendment, the President of the Council was pleased with the associated implementation task list. He noted that the applicability date of 2020 took into account the further coordination required within the States, as well as the comments by the Representative of Australia when the topic had previously been considered. The President also expressed appreciation for D/ANB's Safety Week presentation which had depicted, in slides 27 to 29, the various elements of the amendments and their interrelation. He considered that that effort had facilitated the Council's review of the current amendment and vision of its cross-disciplinary nature.

89. Referring to pages C-5 to C-9 of C-WP/14367, the Representative of Spain expressed concern that regional air navigation agreements had not been mentioned in relation to volcanic ash advisory centres and tropical cyclone advisory centres. He further requested clarification regarding references to web-based services, which he understood to be based on a prior regional agreement.

90. The Chief, Airport Operations and Interoperability Section (C/AOI) explained that the amendment was intended to align, to the extent practicable, the terminology used in Annex 3 to describe provisions that were subject either to an agreement between two or more parties or to a designation. Referring to the deletion of "by regional air navigation agreement" in paragraph 3.5.1, he clarified that acceptance of the responsibility could be achieved through regional agreement or other means. On the other hand, in paragraph 3.7 c), because WAFS had been mentioned representing a global-based system, C/AOI considered that it made sense to also mention a regional system in the paragraph. He stated that the use or not of the phrase was based on the context of the provision.

91. Responding to the Representative of Spain's queries, the President of the Air Navigation Commission explained that the Commission did not want to impede the possibility of delivering some services without a regional air navigation agreement in place; however, in the case of some regional services, such as the world area forecast centres, a regional agreement was required. P/ANC stressed that only the internet-based services that supported world area forecast centres required regional agreement.

92. The President of the Council observed that, in some instances, the air navigation agreement could be regional, bilateral or multilateral. While the WAFS was usually based on regional agreement, the important point was that a particular Member State had accepted the responsibility for providing the service.

93. In concluding its discussion on this item, the Council, by 36 votes in favour, none against and no abstentions, adopted as Amendment 77 to Annex 3, the amendments to definitions and to the Standards and Recommended Practices as contained in Appendix C to C-WP/14368. The Council also approved, as part of the said amendment, the amendment to Notes and attachments as contained in Appendix C to the paper. In addition, the Council approved the Resolution of Adoption in Appendix D to the paper, and moreover, approved as part of the said amendment, the amendment to the Foreword of Annex 3 as contained in Appendix E to the paper.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of ANC – Adoption of Amendment 59 to Annex 4

94. The Council considered this item on the basis of C-WP/14369, which presented a proposal of the Air Navigation Commission for Amendment 59 to Annex 4 – *Aeronautical Charts*. The amendment concerned: a) satellite voice communications (SATVOICE); and b) visual segment surface (VSS) penetrations charting requirements; and update of the provisions relating to publication depiction and functionality requirements of fly-by and fly-over significant points, area minimum altitude (AMA), CAT H procedures and en-route airway directional use restrictions.

95. It was noted that having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that an effective date of July 2016 and a proposed applicability date of 10 November 2016 would be suitable for the implementation of these provisions.

96. In introducing the paper, the President of the Air Navigation Commission explained that this was a consequential amendment resulting from a number of other amendments, including those regarding satellite voice (SATVOICE), the visual segment surface (VSS) penetration charting requirements and provisions relating to fly-by and fly-over significant points area minimum altitude.

97. In response to a query by the Representative of South Africa regarding the rationale for the amendment (C-WP/14369, paragraph 3.2.1 refers), the President of the Air Navigation Commission (P/ANC) stated that, while pilots should be aware of penetrations of the VSS, there were presently no requirements in the charting that would reinforce that awareness. P/ANC explained that the intent of the current amendment was to remedy that situation, to which the Representative of South Africa suggested that the rationale be amended to reflect that pilots may not be aware of VSS penetrations.

98. In concluding its discussion on this item, the Council, by 36 votes in favour, none against and no abstentions, adopted as Amendment 59 to Annex 4 the amendments to Standards as

contained in Appendix C to C-WP/14369. The Council also approved, as part of the said amendment, the amendment to Notes and Appendix 2 as contained in Appendix C to the paper. In addition, the Council approved the Resolution of Adoption in Appendix D to the paper, and moreover, approved as part of the said amendment, the amendment to the Foreword of Annex 4 as contained in Appendix E to the paper.

99. In relation to the rationale concerning the VSS amendment as outlined in paragraph 3.2.1 of C-WP/14369, and specifically the current wording: “Currently, there is no requirement to identify penetrations of the VSS on charts and, therefore, pilots are unaware, creating a potential safety hazard”, the Council requested the Secretariat to review this wording and to consider replacing “...are unaware...” with “...may not be aware...”.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of ANC – Adoption of Amendment 90 to Annex 10, Volume I

100. The Council considered this item on the basis of C-WP/14370, which presented a proposal of the Air Navigation Commission for Amendment 90 to Annex 10 — *Aeronautical Telecommunications*, Volume I — *Radio Navigation Aids*. The amendment proposal addressed issues associated with global navigation satellite system (GNSS), instrument landing system (ILS) and rationalization of conventional navigation systems.

101. It was noted that having examined the technical circumstances associated with the implementation of the amendment, the Air Navigation Commission considered that the proposed applicability date of 10 November 2016 would be suitable for the implementation of these provisions.

102. In presenting the working paper, the President of the Air Navigation Commission pointed out that the current amendment regarding radio navigation aids was the first in a series of communications, navigation and surveillance (CNS) improvements. In particular, he drew the Council’s attention to new Attachment H to Annex 10, Volume I, which contained a strategy for rationalization of conventional radio navigation aids in the performance-based navigation framework. P/ANC explained that the strategy, while guidance material, aimed to allow some benefit to be derived from the optimization of the navigation infrastructure and the use of GNSS developments.

103. In response to a query by the Representative of Nigeria regarding the possibility of having one receiver for both the GLONASS and the GPS signals, the President of the Air Navigation Commission (P/ANC) recalled that the ANC had discussed multi-constellation receivers during its recent review of the report of the Second Meeting of the Navigation Systems Panel (NSP/2, AN 201/7). While the NSP was presently addressing a number of constraints on such receivers, the current amendment focussed on the conformity of the receiver, rather than the receiver itself.

104. The President of the Council voiced his personal concern regarding Annex 10 which, unlike Annex 8 — *Airworthiness of Aircraft*, which contained policy issues, also provided the means of compliance over several volumes. The President suggested that the Secretariat, in conjunction with its upcoming review of the Global Air Navigation Plan, consider separating Annex 10 into two documents, similar to material regarding dangerous goods, which was contained in both Annex 18 — *The Safe Transport of Dangerous Goods by Air* and the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284).

105. Referring to the current review of Annex 10, which was being addressed in three working papers (C-WP/14370, C-WP/14371 and C-WP/14372 refer) due to the Council's adoption of procedures that allowed the five volumes to be individually amended, D/ANB underlined the importance of noting that Annex 10 enabled the Secretariat to develop Standards for the transmission of radio spectrum in conformance with agreements that had been reached at the International Telecommunication Union (ITU), thus ensuring that aviation stayed within its spectrum and could be protected from others. He stated that the alignment of the global navigation satellite systems within Volume I was a substantial piece of work because implementation of the Standards contained therein, allowed aircraft to receive the signal effectively and correctly.

106. With respect to dangerous goods, the President of the Council recalled that the wording in both Annex 18 and the Technical Instructions was very strong, the former using "shall" and the latter "must". While States were required to implement the provisions in both documents, they were used at different levels within the State. While acknowledging that the current structure of Annex 10 suited those who were using it, the President considered its division to be an argument between people of different professional postulations.

107. In concluding its discussion on this item, the Council, by 36 votes in favour, none against and no abstentions, adopted as Amendment 90 to Annex 10, Volume I the amendment to the Standards and Recommended Practices as contained in Appendix C to C-WP/14370. The Council also approved, as part of the said amendment, the amendment to Notes and attachments as contained in Appendix C to the paper. In addition, the Council approved the Resolution of Adoption in Appendix D to the paper, and moreover, approved as part of the said amendment, the amendment to the Foreword of Annex 10, Volume I as contained in Appendix E to the paper.

108. The Council adjourned at 1730 hours.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE FIFTH MEETING

(THE COUNCIL CHAMBER, MONDAY, 22 FEBRUARY 2016, AT 1430 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Mr. A.J. Dumont	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Bolivia (Plurinational State of)	— Mr. J.G. Soruco	Nicaragua	— Mrs. E.A. Aráuz Betanco
Brazil	— Mr. P. Jardim (Alt.)	Nigeria	— Mr. M.E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Prof. M. Polkowska
Canada	— Mr. J.-B. Leblanc	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. C. Mac-Namara	Republic of Korea	— Mr. J. Hur
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Dominican Republic	— Mr. C.A. Veras Rosario	*Saudi Arabia	— Mr. H.A. Abudaowd
Egypt	— Mr. A. Khedr	Singapore	— Mr. T.C. Ng
*France	— Mr. O. Caron	South Africa	— Mr. M.D.T. Peege
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. A. Shekhar	United Arab Emirates	— Miss A. Alhameli
Italy	— Mr. F. Lonardo (Alt.)	United Kingdom	— Mr. M. Rodmell
Japan	— Ms. N. Ueda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Ms. M.B. Awori	United States	— Mr. M.A. Lawson
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Mr. F. Zizi, President, ANC	
Mr. R.H. Carboni (Alt.)	— Argentina
Mr. J.R. Bollard (Alt.)	— Australia
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. M. Vidal (Alt.)	— Chile
Mr. I. Camino (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. A. Almoghraby (Alt.)	— Saudi Arabia
Ms. K.L. Riensema (Alt.)	— United Kingdom
Mr. W. Voss (Alt.)	— United States

SECRETARIAT:

Mr. S. Creamer	— D/ANB
*Mr. M. Costa	— C/AIG
*Mr. Y. Wang	— C/AOI
*Mr. C. Dalton	— C/AMO
*Dr. K. Rooney	— C/CSS
*Ms. R. Heftberger	— CSS
*Mr. L. Jonasson	— AOI
*Miss L. Mcguigan	— CSS
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Afghanistan
Colombia
Ecuador
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Paraguay
Peru
Turkey

Airports Council International (ACI)
European Union (EU)

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of the ANC — Adoption of Amendment 90 to Annex 10, Volume II

1. The Council reviewed C-WP/14371, which presented a proposal by the Air Navigation Commission (ANC) for Amendment 90 to Annex 10 – Aeronautical Telecommunications, Volume II – Communication Procedures including those with PANS status. The amendment concerned aeronautical fixed telecommunication network (AFTN) and new message types, data link initiation capability (DLIC), automatic dependent surveillance – contract (ADS-C), controller-pilot data link communications (CPDLC) and satellite voice communications (SATVOICE).

2. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that an effective date of July 2016 and a proposed applicability date of 10 November 2016 would be suitable for the implementation of these provisions.

3. In the absence of comments, the Council, by 36 votes in favour, none against and no abstentions, adopted, as Amendment 90 to Annex 10, Volume II, the amendment to the Definitions and the Standards and Recommended Practices (SARPs) as contained in Appendix C to C-WP/14371. The Council also approved, as part of the said amendment, the amendment to the Notes as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 10, Volume II, as set forth in Appendix E.

Report of the ANC — Adoption of Amendment 90 to Annex 10, Volume III

4. Tabled for the Council's consideration was C-WP/14372 in which the ANC presented a proposal for Amendment 90 to Annex 10 – *Aeronautical Telecommunications, Volume III – Communication Systems*. The amendment related to aeronautical mobile airport communications system (AeroMACS) and SATVOICE.

5. In his introduction of the paper, the President of the ANC highlighted that the SARPs relating to AeroMACS set forth in Amendment 90 (cf. Appendix C to the paper) were conditional inasmuch as compliance therewith was only necessary in the event that a decision was taken to install such a communications system. The Annex amendment did not contain any provision requiring the installation of AeroMACS.

6. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that an effective date of July 2016 and a proposed applicability date of 10 November 2016 would be suitable for the implementation of these provisions.

7. The Representative of Spain observed that the AeroMACS was defined in terms of performance, with information on the technical characteristics and operational performance being contained in the *AeroMACS Minimum Operational Performance Specification (MOPS)* (EUROCAE ED-223/RTCA DO-346) and the *AeroMACS Minimum Aviation System Performance Standard (MASPS)* (EUROCAE ED-227). He enquired as to the number of manufacturers of AeroMACS worldwide so as to have a better understanding of the various options available on the market.

8. Observing that there were many manufacturers, the President of the ANC indicated that research could be carried out to determine the industry's ability to fulfill the AEROMACs-related requirements of Amendment 90. In underscoring the said link with the industry standards of EUROCAE and RTCA, he noted that it was a good example of how in the future, with the implementation of the Global Air Navigation Plan (GANP) Block 1, there could be a division of responsibilities in rule-making, with industry providing the specifications.

9. The Council, by 36 votes in favour, none against and no abstentions, then adopted, as Amendment 90 to Annex 10, Volume III, the amendment to the Definitions and the SARPs as contained in Appendix C to C-WP/14372. The Council also approved, as part of the said amendment, the amendment to the Notes as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 10, Volume III, as set forth in Appendix E.

Report of the ANC — Adoption of Amendment 50 to Annex 11

10. The Council considered C-WP/14373, which presented a proposal by the ANC for Amendment 50 to Annex 11 – *Air Traffic Services*. The amendment concerned performance-based communication and surveillance (PBCS), procedure design and oversight SARPs, a consequential amendment concerning aeronautical meteorology, and fatigue management for air traffic controllers (ATCOs).

11. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2016; a proposed applicability date of 10 November 2016 for the elements concerning PBCS, procedure design and oversight SARPs, and the consequential amendment concerning aeronautical meteorology; and a proposed applicability date of 5 November 2020 for the element concerning fatigue management for ATCOs.

12. It was further noted that the *Manual for the Oversight of Fatigue Management Approaches* (Doc 9966), which would take into account the said additional requirements for ATCOs, would be available in March 2016, prior to the Annex amendment's effective date, and that the other ICAO supporting documents listed in paragraph 3.1 of Appendix A to the paper would be available in November 2016.

13. To a query by the President of the Council, the President of the ANC noted that the amendment concerning fatigue management for ATCOs offered minimum Standards for the management of ATCO risks through both compliance with prescriptive limits and the implementation of a Fatigue Risk Management System (FRMS). While it would be mandatory for States to establish the said prescriptive duty limitation regulations, it would be optional for them to establish FRMS regulations. He highlighted that the early effective date, the early availability of the guidance material, as well as the extended implementation timeframe, aimed to allow States the necessary time to develop scientifically-based fatigue management regulations suited to their aviation industry context and to put in place the necessary oversight system therefor.

14. Recalling that fatigue management SARPs for flight and cabin crew were already provided in Annex 6 – *Operation of Aircraft, Part I – International Commercial Air Transport – Aeroplanes*, the President of the Council expressed the hope that States' existing oversight systems for those provisions could be extended to also cover FRMS regulations for ATCOs.

15. In highlighting the importance of the proposed Annex 11 provisions concerning fatigue management for ATCOs, the Representative of Bolivia (Plurinational State of) emphasized that fatigue could diminish the latter's performance and contribute to aviation accidents or incidents, including mid-air collisions.

16. In agreeing that the said provisions were important, the Representative of Spain sought clarification regarding the position of air navigation service providers (ANSPs) thereon as expressed in their comments on related State letter SP 59/5.1-14/91 dated 15 December 2014. He also enquired as to: the type of air traffic control (ATC) services that were covered under the fatigue management provisions, taking into account the definition of the term "duty" in Chapter 1 (cf. Appendix C to the paper); and the reason for the proposed downgrading of Standard 3.3.5.2 to a Recommended Practice.

17. Noting that the Commission was fortunate to have representatives from industry attend its meetings as observers, the President of the ANC underscored that both the International Federation of Air Traffic Controllers' Associations (IFATCA) and the Civil Air Navigation Services Organisation (CANSO) were very supportive of Amendment 50 and in particular, of the proposed provisions on fatigue management for ATCOs.

18. The Chief of Airspace Management and Optimization (C/AMO) highlighted, in this regard, that CANSO continued to assist the Secretariat in the finalization of the related guidance material. With reference to the downgrading of Standard 3.3.5.2, he clarified that it was not always necessary or practicable to have interregional agreements in place for sharing data and/or information from monitoring programmes. The appropriate mechanism should be left to the regions to decide the most optimum arrangements in order to facilitate the sharing of the data and/or information. While it was very important that, within a State, ATC units were seen to monitor and to meet the performance requirements, sharing that data and/or information with other States was an additional element that was not always necessary. The President of the ANC observed that the confidential nature of some of the data and/or information was another reason why such sharing should not be mandatory.

19. The President of the ANC further clarified that the fatigue management provisions targeted a variety of ATC services provided by ATC towers, large and small, ATC centres, en route centres and any other entity with an ATC license. Referring to the definition of the term "duty" in Chapter 1 (cf. Appendix C to the paper), he underscored that it was necessary to address the fatigue of ATCOs that arose not only from their operational shifts but also from their performance of administrative work and training. The President of the ANC highlighted, in this context, that even if the amount of time spent on administrative work was much longer than the operational shift, that administrative work could still give rise to fatigue that could diminish the ATCOs' performance during the operational shift.

20. Noting, from the executive summary of the paper, that the financial implications associated with the provisions concerning fatigue management for ATCOs were significant for States and medium for industry, and noting, from paragraph 3.4.5, that States' promulgation of prescriptive duty limitation regulations for ATCOs could represent a substantial cost in terms of time and resources, the Representative of Norway queried whether there were not any cost-savings to be derived from the optimal deployment of ATCOs. Observing from that same paragraph that compliance with the said new regulations might, in some cases, have consequences for staffing levels, he sought clarification.

21. In emphasizing that the said significant costs for States related to the establishment of the necessary regulatory and oversight systems and not to the establishment of a FRMS, the President of the ANC noted that States could share those costs with their service providers. He underscored that the

flexible framework of a FRMS would enable the latter to conduct a cost/benefit analysis to determine optimal staffing levels.

22. The Council, by 36 votes in favour, none against and no abstentions, then adopted, as Amendment 50 to Annex 11, the amendment to the Definitions and the SARPs as contained in Appendix C to C-WP/14373. The Council also approved, as part of the said amendment, the amendment to the Notes and Appendices as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 11 as set forth in Appendix E.

Report of the ANC — Adoption of Amendment 15 to Annex 13

23. The Council had for review C-WP/14374, in which the ANC presented a proposal for Amendment 15 to Annex 13 – *Aircraft Accident and Incident Investigation*. The amendment introduced a definition of the term “accident investigation authority” to add clarity and avoid potential misunderstanding, as well as provisions for the independence of investigations and the protection of accident and incident investigation records.

24. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that an effective date of July 2016 and a proposed applicability date of 10 November 2016 would be suitable for the implementation of these provisions. The President of the ANC underscored that that early applicability date had been chosen by the Commission based on the urgent need to deliver the appropriate level of protection of safety information and independence of the accident investigation authority. He emphasized that the issuance of relevant guidance material and the provision of assistance would pave the way for States’ implementation of Amendment 15.

25. The President of the Council highlighted that the issuance of Amendment 15 would provide the necessary support to Civil Aviation Authorities (CAAs) in working with other Government departments and agencies within their respective States to have the required legislative and regulatory reforms effected. In emphasizing that the said early applicability date would also spur States to take the requisite action to implement the Amendment 15 provisions, he indicated that it would, in particular, spur them to protect accident and incident investigation records, which involved interfacing with the judicial authorities. The President of the Council enquired as to how the said safety information protection provisions would be audited under the Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA) prior to the completion of the required implementation action.

26. In underscoring that the protection of safety information was not a new issue for States, President of the ANC noted that provisions relating thereto were currently contained in Attachment E to Annex 13, which the ANC proposed elevating to the level of an Appendix (cf. Appendix 2). The goal was, inter alia, to assist States in: incorporating the protections accorded to aircraft accident and incident investigation records into national laws; and to assist the designated “competent authority” in administering the balancing test required to determine the impact of the disclosure of such records to other agencies and their use by the latter for purposes other than accident and incident investigation on current or future investigations. Observing that a number of States were already in compliance with the existing safety information protection provisions, he indicated that they would only have to modify their relevant legislation, regulations and policies. The President of the ANC emphasized that in accordance with the Organization’s policy for the conduct of USOAP CMA audits, the Protocol Questions focused on what was essential i.e. the underlying principles of the provisions being audited, and not solely on the letter of the provisions. Thus if an audited State was slightly late in implementing a provision relating to

the protection of safety information but was on course to do so, then it would still be considered as a very positive move.

27. Noting that Amendment 15 provided States with a tool to enhance cooperation between accident investigation authorities and judicial authorities to ensure that both had appropriate access to investigation records, the President of the ANC underscored that it was the States' responsibility to properly apply that tool. Indicating that a potential USOAP CMA Protocol Question (PQ) would be "Have discussions been undertaken with the judicial authorities?" he indicated that an answer in the affirmative would be viewed in a positive light. If, on the other hand, the answer were in the negative, then action to rectify the situation would need to be formulated and taken. In emphasizing the need to elaborate more on the issue of the protection of accident and incident investigation records in the near future, the President of the ANC indicated that the related *Manual on the Protection of Safety Information* (Doc 10053) would be available by June 2016, thus providing part of the answer.

28. Stressing the need for coherence between the work of the Council and that of the ANC, the President of the Council requested that note be taken of his comments and those of the President of the ANC regarding the auditing under the USOAP CMA of the Amendment 15 provisions relating to the protection of safety information.

29. Drawing attention to paragraph 3.1.3 of the paper, the Representative of Spain expressed serious concern that, as identified in USOAP CMA audits, some 26.8 per cent of States have not designated in their legislation or regulations a specific agency to conduct aircraft accident and incident investigations. Indicating that he was even more concerned, and shocked, that 54.4 per cent of States have not enacted legislation or regulations to provide for the independence of the accident investigation authority, he underscored that it constituted a serious problem. The Representative of Spain queried how that situation could be explained to the general public, in particular, to the families of aircraft accident victims.

30. Referring to paragraph 3.1.6, the Representative of Spain noted that there were obviously some States that lacked the required resources to investigate aircraft accidents and incidents, and suggested that ICAO promote the establishment of regional accident and incident investigation organizations (RAIOs) as a solution to that problem.

31. Turning to Section 6 of Appendix 2 to Amendment 15 (cf. Appendix C to the paper), the Representative of Spain emphasized that, as stated in the Note, Final Reports were made publicly available in the interest of accident prevention. However, paragraph b) of the related Recommendation indicated that States should consider differentiating between the parts of the Final Report in order to allow the use of factual information contained therein while preventing use of analysis, conclusions and safety recommendations for apportioning blame or liability. Underscoring that Final Reports were either publicly available or not, the Representative of Spain averred that the said Recommendation only went half way.

32. In then raising an outstanding issue that went beyond the scope of Amendment 15, the Representative of Spain recalled that at the Second High-level Safety Conference (HLSC 2015), during discussion of the issue of assistance to aircraft accident victims and their families, a Director General of Civil Aviation (DGCA) had explained how difficult it was to conduct investigations when information and comments on the accidents were broadcast with lightning speed around the world via social media. At the same time, there were some accident investigation boards whose policy was to not communicate externally. The general public thus considered that the truth regarding aircraft accidents was to be found on Twitter and Facebook. While aware that the Council could not solve that problem during the present

meeting, and certainly not with Amendment 15 to Annex 13, the Representative of Spain nonetheless wished to highlight the need to address it in the future.

33. It was understood that the Representative of Spain would provide the Secretariat with his proposed editorial amendments to the Spanish text of Recommended Practice 5.4.4 and Standard 8.3 for incorporation into the final version of Amendment 15. The President of the Council requested that, prior to publication, the Secretariat meet with the Representative of Spain to ensure that the Spanish text was correct.

34. Responding to the comment made regarding Section 6 of Appendix 2, the Chief, Accident Investigation Section (C/AIG) agreed that Final Reports must be made publicly available, in accordance with Standard 6.5 of Annex 13. While stressing that the said Recommendation in Section 6 of Appendix 2 did not in any way indicate that the Final Reports were not to be made public, he noted that under paragraph b) thereof only the factual parts of the Final Report could be used by the judicial authorities. That was, of course, subject to States adopting legislation and/or regulations to that effect.

35. In underscoring the importance of Amendment 15 to Annex 13, the Representative of Nicaragua commended the work done by the Secretariat and the ANC. She shared the concern expressed by the Representative of Spain regarding the percentage of States that have not designated in their legislation or regulations a specific agency to conduct aircraft accident and incident investigations and the percentage of States that have not enacted legislation or regulations to provide for the independence of the accident investigation authority. Noting, from paragraph 2.1 of the paper, that only 57 Member States had replied to State letter AN 6/1.2-13/55 dated 19 July 2013 on the Annex amendment material relating to the independence of accident and incident investigations, and that only 60 Member States and 59 Member States had replied to State letters AN 8/1-14/47 and AN 6/1.2-15/13 dated 7 July 2014 and 24 March 2015, respectively, on the Annex amendment material relating to the protection of accident and incident investigation records, the Representative of Nicaragua enquired as to whether the majority of the Member States that had replied to the three State letters had agreed to Amendment 15. She noted that Nicaragua disagreed with the proposed provisions relating to the independence of the accident investigation authority as under its national legislation the State's CAA was empowered to conduct aircraft accident investigations.

36. C/AIG recalled that unfortunately no reply to State letter AN 6/1.2-13/55 dated 19 July 2013 had been received from Nicaragua by the time of the ANC's final review, on 25 February 2014, of the Annex amendment material relating to the independence of accident and incident investigations. He noted that there had been unanimous support therefor, with the exception of one State that had difficulties in relation to its national legislation and regulations. Furthermore, there had been unanimous support for the Annex amendment material relating to the protection of accident and incident investigation records.

37. Indicating that he was also shocked by the USOAP CMA audit findings cited in paragraph 3.1.3 of the paper that some 26.8 per cent of States have not designated in their legislation or regulations a specific agency to conduct aircraft accident and incident investigations and that 54.4 per cent of States have not enacted legislation or regulations to provide for the independence of the accident investigation authority, the Representative of South Africa emphasized the need to address the situation as a matter of urgency. He sought clarification regarding paragraph 3.1.5 on the use of the word "independence" in the context of the said investigation authority.

38. In then commenting on paragraph 3.3.1, in which it was stated that the establishment of an independent accident investigation authority "may require" the allocation of additional resources in some States, the Representative of South Africa affirmed that such action did require additional resources.

In view of the said USOAP CMA audit findings, he urged ICAO to take urgent action to increase the number of independent accident investigation authorities globally. He noted that Australia's Bureau of Air Safety Investigation (BASI), the United States' National Transportation Safety Board (NTSB), and the United Kingdom's Air Accidents Investigation Branch (AAIB) served as good models for other States in that regard. The President of the ANC underscored, in this regard, that France's Bureau d'enquêtes et d'analyses (BEA) pour la sécurité de l'aviation civile also served as a good model.

39. The Representative of South Africa requested that the President of the ANC inform the Council of the various methods for meeting the requirements of Amendment 15 relating to the establishment of independent accident investigation authorities so that Representatives could, in turn, inform their national administrations and thus assist in addressing the problems highlighted in paragraph 3.1.3.

40. The President of the Council recalled that Standard 5.1 of Annex 13 allowed for the delegation by the State of Occurrence of the responsibility for the conduct an accident investigation to another State or a regional accident investigation organization (RAIO). A typical example thereof was Malaysia's delegation of responsibility to the Netherlands for the conduct of the Malaysia Airlines Flight MH17 accident investigation, which had thereafter been carried out by the Dutch Safety Board. He emphasized that such delegation of responsibility was another possible solution to the said problem, in addition to promoting the establishment of RAIOS.

41. While supporting Amendment 15, the Representative of China underscored that States' different organizational structures should be taken into consideration by ICAO in conducting USOAP CMA audits of compliance with the provisions relating to the independence of accident and incident investigations. Referring to paragraph 3.1.3 of the paper, he maintained that the fact that some 26.8 per cent of States have not designated a specific agency to conduct aircraft accident and incident investigations did not mean that the findings and conclusions of their investigations were not objective and fair. The Representative of China emphasized that the accident investigation authority should be independent structure-wise, and that if the findings and conclusions of the latter's investigations were objective and fair, then the audited State should be considered by ICAO as being in compliance. He noted that that would encourage more States to conduct independent, objective and fair investigations.

42. Affirming that an accident investigation authority formed an integral part of the overall assurance framework of a State's aviation system, the Representative of Australia highlighted that it also needed to be viewed in that way in the context of the State Safety Programme (SSP). In underscoring that, at the very least, an accident investigation authority required operational independence, with its own separate legislation, and preferably functional independence, she recalled the well-known adage that he who holds the purse strings (i.e. controls the allocation of financial resources) holds the power. The Representative of Australia shared the concerns voiced by previous speakers that States were not progressing quickly enough in establishing the required level of independence for the accident investigation authority. She also expressed pleasure that the Safety Information Protection Task Force (SIPTF), which had, in large part, developed the Amendment 15 provisions relating to the independence of accident and incident investigations and the protection of accident and incident investigation records, comprised a very good mix of personnel from accident investigation authorities, judicial authorities and aviation regulatory authorities. In this regard, the Representative of Australia observed that it was among those very same parties that tensions tended to lie during investigations, in particular, during significant investigations. As a result of this inclusive process, she considered that the said Amendment 15 provisions represented a good compromise between those three different interests.

43. Noting that one of the particularly contentious issues addressed in Amendment 15 was who should be designated the “competent authority” to make determinations regarding the disclosure of accident and incident investigation records to other agencies and their use by the latter for purposes other than accident or incident investigation, the Representative of Australia indicated that under her State’s legislation many of those decisions were left to the accident investigation authority, which was unique. Australia was quite an outlier in that regard. She underscored that the Amendment 15 provisions relating to the protection of the said investigation records provided flexibility in that respect by referring simply to the “competent authority”, in acknowledgement that different legal systems and protection methodologies existed in States.

44. In reiterating that Annex 13 already contained Standard 6.5 stipulating that Final Reports were to be made publicly available, the Representative of Australia recalled that the use of Final Reports had also been the subject of contentious debate. She noted that, under her State’s legislation, Final Reports currently could not be used at all by other authorities. While for judicial purposes Final Reports could be used for demonstrable purposes of safety by the regulatory authority, Australia’s preference, even in those circumstances, was for separate investigations to be conducted.

45. Affirming that Amendment 15 reflected the positive outcomes achieved by ICAO with regard to the protection of safety information, the Representative of Australia expressed the hope that it would enable other authorities to better understand their respective responsibilities and the importance of the work carried out by the accident investigation authority. She also hoped that the recently-constituted Accident Investigation Panel (AIGP) would enable further substantial progress to be made in the area of safety information protection.

46. In confirming that the AIGP was currently carrying out some work on the protection of safety information in conjunction with the Safety Management Panel (SMP), the President of the ANC indicated that Amendment 15 was thus not the end of the story. It was now necessary to create experience and obtain practical feedback on the implementation of its safety information protection provisions and then to move forward.

47. The Representative of Venezuela (Bolivarian Republic of) shared the concerns voiced by, inter alia, the Representatives of Spain and South Africa regarding the percentage of States that have not designated a specific agency to conduct aircraft accident and incident investigations and the percentage of States that have not enacted legislation or regulations to provide for the independence of the accident investigation authority (cf. paragraph 3.1.3), and endorsed the latter’s comments in that respect. In so doing, he reiterated the need to address the situation as a matter of urgency.

48. Referring to paragraph 4 of the *Implementation Task List and Outline of Guidance Material* contained in Appendix A to the paper, the Representative of Venezuela (Bolivarian Republic of) expressed further concern that five of the six listed regional workshops and the global roll-out of the toolkit would take place after the proposed Amendment 15 applicability date of 10 November 2016. Highlighting, in this context, that the date of the workshop for the African region was a year and a half later, namely, April 2018, he requested that, pursuant to ICAO’s *No Country Left Behind* (NCLB) campaign, the dates of the said implementation assistance tasks be advanced so as to better enable States to implement the provisions of Amendment 15 properly and in a timely manner. The Representative of Venezuela (Bolivarian Republic of) also pointed out that although Section 3.3 of the paper set forth the cost impact of Amendment 15, the executive summary did not indicate the financial implications.

49. Responding to the query by the Representative of South Africa regarding paragraph 3.1.5, the President of the ANC clarified that “independence” meant a situation in which the accident

investigation authority was functionally and operationally independent from State aviation authorities and other entities that could interfere with the conduct or objectivity of investigations. He recalled that the Representative of Australia had also made reference to such functional and operational independence.

50. Underscoring that the establishment of an independent accident investigation authority had a political dimension for many States, the Representative of Bolivia (Plurinational State of) noted that it entailed the restructuring of an executive body i.e. the State aviation authority and the creation of an additional institution. Averring that the State aviation authority might not wish to relinquish responsibility for aircraft accident investigations, he enquired whether consideration had been given to providing for State accident investigation within the Safety Management System (SMS).

51. In reiterating that the functional and operational independence of the accident investigation authority was key to safety, the President of the ANC emphasized that being able to identify any gaps in the State aviation authority's safety oversight was also key. Underscoring that in a SMS it was necessary to reach a level of abstraction in order to critically evaluate the system, he stressed that a State would never benefit from an investigation if the causes of the accidents and incidents were not objectively assessed.

52. The President of the Council observed that the issue of the establishment of an independent accident investigation authority was not so different from the existing requirement to establish an autonomous civil aviation authority for safety oversight. He noted that while there were likewise various models for the latter, not all States had created an autonomous civil aviation authority.

53. In reinforcing the points made by the Representative of Australia, the Representative of the United Kingdom emphasized that Annex 13 had, for some time, provided for an extremely wide range of means for delivering functional independence of the accident investigation authority. He noted that whereas Australia's BASI was a separate Bureau with very broad independence in terms of decision-making powers, the United Kingdom's 101-year-old AAIB was a functional part of a Government department in terms of overall structure. While those two models were a world away from each other, they both managed to comply with the essential element of independence, which was absolutely fundamental to the safety culture throughout the world. The Representative of the United Kingdom underscored that without that operational independence there would not be complete openness about the causes and repetitions of aircraft accidents and incidents.

54. In also reinforcing the point made by other Representatives regarding the urgency of addressing the issue of the independence of the accident investigation authority, the Representative of the United Kingdom suggested that regional outreach activities be undertaken to ensure that States understood that there was a wide variety of options to deliver the fundamental requirements of Annex 13 and those set forth in Amendment 15 relating thereto.

55. Recalling the comments made by the Representative of Venezuela (Bolivarian Republic of), the President of the Council emphasized the need for ICAO to try to provide implementation assistance to States quickly, to enable them, through the said various regional workshops, training and guidance material, to undertake and complete, as soon as possible, the development or modification of legislation and regulations to reflect the Amendment 15 provisions relating to the protection of safety information.

56. Note was taken of: the serious concern voiced by several Representatives that some 26.8 per cent of States have not designated in their legislation or regulations a specific agency to conduct aircraft accident and incident investigations and that 54.4 per cent of States have not enacted legislation or

regulations to provide for the independence of the accident investigation authority; their view that it was necessary to take action to address the situation as a matter of urgency; and comments in which the promotion of the establishment of RAIOS, the delegation of responsibility to another State to conduct an accident/incident investigation, and regional outreach activities as possible solutions.

57. Note was also taken of: the comments made by the President of the ANC and the President of the Council regarding the auditing, under the USOAP CMA, of the Amendment 15 provisions relating to the protection of safety information; and the request by the Representative of South Africa that the President of the ANC inform the Council of the various methods for meeting the requirements of Amendment 15 relating to the establishment of independent accident investigation authorities. It was recalled that the *Manual on Accident and Incident Investigation Policies and Procedures* (Doc 9962) set forth some methods therefor.

58. It was further noted that: the *Manual on the Protection of Safety Information* (Doc 10053) would be available by June 2016, and that the other ICAO supporting documents listed in paragraph 3.1 of Appendix A to the paper were already available; and, with regard to implementation assistance, that as indicated by the Secretary General, the Secretariat would review and advance the dates for the regional workshops and for the issuance of the toolkit referred to in paragraph 4 thereof so as to better enable States to implement the provisions of Amendment 15 properly and in a timely manner.

59. The Council, by 33 votes in favour, none against and two abstentions (one Representative being absent), then adopted, as Amendment 15 to Annex 13, the amendment to the Definitions and the SARPs as contained in Appendix C to C-WP/14374. The Council also approved, as part of the said amendment, the amendment to the Notes as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 13 as set forth in Appendix E.

60. In addition, the Council requested the Secretariat to monitor the implementation of the Amendment 15 provisions relating to the protection of safety information, and to report to the Council in due course on whether that Amendment facilitated States' implementation of the necessary action.

Report of the ANC — Adoption of Amendment 13 to Annex 14, Volume I

61. The Council considered C-WP/14375, which presented a proposal by the ANC for Amendment 13 to Annex 14 – *Aerodromes, Volume I – Aerodrome Design and Operations*. The amendment related to the autonomous runway incursion warning system (ARIWS), visual aids for navigation and aerodrome design, the enhanced global reporting format for assessing and reporting runway surface conditions, and the design and operations of aerodromes, including the publication of runway end safety area (RESA).

62. In introducing the paper, the President of the ANC highlighted that there was no obligation or recommendation within the provisions of Amendment 13 (cf. Appendix C to the paper) to install an ARIWS and that the installation of such a system at an aerodrome would only be undertaken following an assessment of the runway incursion risk at that aerodrome. If a decision were taken to install an ARIWS, then it would be necessary to comply with the Standards contained in Section 9.12. In particular, it would be necessary for the visual aid components i.e. the warning lights to conform with the relevant specifications in Section 5.3 to ensure a globally consistent visual signal that the flight crew would understand. Supplementary guidance material relating to an ARIWS was set forth in Section 21 of Attachment A to Amendment 13. The President of the ANC underscored that at present the purpose was

to create an understanding of an ARIWS. It would only be in the future that Standards for an ARIWS and other components of an air traffic management (ATM) system would be developed.

63. It was noted that, having examined the technical circumstances associated with the implementation of Amendment 13, the ANC considered that the following dates would be suitable for the implementation of its provisions: an effective date of July 2016; a proposed applicability date of 10 November 2016 for the elements concerning ARIWS, visual aids for navigation, aerodrome design and operations including publication of RESA; and a proposed applicability date of 5 November 2020 for the element concerning the enhanced global reporting format for assessing and reporting runway surface conditions.

64. The Representative of Nigeria emphasized that Standards were supposed to be simple, easy to implement, and cost-effective. Noting, however, from paragraphs 3.1.2 and 3.1.3 of the paper, that an ARIWS was a complex and costly system, he questioned how there could be Standards in Amendment 13 for its implementation, even ones that were conditional upon a decision to install such a system. The Representative of Nigeria queried if there were any alternatives.

65. The President of the ANC underscored that the ARIWS-related conditional Standards contained in Section 9.12 were very simple. When the red warning lights at the runway (take-off) thresholds or entrances illuminated, then the pilot stopped the aircraft immediately and either did not enter or cross the runway or did not start the take-off roll. Noting that an ARIWS was only of value for international airports with very complex operations, he indicated that only several States worldwide currently used such a system. The Chief, Airport Operations and Interoperability Section (C/AOI) clarified that an ARIWS was being implemented in two States (Japan and the United States) and was being tested in a third State (France).

66. The President of the Council noted that, similar to the situation that had arisen following the approval of the GANP, once Amendment 13 to Annex 14, Volume I, was adopted, consultants and vendors would be vigorously marketing an ARIWS to States worldwide, including to unsuspecting States that might not require such a system for their current level of operations. He indicated that in the future, once a Standard mandating the installation of an ARIWS had been developed and adopted, a related PQ would be formulated for audits under the USOAP CMA. The President stressed the need for coherence in the ARIWS-related rule-making process, implementation and audit under the USOAP CMA.

67. The Director of the Air Navigation Bureau (D/ANB) recalled that the genesis of the ARIWS provisions in Amendment 13 was the divergent development of systems by independent technology providers. As that had led to inconsistencies in application for flight crews who flew at all three aerodromes where an ARIWS was either installed or being tested, Standards had become necessary to harmonize the procedures for all aerodromes and types of systems to ensure that the flight crews would always understand the warning transmitted by the latter. Thus the said ARIWS provisions brought consistency to the various systems without necessarily making them all work the same way. They only appeared to work the same way by providing a consistent visual signal i.e. warning light.

68. Responding to a question by the Representative of Portugal, the President of the ANC emphasized that State letters on Annex amendment proposals already indicated that any comments received after the specified due date may not be considered by the Commission and the Council. However, the Secretariat usually demonstrated goodwill by notifying the ANC of any comments received after the deadline and up to the date of the Commission's final review of the Annex amendment proposals, through the issuance of an Addendum or Addenda to the AN-WPs presenting the results of the State letter consultation process. Underscoring that it was difficult for the ANC to take on board any comments

received after its final review of Annex amendment proposals, the President of the ANC stressed that late replies should be avoided as much as possible as they created a cumbersome process.

69. In observing that the suggested editorial changes to the French text of Amendment 13 submitted by his State in its comments on the draft Annex amendment proposal were not reflected in Appendix C to C-WP/14375, the Representative of France requested that they be incorporated into the final version of Amendment 13. He noted that their exclusion from Appendix C would not prevent him from approving the Council's adoption of Amendment 13. Drawing attention to paragraph 4 of the *Implementation Task List and Outline of Guidance Material* in Appendix A, the Representative of France highlighted that his State was honoured to be hosting a Symposium on Runway Surface Condition Assessment and Reporting in Paris from 31 March to 1 April 2016. He noted that the objective of that important event was to promote the implementation of the Amendment 13 provisions relating to the enhanced global reporting format for assessing and reporting runway surface conditions, whose underlying objective was the prevention of excursion incidents/accidents.

70. In confirming that the said editorial changes to the French text would be duly incorporated into the final version of Amendment 13 prior to publication, the President of the Council requested the Secretariat to meet with the Representative of France beforehand to ensure that the French text was correct.

71. The Representative of Spain indicated that while he understood that an ARIWS involved the use of a visual signal to warn a flight crew or vehicle operator of a potential incursion or of the occupancy of an active runway, the nature of the warning was not clear in the detailed specifications for an ARIWS given in Section 9.12 of Amendment 13. In observing that paragraph a) of Standard 9.12.1 only referred to a "direct warning", he underscored that it was not clear if that meant an audio warning, an electronic message or a visual signal. While paragraph c) thereof made reference to ARIWS' "visual aid components, i.e. lights", the nature of the warning only became clear when one read the description of an ARIWS given in Section 21 of Attachment A to the Annex amendment, which referred to the illumination of red warning lights. The Representative of Spain stressed the need to clarify in Section 9.12 that an ARIWS was a system that used a visual signal to provide a warning to a flight crew or vehicle operator.

72. In confirming that an ARIWS mainly provided a warning through a visual signal, C/AOI noted that Section 5.3 of Chapter 5.3.30 (Runway status lights) in Amendment 13 provided for two types of complementary lighting systems, runway entrance lights (RELs) i.e. on the taxiway leading to a runway, and take-off hold lights (THLs) i.e. on a runway at the holding line for an aircraft prior to take-off, and specified where they should be located and their characteristics. He noted that generic wording ("direct warning") was used in paragraph a) of Standard 9.12.1 as the Aerodromes Panel (AP) was considering the possibility of having some form of audio warning in the future. The President of the Council highlighted that the said generic wording would thus forestall a further amendment of Annex 14, Volume I, in the event that such an audio warning were developed and deployed.

73. Responding to a query by the Representative of Nicaragua regarding her State's replies to the four State letters that had been issued regarding the draft Annex 14, Volume I, amendment proposal, the President of the ANC indicated that he would meet with the Representative after the meeting to verify the replies received from Nicaragua, identify any gaps and thereafter work with the Secretariat to resolve them. In addition, he suggested that to increase the visibility of replies to State letters transmitting Annex amendment proposals, the list of replies included in the AN-WPs on the final review of proposed amendments be posted on the existing ICAO State letter website, adjacent to the corresponding State letter. This was noted by the Secretariat for further consideration.

74. In recalling that the purpose of the ARIWS provisions in Amendment 13 was to ensure a globally consistent visual signal that the flight crew would understand, the Representative of Singapore questioned why there were no proposed Standards specifying how the red warning lights were to be arrayed.

75. Sharing the concerns expressed by the Representatives of Spain and Singapore regarding the operation of an ARIWS, the Representative of Venezuela (Bolivarian Republic of) observed that the latter seemed to resemble a Traffic Alert and Collision Avoidance System (TCAS), which issued traffic advisories (TAs) and Resolution Advisories (RAs) to flight crews to avoid mid-air collisions between TCAS-equipped aircraft. In also enquiring as to the configuration of the red warning lights for an AIRWS, he sought clarification regarding the role of the ATCO in the system's operation. In then recalling the comments he had made during the Council's earlier consideration of Amendment 15 to Annex 13 – *Aircraft Accident and Incident Investigation* (C-WP/14374) (cf. paragraph 48 above), the Representative of Venezuela (Bolivarian Republic of) underscored the need to indicate the dates of the envisaged regional workshops on the enhanced global reporting format for assessing and reporting runway surface conditions in paragraph 4 of the *Implementation Task List and Outline of Guidance Material* in Appendix A to the paper.

76. The President of the ANC indicated that although some material had been provided to the ANC on the standardization of the lighting used for the ARIWS visual signal, the Commission had decided to retain it at the level of guidance in an updated edition of the *Aerodrome Design Manual, Part 4 – Visual Aids* (Doc 9157). The ANC considered that it was important to standardize the meaning of the lighting but not necessarily its underlying technology.

77. The President of the ANC agreed that an ARIWS resembled a TCAS inasmuch as it was like a short-term conflict alert, which resulted in preventive action being taken followed by notification to the ATC tower in order to resolve the conflict. He noted that the *Procedures for Air Navigation Services – Air Traffic Management* (PANS-ATM) (Doc 4444) were being amended to establish the procedures relating to the use of an ARIWS, including related procedures for the ATCOs.

78. C/AOI noted that the guidance material, the *Aerodrome Design Manual, Part 4 – Visual Aids* (Doc 9157), would indicate the configuration for both THLs and RELs. In addition, the said lighting systems and the surveillance systems would be described in the guidance material supplementary to Annex 14, Volume I, contained in an Attachment to the latter (commonly referred to as the “green pages”).

79. Responding to a query by the Representative of Spain, C/AOI reiterated the importance of standardizing the lighting system's configuration (e.g. colour, intensity). He noted that although an ARIWS was currently being implemented in two States (Japan and the United States) and being tested in a third State (France), a few other States were considering installing such a system at their aerodromes given the benefits to be derived therefrom.

80. In further elaborating on the configuration for THLs and RELs, which would be depicted in Doc 9157, C/AOI indicated that there would be a longitudinal array of warning lights starting from the runway holding position up to the runway centre line. If an aircraft was in a holding position and an ATCO mistakenly gave clearance to cross the runway when there was another aircraft either taking off or landing on that runway, then the ARIWS detection system would immediately trigger the warning system and an array of red lights would illuminate in front of the aircraft in the holding position so that the pilot would immediately stop the aircraft. Similarly, a longitudinal array of warning lights would be deployed at a runway entrance/threshold. If an aircraft were lined up to take-off and another aircraft crossed the

runway, then an array of red lights would illuminate in the direction of the runway which would cause the pilot to stop the take-off.

81. With regard to the implementation assistance tasks referred to in paragraph 4 of Appendix A to the paper, C/AOI clarified that it was too early to specify the dates for the envisaged regional workshops on implementation of the said enhanced global reporting format for assessing and reporting runway surface conditions as the latter would only become applicable in four years' time, i.e. 2020. An ICAO training package to facilitate implementation of the reporting format would, however, be available in 2018. He further indicated that while there was no apparent immediate need for workshops on ARIWS since the latter was currently being implemented in only a few States worldwide, consideration would be given to holding such workshops in the future, should the need arise. In the meantime, updated guidance material in the form of the *Aerodrome Design Manual, Part 4 –Visual Aids* (Doc 9157) would be available in November 2016. This was noted.

82. To a query by the Representative of Italy, the President of the ANC confirmed that an AIRWS was intended to be operational under all weather conditions, including low visibility, as indicated in Note 2 to Standard 9.12.1 (cf. Appendix C to the paper).

83. The Representative of South Africa highlighted that Amendment 13 related not only to runway incursions, in terms of the ARIWS, but also to runway excursions, in terms of the enhanced global reporting format for assessing and reporting runway surface conditions. He noted that although Amendment 13 did not refer to runway grooving, the latter was important, especially when runways were slippery, which could make aircraft landings difficult.

84. In fully agreeing, C/AOI indicated that runway grooving was part of the strategy to improve runway surface conditions to prevent runway excursions. To additional points raised by the Representative of South Africa, he clarified that: Chapter 3.9 (Taxiways) made reference to the design of shoulders; and that Amendment 13 did not propose any changes to the characteristics of the precision approach path indicator (PAPI); rather, it contained provisions relating to the location criteria for PAPI obstacle protection surface in order to ensure the proper functioning of the PAPI.

85. In noting that runway excursions was the main topic of Amendment 13, the Representative of the United Kingdom recalled that work thereon, in terms of the enhanced global reporting format for assessing and reporting runway surface conditions, had involved a substantial amount of collaboration with experts in a number of related technical operations, including flight operations, air navigation, and meteorology. He affirmed that the said reporting format would have a significant positive impact on runway excursions worldwide.

86. Agreeing, the President of the ANC noted that the enhanced global reporting format would also be used on board aircraft, with a Take-off and Landing Performance Assessment (TALPA) description of the various values that could enable aircraft to brake correctly on the runway.

87. The Representative of Norway underscored that the enhanced global reporting format would be used by many States, unlike an ARIWS, which was currently in use or being tested in only three States worldwide. Highlighting recent cases of contaminated runways in Saudi Arabia and the Canary Islands, he emphasized that runway surface conditions was a long-standing safety issue and that many stakeholders welcomed the said global reporting format set forth in Amendment 13, which should improve runway safety around the world. The Representative of Norway highlighted that whereas the applicability date for the reporting format originally proposed in State letter AN 4/1.1.55-15/30 dated 29 May 2015 had been 8 November 2018, it had subsequently been changed to 5 November 2020 to ensure

adequate transition time. He noted, from the comments made by C/AOI, that an ICAO training package thereon would nevertheless be available in 2018.

88. The President of the Council suggested, and it was agreed, that prior to being disseminated to States with Amendment 13 and the *Impact Assessment* (cf. Appendix B), the *Implementation Task List and Outline of Guidance Material* in Appendix A to the paper be revised so as to address the element of ARIWS separately and to explain the requirements for its implementation and to clarify that it was not currently applicable to all States.

89. The Council, by 36 votes in favour, none against and no abstentions, then adopted, as Amendment 13 to Annex 14, Volume I, the amendment to the Definitions and the SARPs as contained in Appendix C to C-WP/14375. The Council also approved, as part of the said amendment, the amendment to the Notes and Attachments as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 14, Volume I, as set forth in Appendix E.

Report of the ANC — Adoption of Amendment 7 to Annex 14, Volume II

90. Tabled for the Council's consideration was C-WP/14376 in which the ANC presented a proposal for Amendment 7 to Annex 14 – *Aerodromes, Volume II – Heliports*. The amendment concerned heliport-related subjects aimed at enhancing heliport safety relating to physical characteristics, visual aids, definitions and emergency response for heliports.

91. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that an effective date of July 2016 and a proposed applicability date of 10 November 2016 would be suitable for the implementation of these provisions.

92. In the absence of comments, the Council, by 35 votes in favour, none against and no abstentions (one Representative being absent), adopted, as Amendment 7 to Annex 14, Volume II, the amendment to the Definitions and the SARPs as contained in Appendix C to C-WP/14376. The Council also approved, as part of the said amendment, the amendment to the Notes as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 14, Volume II, as set forth in Appendix E.

Report of the ANC — Adoption of Amendment 39 to Annex 15

93. The Council reviewed C-WP/14377, which presented a proposal by the ANC for Amendment 39 to Annex 15 – *Aeronautical Information Services*. The amendment concerned publication of information on RESA and arresting system in the aeronautical information publication (AIP), en-route airway directional use restrictions, the use of an enhanced global reporting format for assessing and reporting runway surface conditions, PBCS, and SATVOICE.

94. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2016; a proposed applicability date of 10 November 2016 for the elements concerning en-route airway directional use restrictions, PBCS, SATVOICE, and the consequential amendment on publication of information on RESA and arresting

system in the AIP; and a proposed applicability date of 5 November 2020 for the element concerning the use of the said enhanced global reporting format.

95. In the absence of comments, the Council, by 36 votes in favour, none against and no abstentions, adopted, as Amendment 39 to Annex 15, the amendment to the Definitions and the Standards as contained in Appendix C to C-WP/14377. The Council also approved, as part of the said amendment, the amendment to the Notes and Appendices as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 15 as set forth in Appendix E.

96. It was understood that the appropriate adoption, effective and applicability dates would be inserted in the Forewords of the above-mentioned Annexes and in the Resolutions of Adoption of their respective Amendments.

97. Highlighting the general and growing concern over the low response rate by Member States to ICAO State letters, the Representative of South Africa requested that the Secretary General identify effective ways and means of improving that response rate.

98. The Secretary General emphasized that action was already being taken, including engaging the Regional Offices to approach the States to which they were accredited and urge them to respond to ICAO State letters. In noting that a draft Assembly working paper containing proposals to address the low response rate would be presented to the Council for approval during the next (208th) session, she welcomed any advice and guidance that Representatives might have in that regard, which would be taken into account in preparing the paper.

99. Recalling the statement which he had made at the ANC's First Meeting of the current session, the President of the Council reiterated the need to circulate ICAO State letters not only to Member States but also to relevant technical bodies with States' membership, such as the Regional Safety Oversight Organizations (RSOOs), the Cooperative Development of Operational Safety and Continuing Airworthiness Projects (COSCAPs), and the regional civil aviation commissions, in order to reach the maximum number of Member States possible. He noted that even if the Member States themselves did not respond to ICAO State letters, the replies from the said technical bodies of which they were members would nevertheless provide the Organization with a regional perspective on the issues raised in the State letters. It was confirmed that this process was being implemented.

Subject No. 14.4.3: Panels

**Review of the Report of the Twenty-fifth Meeting of the Dangerous Goods Panel (DGP/25)
(Montréal, 19-30 October 2015)**

100. Tabled for the Council's consideration was C-WP/14365, in which the ANC summarized the results of its review of the Report of the DGP/25 Meeting and presented for approval amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284) and supporting documents.

101. The ANC also reported on its review of comments from the Representatives of Brazil, the Russian Federation and the United States, forwarded by the President of the Council for the Commission's review, on a prohibition on the transport of lithium ion batteries as cargo on passenger aircraft until safer methods of transport are established. Having taking into account information provided by the DGP, the Flight Operations Panel (FLTOSP), the Airworthiness Panel (AIRP), aircraft

manufacturers and the Secretariat, the ANC considered that the risks associated with the carriage of lithium ion batteries as cargo are not adequately controlled. It therefore recommended:

- a) that the carriage of lithium ion batteries as cargo on passenger aircraft be temporarily suspended by amending the Technical Instructions (Doc 9284) as indicated in Appendix B to the paper, until controls are in place which establish an acceptable level of safety;
- b) that provisions for States to grant exemptions to transport lithium metal batteries as cargo on passenger aircraft be extended to include lithium ion batteries as indicated in Appendix B;
- c) that guidance material for States on the transport of lithium batteries be included in the Supplement to the Technical Instructions (Doc 9284) as indicated in Appendix C;
- d) that the additional mitigating measures approved by the Council and published in Addendum No. 3 to the 2015-2016 edition of the Technical Instructions (Doc 9284) (including the requirement that lithium ion cells and batteries be offered for transport at a state of charge not exceeding 30 per cent of their rated capacity) be maintained so that the safety benefits they provide remain for all-cargo aircraft; and
- e) that the amendments proposed in Appendices B and C to C-WP/14365 become applicable on 1 April 2016 to coincide with the applicability date of the new lithium battery requirements contained in Addendum No. 3.

102. It was noted that the ANC: would monitor the progress of work relating to the development by the Society of Automotive Engineers (SAE) International of a proposal for performance-based packaging for lithium batteries, the development by ICAO of provisions and supporting guidance material for operators to conduct safety risk assessments, and the improvement of transparency of the shipment and corresponding controls; and would report to the Council in due course, when the material had reached a sufficient degree of maturity to ensure the safe transport of lithium batteries by commercial aircraft. In indicating that the said three tasks were targeted for delivery by 2018, the President of the ANC underscored that they would form the pillars of a stable approach to the transport of lithium batteries.

103. Recalling that the Council had considered the transport of lithium batteries by commercial aircraft several times over the past year and had reached various decisions, the President of the Council emphasized the need to give the industry some level of stability on that issue, as well as on every other issue addressed by the Council.

104. The Representative of Australia indicated that her State agreed that more work needed to be done, in particular in the area of packaging, in order to achieve more rigorous risk assessment and decision-making. In that respect, Australia urged ICAO Member States, manufacturers, shippers and other relevant parties to work as quickly and diligently as possible in order to reduce the duration of the recommended temporary suspension of the carriage of lithium ion batteries as cargo on passenger aircraft, and therefore reduce the risk in the meantime of the carriage of undeclared lithium ion batteries. She emphasized that while the temporary suspension was in place, relevant authorities would need to be particularly vigilant to identify inadvertent or deliberate instances of undeclared carriage thereof. Australia also hoped that the said suspension did not adversely affect the shipment of lithium ion batteries for medical and humanitarian purposes, particularly for those Small Island Developing States (SIDS) that

relied heavily on aviation for the shipment of goods and services. The Representative of Australia reiterated that ICAO should continue to explore with relevant authorities the issue of finding greater granularity with respect to the classification of lithium batteries.

105. The President of the ANC assured the Representative that the Commission and its relevant panels, as well as other stakeholders, would work as expeditiously as possible to find solutions.

106. While supporting the ANC's recommendations, the Representative of Portugal sought additional clarifications. Noting, from paragraph 5.3.3 of the paper, that suspending the transport of lithium ion batteries as cargo on passenger aircraft addressed an immediate risk to passenger and crew safety, she queried whether their transport on cargo aircraft did not also pose an immediate risk to crew safety, as well as to third parties, namely the airports and residential areas over which the cargo aircraft flew. The Representative of Portugal underscored that while lithium ion batteries were widely used all over the world, there were several regions where there were no cargo flights for their transport, which would necessitate the granting of exemptions to transport such batteries as cargo on passenger aircraft as referred to in paragraph 5.2 b). In enquiring whether that exemption process was easy and straightforward, and if it was expensive, she also queried whether there was specific guidance thereon for States.

107. Agreeing that the transport of lithium ion batteries on cargo aircraft posed a similar risk, the President of the ANC emphasized that it was for that reason that the ANC recommended maintaining the requirement that lithium ion cells and batteries be offered for transport at a state of charge not exceeding 30 per cent of their rated capacity. He noted that some cargo operators were already applying additional operational controls to mitigate risks that went beyond those recommended by the Commission. While the President of the ANC thus considered that the said risk was better managed on cargo aircraft than on passenger aircraft, he underscored that the risk still existed.

108. In offering clarification with regard to the said exemption process, the Chief, Cargo Safety Section (C/CSS) indicated that the States concerned which could grant an exemption to the prohibition to transport lithium ion batteries as cargo on passenger aircraft were the States of Origin, Operator, Transit, Overflight and Destination. While very mindful that it was a difficult process, she emphasized that ICAO had not received a single request for a copy of an exemption being granted from the current prohibition to transport lithium metal batteries as cargo on passenger aircraft, despite the fact that industry had maintained that that exemption process would cause significant problems for it.

109. C/CSS stressed that it was the shipment of lithium ion batteries in bulk as cargo on passenger aircraft that was under discussion and not lithium ion batteries that were contained in portable medical electronic devices carried by passengers for medical use or carried by them as spares, which was a facilitation rather than a transport issue.

110. The Representative of Brazil recalled that his State had been one of the three that had requested the ANC to re-examine the lithium ion batteries issue as there was the perception that the technical analysis had raised concerns that the proposed Technical Instructions would not be able to properly address the safety issues related to the transport of such batteries as cargo on passenger aircraft. Brazil considered that ICAO should have a strong position on that issue, and that any exceptional decision by a State to grant an exemption from the prohibition to transport lithium ion batteries should necessarily be taken in accordance with the guidance provided by the Organization. That being said, the Representative of Brazil supported the action recommended by the ANC and agreed with the President of the Council on the need for ICAO to give clear direction on this issue to the industry.

111. In also endorsing the Commission's recommendations, the Representative of Mexico reiterated the urgent need to find more stable solutions so that it would not be necessary for the Council to revisit the issue of the transport of lithium ion batteries as cargo on passenger aircraft in the future.

112. The Representative of the Republic of Korea expressed appreciation for the early warning given on the potential dangers associated with the said transport of lithium ion batteries. He assured the Council that, although Korean companies were the largest manufacturers of lithium ion batteries, he was not defending their narrow interests but was instead working in the interest of ICAO and its Member States. The Representative of the Republic of Korea voiced concern over the procedure that had been followed previously in addressing this issue, which had involved a reversal, within a very short period of time, of the ANC's position regard the suspension of such transport. However, in light of said potential dangers, and the strong support expressed by other Representatives for the ANC's recommended action, he would not object to the latter and would follow the will of the Council. The Representative of the Republic of Korea suggested that, in similar situations in the future, the Secretariat and the ANC err on the side of caution.

113. With regard to paragraph 5.1 of the paper, the Representative of Japan indicated that it had been her expectation that the concerns expressed previously regarding the level of safety for the transport of lithium ion batteries as cargo would have been referred back to the DGP, which had originally considered the issue. She underscored that the DGP should have been given an opportunity to re-examine that issue, based on instructions from the Council. Instead, the ANC had reviewed the concerns raised and reported to the Council in the paper now under discussion. Averring that the proper procedure had not been sufficiently followed, the Representative of Japan emphasized that it should be strengthened in the near future so that the issue of creating a stable environment for the industry would no longer be a problem. That being said, she was willing to accept the ANC's revised recommendations as presented in the paper as they were necessary to secure the safety of aviation, which was of paramount importance. The Representative of Japan sincerely hoped that in future the proper procedure would be faithfully followed.

114. In strongly supporting the action recommended by the ANC, the Representative of Poland recalled that several incidents involving undeclared or misdeclared shipments containing lithium ion batteries had occurred in her State. As that problem was evolving and increasing in scale, occurring very often on passenger aircraft every day, she advocated amending the Technical Instructions (Doc 9284) and its Supplement as proposed in the paper.

115. Observing that experts from his State had actively participated in the discussion of the issue of the transport of lithium ion batteries as cargo on passenger aircraft, the Representative of the Russian Federation also endorsed the Commission's recommendations. The Representatives of Nigeria and Kenya did likewise.

116. Referring to the comments made by the Representative of Japan, the Representative of South Africa indicated that the ANC appeared to have overruled the DGP. In voicing support for the intervention by the Representative of Australia, he sought clarification regarding the said requirement that lithium ion cells and batteries be offered for transport at a state of charge not exceeding 30 per cent of their rated capacity. The Representative of South Africa also enquired as to how the recommended temporary suspension of the carriage of lithium ion batteries as cargo on passenger aircraft would affect "combis" i.e. aircraft that could be used to carry either passengers, as an airliner, or cargo, as a freighter, or a combination of both, at the same time. In querying whether the ANC had considered the potential impact of the temporary suspension on supply and demand, he emphasized that the temporary suspension would lead to an increase in demand for long-range freighters for the transport of lithium ion batteries. As

there were not many such freighters in Africa, that would, in turn, lead to an increase in price, which would highly affect some developing States. The Representative of South Africa thus reluctantly agreed to the said recommended temporary suspension and reluctantly opposed the carriage of lithium ion batteries as cargo on passenger aircraft.

117. The President of the ANC agreed with the President of the Council and other speakers on the need for stability in the process. He recalled the Commission's consideration (200-13) of AN-WP/9034, which had presented a proposal by the Secretariat to amend the 2015-2016 edition of the Technical Instructions (Doc 9284) through the accelerated amendment process. That proposal related to, inter alia, the introduction of additional restrictions on the transport of lithium batteries, including the requirement that lithium ion cells and batteries be offered for transport at a state of charge not exceeding 30 per cent of their rated capacity. The ANC had, in good faith, considered that requirement to be a risk mitigation measure. While it was clear that it was not a perfect solution, the Commission had not had much time to review the matter.

118. In the interim, the ANC had received a strongly-worded statement from the AIRP that the said requirement might not fully mitigate the risk in view of the possible volatility of the lithium batteries' chemicals. In the same period, the ANC had received the said comments from the Representatives of Brazil, the Russian Federation and the United States on a prohibition on the transport of lithium ion batteries as cargo on passenger aircraft until safer methods of transport were established, as well as instructions from the President of the Council to look into the matter to enable the Council to give it further consideration. As a result, the ANC had not been able to have any constructive discussion thereof with the DGP. What was clear, however, was that the ANC wanted to introduce stability into the discussion. The President of the ANC recalled, in this regard, that in C-WP/14178 proposing amendments to the Technical Instructions (Doc 9284) aimed at prohibiting the transport of lithium metal batteries as cargo on passenger aircraft (202/5), the ANC had already asked for a strategic approach to the matter.

119. Observing that modernization was calling for more energy in less volume, the President of the ANC averred that soon there would be another source of energy that would create the same risks as lithium batteries. He reiterated that the said three pillars of a risk assessment methodology, performance-based packaging for lithium batteries, and improved transparency of their shipment constituted a stable approach to the transport of lithium batteries.

120. Referring to the comments made by the Representative of South Africa, the President of the ANC underscored that every ANC panel reported to the Commission, which tried to make the best of the material provided. However, when there were three panels whose reports were not exactly aligned, as was the present case, then it was necessary for the ANC to make a decision. The Commission had to provide the Council with its best advice based on its current knowledge. That did not mean that the advice was perfect.

121. With regard to combis, the President of the ANC indicated that as they were passenger aircraft, they would be affected by the recommended temporary suspension of the transport of lithium ion batteries as cargo. He noted that while the ANC had considered the safety implications of a temporary suspension, it had not conducted any economic analysis thereof. There could, of course, be some downsides to the temporary suspension. The President of the ANC underscored that the problem was now to create a system where there was the assurance of safety. Noting that there had been some demonstrations of the performance-based packaging for lithium batteries during the DGP/25, he expressed hope that it would provide the necessary material to lift the said temporary suspension.

122. Endorsing the comments made by the Representative of Australia, the Representative of the United Kingdom noted that he was very skeptical of the recommended temporary suspension of the transport of lithium ion batteries as cargo on passenger aircraft. While he could accept it on the basis of the arguments that had been advanced in its favour, he stressed the need for the Council to bear in mind that in taking that decision it would not be removing risk from the situation; rather, it would simply be creating a different set of risks. Observing that the Council had not created a stable situation with regard to the safe transport of lithium ion batteries by commercial aircraft, the Representative of the United Kingdom indicated that if the action now proposed by the ANC were a step towards a stable situation, then that was good. In reiterating the need to work expeditiously to address the issue, he cautioned that if an incident were to occur, then ICAO would be considered to be just as much at fault as if it had allowed the transport of lithium ion batteries as cargo on passenger aircraft.

123. In commending the comments made by, inter alia, the Representatives of Australia, the United Kingdom and the Republic of Korea, the Representative of the United States emphasized the extreme importance of enforcing the temporary suspension of the transport of lithium ion batteries as cargo on passenger aircraft. He agreed on the need to go forward on that issue as quickly as possible. The Representative of the United States joined with the President of the ANC in hoping that a solution would be found that would enable the temporary suspension to be lifted as soon as possible. In nevertheless concurring with the Representative of the Republic of Korea that ICAO's raison d'être was to ensure the safety of the flying public, he underscored that it was critically important for the Council to remember that.

124. The President of the ANC noted that, as part of continuing efforts to address aviation-specific risks associated with the transport of dangerous goods, the ANC and the Secretariat could explore with the United Nations (UN) Economic and Social Council's (ECOSOC's) Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification the possibility of achieving greater granularity in the classification of lithium batteries. Concurring, the Director of the Air Navigation Bureau (D/ANB) emphasized that C/CSS and her team were ready to undertake that task.

125. In taking the action proposed in the executive summary of C-WP/14365, as amended by the President of the Council in light of the discussion, the Council:

- a) took action on Recommendations 2/1, 2/2, 3/1, 5/3, 5/4 and 6/1 of the DGP/25 Meeting relating to amendments to the Technical Instructions (Doc 9984) and its Supplement, 2015-2016 and 2017-2018 editions, as proposed in Appendix A to the paper;
- b) noted the action taken by the ANC with respect to Recommendations 1/1, 4/1, 5/1 and 5/2 of the DGP/25 Meeting as indicated in Appendix A to the paper;
- c) approved the amendments to the Technical Instructions (Doc 9284) and its Supplement, 2015-2016 edition, for applicability on 1 April 2016, as presented in Appendices B and C to the paper (cf. paragraph 101 above);
- d) requested the Secretariat and the ANC to take note of all of the comments made regarding the need to act expeditiously to create a stable environment for the industry vis-à-vis the safe transport of lithium batteries by commercial aircraft; and
- e) recognizing the multi-disciplinary nature of the work involved, as referred to in paragraph 102 above, and the consequent need for ICAO to collaborate with other

stakeholders, encouraged the continuation of the said work, which should be carried out as expeditiously as possible.

126. In addition, the Council agreed that, as part of continuing efforts to address aviation-specific risks associated with the transport of dangerous goods, the ANC and the Secretariat would explore with the UN ECOSOC's Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification the possibility of achieving greater granularity in the classification of lithium batteries in terms of sufficient UN numbers and appropriate names therefor.

127. The President of the Council recalled that, within twenty minutes of the conclusion of the informal briefing on 6 November 2015 on the Dutch Safety Board's Malaysia Airlines Flight MH17 accident investigation, it had been reported on in the news. He underscored the consequent need for the Council and the Secretary General to consider the ways and means by which information on all ICAO activities was disseminated, as well as the basis of such information. Noting that sometimes such information seemed to anticipate action by the Council, the President emphasized that it was not good for its rule-making and policy development processes.

Subject No. 14.3.9: Communications

**Report on the Results of the International Telecommunication Union (ITU)
World Radiocommunication Conference (2015) (WRC-15) (Geneva, 2 - 27 November 2015)**

128. The Council reviewed information paper C-WP/14379, whereby the ANC presented the main results of the ITU WRC-15 for civil aviation, which in general fully conformed to the approved ICAO Position (199/4 and 205/5). In addition, the ANC elaborated upon the significant efforts to develop, distribute and promote the ICAO Position to the said Conference and set forth the Commission's conclusions.

129. In introducing the paper, the President of the ANC noted that among some of the Conference's very positive outcomes for the aviation community was the securing of VSAT for Africa and South/Central America and the availability of the necessary radio frequencies for remotely piloted aircraft systems (RPAS) and global flight tracking for civil aviation. He recalled that agreement had been reached at WRC-15 that: the use of certain frequency bands for RPAS would be further addressed at the next two Conferences (WRC-19 and WRC-23); and that the spectrum needs and regulatory provisions for the introduction and use of the Global Aeronautical Distress and Safety System (GADSS) would be considered at WRC-19.

130. The President of the ANC underscored that the Frequency Spectrum Management Panel (FSMP), which was preparing a consolidation of ICAO's strategy, had launched preparations for WRC-19 during its recent meeting. He reminded Representatives that while frequency spectrum seemed to be a given, it was not: the ITU WRCs were highly competitive conferences in which participants from the telecommunication industry and other industries competed with aviation for the same frequency spectrum. The international aviation community should therefore take the issue very seriously.

131. In welcoming the paper, the Representative of Mexico underscored that ICAO had worked in a well-coordinated manner for the Conference. Observing that there had been improved coordination with national delegations regarding the ICAO Position for WRC-15, he emphasized that it should be further enhanced for future Conferences to enable national delegations to give due consideration to the ICAO Position and to face the challenges ahead.

132. Drawing attention to paragraph 3.3.3 of the paper, the Representative of the United Kingdom noted that while the essential objective of acquiring spectrum for RPAS had been achieved, there was a distinction to be made between a safety spectrum, which was the normal approach to spectrum for aviation and which had certainly been the expectation of some of the Representatives who had been behind the creation of an ICAO Position thereon, and unprotected spectrum of the kind that had eventually been achieved. He recalled that the paper contained a number of points in relation to mitigation of potential risk and further work that needed to be done in that regard. The Representative of the United Kingdom enquired whether there was an element for which ICAO might have created a precedent by securing unprotected spectrum for an aviation system (RPAS) in that way, and whether there were actions that the Organization would need to take to ensure that it would not have any safety implications in a future discussion on spectrum. While taking the point made by the President of the ANC that negotiations at the WRCs were always competitive and it was not always possible to obtain the desired spectrum, he stressed the need to have a position with certain expectations.

133. The Representative of South Africa supported this intervention, as well as the intervention by the Representative of Mexico.

134. In responding to the questions raised by the Representative of the United Kingdom, the Technical Officer, Airport Operations and Interoperability Section (TO/AOI) recalled that the discussion of WRC-15 Agenda Item 1.5 relating to the use of certain frequency bands for RPAS had been difficult due to the issues alluded to in paragraph 3.3.3. It had even been a difficult discussion for participants from the international aviation community as opinions differed since new ground was being paved. TO/AOI noted that while some participants had had concerns, the RPAS solution was structured in such a manner that ICAO had been given time to consider its suitability. ICAO would have the opportunity to report thereon to WRC-19 and WRC-23 on its success in implementing the solution. If there were an indication that there was a safety impact, then ICAO would report thereon to the WRC and the solution would be amended or abrogated accordingly. In underscoring that ICAO's view remained unchanged that appropriate safety spectrum was the way in which to proceed for aeronautical allocations, TO/AOI stressed the necessity of strictly adhering thereto. He also emphasized that the methodology of using safety margins as a means of protecting against the non-aeronautical users remained unchanged. TO/AOI reiterated that as spectrum issues became increasingly complex, ICAO was consolidating its strategy on frequency spectrum management to address all of the various issues.

135. The President of the Council highlighted that the said improved coordination with national delegations regarding the ICAO Position for WRC-15 and the dissemination of an executive summary of the latter had greatly facilitated understanding of the items of key concern to aviation and had thus enabled the ICAO Position to be better defended at WRC-15. As indicated by the Representative of Mexico, that coordination with national delegations should be further enhanced for future Conferences. Furthermore, the practice of issuing an executive summary of the ICAO Position for WRCs should be continued.

136. In noting that ICAO would continue to work with the ITU, in its committees and studies, on the critically-important issues of RPAS, global flight tracking for civil aviation and GADSS, in order to pave the way for a stable allocation of radio frequency spectrum therefor in the future, the President requested that the Council continue to be informed of related developments. Underscoring that ICAO's cooperation with the ITU had been strengthened, the Secretary General noted that both organizations were reviewing their respective work programmes with a view to developing joint efforts, particularly in the areas highlighted in the ANC's report. The Council would be updated on an ongoing basis and its support, as well as that of national delegations, States and relevant international organizations, would be sought, as required.

137. The Council noted the information provided in C-WP/14379, including the ANC's conclusions contained in paragraph 4 thereof, which related to: the need to ensure consistency between ICAO provisions and the new radioregulatory provisions through active participation in the relevant ITU studies and the development of Standards and Recommended Practices (SARPs) as appropriate; ICAO preparatory activities for WRC-15; the need for the ICAO work programme to fully support the ITU WRC process; and the need for an expeditious start of the ICAO preparatory activities for WRC-19.

138. The meeting adjourned at 1730 hours.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE SIXTH MEETING

(THE COUNCIL CHAMBER, FRIDAY, 26 FEBRUARY 2016, AT 1000 HOURS)

CLOSED MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|----------------------------------|--------------------------|------------------------------------|-----------------------------------|
| Argentina | — Mr. A.J. Dumont | Malaysia | — Mr. Y.-H. Lim |
| Australia | — Ms. K. Macaulay | Mexico | — Mr. D. Méndez Mayora |
| Bolivia (Plurinational State of) | — Mr. J.G. Soruco | Nicaragua | — Mrs. E.A. Aráuz Betanco |
| Brazil | — Mr. J. Taunay | Nigeria | — Mr. M.E. Nwafor |
| Burkina Faso | — Mr. M. Dieguimde | Norway | — Mr. K.M. Skaar |
| Cameroon | — Mr. E. Zoa Etundi | Poland | — Prof. M. Polkowska |
| Canada | — Mr. J.-B. Leblanc | Portugal | — Mrs. M.H. Faleiro T. de Almeida |
| Chile | — Mr. C. Mac-Namara | Republic of Korea | — Mr. J. Hur |
| China | — Mr. Tao Ma | Russian Federation | — Mr. A.A. Novgorodov |
| Dominican Republic | — Mr. C.A. Veras Rosario | Saudi Arabia | — Mr. H.A. Abudaowd |
| Egypt | — Mr. A. Khedr | Singapore | — Mr. T.C. Ng |
| France | — Mr. O. Caron | South Africa | — Mr. M.D.T. Peege |
| Germany | — Mr. U. Schwierczinski | Spain | — Mr. V.M. Aguado |
| India | — Mr. A. Shekhar | United Arab Emirates | — Miss A. Alhameli |
| Italy | — Mr. F. Lonardo (Alt.) | United Kingdom | — Mr. M. Rodmell |
| Japan | — Ms. N. Ueda | United Republic of Tanzania | — Mr. R.W. Bokango |
| Kenya | — Ms. M.B. Awori | United States | — Mr. M.A. Lawson |
| Libya | — Mr. M. Sayeh Eltayf | Venezuela (Bolivarian Republic of) | — Mr. D.A. Blanco Carrero |

ALSO PRESENT:

- | | |
|--------------------------------|----------------------|
| Mr. F. Zizi, President, ANC | |
| Dr. N. Luongo (Alt.) | — Argentina |
| Mr. P. Jardim (Alt.) | — Brazil |
| Mr. L. Sacchi Guadagnin (Alt.) | — Brazil |
| Mr. R. da Rosa Costa (Alt.) | — Brazil |
| Mr. M. Vidal (Alt.) | — Chile |
| Mr. I. Camino (Alt.) | — Chile |
| Mr. M. Millefert (Alt.) | — France |
| Mr. M. Ishii (Alt.) | — Japan |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mrs. H. Jansson Saxe (Alt.) | — Norway |
| Mr. S. Kim (Alt.) | — Republic of Korea |
| Mr. S. Koh (Alt.) | — Republic of Korea |
| Mr. A. Korsakov (Alt.) | — Russian Federation |
| Mr. A. Almoghaby (Alt.) | — Saudi Arabia |

SECRETARIAT:

- | | |
|---------------------|-----------------|
| *Mr. B. Djibo | — D/ATB |
| *Mr. S. Creamer | — D/ANB |
| *Mr. V. Smith | — D/ADB |
| *Mr. J. Huang | — SLO |
| *Ms. K. Balram | — C/SEA |
| *Mr. M. Fox | — SAF |
| *Mr. M. Marin | — A/C/OPS |
| *Mr. M. Meyer | — IAA |
| *Mr. A. Djojonegoro | — ASP |
| *Mr. M. Leitgab | — ADADB |
| Miss S. Black | — Précis-writer |

*Part-time

Representatives to ICAO

Afghanistan
Colombia
Cuba
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Paraguay
Peru
Turkey
Uganda

Airports Council International (ACI)
European Union (EU)

Subject No. 7: Organization and personnel

Report of the HRC — Proposal to waive, on an exceptional basis, the mandatory retirement age for Mr. Franklin Nogueira Hoyer, ICAO Regional Director, South American Office, Lima

1. This subject was considered on the basis of the following oral report by the Chairperson of the Human Resources Committee (HRC), the Representative of Portugal, Mrs. Maria Helena Faleiro T. de Almeida:

2. At its First Meeting of the current session on 26 January 2016, the HRC had considered a proposal under Any other business presented by the Delegation of Argentina on behalf of the Group of Latin American and Caribbean Countries (GRULAC) with regard to the post of ICAO Regional Director, South American Office, Lima (ICAO RD SAM).

3. The Committee had been informed by the Delegation of Argentina that the incumbent of the said post, Mr. Franklin Nogueira Hoyer, would reach his mandatory age of retirement before being able to complete two full terms. In view of the ongoing important projects of the SAM Regional Office and the upcoming 39th Session of the Assembly in September/October 2016, it was not advisable to change the ICAO RD SAM. In the interest of the region, GRULAC had therefore unanimously agreed to put forward a request to the Council to consider waiving the mandatory age of retirement as per Staff Regulation 9.15 of *The ICAO Service Code* (Doc 7350) for Mr. Hoyer, on an exceptional basis, to enable the full completion of his second four-year term as ICAO RD SAM.

4. The Secretariat had informed the HRC that the Secretary General had already exhausted her discretionary authority to extend a staff member for one year beyond retirement age, as provided for in Staff Regulation 9.15; the options were either to seek a waiver for this individual case, or to amend the said Staff Regulation to give the Secretary General a more general flexibility. It had also been noted that the recruitment process for the post of ICAO RD SAM was already advanced and that extra costs would be incurred should the decision be taken to delay the process. The Committee had also been informed that, as per Staff Regulation 4.8, the recruitment process for all posts shall be completed within 12 months from the date of issuance of the Vacancy Notice to the date of the appointment decision; otherwise the post would have to be re-advertised.

5. After due deliberation and consideration of the benefits and risks associated with GRULAC's proposal, including the potential impact on the integrity and reputation of the Organization in view of the ongoing recruitment process for the post of ICAO RD SAM, the HRC recommended to the Council to:

- a) waive the provision in Staff Regulation 9.15 with regard to the mandatory age of retirement in respect of Mr. Hoyer, ICAO RD SAM, on an exceptional and non-precedent setting basis, and provide the Secretary General with the required flexibility to extend Mr. Hoyer's contract until 31 August 2017, when he would reach the maximum eight year's term limit, should the Secretary General decide to do so; and
- b) waive the provision in Staff Regulation 4.8 whereby the recruitment process for all posts shall be completed within 12 months from the date of issuance of the Vacancy Notice to the date of the appointment decision, on an exceptional and non-precedent setting basis, in order to provide the Secretary General with the required flexibility to continue with the ongoing recruitment process for ICAO RD SAM and to be able to make an appointment

decision after the expiry of the 12-month limit, should the Secretary General decide to do so.

6. While expressing appreciation for the HRC's recommendations, the Secretary General advised the Council that there were similar cases to that of Mr. Hoyer in the Organization. She therefore suggested that the Council also provide her with the required flexibility to give consideration, in a fair and objective manner, to extending, on an exceptional and non-precedent setting basis, the contracts of staff in a similar situation whose performance was satisfactory and whose extension was required in the interests of the Organization. The Secretary General assured Representatives that the same process would be followed in each such case and would be in accordance with that established by the Council, as set forth in *The ICAO Service Code* (Doc 7350).

7. During the ensuing discussion, all Representatives who took the floor voiced support for the recommended extension of Mr. Hoyer's contract beyond his mandatory age of retirement to 31 August 2017 on an exceptional and non-precedent setting basis.

8. In endorsing the Committee's oral report, the Representative of Brazil thanked the Chairperson of the HRC for her very lucid and favourable assessment. He also voiced appreciation to GRULAC for having unanimously agreed to put forward the said request to the Council to extend Mr. Hoyer's contract for the sake of efficiency and fairness, and to the Delegation of Argentina for having presented it to the HRC on GRULAC's behalf. Furthermore, the Representative of Brazil expressed gratitude to the Secretary General for her goodwill in addressing this matter.

9. The Representative of Kenya underscored that she supported the recommended extension of Mr. Hoyer as it was in the interest of the Organization, as explained in the HRC's oral report. She nevertheless wondered why only two options had been considered by the HRC and why the non-precedent setting i.e. without prejudice route had been chosen. Expressing doubt that that was best practice, the Representative of Kenya suggested that, pursuant to Staff Regulation 12.2, the Secretariat, in the form of Human Resources and the Legal Affairs and External Relations Bureau (LEB), be requested to present, for the Council's approval, a proposal to amend *The ICAO Service Code* (Doc 7350) to include, under the Section *General Provisions*, a new Staff Regulation on the granting of waivers, exceptions or exemptions that the Council could use in future as a basis for authorizing the Secretary General to take such action whenever an exceptional need arose. She affirmed that that would be a better way of abiding by ICAO's own rules, which must be respected. The Representatives of Spain, the Russian Federation, Mexico, Australia, Singapore, and Japan endorsed this proposal.

10. In also expressing appreciation for the HRC's well-founded oral report, the Representative of Spain indicated that as he was familiar with the case and knew Mr. Hoyer, he was positively predisposed to the latter's recommended extension on an exceptional and non-precedent setting basis. He underscored that Mr. Hoyer was highly professional and that he provided good services to the Organization as ICAO RD SAM. Recalling the comment made by the Secretary General that there were similar cases, and the underlying rationale of the proposal by the Republic of Kenya to amend *The ICAO Service Code* (Doc 7350), the Representative of Spain stressed that any new Staff Regulation on the granting of waivers, exceptions or exemptions should be generic as it was an institutional matter.

11. As a Member of the HRC, the Representative of the United Republic of Tanzania supported the Chairperson's oral report, in particular, the said two recommendations as they were in the interest of the Latin American and Caribbean States. While noting the said proposal by the Representative of Kenya, he observed that *The ICAO Service Code* (Doc 7350) contained three categories of mandatory age of retirement, 60 years, 62 years, and 65 years. Averring that 60 years was a very low age for

retirement, the Representative of the United Republic of Tanzania highlighted that for some staff members who fell within that retirement category an extension of their contracts was a necessity. He recalled, in this context, that on 23 December 2015 the United Nations General Assembly (UNGA) had adopted Resolution A/RES/70/244, in which it had decided, inter alia, that the mandatory age of separation for staff recruited before 1 January 2014 should be raised by the organizations of the UN common system to 65 years, at the latest by 1 January 2018, taking into account the acquired rights of staff. The Representative of the United Republic of Tanzania enquired whether there were any plans to harmonize, in the near future, the age of separation for ICAO staff who had been recruited before 1 January 2014 with that specified in UNGA Resolution A/RES/70/244 i.e. 65 years, and whether there would be any financial implications for the Organization.

12. Noting that the said UNGA decision was under consideration by the ICAO Secretariat, the Secretary General indicated that once a thorough analysis had been completed that would take into account the Organization's needs in terms of, inter alia, workforce rejuvenation and the continuation of the services and institutional knowledge of staff i.e. succession planning, a proposal would be presented for the Council's decision regarding a date to introduce a mandatory age of separation of 65 years for ICAO serving staff recruited before 1 January 2014. The proposal, which would include information on the envisaged impact thereof and the current situation within the UN common system with regard to implementation of the UNGA decision, would be presented during either the next (208th) session or the 209th Session.

13. The Representative of the Russian Federation expressed his full support for the HRC's two recommendations, as well as for the proposal by the Representative of Kenya, which was aimed at ensuring that the Secretary General had the necessary flexibility to grant waivers, exceptions or exemptions in exceptional circumstances. In also endorsing the comments made by the Representative of the United Republic of Tanzania, he noted that increasing the age of separation from 62 years to 65 years was one option in a combination of three options to fund ICAO's growing After-Service Health Insurance (ASHI) liability that had been the subject of a complementary actuarial study performed by AON Hewitt (cf. C-WP/14400, to be considered later in the current session). The Representative of the Russian Federation emphasized that that was another argument in favour of the Council taking a decision as soon as possible regarding UNGA Resolution A/RES/70/244 and the introduction of a mandatory age of separation of 65 years for ICAO serving staff recruited before 1 January 2014.

14. In also endorsing the said recommendations and proposal, the Representative of Mexico affirmed that the latter made good sense in light of the fact that there were similar cases to Mr. Hoyer's. While emphasizing that consideration should be given to a new Staff Regulation on the granting of waivers, exceptions or exemptions as soon as practicable, and during the next (208th) session if possible, he stressed that such action should be viewed as an exception and should not become common practice.

15. As her State did not impose any discriminatory policies on its workforce, and in particular did not impose any mandatory age of retirement on any individual, the Representative of Australia fully supported the HRC's recommendation that Mr. Hoyer be allowed to complete his second four-year term as ICAO RD SAM. Acknowledging that there was, however, a mandatory age of retirement for staff of the UN common system, including ICAO staff, she fully supported the proposal by the Representative of Kenya to amend *The ICAO Service Code* (Doc 7350) in order to address such exceptional situations where a waiver of the Organization's mandatory age of retirement was requested.

16. In voicing support for the HRC's oral report, as well as for the proposal by the Representative of Kenya and the comments made by the Secretary General, the Representative of Singapore requested that the latter's report on the impact assessment of the introduction of a mandatory

age of separation of 65 years for ICAO serving staff recruited before 1 January 2014 include: an indication of the number of ICAO staff affected; some objective criteria for determining exceptional circumstances; and an indication of the procedure for implementing the new mandatory age of separation following its approval by the Council. He emphasized that the existence of such objective criteria would help the Secretary General in addressing situations where internal or external pressure was exerted on her to grant contract extensions in certain cases.

17. The Representative of Egypt affirmed that the Council should endorse the HRC's two recommendations in light of the role played by Mr. Hoyer as ICAO RD SAM. He also emphasized that any legal measures that were necessary to provide the Secretary General with flexibility to grant waivers, exceptions or exemptions should be taken immediately.

18. As a Member of the HRC, the Representative of Japan supported the Committee's oral report. In also endorsing the proposal by the Representative of Kenya, she indicated that it provided an important element that would enable the Council to take a policy decision so that the granting of waivers, exceptions and exemptions would not be sporadic and would instead be institutionalized, with carefully-worded criteria. The Representative of Japan likewise supported the said Representative's suggestion that Human Resources and LEB provide the Council with a draft text of the envisaged new Staff Regulation which the latter could flesh out to ensure its objectivity and fairness.

19. The Representative of Japan highlighted the need for the Secretary General to consider ICAO's human resources management in a holistic manner when undertaking the said analysis of the introduction of a mandatory age of separation of 65 years for ICAO serving staff recruited before 1 January 2014 pursuant to UNGA Resolution A/RES/70/244. In stressing the need for the Council to also take a holistic view thereof, she recommended that Representatives review: the said criteria to ensure their objectivity and fairness; the financial implications; and the succession plan, to ensure that senior staff whose contracts were extended beyond the mandatory age of retirement were encouraged, or even requested, to impart their expertise to the younger generation in the remaining time.

20. The Representative of Canada observed that, in his experience, there were never two similar cases in human resources; rather, there were similar elements, in some cases more than in others. Noting that he always questioned how it was possible to say that there were similar circumstances, he emphasized that circumstances always varied as they involved human beings. The Representative of Canada cautioned against putting oneself in a situation where one reached a conclusion without knowing all of the circumstances.

21. In then summarizing the discussion, the President of the Council noted that a number of sensitive issues had been raised. One was that Staff Regulation 9.15 be waived on an exceptional and non-precedent setting basis in the case of Mr. Hoyer, ICAO RD SAM, without prejudice to any similar cases. Another sensitive issue, which was to be taken very seriously, was the possibility that external or internal pressure could be exerted on the Secretary General to grant contract extensions in certain cases. The President noted that, in the case of an appointment of an ICAO RD, special consideration was always given to the views of the States to which the Regional Office was accredited. In underscoring that the GRULAC and other Council regional groups were informal groups, he indicated that they could nevertheless have objective reasons for raising the issue of a contract extension for their respective region's ICAO RD. It should not be expected, however, that they, or any other groups of Representatives, should raise the issue of a contract extension for an Officer at ICAO Headquarters, thereby putting inappropriate pressure on the Secretary General.

22. Emphasizing that not all cases would be the same as that of Mr. Hoyer, the President noted that not all staff occupied posts for which there was an established term limit. The HRC's recommendation was to allow Mr. Hoyer to complete a second four-year term as ICAO RD SAM that would have been truncated by the mandatory age of retirement applicable to him, at a time when the mandatory age of separation was under review within the Secretariat.

23. While noting the above-mentioned suggestion by the Representative of Kenya relating to the possible future amendment of *The ICAO Service Code* (Doc 7350) to include, under the Section *General Provisions*, a new Staff Regulation on the granting of waivers, exceptions or exemptions, the President indicated that the Council was not in a position to take a decision thereon at the present time. He suggested that the Council instead allow the Secretariat to take the opportunity afforded by its ongoing analysis of the introduction of a mandatory age of separation of 65 for serving staff recruited before 1 January 2014 to consider the various issues and scenarios that might arise therefrom and to present to the Council, as soon as practicable, a proposal which it could review and decide on in a holistic manner. The President further suggested that the Council endorse the HRC's two recommendations.

24. The Council accepted the President's summary. In so doing, it noted the HRC's oral report and took the action recommended by the Committee as set forth in paragraph 5 a) and b) above. It was understood that the Council would be informed in due course of the Secretary General's decision regarding the extension of the appointment of Mr. Hoyer, ICAO RD SAM (cf. SG 2304/16 Confidential dated 1 March 2016).

Subject No. 14.4: Air navigation meetings

Report of the Repository Review Group (RRG)

25. The Council heard the following oral report by the Chairperson of the RRG, the Representative of Libya, Mr. Mohamed S. Sayeh Eltayf, on the progress of the Group's work since the last report (206/5):

26. Since its establishment by the Council (204/7 and 204/10) to ensure ongoing monitoring of the centralized web-based Conflict Zone Information Repository (CZIR), the RRG had convened four meetings: on 7 April 2015, 25 June 2015, 5 November 2015, and most recently on 17 February 2016, during which it had approved its Terms of Reference, elected a Chairperson, reviewed the progress of the CZIR and discussed recommendations for the Repository's further development. The RRG comprised Council Representatives from the following States: China, Japan, Libya, Mexico, Nigeria, the Russian Federation, the United Kingdom and the United States.

27. In the course of its meetings, the RRG had provided input on necessary improvements to the interface and functionality of the Repository. Furthermore, the RRG had regularly received reports provided by the Secretariat on the status of the CZIR, including the number of submissions, views and objections received from States.

28. At the Fourth Meeting of the RRG on 17 February 2016, the Group had noted that the Repository contained 36 active entries provided by 7 States on 10 States affected. It had further noted: that 77 States had nominated a focal point for the Repository in accordance with the interim procedure to disseminate information on risks to civil aviation arising from conflict zones; and that a total of 4 721 users had visited the CZIR website since its Third Meeting. The RRG had also received a report from the Secretariat regarding an objection submitted by a State that was covered by paragraph 2.6 of the said interim procedure. Pursuant to paragraph 4 of the RRG's Terms of Reference, the Group had agreed to

forward the objection to the President of Council, noting that the proposed modifications to the Repository discussed at the Fourth Meeting would address the concerns expressed in that objection.

29. Further to paragraph 5 of the RRG's Terms of Reference, the RRG had also discussed recommendations for any modifications required to support the continued operation of the system. In its deliberations, the Group had taken into account the replies to State letter SMM 1/4-15/16 dated 20 March 2015 regarding recommendations for policy and/or technical improvements to the system, as well as a draft final report to the Council. The RRG had agreed, in principle, on the need to streamline the procedures to facilitate the posting and updating of information useful for conducting risk assessments in as timely a manner as possible. As a result, the Group had endorsed operational and procedural modifications to the CZIR and had instructed the Secretariat to amend the said draft final report, which was currently being developed for the Council's consideration during its next (208th) session, to reflect that outcome.

30. It had been further agreed that the RRG would convene a Fifth Meeting in the event that the final report to the Council could not be finalized via e-mail.

31. The Acting Chief, Operational Safety Section (A/C/OPS) then gave a PowerPoint presentation in which he elaborated on the status of the CZIR as at 15 February 2016. He highlighted that: the number of active submissions was 36 out of a total of 93; there were 7 active submitting States out of a total of 10 throughout the Repository's lifetime; there were 14 active States affected out of a total of 15; there were 15 active Flight Information Regions (FIRs) affected out of a total of 17, based on ICAO's calculation; and there were 77 CZIR focal points nominated by States. In providing statistics on the Repository's usage from 6 November 2015 to 15 February 2016, A/C/OPS indicated that: 10 States had participated in the Repository; there had been 7 677 sessions involving 4 721 users, with 20 159 page views at an estimated rate of 2.63 pages/session, an average session duration of 2 minutes, 12 seconds, and a bounce rate of 43.52 per cent. A/C/OPS highlighted that 51.7 per cent of users in that timeframe were new visitors to the CZIR and that 48.3 per cent were returning visitors. He also provided information on those States which had had the most number of CZIR sessions during the said timeframe.

32. Summarizing the way forward, A/C/OPS noted that the RRG was considering proposals for operational and procedural modifications to the CZIR required to support its continued operation, which drew on the experience gained with the Repository during its one-year evaluation phase and on the replies to State letter SMM 1/4-15/16 dated 20 March 2015. The Group would present its final report to the Council during the upcoming session.

33. In expressing appreciation for the RRG's work, the Representative of Portugal enquired as to the number of replies to the said State letter that had been received. She also queried whether the RRG, in reviewing the CZIR, had given consideration to allowing recognized international aviation organizations to post information directly thereon, and whether the Group could indicate in its final report when the envisaged operational and procedural modifications to the CZIR would be implemented at the earliest.

34. The Director of the Air Navigation Bureau (D/ANB) clarified that a total of 21 States had replied to State letter SMM 1/4-15/16 dated 20 March 2015, with 13 States having expressed support for the CZIR, one State having indicated that it did not support the Repository, and 7 States having not provided any comments regarding their support. He reiterated that the replies had been evaluated by the RRG and were being taken into consideration in the preparation of the Group's final report.

35. The Representative of the Russian Federation, a Member of the RRG, questioned whether many of the 4 721 users of the Repository were actually aviation specialists who carried out risk assessments. He highlighted that only 10 of ICAO's 191 Member States had submitted information to the CZIR, and that there were focal points from only 77 Member States, which represented some 40 per cent of the Organization's membership. The Representative of the Russian Federation considered that that relatively low level of State engagement was due to the fact that the interim procedure to disseminate information on risks to civil aviation arising from conflict zones had only been published in an Attachment to State letter SMM 1/4-15/16 dated 20 March 2015 and not in any other ICAO document. In emphasizing that there were serious deficiencies in the said interim procedure that needed to be addressed by the Council, he recalled the objection recently submitted by the Islamic Republic of Iran. Averring that the information that had been received by ICAO for publication on the CZIR was for the "yellow press" and not for aviation professionals, the Representative of the Russian Federation affirmed, on the basis of his 25 years of operational experience in aviation, that that information was inappropriate for the conduct of risk assessments.

36. The President of the Council requested the Secretariat to take note of the issues raised by the Representative of the Russian Federation and to ensure that comprehensive answers were provided to the Council in the RRG's final report. An editorial point raised by the said Representative regarding the use of the verb "endorse" in the fourth paragraph of the RRG's oral report (cf. paragraph 29 above) was noted for the Group's consideration in preparing its final report.

37. The Representative of Bolivia (Plurinational State of) noted that at present there were 32 active submissions on the CZIR, with 7 States affected having submitted objections and 2 States affected having submitted clarifications, which could be viewed as objections as they implied that the information submitted needed to be corrected. He thus considered that there were 9 objections by States affected. The Representative of Bolivia (Plurinational State of) further indicated that two of the said submitting States had provided information to the CZIR regarding risks to civil aviation arising from conflict zones within their own sovereign airspace, and 23 States affected had accepted information submitted by other States regarding such risks within their respective sovereign airspace.

38. Recalling the reservation that he had expressed at the time of the CZIR's establishment (cf. Doc 10051, C-MIN 204/10, paragraphs 12 and 57), the Representative of Bolivia (Plurinational State of) indicated that he found of particular interest the objection submitted by Sudan to information regarding risks to civil aviation arising from conflict zones within its sovereign airspace posted on the CZIR by France. He noted, from paragraph 1 of Sudan's official statement [which had been transmitted to ICAO Headquarters in an e-mail dated 26 April 2015 from Sudan's Civil Aviation Authority (CAA) for posting on the CZIR], that the expectation had been that France would discuss the matter with Sudan before submitting the said information to ICAO as was implied in paragraph 2 of the interim procedure to disseminate information on risks to civil aviation arising from conflict zones (cf. the Attachment to State letter SMM 1/4-15/16 dated 20 March 2015). The Representative of Bolivia (Plurinational State of) considered that Sudan's official statement highlighted the same concern about State sovereignty that he had expressed in his said reservation.

39. Noting that it was his understanding that the CZIR would continue to operate after the completion of its one-year evaluation phase, subject to the Council's approval during the upcoming session, the Representative of Bolivia (Plurinational State of) underscored that in preparing its final report the RRG should consider past proposals for improving the said interim procedure so as to address the concerns reflected in the reservations made by him and some other Representatives at the time of the CZIR's establishment (204/10). The objections made by States affected, as well as the submission and usage statistics presented during the present meeting, should likewise be taken into account.

40. Observing that he had consulted the CZIR a number of times and consequently had some comments and suggestions to make, the Representative of Venezuela (Bolivarian Republic of) indicated that he would submit them to the Secretariat so that they could also be taken into consideration during the preparation of the RRG's final report.

41. The Council then noted: the oral report by the Chairperson of the RRG on the progress of the Group's work since the last report (206/5), in particular, on the outcome of its Fourth Meeting held on 17 February 2016; and the supplementary information provided during the accompanying PowerPoint presentation and the ensuing discussion.

42. The comments and suggestions recorded above were noted for consideration in the preparation of the RRG's final report on the results of its one-year evaluation of the CZIR and the interim procedure to disseminate information on risks to civil aviation arising from conflict zones, which would be presented for the Council's consideration during the next (208th) session.

43. The President of the Council encouraged any Representatives who had concerns regarding policy and technical issues related to the CZIR and the said interim procedure to convey them to the Secretariat so that they could be reviewed and also taken into account by the RRG in its final report, thus ensuring that the latter would be holistic and comprehensive and enabling the Council to take an informed decision. The Secretary General welcomed any such comments and advice.

44. The Council reconvened in open session at 1105 hours to consider the remaining items on the order of business.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE SIXTH MEETING

(THE COUNCIL CHAMBER, FRIDAY, 26 FEBRUARY 2016, AT 1105 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Mr. A.J. Dumont	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Bolivia (Plurinational State of)	— Mr. J.G. Soruco	Nicaragua	— Mrs. E.A. Aráuz Betanco
Brazil	— Mr. J. Taunay	Nigeria	— Mr. M.E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Prof. M. Polkowska
Canada	— Mr. J.-B. Leblanc	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. C. Mac-Namara	Republic of Korea	— Mr. J. Hur
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Dominican Republic	— Mr. C.A. Veras Rosario	Saudi Arabia	— Mr. H.A. Abudaowd
Egypt	— Mr. A. Khedr	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. M.D.T. Peege
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. A. Shekhar	United Arab Emirates	— Miss A. Alhameli
Italy	— Mr. F. Lonardo (Alt.)	United Kingdom	— Mr. M. Rodmell
Japan	— Ms. N. Ueda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Ms. M.B. Awori	United States	— Mr. M.A. Lawson
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Mr. F. Zizi, President, ANC	
Dr. N. Luongo (Alt.)	— Argentina
Mr. P. Jardim (Alt.)	— Brazil
Mr. L. Sacchi Guadagnin (Alt.)	— Brazil
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. M. Vidal (Alt.)	— Chile
Mr. I. Camino (Alt.)	— Chile
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. A. Korsakov (Alt.)	— Russian Federation
Mr. A. Almoghraby (Alt.)	— Saudi Arabia
Ms. K. Riensema (Alt.)	— United Kingdom

SECRETARIAT:

*Mr. B. Djibo	— D/ATB
Mr. S. Creamer	— D/ANB
*Mr. M. Fox	— SAF
*Mr. M. Marin	— A/C/OPS
*Mr. A. Meyer	— IAA
*Mr. A. Djojonegoro	— ASP
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Afghanistan
Colombia
Cuba
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Paraguay
Peru
Turkey
Uganda

Airports Council International (ACI)
European Union (EU)

Subject No. 14.4: Air navigation meetings

Progress report on the coordinated work programme recommended by the Task Force on Risks to Civil Aviation arising from Conflict Zones (TF RCZ)

1. Tabled for the Council's consideration was C-WP/14378, in which the Secretary General, pursuant to its earlier (206/5) request, presented a progress report providing a holistic and comprehensive overview of both current and future work to implement the work programme recommended by the TF RCZ and setting forth a mechanism to coordinate the inputs from States, industry and the Secretariat.

2. In introducing the paper, the Secretary General underscored that a majority of the work programme action items had been completed and that the key objectives of the TF RCZ had been largely achieved. She highlighted that outputs to date included the establishment (204/7 and 204/10) of the centralized web-based Conflict Zone Information Repository (CZIR), and risk advice and best practice guidance for conducting and sharing risk assessments for civil aircraft operations over or near conflict zones, which had been made available to all CZIR focal points via the Repository's secure portal. Noting that some of the work programme action items had estimated completion target dates between 2016 and 2018, and that progress relied on the collaborative efforts and valuable expertise made available by States and industry, the Secretary General indicated that the completion of the pending tasks would be duly coordinated in accordance with normal ICAO practices and procedures as outlined in C-WP/14378.

3. The President of the Council recalled that the issue of risks to civil aviation arising from conflict zones was a new and emerging one for which no resources had been allocated in the Budget for the 2014-2015-2016 triennium.

4. In noting that he unfortunately did not agree with several of the progress report's conclusions, the Representative of the Russian Federation highlighted the reference made in paragraph 2.1 to the CZIR as being one of the outputs. In emphasizing that the Repository was still a pilot project, he underscored that there remained many outstanding issues to address. Referring to paragraph 2.2, the Representative of the Russian Federation pointed out that, to the best of his knowledge, work to amend the *Manual concerning Safety Measures relating to Military Activities Potentially Hazardous to Civil Aircraft Operations* (Doc 9554), the *Manual on Collaborative Air Traffic Flow Management* (Doc 9971) and Circular 330 – *Civil/Military Cooperation in Air Traffic Management* had not yet commenced, despite the Council's decision, the fact that their updating constituted one of the most significant actions to implement the TF RCZ recommended work programme, and the documents' usefulness.

5. Drawing attention to the Appendix, the Representative of the Russian Federation expressed doubt that some of the listed action items had been completed as indicated. Referring to item 1 a) in this context, he enquired as to where the envisaged glossary of terms required to support harmonized risk assessment processes relevant to civil aircraft operations over or near conflict zones had been published as no document was referenced. With respect to item 1 b) (Identify how to effectively use the existing NOTAM system to disseminate information concerning conflict zones), the Representative of the Russian Federation observed that while some work was being carried out further to a proposal by the United States to amend the NOTAM heading by adding a "Q" code, it was his understanding that it had not yet been completed.

6. With reference to the implementation actions for item 2 b), the status of which was also "completed", the Representative of the Russian Federation underscored that the Council had not yet finalized the CZIR's interim procedure to disseminate information on risks to civil aviation arising from conflict zones (cf. Attachment to State letter SMM 1/4-15/16 dated 20 March 2015). In also highlighting

the Note contained in item 2 b) which stated that “Consideration should be given to contradictory information that may be issued by States.”, he questioned the use of such contradictory information for risk assessments. The Representative of the Russian Federation then drew attention to the ICAO Disclaimer on the CZIR webpage, in which it was indicated: “This site is informational in nature and its contents are made available without warranties of any kind, either express or implied. The information on this site is restricted to submissions from ICAO authorized users based on publicly available sources; however, ICAO does not warrant that the contents are accurate, valid, reliable, complete, comprehensive, correct or up-to-date.”. In questioning why ICAO was offering the international aviation community an important flight safety product, i.e. the CZIR without any warranties, he contended that the Repository could therefore not be considered as a useful resource for risk assessments. While the Representative of the Russian Federation did not object to the CZIR, he considered that further work was required to make it a truly useful tool for States, primarily their aviation professionals, that would contain all relevant information. Recalling the Council’s discussion, under the previous item, of the oral progress report by the RRG [cf. C-MIN 207/6 (Closed), paragraphs 25-43], he emphasized that the Group, of which he was a Member, had agreed, in principle, on the need to streamline the procedures to facilitate the posting and updating of information useful for conducting risk assessments in as timely a manner as possible.

7. The Representative of the Russian Federation then suggested that the actions proposed in the executive summary of the paper be amended as follows: that in action paragraph a), the word “satisfactory” be deleted so as to read “note the implementation by ICAO, States and international organizations of the work programme recommended by the TF RCZ as presented in the Appendix;”; and that in action paragraph b), the reference to the key objectives and expected outcomes of the TF RCZ work programme having largely been achieved be revised to indicate that ICAO would make efforts to meet the objectives of, and implement, the TF RCZ work programme, and the second phrase referring to the implementation of the CZIR be deleted.

8. The Director of the Air Navigation Bureau (D/ANB) clarified that: the status “completed” was indicated for some of the items in the TF RCZ recommended work programme as they had been integrated into the AN Work Programme or in the RRG work programme; and that the Air Traffic Management Operations Panel (ATMOPSP) had been tasked with updating the various ICAO manuals referred to in the Appendix to the paper.

9. The Representative of Portugal expressed appreciation for the difficult work being done by the Secretariat to address the various items in the TF RCZ recommended work programme. Noting that the latter was closely-linked to the disaster which had befallen Malaysia Airlines Flight MH17 on 17 July 2014, she recalled that the Dutch Safety Board had issued its final accident investigation report on MH17 in October 2015 and that ICAO had responded to its relevant recommendations in December 2015. The Representative of Portugal enquired as to how those recommendations were explicitly incorporated in the future work of ICAO and the next progress report. She also requested updated information regarding item 7 a) (Publish best practices for informing the travelling public and flight crew on risks regarding the use of airspace over or near conflict zones), for which the International Air Transport Association (IATA) was the main lead entity. The Representative of Malaysia likewise sought such clarifications.

10. D/ANB emphasized that all of the Dutch Safety Board’s recommendations directed to ICAO were being addressed by the Secretariat, with the Air Navigation Commission (ANC), either through the TF RCZ recommended work programme or through the normal AN Work Programme processes. Reports thereon would be submitted by ICAO to the Dutch Safety Board as that work continued.

11. Responding to the second point raised, the Acting Chief, Operational Safety Section (A/C/OPS) noted that ICAO was working very closely with IATA, especially with respect to the provision of information to passengers on risks regarding the use of airspace over or near conflict zones under item 7 a). As indicated in the progress report, IATA had established a Conflict Zone Focus Group comprising members of its Security Group and Operations Committee to address that item. The Conflict Zone Focus Group would report through the ICAO Secretariat to the Council as it made progress.

12. In enquiring as to the action being taken by IATA with regard to item 6 (Improvement of processes to share operationally derived risk information taking into consideration ways in which safety occurrences are currently shared), the Representative of Poland suggested that IATA be invited to give an informal briefing to the Council on the outcomes of the various items of the TF RCZ recommended work programme for which it was the main lead entity. The Representatives of Malaysia and the Russian Federation endorsed this proposal.

13. Voicing appreciation for the progress report, the Representative of Australia indicated that she had no difficulties with the way in which some of the work was being carried out as long as the Council continued to receive the same type of holistic and comprehensive overview thereof. She observed that, unlike the other items listed in the Appendix, the status column for items 6 and 7 did not indicate if the implementation actions were ongoing and did not specify the target dates for completion. While noting, from A/C/OPS' comments, that the IATA Conflict Zone Focus Group was addressing item 7 a), the Representative of Australia indicated that it seemed from the progress report that it was focused on item 6. In enquiring whether the said Group was also addressing item 7 a), she averred that the IATA implementation action for that item was "wishy-washy". Highlighting the last paragraph of the IATA implementation action, which indicated that "Airlines assure the travelling public that they will never compromise safety and security.", the Representative of Australia averred that the captain on board Malaysia Airlines Flight MH17 had probably said the same thing before the aircraft departed from Amsterdam, the Netherlands en route to Kuala Lumpur, Malaysia. Expressing doubt that the industry was trying hard enough to address item 7 a), she underscored the need for some further indication that it was continuing to work thereon. The Representative of Malaysia shared this view.

14. In offering clarifications, D/ANB noted that the Council could appreciate the challenge associated with fully understanding what constituted a risk to civil aviation arising from conflict zones. It was clear that IATA Members, and indeed the entire commercial air transport industry, viewed the risks associated with conflict zones and the use of military weapons quite differently than they had before 17 July 2014. The industry was continuing to refine the risk modelling in collaboration with ICAO. Underscoring, however, that there was no perfect solution, D/ANB indicated that there would always be new risk elements that could be introduced by State or non-State players who acquired the technology that could pose such as risk. Noting that IATA was trying to refine the way in which it described the risks associated with conflict zones to the travelling public, he observed that even ICAO found it challenging to describe those risks to its Member States in a compelling way, as was reflected in the low level of State engagement with the CZIR. D/ANB emphasized that more States should have the capacity to independently assess the risk that their air carriers faced as they flew around the world and to advise their airlines accordingly. The Secretariat, in conjunction with the ATMOPSP, was working very closely with the industry to move that delicate and difficult work forward in a way that would provide the best possible risk assessment methodology, and would keep the Council informed through the reporting process established by the Secretary General, collating the information from ANB and from Aviation Security and Facilitation (ASP) in the Air Transport Bureau (ATB) (cf. paragraph 2.3 of the paper).

15. Referring to the said Note contained in item 2 b), the Representative of Bolivia (Plurinational State of) underscored that although it was accepted that States might provide contradictory

information to the CZIR, there was no indication of any measures that would be taken in response thereto. He therefore suggested that the Note be revised to indicate that the CZIR would incorporate a mechanism to avoid the posting of contradictory information by States. The Representative of Bolivia (Plurinational State of) affirmed that that would demonstrate a more proactive approach that would prevent future accidents/incidents. D/ANB clarified that the said issue was currently under consideration by the RRG.

16. In underscoring the need for a practical way to respond to assessed risks for civil aircraft operations over or near conflict zones, the Representative of Spain highlighted item 11 b) on operational requirements for the development and promulgation of air traffic flow management contingency plans, which were of importance at the global level, and above all, at the regional and supra-regional levels. He assumed that this item had been incorporated in the AN Work Programme. Noting that the related work by the ATMOPSP on the very important task of amending the said *Manual on Collaborative Air Traffic Flow Management* (Doc 9971) was ongoing, the Representative of Spain requested that the target date for completion of November 2018 be advanced. The Representative of Malaysia supported this request.

17. In emphasizing that the implementation of the TF RCZ recommended work programme was still a work in progress, the Representative of Mexico reiterated that the issue of risks to civil aviation arising from conflict zones was a new and emerging one for which no resources had been allocated in the current Budget. He underscored that, as a consequence, the Secretariat might not have all of the resources it required to carry out the action items as quickly as the Council would wish. In highlighting the Secretariat's achievements with the scant resources at its disposal, the Representative of Mexico affirmed that the action proposed in the executive summary was balanced, given the context.

18. The President of the Council agreed. Referring to the request made by the Representative of Spain, he indicated that the Secretariat could do much more work if it had the necessary resources. He noted that at the global level, the Regional Office level and the State level there had been significant pressure to quickly plan alternative routings to avoid risks to civil aircraft operations over or near conflict zones.

19. In concurring with the Representative of Spain that it would be preferable to update and publish Doc 9971 before November 2018, D/ANB indicated that the Secretariat would review the priorities of the various tasks being carried out by the ATMOPSP to determine if the said completion date could be advanced. He noted, in this regard, that OPS was working on global flight tracking and the Normal Aircraft Tracking Implementation Initiative (NATII) updates for the consequential Annex amendments that must also be applicable by 2018 to support recently-adopted Standard 3.3.3 of Annex 6 – *Operation of Aircraft, Part I – International Commercial Air Transport – Aeroplanes*, whereby operators were obliged to track and report the position of an aircraft over oceanic areas at least every fifteen minutes for those aircraft having a maximum certificated take-off mass of over 45 500 kg and a seating capacity greater than nineteen (cf. C-WP/14346; 206/5).

20. D/ANB indicated that, beyond the work related to the updating of Doc 9971, it was probably just as important, or even more important, to continue the Secretariat's very proactive coordination processes in working with the Regional Offices, as well as with the key air traffic flow management organizations around the world which, in some cases, were addressing this issue on their own accord. He cited, as an example, the European Organisation for the Safety of Air Navigation (EUROCONTROL), which published a useful up-to-date compilation, in graphical format, of information on all of the conflict zones that had been published by the States participating in ICAO's CZIR. D/ANB also noted that flight planning vendors which supplied the validated flight planning system information for commercial operators were maintaining their own databases, which did not have disclaimers and which also took into account the information posted on the CZIR. The said vendors also received the

Aeronautical Information Circulars (AICs) published by States around the world, some of which perhaps were not published on the Repository as the said States had chosen not to do so. D/ANB underscored that that information, if shared with air navigation service providers (ANSPs), effectively enabled them to do air traffic flow contingency planning. He indicated that, in addition to that professional Aeronautical Information Publication (AIP) process, the vendors looked at information received through social media as they could otherwise be held to account and criticized for not taking the necessary proactive actions.

21. In observing that the industry was thus stepping up to the plate, D/ANB underscored that ICAO was facilitating the conversation between the ANSPs, the key States which submitted the information to the CZIR on risks to civil aviation arising from conflict zones, and the industry which flew in the airspace over or near conflict zones. Noting that Doc 9971 was of high importance to all stakeholders, he indicated that every effort would be made to publish an updated edition thereof at the earliest possible time. He indicated that while future print editions of Doc 9971 would reflect the continuing evolution of the best practices for collaborative air traffic flow management, consideration could be given to providing interim updates in real time.

22. The President of the Council recalled that when the United Nations Secretary-General, Mr. Ban Ki-Moon, had visited ICAO Headquarters on 12 February 2016, he had taken the opportunity to draw his attention to the particular challenge of risks to civil aviation arising from conflict zones. The President underscored that whereas the conflict zones that were arising in different parts of the world were beyond ICAO's control, they had direct implications for the Organization, both at the level of Headquarters and at the level of the Regional Offices, and for those stakeholders with which ICAO worked. Those implications related in particular to air traffic flow management planning, the additional resources required therefor, and the increased pressure on the civil aviation system resulting from alternative routings to avoid conflict zones. Although resolution of the said conflicts resided with other entities and not with ICAO, it was necessary for the Organization to respond thereto, as part of the challenges it faced. In therefore encouraging the Secretariat to amend Doc 9971, the President emphasized that it would be very beneficial if its target date for completion were advanced as requested by the Representative of Spain as that would facilitate the development and promulgation of air traffic flow management contingency plans.

23. Recalling the Council's said discussion of the RRG's oral progress report [cf. C-MIN 207/6 (Closed), paragraphs 25-43], the Representative of Venezuela (Bolivarian Republic of) agreed with the Representative of Mexico that implementation of the TF RCZ recommended work programme was still a work in progress. In also concurring with the Representative of the Russian Federation on the importance of ensuring the usefulness of the information contained in the CZIR, he emphasized the need for that information to meet the quality requirements set forth in Annex 15 – *Aeronautical Information Services*, Chapter 3. *Aeronautical Information Management*, relating to accuracy, resolution, integrity and traceability. The Representative of Venezuela (Bolivarian Republic of) observed that that was in line with the comments made by the Representative of the Russian Federation regarding item 1 b) on the effective use of the existing NOTAM system to disseminate information concerning conflict zones. Noting, from item 1 d), that the ATMOPSP's ongoing work to upgrade Circular 330 – *Civil/Military Cooperation in Air Traffic Management* had a target date for completion of November 2018, he requested that that date also be advanced and that the Circular be updated as soon as possible in view of the urgency of the matter. The Representative of Venezuela (Bolivarian Republic of) endorsed the amendments to action paragraphs a) and b) suggested by the Representative of the Russian Federation.

24. The Representative of Nicaragua echoed these comments. In also endorsing the suggested deletion of the word "satisfactory" in action paragraph a), she averred that the current text did not necessarily reflect the views of all States.

25. In recognizing that there could be a multiplicity of interpretations of the word “satisfactory” and that its use in action paragraph a) did not reflect the unanimous view of all Representatives, D/ANB indicated that the text could be adjusted. He nevertheless affirmed that the Secretariat’s work to implement the TF RCZ recommended work programme had actually been more than satisfactory and had, in fact, been extraordinary.

26. Noting, from item 1 c), that the guidance and risk advice based on best practices, including the glossary of terms required to support harmonized risk assessment processes relevant to civil aircraft operations over or near conflict zones, and the types of information required for making reliable risk assessments and possible sources of information, had been published on the CZIR secure website and disseminated to all 77 CZIR focal points, the Representative of Saudi Arabia requested that they be circulated to all States. He also sought clarification regarding item 1 e) (Reach out to other UN bodies to identify means to collect information on risk assessments). In agreeing with the Representatives of Portugal and Poland that IATA’s responses for item 7 a) and item 6 did not relate directly to the tasks, the Representative of Saudi Arabia suggested that those items be addressed in a different manner.

27. Responding to the point raised regarding item 1 c), D/ANB noted that the CZIR focal points had been receiving the said guidance material in a draft form up until the present time. He underscored that once the Repository’s one-year evaluation period was completed and the interim procedure to disseminate information on risks to civil aviation arising from conflict zones had been finalized by the Council during the next (208th) session, it would be distributed to all States.

28. With regard to item 1 e), D/ANB recalled that when the Secretariat had started to develop the said interim procedure it had discovered that there was very little guidance available from the UN itself regarding the terminology and the methods to be used. The Secretariat was, however, in contact with other UN bodies with a view to coordinating with them to collect additional information that might be useable in assessing risks to civil aviation arising from conflict zones in the future. Observing that that was above and beyond the CZIR’s current scope, D/ANB indicated that it was related to the question raised previously by the Representative of Portugal on the possibility of allowing recognized international aviation organizations to post information directly on the CZIR [cf. C-MIN 207/6 (Closed), paragraph 33]. He noted that that question would be addressed in the RRG’s final report to the Council which would be presented for consideration during the upcoming session.

29. D/ANB further noted that the newly-appointed Programme Manager, Crisis and Rapid Response [Aviation Safety (SAF)] would be organizing a matrixed cross-organizational capacity for ICAO to monitor world events and to respond to those that had an aviation component in a way that supported the Regional Offices and States in their response activities. The Programme Manager would start to develop that process and framework for ICAO and then gain support from the various Regional Offices, regional civil aviation organizations, and other UN bodies in collecting information and in responding in an effective way, without utilizing ICAO’s resources to the extent possible. Detailed information on the Programme Manager’s said coordination function would be provided at a later date.

30. The Director of ATB (D/ATB) underscored that the Secretariat was considering the security-related risks to civil aviation arising from conflict zones at the highest possible level i.e. within the UN Global Counter-Terrorism Strategy. He recalled, in this regard, that ICAO was working with UN counter-terrorism bodies, notably the Counter-Terrorism Executive Directorate of the UN Security Council’s Counter-Terrorism Committee (UNCTC), the Counter-Terrorism Implementation Task Force and the Analytical Support and Sanctions Monitoring Team. In addition, ICAO had its own working level

coordination, with the Secretariat interacting on a regular basis with colleagues from other relevant UN and non-UN bodies.

31. Recalling that he had been one of the Council Members who had requested a holistic and comprehensive overview of both current and future work to implement the TF RCZ recommended work programme (206/5), the Representative of the United Kingdom thanked the Secretary General for having provided that information. He affirmed that the paper served as a useful reference given the cross-cutting nature of the work, most of which was now subsumed in the AN Work Programme or the RRG work programme.

32. In then commenting on action paragraph a) contained in the executive summary of the paper, the Representative of the United Kingdom agreed with D/ANB that the Secretariat had done a substantial amount of work, often in new and unfamiliar areas. He emphasized that although some Representatives had expressed reservations regarding the Council's decision (204/7 and 204/10) to establish the CZIR and its associated interim procedure to disseminate information on risks to civil aviation arising from conflict zones which had given rise to the said work, that did not detract from the quality of the work delivered. The Representative of the United Kingdom averred that the deletion of the word "satisfactory" was not the correct way to address any reservations that individual Representatives might have, and that its removal might be misunderstood as being mean-minded on the part of the Council. He therefore favoured retaining action paragraph a) in the form presented.

33. With regard to action paragraph b), the Representative of the United Kingdom underscored that the CZIR had undoubtedly been implemented pursuant to the Council's said decision since it could be accessed via ICAO's public website. He suggested that if it was necessary to reflect the fact that the CZIR was still undergoing a one-year evaluation phase, then the text could be revised to refer to the Repository's initial implementation. In affirming that a reference to the CZIR's implementation should be retained, the Representative of the United Kingdom emphasized that it had been welcomed by the vast majority of the international aviation community.

34. The Representative of the United Kingdom suggested that the Appendix to the paper be maintained as a living document and updated for future reports to the Council as the cross-cutting work set forth therein transitioned away from the TF RCZ recommended work programme and into the AN Work Programme or the RRG work programme. In line with the interventions made by the Representatives of Mexico and Venezuela (Bolivarian Republic of), he emphasized the need to reflect in the Council's decision that it remained a work in progress and that future reports thereon to the Council were necessary. The Representative of the United Kingdom indicated that he would raise some questions and comments that he had on certain items in the Appendix with the Secretariat after the meeting, as well as discuss item 7 a) with IATA.

35. The Representative of Malaysia voiced appreciation for the progress report. Underscoring that Malaysia Airlines Flight MH17 had been a victim of events, he reiterated his support for the comments and suggestions made by the Representatives of Spain, Portugal, Poland and Australia. In agreeing with the Representatives of the Russian Federation, Venezuela (Bolivarian Republic of) and Nicaragua that the word "satisfactory" be deleted from action paragraph a), the Representative of Malaysia emphasized that more actionable work was required to prevent a recurrence of what had befallen Malaysia Airlines Flight MH17. He considered that it would be sufficient for the Council to note the implementation by ICAO, States and international organizations of the TF RCZ recommended work programme. In also agreeing with the changes proposed by the Representative of the Russian Federation to action paragraph b), the Representative of Malaysia reiterated that more work remained to be done with

regard to the CZIR. These comments reflected his strong reservations regarding action paragraphs a) and b).

36. In reiterating his support for the proposed informal briefing by IATA on the outcomes of the various items of the TF RCZ recommended work programme for which it was the main lead entity, the Representative of the Russian Federation indicated that he would also be interested to learn IATA's views on the publication, by air traffic flow management organizations, of information on risks to civil aviation arising from conflict zones that States had chosen not to post on the CZIR or that had been obtained from social media. Recalling that the previous Secretary General had sent a letter to the UN Secretary-General (with a copy to the Executive Director of the UNCTC) outlining the action being taken by ICAO to address the threats posed by Man-portable Air Defence Systems (MANPADS) to civil aviation (cf. C-DEC 203/2, paragraph 4), he indicated that it would also be interesting to hear IATA's views regarding the possible development of requirements for the design, manufacture and deployment of modern anti-aircraft weaponry.

37. It was noted that the various issues raised regarding the CZIR and its interim procedure to disseminate information on risks to civil aviation arising from conflict zones, including the ICAO Disclaimer and the posting of contradictory information, would be discussed when the Council considered the RRG's final report during the next (208th) session.

38. In addition, note was taken of: the above-mentioned request made by the Representative of Spain and supported by the Representative of Malaysia to advance the November 2018 completion date for the amendment of Doc 9971– *Manual on Collaborative Air Traffic Flow Management* [cf. item 11 b)]; and the request made by the Representative of Venezuela (Bolivarian Republic of) to advance the November 2018 completion date for the review and upgrade of Circular 330 – *Civil/Military Cooperation in Air Traffic Management* [cf. item 1 d)].

39. In then taking the action indicated in the executive summary of C-WP/14378, as amended by the President in light of the discussion, the Council:

- a) noted, with appreciation, the ongoing implementation by ICAO, States and international organizations of the work programme recommended by the TF RCZ as presented in the Appendix to the paper;
- b) agreed that key objectives and expected outcomes of the TF RCZ work programme have largely been achieved;
- c) requested the Secretary General to ensure that ICAO continues to coordinate with States and international organizations in order to complete the tasks associated with the TF RCZ work programme, using the coordination mechanism described in paragraph 2.3 of the paper;
- d) requested the Secretariat, in that regard, to bring to the attention of IATA the concerns expressed regarding item 6 (Improvement of processes to share operationally derived risk information taking into consideration ways in which safety occurrences are currently shared) and item 7 a) (Publish best practices for informing the travelling public and flight crew on risks regarding the use of airspace over or near conflict zones), for which IATA was the main lead entity;

- e) requested the Secretary General to consider means by which to advance some of the completion timelines and to report periodically on the further implementation of outstanding items on the TF RCZ work programme; and
- f) requested that the guidance, risk advice and best practices relating to conducting and sharing risk assessments for civil aircraft operations over or near conflict zones that had been published on the CZIR secure website and disseminated to all CZIR focal points, as referred to under various items on the TF RCZ work programme, be circulated to all States.

40. It was noted that, further to the above-mentioned request made by the Representative of Poland and supported by the Representative of Malaysia, the President would explore the possibility of an informal briefing by the Secretariat on the progress of work to implement the TF RCZ work programme, in which IATA could be invited to participate.

Subject No. 14: Subjects relating to air navigation

AN Work Programme

41. The President of the Air Navigation Commission (ANC) gave the following oral progress report (accompanied by a PowerPoint presentation) on the AN Work Programme, a mechanism for monitoring and driving ICAO's work in the air navigation field which had been used and continuously improved over the last few years and which was currently being structured to provide a strategic view to the Council and States:

42. By decision dated 23 December 1954 concerning C-WP/1803, the Council had delegated authority to the ANC to amend the Technical Work Programme, on the understanding that the work programme of the Commission itself would be submitted to the Council as was the normal practice. The revised Technical Work Programme should be issued and circulated to States yearly to inform them of the subjects envisaged for action by the Organization. In keeping with the obligations laid out in C-WP/1803, the present report aimed at informing the Council, while providing a strategic view of the AN Work Programme so as to move the Work Programme into the new decade/century.

43. The AN Work Programme (ANWP) was presently shaping up as a collection of some 850 work programme elements (WPEs) composed of elementary deliverables and required actions which could be isolated with a dedicated timeline. Those elements were grouped in job cards (JCs) or work packages regrouping specific WPEs under a single problem statement. Job cards were the tasking mechanism to expert groups and panels. They were reviewed on a regular basis as part of any panel meeting report review. They therefore constituted the tool to monitor, supervise and drive the work of the voluntary work force. They provided an accurate description of the ongoing work, as well as of the corresponding expected results. That mechanism had now been used and continuously improved over the last few years, to the satisfaction of all stakeholders. The AN Work Programme must now be structured to provide a strategic view to the Council and States.

44. The high-level structure of the AN Work Programme should ensure a clear understanding of its contribution to the realization of ICAO's Strategic Objectives. It should also allow the monitoring of the development of ICAO global strategic plans and policies, articulating them with the ICAO Business Plan. The AN Work Programme should therefore be prioritized in order to meet the strategic targets of the Organization, and managed in an efficient manner, taking due account of available resources. It should be well understood, however, that while the ICAO Business Plan and AN Work

Programme needed to be consistent, they were of a different nature: the Business Plan was a tactical plan for the upcoming triennium, whereas the AN Work Programme was a compilation of all activities in the air navigation field.

45. The AN Work Programme should therefore support ICAO Business Plan achievements in the triennium, and describe the means to reach ICAO Strategic Objectives in the short-, medium- and long-term. The AN Work Programme description should allow to:

- a) identify required outcome, resources and timelines for each activity;
- b) identify contribution to the ICAO Business Plan and Strategic Objectives;
- c) monitor the work progress and identify potential challenges;
- d) agree on priorities in order to take necessary decisions; and
- e) be transparent to States to secure their effective participation and their readiness to implement.

46. The AN Work Programme (with WPEs and JCs) was presently available under a SharePoint database accessible via the ANC or the All ANC Panel website. An ANC Ad Hoc Working Group was presently defining, in coordination with the Air Navigation Bureau (ANB), the various processes relating to the management of the work programme, among which were the prioritization and the publication processes. The involvement of the Council at this stage was therefore timely and would ensure that the AN Work Programme was further consolidated.

47. The proposed strategic view of the AN Work Programme was based on the following principles: the AN Work Programme shall be presented at the detailed level of job cards and work packages, with identification of the corresponding problem statement and key timelines for Standards and Recommended Practices (SARPs) and guidance development; its high-level presentation shall be consistent with the structure of the Operating Plan of the ICAO Business Plan [i.e. the actual Regulatory and Operational Improvements (ROI)]; it shall be described so as to allow for an analysis in relation with ICAO global strategic plans [Global Air Navigation Plan (GANP) and Global Aviation Safety Plan (GASP)]; its description shall outline the proposed priorities (currently a work in progress); and various criteria of analysis shall be proposed for the AN Work Programme which could evolve with experience, the two criteria currently proposed being availability of guidance before the effective date and the expected delivery dates compared to GANP timelines.

48. Should the Council agree to the proposed process, the ANC and ANB would align all management processes relating to the AN Work Programme and endeavor to provide the Council with a complete strategic description of the AN Work Programme by the 209th Session, in the Fall 2016. The detailed description of the AN Work Programme would remain accessible on the ICAO website.

49. During his PowerPoint presentation, the President of the ANC underscored that, in contrast to the detailed view provided to the ANC and the ANB, the proposed strategic view was based on a macro structure which showed, in a transparent but non-detailed manner, how the AN Work Programme was connected to ICAO's long-term global strategic plans [GANP and GASP], its Strategic Objectives and its rolling Business Plan. The strategic view would, inter alia, enable the Council and States to look at priorities and the GANP's and GASP's achievements and inform them on upcoming Annex amendments.

50. Noting that the ANC was an important body that assisted the Council in all of its technical activities, the President of the Council emphasized the need for the Council to provide the Commission with strategic leadership. He noted that the information presented in the AN Work Programme was necessary to enable the Council to meet the Organization's Strategic Objectives, whether through the development of SARPs, Procedures for Air Navigation Services (PANS) or Global Plans. In underscoring that the said interface between the AN Work Programme and the GANP and the GASP would facilitate State implementation, the President affirmed that it was beneficial for the Council to have a strategic view thereof. He observed, however, that there was another element to be considered, namely how the said job cards dovetailed with ANB's work plans and the ICAO Business Plan. Recalling that the AN Work Programme was expected to be finalized by the 209th Session, which would be after the Assembly's approval of the Organization's Budget for the next (2017-2018-2019) triennium, the President sought clarification as to how the said Work Programme interfaced with the ICAO Business Plan.

51. The Director of ANB (D/ANB) emphasized that the comprehensive view of the situation that the President of the ANC had presented accurately reflected the challenge ANB faced of prioritizing the work in the air navigation field with a limited Budget and limited resources. He noted that since he had assumed the role of D/ANB, all of his Bureau's work had been focused on developing meaningful processes to sequence the AN Work Programme and evaluate where new tasks should be inserted therein in a meaningful way, based on cost benefit and safety benefit as they could be determined in a repeatable manner.

52. D/ANB recalled that while the Budget proposal for the next triennium had initially been developed in the traditional fashion, as Representatives had seen in the informal briefing held on 15 September 2015, the Secretariat had since embarked upon a much more comprehensive view of ICAO's work in the form of the ICAO Business Plan. As the latter described ANB's entire universe of interest for the Organization, it helped to frame the level of priority that it was already applying with the existing work in all five of ICAO's Strategic Objectives.

53. D/ANB noted that for the Strategic Objectives relating to safety and air navigation capacity and efficiency, his Bureau already had a comprehensive database of tasks which had originally been articulated before the last Assembly in the GASP and the GANP. The challenge had been to properly automate the analysis and the manipulation of that information. ANB was now in the midst of converting the said database into a project management tool that should permit it to have a live, integrated view of all of the tasks that ANB was responsible for facilitating. D/ANB noted that some of those tasks were assigned to his Bureau by the ANC, under the Council's delegated authority, and supported the ANC's work programme, the ANC's panels, and the development of SARPs. Other tasks revolved around implementation support for States, which was not explicitly laid out as part of the work programme development by the ANC, although it was certainly informed by the Commission's intent and interest. D/ANB thus considered that the crux of the challenge was establishing the proper workflow for the said analysis and manipulation of the information relating to the said tasks. He averred that it was ambitious to expect that the workflow could be redesigned in time for a briefing to the Council at the next (208th) session given that it was an ongoing process. D/ANB recalled that, when the President of the ANC had first raised the subject with him, he had indicated that it would only be after the establishment of a Budget threshold and an understanding of ANB's resource capacity for the next triennium that it would be possible to move the work forward to an operational state, with a fully-prepared briefing for the Council by the 209th Session in the Fall 2016. Noting that consideration was being given to how to continue the integration process, he underscored that the objective was to further enhance the AN Work Programme by integrating it with the work programmes of the various Regional Offices, which were also contained within the ICAO Business Plan.

54. All of the Representatives who took the floor during the ensuing discussion highly commended the work done by the President and Members of the ANC, in close coordination and cooperation with D/ANB and other ANB staff, in developing the AN Work Programme, which they fully supported.

55. In so doing, the Representative of Singapore endorsed the comments made by the President of the Council and D/ANB on the interface between the AN Work Programme and the Organization's Business Plan. To a question by the Representative arising from the PowerPoint presentation, the President of the ANC clarified how the GANP and the GASP fed into the AN Work Programme. He noted that in addition to the preliminary review and final review loops there were reports and various dashboards provided by the Secretariat to assist in the monitoring of the work. The President of the ANC underscored the importance of the structure of the AN Work Programme, which enabled all of the tasks that fell under the ANC's and the ANB's respective purviews to interface in support of ICAO's Strategic Objectives.

56. Recalling that the recent Safety Week presentation (207/4) had included a slide indicating, for each topic, the Annex or other ICAO document affected, the Representative of Singapore suggested that the ANWP workpage format be enhanced by adding a "Document affected" column, as in the job card, to similarly identify, for each topic, which Annex, PANS or guidance material was affected so as to anticipate new or updated documents. The Representatives of the Russian Federation, Japan and South Africa endorsed this suggestion, as did the President of the Council.

57. The Representative of the Russian Federation suggested that the ANWP workpage format be further improved by adding interactive links to more detailed information.

58. These suggestions were noted, as was a request by the Representative of South Africa that the Council be updated on the latest developments regarding remotely piloted aircraft systems (RPAS)

59. The Representative of Spain encouraged the President of the ANC and D/ANB to pursue their work and to give the Council the envisaged strategic view of ICAO's work in the air navigation field. He emphasized that the methodology of the AN Work Programme, and its terminology, should be shared with all other Bureaux with a view to the establishment of work programmes in their respective fields, e.g. air transport, aviation security and the environment. The Representative of Spain underscored the need for such work programmes to be consistent with the ICAO Business Plan and its associated Operating Plan. As Chairperson of the Air Transport Committee (ATC), he appealed to the Director of the Air Transport Bureau (D/ATB) to develop such an Air Transport Work Programme.

60. Observing, from the PowerPoint presentation, that there were some 850 WPEs and 100 JCs, the Representative of Spain indicated that while it was useful to have them listed in the slides, it was not feasible for the Council to review each and every one of them. For that reason, it was necessary to synthesize them into major objectives and issues and to present them to the Council in the envisaged high-level strategic view of the AN Work Programme, which would provide a better vision of the direction in which the Organization was heading with regard to each of the relevant ICAO Strategic Objectives. In indicating that he looked forward to collaborating in that exercise, the Representative of Spain emphasized that it was one that should be undertaken for the entire Organization.

61. In sharing the views expressed by the President of the Council and D/ANB regarding the interface between the AN Work Programme and the ICAO Business Plan, as well as those expressed by the Representative of Spain regarding the establishment of work programmes for the Organization's other

fields of work, the Representative of Norway stressed the importance of the Assembly having a complete picture of all of the tasks to be carried out in the next triennium so that it could take a well-informed decision regarding the Organization's Budget for 2017, 2018, and 2019.

62. Noting that the AN Work Programme would enable the Council to have a strategic dialogue with the Secretariat, the Representative of Japan joined previous speakers in strongly encouraging its mainstreaming throughout the Organization. In expressing appreciation to the Secretary General for having developed and presented the ICAO Business Plan prior to the Council's consideration of the draft Budget for the next triennium, she indicated that the Council should take pride in the fact that it had encouraged the Secretary General to do so, and noted that she and other Representatives would be pleased to continue working interactively thereon with the Secretary General. The Representative of Japan affirmed that the Organization's Strategic Objectives, rolling Business Plan and Budget, together with the AN Work Programme and the other envisaged work programmes, formed a commendable, holistic structure.

63. In reiterating her support for the suggestion made by the Representative of Singapore to improve the AN Work Programme workpage format, the Representative of Japan emphasized that it would enable the Council to anticipate which Annex amendments would be presented for adoption in upcoming sessions and thus to better plan its future work programmes. She noted that the prioritization of such Annex amendments would be done by the ANC and ANB, whose close cooperation and coordination she applauded.

64. The President of the ANC noted, in this regard, that upon opening ANWP job cards, information on the development and delivery of Annex amendments would be immediately visible, as would information on the concurrent development and delivery of supporting guidance material.

65. The Secretary General highlighted that she would present to the Council, either at the end of 2016 or at the beginning of 2017, a monitoring system for the Organization-wide implementation of the ICAO Business Plan and Operating Plan. It was envisaged that the Plans and monitoring system would increase the Organization's efficiency and effectiveness and, more importantly, ensure that it was performance-based. As indicated in her Budget proposal for the next triennium, this was a transformational process. The Secretariat would do its utmost in moving in that direction. The Secretary General sought the Council's continued support for these efforts.

66. In then noting the oral report by the President of the ANC, as well as the supplementary information provided during the PowerPoint presentation and the discussion, the Council agreed to the proposed process to provide a strategic view of the AN Work Programme to the Council and States. It was noted that the ANC and the ANB would align all management processes relating to the AN Work Programme and provide the Council with a complete strategic description thereof in the 209th Session in November 2016, by which time the Budget for the next triennium would be established and there would be a clear understanding of resource capacity, thus facilitating the prioritization of the various elements of the AN Work Programme. It was further noted that the detailed description of the AN Work Programme would remain accessible on the ICAO website.

67. The Council agreed that: all of the other Bureaux should, in due course, establish work programmes for their respective fields (e.g. air transport, aviation security and the environment) using the methodology of the AN Work Programme and taking into account the lessons learned during the latter's development and implementation; and that such work programmes should be consistent with the ICAO Business Plan.

Subject No. 13: Work programmes of Council and its subsidiary bodies**ANC Work Programme for the 202nd Session**

68. The Council had for review C-WP/14380, in which the Air Navigation Commission (ANC) presented the proposed Work Programme for its 202nd Session for approval and its planned items for its 203rd and 204th Sessions for information purposes.

69. In the absence of comments, the Council approved the ANC's Work Programme for its 202nd Session as set forth in Appendix A to C-WP/14380.

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Subject No. 16: Legal work of the Organization

Subject No. 24.3: Action on Assembly resolutions and decisions

Amendment to the Note on the Notification of Differences

70. The above subject was considered on the basis of: C-WP/14362 [with Addendum (English only)], presented by the Secretary General; an oral report thereon by the Air Navigation Commission (ANC); and a complementary joint oral report on the paper by the Air Transport Committee (ATC) and the Committee on Unlawful Interference (UIC). Pursuant to Resolving Clause 15 of Assembly Resolution A38-11 [*Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences*], the paper set forth: a proposed amendment to the existing Note on the Notification of Differences which took into account the common issues identified by the Filing of Differences Task Force (FDTF) in its comprehensive study, as well as the comments and suggestions made by States in response to related State letters AN 1/1-14/66 and AN 1/1-15/73 dated 26 September 2014 and 23 October 2015, respectively (cf. Appendix B); and a proposed amendment to the Form for Notification of Compliance or Differences to align it with the revised Note (cf. Appendix C).

71. During its consideration of the proposed amendments to the said Note on the Notification of Differences at the Fourth Meeting of its 201st Session on 21 January 2016, the ANC had emphasized that the Note was only one of the elements of the whole process. There were a number of other related issues, as outlined in information paper C-WP/13954 (*Progress report on the comprehensive study of known issues in respect of the notification and publication of differences*) which had been considered earlier by the Council (198/6). The ANC had noted that many of the FDTF's recommendations, as set forth in that paper, had been addressed by the Commission, including the addition of the *Implementation Task List and Outline of Guidance Material* to all Council working papers relating to the adoption of Annex amendments. However, the ANC had recognized that other elements, some of which were already being progressed by the Commission, would need to be completed in the future in order to have a comprehensive solution on this subject. Those issues included the development of Standards and Recommended Practices (SARPs) and their implementation, the quality assessment of existing SARPs, and more transparent processes with respect to ICAO's work in order to raise the awareness of States. In addition, further work needed to be done with respect to the publication of significant differences in *Aeronautical Information Publications (AIPs)* as per the requirement of Annex 15 — *Aeronautical Information Services*. It was therefore important that the ANC work closely with the Secretariat on those issues.

72. With reference to C-WP/14362, the ANC had requested that, when developing the *Manual on Notification and Publication of Differences* (Doc 10055), the Secretariat consider the following:

- i) using the term “significant difference” instead of “differences” to be consistent with corresponding text in Resolving Clause 10 of Assembly Resolution A38-11 and in Annex 15 – *Aeronautical Information Services*;
- ii) elaborating on the type of provisions to which significant differences should be published: SARPs, PANS and SUPPs;
- iii) reminding States that although they notified differences under Article 38 of the *Convention on International Civil Aviation*, they should continue to make every effort to comply with SARPs;
- iv) providing clear, unambiguous guidance on what is meant by “Not Applicable SARP” (cf. paragraph 2.2 of the amended Note on the Notification of Differences in Appendix B to C-WP/14362); and
- v) ensuring consistency between the *Manual on Notification and Publication of Differences* (Doc 10055) and the *Aeronautical Information Services Manual* (Doc 8126);

73. During the ANC’s discussion, it had been noted that States could notify their differences through a paper-based process or the Electronic Filing of Differences (EFOD) system. Although States could notify ICAO by paper, the paper-based Supplements were not available to States. Non-availability of differences diminished the importance and value of differences information. Therefore, ICAO should continue encouraging Member States to use the EFOD system when notifying their differences to ICAO as per Assembly Resolution A38-11.

74. It had been further noted that, once the Council approved the amendments to the Note on the Notification of Differences, consequential amendments would be required to the Resolution of Adoption and the Foreword of Annexes in order to align the text regarding notification of differences from Recommended Practices.

75. The ANC had recommended that the Council approve the proposed amendments to the Note on the Notification of Differences and the Form for Notification of Compliance or Differences as presented in Appendices B and C to C-WP/14362, taking into account the Commission’s above-mentioned comments and suggestions.

76. During the joint consideration of the ATC and the UIC of C-WP/14362 at their respective First Meetings of the current session on 13 January 2016, the Committees had welcomed the Secretariat’s work in improving the said Note to address the issues related to the notification of differences to ICAO Annexes. In considering the proposed amendments to the Note in Appendix B to the paper, Members had underscored the importance of ensuring that the supporting guidance material, the *Manual on Notification and Publication of Differences* (Doc 10055), clarified a number of items raised during the discussions and was consistent with other ICAO documentation.

77. It had been noted that the filing of differences to Annex 17 – *Security* was not yet accomplished electronically. The Secretariat had clarified that the associated security issues were currently being considered to ensure that sensitive information remained protected.

78. In response to a comment regarding implementation support activities, the Committees had been advised that existing regional workshops would be enhanced to include the subject of the notification of differences.

79. The Committees, while expressing the need to address the above-mentioned issues in the *Manual on Notification and Publication of Differences* (Doc 10055), had been advised that continued efforts by the Secretariat would be made to publish the new edition of the Manual before 10 November 2016.

80. The Committees had recommended that the Council approve the proposed amendments to the Note on the Notification of Differences and the Form for Notification of Compliance or Differences as presented in Appendices B and C to C-WP/, taking into account the suggestions made for 3.2 b) and c), and the request that the Secretariat transmit them to Member States, together with a draft version of the *Manual on Notification and Publication of Differences* (Doc 10055).

81. During the Council's ensuing discussion, it was noted that the *Manual on Notification and Publication of Differences* (Doc 10055) would be published in draft form before 10 November 2016, the date when amendments to the Annexes normally become applicable in 2016.

82. Endorsing the ANC and the ATC/UIC oral reports, the Representative of Spain recommended that in informing States of the Council's approval of the amendments to the said Note and Form, the Secretary General invite States' comments on the draft version of the *Manual on Notification and Publication of Differences* (Doc 10055) with a view enhancing its text prior to publication in final form.

83. In also voicing support for the said oral reports, the Representative of the United Republic of Tanzania welcomed the proposed amendments to the Note and Form. To a question raised by the Representative regarding the quality assessment of existing SARPs, the President of the ANC indicated that the intention was to use the *Report on USOAP CMA Results* that would be published at the end of March 2016 to analyze those SARPs with a low level of effective implementation by States to determine if they had a specific structure that might render them difficult to apply, and to then work on that aspect.

84. The President of the ANC underscored that the issue of amending the said Note and Form was not only an administrative one but also an operational one, inasmuch as it related to the Supplements to the Annexes and to the various *Aeronautical Information Publications* (AIPs) which were used to inform States and airline operators of the differences to ICAO Standards. He emphasized the importance of connecting those two aspects.

85. Responding to a query by the Representative of South Africa regarding the reference made to the European Commission in the list of States that had replied to State letter AN 1/1-14/66 dated 26 September 2014 (cf. Appendix A to the paper), the President of the Council clarified that, in accordance with standard practice, both that State letter and State letter AN 1/1-15/73 dated 23 October 2015 had been sent not only to ICAO Member States but also to relevant organizations, including the European Commission.

86. The Director of the Air Navigation Bureau (D/ANB) indicated that while a response had been received from the European Commission, its inclusion in the said list of States that had replied to State letter AN 1/1-14/66 dated 26 September 2014 might be debatable. He took on board the point raised by the Representative of South Africa.

87. The Council then took the action recommended by the Commission and the two Committees and approved the proposed amendments, as modified by the discussions, to the Note on the Notification of Differences and the Form for Notification of Compliance or Differences as presented in Appendices B and C to C-WP/14362.

88. In so doing, the Council noted, from the ANC's oral report:

- a) that, as recommended by the FDTF, an *Implementation Task List and Outline of Guidance Material* was now appended to all Council working papers containing Annex amendment proposals and was transmitted to States in the State letters notifying the adoption by the Council of the proposed Annex amendments;
- b) that pursuant to the FDTF's recommendations and in order to have a comprehensive solution to the subject of the notification of differences, additional work was either already being progressed by the ANC or was intended to be carried out by the Commission regarding, inter alia: the development of SARPs and their implementation; the quality assessment of existing SARPs; and more transparent processes with respect to ICAO's work in order to raise the awareness of States;
- c) that, in addition, further work needed to be done with respect to the publication of significant differences in *Aeronautical Information Publications* (AIPs) pursuant to the requirement of Annex 15 – *Aeronautical Information Services*;
- d) that the Commission would work closely with the Secretariat in addressing the above-mentioned issues;
- e) the issues raised in paragraph 3 regarding C-WP/14362, and accordingly requested the Secretariat to consider the following when developing the *Manual on Notification and Publication of Differences* (Doc 10055):
 - i) using the term “significant difference” instead of “differences” to be consistent with corresponding text in Resolving Clause 10 of Assembly Resolution A38-11 and in Annex 15 – *Aeronautical Information Services*;
 - ii) elaborating on the type of provisions to which significant differences should be published: SARPs, PANS and SUPPs;
 - iii) reminding States that although they notified differences under Article 38 of the *Convention on International Civil Aviation*, they should continue to make every effort to comply with SARPs;
 - iv) providing clear, unambiguous guidance on what is meant by “Not Applicable SARP” (cf. paragraph 2.2 of the amended Note on the Notification of Differences in Appendix B to C-WP/14362); and

- v) ensuring consistency between the *Manual on Notification and Publication of Differences* (Doc 10055) and the *Aeronautical Information Services Manual* (Doc 8126);
- f) that the Commission recommended that ICAO should continue encouraging Member States to use the EFOD system when notifying their differences to ICAO pursuant to Resolving Clause 11 of Assembly Resolution A38-11, and endorsed that recommendation; and
- g) that as a consequence of the Council's above approval of the proposed amendment to the Note on the Notification of Differences, amendments were required to the Resolution of Adoption and the Foreword of Annexes in order to align the text regarding notification of differences from Recommended Practices.

89. The Council looked forward to receiving reports from the ANC at a later stage on the work referred to in paragraph 88 b) and c).

90. Furthermore, the Council noted from the joint ATC/UIC oral report:

- a) that the Secretariat would continue to consider how to accomplish the electronic filing of differences to Annex 17 – *Security* and that it was currently considering the associated security issues to ensure that sensitive information would remain protected; and
- b) that existing regional workshops would be enhanced to include the subject of the notification of differences.

91. In addition, as recommended by the ATC and the UIC, the Council requested the Secretary General to issue a State letter transmitting: information concerning the amended Note on the Notification of Differences and the Form for Notification of Compliance or Differences (cf. Appendices B and C to C-WP/14362); as well as a draft version of the *Manual on Notification and Publication of Differences* (Doc 10055) on which States' comments should be solicited with a view its enhancement prior to publication in final form. It was understood that the said Manual would clarify the various issues raised in the ANC and ATC/UIC oral reports and would be consistent with other ICAO documentation.

92. The President of the Council expressed appreciation to the President of the ANC and the Commissioners, as well as to the Chairpersons and Members of the ATC and the UIC, for their excellent work regarding the amendment to the Note on the Notification of Differences and the Form for Notification of Compliance or Differences.

Any other business

Subject No. 50: Questions relating to the environment

Appointment of an Observer to the Committee on Aviation Environmental Protection (CAEP)

93. In the absence of comments by 19 February 2016 to the President of the Council's e-mail dated 3 February 2016, Ms. Deniz Kaymak has been appointed as the new CAEP Observer from Turkey to replace Ms. Özgü Sariünal with effect from 20 February 2016.

Council working paper presented for information

94. As the President of the Council did not receive any requests to have the following information paper tabled for consideration, it is considered that the Council has noted the information provided therein:

- **C-WP/14408** – *Financial situation of the Organization and level of the Working Capital Fund (WCF)* – circulated under cover of PRES OBA/2483 dated 5 February 2016 with a deadline of 12 February 2016 for comments.

95. The Council adjourned at 1310 hours.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE SEVENTH MEETING

(THE COUNCIL CHAMBER, MONDAY, 29 FEBRUARY 2016, AT 1430 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Mr. A.J. Dumont	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Bolivia (Plurinational State of)	— Mr. J.G. Soruco	Nicaragua	— Mrs. E.A. Aráuz Betanco
Brazil	— Mr. J. Taunay	Nigeria	— Mr. M.E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Prof. M. Polkowska
Canada	— Mr. J.-B. Leblanc	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. C. Mac-Namara	Republic of Korea	— Mr. J. Hur
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Dominican Republic	— Mr. C.A. Veras Rosario	Saudi Arabia	— Mr. H.A. Abudaowd
Egypt	— Mr. A. Khedr	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. M.D.T. Peege
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. A. Shekhar	United Arab Emirates	— Miss A. Alhameli
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Ms. N. Ueda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Ms. M.B. Awori	United States	— Mr. M.A. Lawson
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Mr. F. Zizi, President, ANC	
Dr. N. Luongo (Alt.)	— Argentina
Mr. J. Bollard (Alt.)	— Australia
Mr. P. Jardim (Alt.)	— Brazil
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. M. Delisle (Alt.)	— Canada
Mr. M. Vidal (Alt.)	— Chile
Mr. I. Camino (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. F. Lonardo (Alt.)	— Italy
Mr. M. Ishii (Alt.)	— Japan
Mr. W.C. Wan Said (Alt.)	— Malaysia
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. A. Almoghraby (Alt.)	— Saudi Arabia

SECRETARIAT:

Mr. I. Galán	— D/TCB
Mr. B. Djibo	— D/ATB
Mr. J. Augustin	— D/LEB
Mr. S. Creamer	— D/ANB
Mr. V. Smith	— D/ADB
Mrs. N. Abdennebi	— C/FAL
Mr. B. Verhaegen	— SELO
Mrs. L. Comeau-Stuart	— C/POD
Mr. J. Huang	— SLO
Mr. A. Jakob	— SLO
Ms. M. Weinstein	— LEB
Ms. O. Bondareva	— LEB
Mrs. D. Brookes	— LEB
Mr. A. Larcos	— ACC
Ms. L. Wirtanen	— Précis-writer

Ms. Violeta Bulc, European Commissioner for Mobility and Transport

Representatives to ICAO

Afghanistan
Cuba
Equatorial Guinea
Greece
Iran (Islamic Republic of)
Lebanon
Paraguay
Peru
Turkey
Uruguay

Airports Council International (ACI)
European Union (EU)

Welcome to European Union Commissioner

1. A warm welcome was extended to Ms. Violeta Bulc, the Commissioner for Mobility and Transport of the European Commission, who addressed the Council.

2. Expressing appreciation for the opportunity to address the Council, Commissioner Bulc underscored the importance of cooperation, collaboration and partnership in the global aviation community and the need to address key elements to solve common challenges in the areas of safety, security, competitiveness and connectivity, and the environment. In drawing attention to the strong role played by Europe in the aviation sector, with 42 per cent of all flights worldwide either landing or taking off in the European Union, the Commissioner called for engagement in finding proper solutions internationally to confront challenges thereon. She noted that the European Commission had adopted a new Aviation Strategy in December 2015 which was a milestone initiative to boost Europe's economy, strengthen its industrial base and reinforce its presence in international aviation. Recognized in this strategy document was ICAO's critical role in the development of global solutions. The Commissioner stated that the European Commission remained committed to working with aviation partners and ICAO through their Memorandum of Cooperation in order to address issues of common concern. This commitment comprised not only financial contributions and expert advice but also contributions to a number of technical assistance programmes, which indicatively amounted to US\$ 10 to 15 million annually at the European Union (EU) level. The Commissioner noted that the European Commission (EC) also strove to ensure the quality of the technical cooperation. In referring to the perception of complex EU decision making, she remarked on the willingness of the EU and its Members States to cooperate with ICAO in a swift and effective way. She pointed out that the EU had successfully pooled European expertise which had demonstrated added value, much in the same way as ICAO on an international level, and expressed the hope that the Commission and ICAO would continue to build on the close ties in the future.

3. In acknowledging the significant work that had been accomplished by ICAO, the Commissioner stated that the EU would continue to strengthen its role and responsibilities as a partner in the global aviation community. She underscored the work conducted to assist States around the world affected by the EU Air Safety List and on the EU legislative process which mirrored ICAO developments on flight tracking. She expressed full support of the view that effective implementation of existing Standards was a key factor to ensure the future success of the aviation sector, which was at the core ICAO's *No Country Left Behind* initiative. She indicated that leaving no country behind was also at the essence of the European project, and noted that the European Union was ready to join the initiative. The Commissioner then focused on the topic of climate change and congratulated ICAO on the progress made in setting new aircraft emissions standards. Underscoring that the gains realized in the expansion of the aviation sector, expected to double in the next 15 years, and required solutions in parallel to significantly reduce emissions, she expressed the commitment of the EU in engaging in constructive negotiations to reach a global agreement that would deliver on the last Assembly resolution. In underscoring the EU's work, in collaboration with ICAO, which assisted States in the environmental field through the CO2 mitigation project, she also invited ICAO to work with the EU in finding the best way of assisting States in the future in the implementation of the global market-based measures (MBM) scheme. She highlighted the importance of technical development for action on climate, citing as examples initiatives from general aviation such as sustainable alternative fuels, testing polygon for possibilities in commercial aviation and the use of hybrid-powered planes, and also complimented airports that used alternative sources of energy. She expressed confidence that Member States would reach an agreement at the 39th Session of the Assembly on the MBM scheme to ensure carbon neutral growth after 2020. In closing, the Commissioner reiterated the belief that collaboration, cooperation and innovation were the only enablers of sustainable growth and success, and pledged her support to work with ICAO in taking the efforts forward.

4. In thanking Commissioner Bulc, the President of the Council remarked on the importance of the relationship between ICAO and the EU, noting in particular the Memorandum of Cooperation between ICAO and the EC. In drawing attention to the many areas of collaboration between ICAO and the EU, he mentioned emerging issues such as cybersecurity and remotely piloted aircraft systems. The President of the Council shared the optimism shown by Commissioner Bulc on the issue of the environment and pledged ICAO commitment to work together in finding a solution that would be acceptable to the global aviation community.

Subject No. 24.3: Action on Assembly resolutions and decisions

Subject No. 27: Convention on International Civil Aviation (Chicago Convention)

Subject No. 33: Character and working methods of Representative Bodies in ICAO (Council, Committees, etc.)

Draft Assembly working paper – Proposal to amend Article 50 a) of the *Convention on International Civil Aviation* so as to increase the membership of the ICAO Council

Draft Assembly working paper – Proposal to amend Article 56 of the *Convention on International Civil Aviation* so as to increase the membership of the Air Navigation Commission

5. The Council considered these two items together; the first on the basis of C-WP/14358, which presented a draft Assembly working paper containing a proposal to increase the size of the Council, and the second item on the basis of C-WP/14359, which presented a draft Assembly working paper containing a proposal to increase the size of the Air Navigation Commission (ANC).

6. In doing so, the Council recalled that the draft Assembly working papers for both items were being presented in response to a request from the Council (C-DEC 206/9 refers) during which the Council agreed, in principle, that the size of both the Council and the ANC be increased, but that a determination on the respective size of the increase for the two bodies would occur during the current session.

7. In thanking the Director of the Legal Affairs and External Relations Bureau (D/LEB) for introducing the papers, the President of the Council remarked that the papers set out the decisions that had been taken in principle (C-MIN 206/9 refers) and presented the draft Assembly working papers in both cases. Recalling that a substantive debate had already been held on these issues, he indicated that the justifications had been captured in the working papers. He proposed that the Council limit its discussion to defining the number of the proposed increase in the size of the Council and the Air Navigation Commission (ANC), unless the comments were related to the content of the working papers.

8. In supporting a proposal to enlarge the membership of the Council by four and the ANC by three, the Representative of Libya remarked that this increase would address the disparities in regional representation.

9. Reiterating the need to consider the issues of consolidation and enlargement concurrently, as stated in the previous discussion (C-MIN 206/9 refers), the Representative of the Republic of Korea remarked that in making this decision it was important to have a forward-looking perspective because aviation in 10, 12 or 15 years might be radically different. He strongly urged that consideration be given to those countries or regions left behind, and stressed that there should be a balance between encouraging countries left behind and rewarding large contributors of emerging economies. The Representative of the Republic of Korea expressed support for the majority view of an increase of four members for the Council and three members for the ANC.

10. Concurring with the comment made by the Representative of the Republic of Korea that the decision taken on these items would take effect in the future, the President of the Council recalled that the issue of the allocation of the seats would be addressed by the Council after ratification, and subsequently the Assembly or an Extraordinary Session of the Assembly called for this purpose would make a decision on filling the seats. He indicated that the issues of geographic representation and rotational groups had been incorporated in the papers.

11. Expressing support for an increase of four members for the Council and three members for the ANC, the Representative of Chile indicated that he had certain reservations related to the drafting of the paper, in particular to the justifications for the increase in membership of the ANC.

12. The Representative of India prefaced his comments by thanking the Council for the warm welcome that had been extended to him and assuring the Council of his full support and cooperation. While leaving the decision on the exact number of the increase to the judgement of the Council, he voiced support for the views expressed on the issue of expansion of under-represented areas, and emphasized the need to consider the under-representation of the Asia/Pacific region. The President of the Council remarked that this point had been raised in the previous discussion and should not be pursued with the Assembly at this stage.

13. The Representative of the United States indicated that although his Delegation still did not see a need for an increase in the size of the Council and the ANC, they would support an increase of no more than three members for the Council and two members for the Commission. He also remarked that the only relationship between the two proposals appeared to be that they were presented concurrently.

14. The Representative of the United Kingdom recalled that he had expressed skepticism on the need for an increase in the size of the Council, and believed that managing resources more effectively through rotation groups would be a better way to accommodate the desire of States to participate. In echoing the intervention of the Representative of the United States, he expressed difficulty in supporting the rationale that an increase in the size of the Council would warrant an increase in the size of the ANC. He considered that the focus should be placed instead on addressing a more general reform of the functioning of the ANC, status of members and their independence from national delegations. Noting that no support for an increase had been expressed from those closely associated with ANC, he indicated that the proposal had seemingly originated only from the Council. With a view to reaching consensus, the Representative of the United Kingdom favoured an increase in size of three members for the Council and two members for the ANC.

15. The Representative of Spain underscored the importance of reaching a consensus-based decision. He noted that the previous recommendations for the expansion of the Council and the ANC had been unanimous and as such had resulted in no objections from the Assembly. Remarking that 108 ratifications with no objections had taken 12 years to take effect, he noted that 128 ratifications with different views from the Council or Assembly would take much longer. He invited the Council to endorse a reasonable figure that would represent a common position in the Council. In this regard, he supported a more balanced solution with an increase of three members for the Council and two members for the ANC.

16. In echoing the views expressed by the Representatives of the United Kingdom and the United States, the Representative of Canada endorsed an increase of three for the Council and two for the ANC.

17. In supporting an increase of three members for the Council and two members for the ANC, the Representative of France considered that such an increase was balanced and would help to optimize the work of the two bodies.

18. The Representative of Portugal favoured of an increase of three members for the Council and two members for the ANC, which she considered an adequate and moderate number to accommodate the expectations of the various regions.

19. The Representative of Singapore supported the view of four members for Council and three members for the ANC as the best chance to rebalance geographic representation.

20. In endorsing an increase of three members for the Council and two members for the ANC, the Representative of Japan remarked that the moderate number would serve the feasibility of consensus building in the Assembly. She noted, however, that in order to contribute to reaching an agreement, Japan would be willing to be flexible on this issue and echoed the comments of the Representative of Korea on the need to have a long-term vision.

21. While supporting the expansion of membership of four seats for the Council and three seats for the ANC, the Representative of China reiterated that the under-representation of the Asia/Pacific region be taken into consideration. The President of the Council indicated that this issue could only be considered in the future.

22. Sharing the view expressed by the Representative of the United States on the disconnect between the two proposals, the Representative of Germany favoured an increase of three members on the Council and two members on the Commission.

23. Reiterating the need for equitable geographic representation on the Council, the Representative of Malaysia supported the majority view of an increase of four members on the Council and three members on the ANC.

24. Echoing the intervention made by the Representative of the United States, the Representative of Australia indicated that she was not totally convinced of the need for an increase and made reference to the challenges that the Council had faced in recent sessions in keeping on schedule with 36 Representatives. In the circumstances, and in the interests of the efficient and effective operation of the Council, she voiced support for no more than a modest increase of three members for the Council and two members for the ANC.

25. In indicating support for an increase of four members for the Council and three members for the ANC, the Representative of Venezuela (Bolivarian Republic of) expressed concern that there appeared to be a split between the views of developed and developing States, which was not in keeping with the spirit of the Organization.

26. The Representatives of United Arab Emirates, Egypt, United Republic of Tanzania, Nigeria, Saudi Arabia, Bolivia (Plurinational State of), Argentina, Kenya, South Africa, Burkina Faso, Cameroon, Brazil and Nicaragua took the floor to express support for an increase in the membership of the Council by four seats and the ANC by three seats.

27. The Representatives of Norway and Poland took the floor to endorse an enlargement in the membership of the Council by three seats and the ANC by two seats.

28. The President of the Council noted that of the 31 Representatives who had spoken, 20 supported an enlargement of 4 seats for the Council and 3 seats for the ANC and 11 had endorsed an increase of 3 seats for the Council and 2 seats for the ANC. He remarked that if consensus was not possible in the Council, in many instances the numbers provided an indicative guide in finding the majority consensus. Acknowledging that this was a delicate issue, the President of the Council indicated that the results would be noted. He thanked the Representatives for their participation in the previous discussions held outside of the Council Chamber during which significant differences had been bridged. In order to reach a compromise solution, the President of Council indicated that he would meet once again with the Representatives.

29. In supporting the proposal, the Representative of Mexico suggested that a solution based on an increase of four seats on the Council and two on the ANC, might address the concerns of the majority. Echoing the comments made by the Representative of Spain, he underscored the need for the Council to reach consensus in order to ensure adoption by the Assembly. He urged those not in favour of the proposal to support the decision even though it might not be their preferred solution.

30. Agreeing with the comments made by the Representative of Mexico, the President of the Council affirmed that consensus had been sought outside of the Council Chamber. He indicated that should consensus not be reached after further discussion, the Council would need to base its decision on the *Rules of Procedure for the Council*. He stressed the importance of finding an agreement while bearing in mind the long-term view of the decision.

31. The Council noted that since these items were first presented to the Council at the previous (206th) Session, there had been a convergence of views among a majority of Representatives as to the respective size of the increase for both the Council and the ANC, however there was still a significant number of Representatives with differences of opinions such that a unanimous consensus position could not be reached. Accordingly, the Council agreed to adjourn further consideration of these items until a subsequent meeting in the current session and to delegate to the President the task of undertaking further consultations among Representatives during the intervening period with the aim of attempting to achieve a consensus position in the Council.

32. In relation to comments on the content of the draft Assembly working papers, Representatives of the Council were invited to submit their written views to the Secretariat so that these could be addressed in any re-drafting of the text in the draft Assembly working papers before these items were again considered by the Council at the subsequent meeting in the current session.

- Subject No. 12.5: Plans for legal meetings**
- Subject No. 16: Legal work of the Organization**
- Subject No. 16.1: Reports from the Legal Committee**
- Subject No. 16.3: International air law conventions**

Report on the 36th Session of the Legal Committee

- Subject No. 16: Legal work of the Organization**
- Subject No. 24.2: Assembly agenda and documentation**

Draft Assembly working paper – Work Programme of the Organization in the legal field

33. The Council considered these two items together; the first item on the basis of C-WP/14386 (and Corrigendum No. 1), which presented a report on the outcome of the 36th Session of the Legal Committee (Montréal, 30 November to 3 December 2015), and the second item on the basis of C-

WP/14384, which presented a draft Assembly working paper on the Work Programme of the Organization in the legal field.

34. Introducing C-WP/14384, the Director of the Legal Affairs and External Relations Bureau (D/LEB) presented a brief overview of the paper. Likewise, in introducing C-WP/14386 and Corrigendum No. 1, D/LEB presented a brief overview of the paper. In doing so, he recalled that the Legal Committee had endorsed the general work programme at their meeting from 30 November to 3 December 2015 with participants from 63 Member States. In regard to Article 83 *bis*, he indicated that fairly wide acceptance had been achieved so far with 169 States having ratified the Protocol.

35. Referring to C-WP/14384, the Representative of France expressed support for the work programme adopted by the Legal Committee which he considered had set out appropriate priorities. Drawing attention to the considerable amount of work to be carried out prior to the Assembly, he referred to the timelines for the questionnaires on remotely piloted aircraft operations, in paragraph 1.3, and the classification of civil/State aircraft, in paragraph 5.4, which he considered should be more specific and adhered to as closely as possible in order to facilitate the work of the Secretariat, the Council and States.

36. Drawing attention to the timeline of summer 2016 proposed in paragraph 5.4 to complete the distribution of the questionnaire on the classification of civil/State aircraft, the Representative of Portugal believed that the replies should instead be received by the Secretariat at that time. D/LEB explained that it would not be possible to meet a deadline that would allow the information to be incorporated in the Assembly paper and suggested that an oral update to the paper be given to the Assembly. Recalling that States needed to receive Assembly working papers three months prior to the Assembly, the President of the Council welcomed this suggestion.

37. Responding to the query of the Representative of France on the specific timelines for the questionnaires, D/LEB explained that the Legal Committee had established the schedule and sequence for the questionnaires. He indicated that the first questionnaire on remotely piloted aircraft would be distributed by the end of the first semester, which corresponded to 21 June 2016, and the second one on the classification of civil/State aircraft would be completed in the summer 2016, which would have a deadline of 21 September 2016.

38. The Representative of Poland supported the priorities accorded to the new issues of RPAS and civil/State aircraft issues. Referring to the timeframe for receiving information on the questionnaires, she mentioned that her Delegation had submitted the information and encouraged all Representatives and States involved to submit the information on time. Drawing attention to the importance of outer space issues which had not been included in the work programme, she recalled that the ICAO/UNOOSA Aerospace Symposium in 2015 and the upcoming Second ICAO United Nations Office for Outer Space Affairs (UNOOSA) Symposium in 2016 provided a forum for this subject. In this regard, she suggested that this issue be monitored and a report presented to the Legal Committee in 2017.

39. Referring to the prioritization of items, the President of the Council underscored that C-WP/14384, paragraph 3.4, had taken into consideration the prioritization as recommended by the Legal Committee.

40. The Representative of Spain remarked that the Council needed to approve the general work programme of the Legal Committee contained in C-WP/14386 before approving the draft Assembly working paper in C-WP/14384 on the work programme of the Organization in the legal field. With respect to the comment made by the Representative of France regarding timeframes, he believed that the methodology used for the air navigation work programme which contained clear definitions of problem statements, work elements, timetables and decisions from working groups, was an example that could be

replicated in other areas of work including LEB. Drawing attention to the list of recommendations on Article 83 *bis* in C-WP/14386, Appendix A, he queried whether the items would be accommodated within the existing budget. As well, he requested clarification on whether the recommendations in paragraphs c) and d) had been included in the air navigation work programme. The Representative of Spain expressed agreement with the proposed order of priority.

41. The President of the Council recalled that the issue of work programme methodology had been discussed during the current session and the Secretariat had been requested to look into how to apply this methodology. Responding to the query related to the budget for recommendations regarding Article 83 *bis*, the Secretary General confirmed that this issue had been included in the budget.

42. Turning to C-WP/14386, the Representative of Malaysia raised two points related to the general work programme of the Legal Committee. The first point was related to the establishment of a legal framework for global navigation satellite systems (GNSS) in paragraph 2.5. Noting that many activities had been advanced in the GNSS panel regarding GPS, GLONASS, Galileo and the latest Chinese BeiDou constellation, he believed that this item should be considered an important matter by the Legal Committee. He referred to the implementation of GNSS which affected the responsibilities of States under Article 28 of the Chicago Convention when a State used these signals for providing air navigation services but did not control such signals. He underscored that Member States needed to be satisfied that the GNSS signals and services offered within their airspace met the appropriate performance requirements in terms of integrity, reliability, accuracy and continuity and that the liabilities were clearly defined. In noting that no comprehensive framework existed that provided the legal certainty required for States or for industry in the global environment, he stressed that reliance on national laws and procedures was not sufficient to deal effectively with the challenge of technological advances. Acknowledging that this item had been ongoing for some time yet not much had been done, he stressed the importance of the issue in terms of safety of the usage of GNSS signals. As such, he proposed that the legal framework of GNSS, categorized as point 4, be accorded a higher level of priority.

43. As a second point, the Representative of Malaysia drew attention to the review of the application of ICAO treaties relating to conflict zones in paragraph 3.2. Remarking on the importance of being mindful of the Dutch Safety Board's recommendation to ICAO Member States, he noted that one paragraph called for a stricter definition of States' responsibilities related to safety of airspace, which did not apply only to amending the Chicago Convention. He underscored that the Dutch Safety Board recommendation sought clarity on which airspace should be closed and underscored the need for guidance material or any underlying SARPs of legal implication to be used by Member States. The Representative of Malaysia strongly urged that this specific recommendation be included as an item for future work in the general work programme of the Legal Committee.

44. In responding to points raised by the Representative of Malaysia, the President of the Council recalled that the issues related to the work of the Task Force on Risks to Civil Aviation arising from Conflict Zones (TF RCZ) had been addressed by the Council during the current session. Remarking that the Secretariat was working on a number of work items to amend several documents and manuals, he noted that there was no need for the Legal Committee to be involved in this work unless there were amendments to the Chicago Convention or other air law instruments. Referring to the point made on the issue of CNS/ATM systems, the President of the Council noted that the discussion on this issue had been ongoing for the past ten years with a similar report. He indicated that elevating the priority accorded by the Legal Committee would require a lengthy debate on the reasons for this change. He indicated that retaining GNSS within the framework of discussion of the Legal Committee underscored the importance of this issue.

45. In providing supplementary information on this issue, D/LEB remarked that the working paper was an accurate reflection of the report of the Legal Committee. The Committee had specifically discussed whether there was a need to include the item on conflict zones in the work programme and, in noting that a number of items such as amendments to ICAO SARPs were ongoing, had remained willing to assist should the Council wish to elevate this item into the work programme. On the subject of CNS/ATM, D/LEB remarked that this item had been included in the work programme for some time. In recalling the institutional and legal aspects of future air navigation systems, he mentioned that a panel of legal and technical experts had met over a number of years to consider this issue which subsequently had resulted in the adoption of Assembly Resolutions A32-19 “Charter on the Rights and Obligations of States Relating to GNSS Services” and Appendix F of A37-22 on “A Practical Way Forward on Legal and Institutional Aspects of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems”, both which remained valid. He noted that work had been carried out periodically to monitor other organizations and entities in view of identifying substantive work. As well, the subject had been addressed by the Assembly and the Legal Committee several times and no concrete proposal had been proposed except for the possibility of reactivating the panel of legal and technical experts which had not really progressed the work beyond the adoption of the two Assembly Resolutions.

46. The President of the Council recalled that the work programme and allocation of priorities were outcomes of the 36th Session of the Legal Committee which had been represented by legal experts from many States. Unless there was a difference of opinion with respect to the priorities, he proposed that the work programme be approved for inclusion in the draft Assembly working paper.

47. Turning to C-WP/14386, the Representative of Portugal concurred with the comments of the Representative of Malaysia on the review of the application of ICAO treaties relating to conflict zones, and proposed that this item be included in the work programme of the Legal Committee at the appropriate time should the outcome of the work of the Secretariat warrant such an action. In addition, referring to the consideration of guidance on conflicts of interest, in paragraph 2.2.1 a), she requested more information on the working paper that would be presented to the Assembly by some Member States and, in paragraph 2.2.1 b), what timelines were being considered by the Secretariat to collect information from Member States on their best practices. With respect to recommendations regarding Article 38 *bis*, related to the extension of the on-line registration system, she requested clarification on which agreements and arrangements would apply and the timeframe envisaged for developing such an integrated system.

48. Commenting on the constructive approach suggested by the Representative of Portugal on the item related to conflict zones, the President of the Council therefore proposed that this item be retained as presented in the paper.

49. In responding to the query of the Representative of Portugal related to the willingness of some States to present an Assembly working paper on a framework dealing with conflicts of interest, D/LEB remarked that there had been considerable support in the Legal Committee to present an Assembly resolution. As for the matter of the timeline for collecting best practices, he indicated that there was no specific timeline for this subject and that the focus had been placed on the Assembly resolution. He added that work had begun and was managed within the available resources and existing priorities. With respect to what arrangements would be encompassed by the online registration function, he indicated that no decision had been made as to whether this would go beyond Article 83 *bis* agreements to other aeronautical agreements. He recalled that a proposal presented to the Council in 2004 to have an electronic-based system of registration of aeronautical agreements had not been accepted. Nevertheless, he believed that unless there were large overriding reasons not to do so, the opportunity should be extended to all aeronautical agreements and arrangements which mainly comprised bilateral air transport agreements.

50. Supporting the comments made by the Representatives of France, Malaysia and Poland, the Representative of the Russian Federation referred to the issue of conflict zones and suggested that any decisions of the Assembly be added to the future work programme of the Legal Committee.

51. The President of the Council indicated that any matters arising from the Assembly would be addressed by the Council and noted that the work programme of the Legal Committee could be amended by the Council should any new matters arise.

52. Fully endorsing C-WP/14384 and agreeing with the comments of the Representative of Malaysia on the issue of CNS/ATM systems including GNSS, the Representative of Nigeria remarked that since work on this item had not advanced over the past ten years and the only action identified was to monitor and observe the issue, raising the priority would be appropriate if legal issues existed with the implementation of GNSS. Otherwise, he indicated that the best approach would be to remove the item from the work programme.

53. Noting that the Representative of Malaysia had suggested that the item of CNS/ATM systems be retained as a higher priority, the President of the Council indicated that a compromise solution would be to retain the item as reflected in the paper.

54. The Representative of Malaysia reiterated the importance of the Secretariat or the Legal Committee examining the issue of Article 28 of the Convention on the liability of usage of signals which are not under the control of the State itself.

55. Following consideration, the Council noted the Report on the 36th Session of the Legal Committee, approved the General Work Programme of the Legal Committee as set out in paragraph 3.3.2 of C-WP/14386, and accepted the list of recommendations regarding Article 83 *bis*, as contained in Appendix A to the working paper. In this regard, the Council also noted that proposals will be presented by the Secretariat for implementation of the recommendations, as appropriate, and the financial aspects of the recommendations would be further considered in the context of the forthcoming deliberations of the next triennium budget for 2017-2018-2019.

56. In relation to the issue of the application of ICAO treaties relating to conflict zones, the Council noted that this had been considered by the Legal Committee but was not at this stage incorporated in the General Work Programme. In this connection, it was understood that should there be developments arising from the current work being undertaken by the Secretariat in this area, then this issue would be reconsidered.

57. Concerning the Work Programme of the Organization in the legal field, the Council approved the draft Assembly working paper attached to C-WP/14384, for transmission to Member States as documentation for the 39th Session of the Assembly.

Subject No. 16: Legal work of the Organization

International interests in mobile equipment (Aircraft equipment)

58. The Council considered this item on the basis of C-WP/14385, which: a) reported to the Council on the outcome of the Seventh Meeting of the Commission of Experts of the Supervisory Authority of the International Registry of Mobile Assets (aircraft equipment) established under the Cape Town Convention and Protocol, and b) presented for the approval of the Council proposed changes to the *Regulations and Procedures for the International Registry* and to the *Rules of Procedure for the*

Commission of Experts of the Supervisory Authority of the International Registry as marked up in Appendix D.

59. D/LEB introduced C-WP/14385 which reported on international interests in mobile equipment (aircraft equipment).

60. Following consideration, the Council approved the changes to the *Regulations and Procedures for the International Registry* as marked up in Appendix C and to the *Rules of Procedure for the Commission of Experts of the Supervisory Authority of the International Registry*.

Subject No. 10: ICAO relations with the United Nations, the specialized agencies and other international organizations

Request from the Society of Automotive Engineers (SAE) International for inclusion in the *List of international organizations that may be invited to attend suitable ICAO meetings*

61. The Council had for review C-WP/14387, in which the President of the Council presented a request from the Society of Automotive Engineers (SAE) International for inclusion in the *List of international organizations that may be invited to attend suitable ICAO meetings*.

62. In expressing appreciation for the paper, the Representative of Venezuela (Bolivarian Republic of) requested information on the outcome of the virtual meeting held on 1 February 2016 by the SAE International Lithium Battery Packaging Committee. The Director of the Air Navigation Bureau (D/ANB) explained that the SAE committee established for the purpose of developing packaging standards for lithium batteries was expected to complete its work in approximately 18 months. He indicated that over 140 participants took part in the committee's first virtual meeting and work would continue over the course of the year.

63. After reviewing C-WP/14387 on the above subject, presented by the President of the Council, the Council agreed that SAE be included in the *List of international organizations that may be invited to attend suitable ICAO meetings* (as observer).

Subject No. 10: ICAO relations with the United Nations, the specialized agencies and other international organizations

Request from the Air Crash Victims' Families' Federation International (ACVFFI) for inclusion in the *List of international organizations that may be invited to attend suitable ICAO meetings*

64. The Council had for review C-WP/14388, in which the President of the Council presented a request from the Air Crash Victims' Families' Federation International (ACVFFI) for inclusion in the *List of international organizations that may be invited to attend suitable ICAO meetings*.

65. With respect to considering alternative wording to "suitable", the President of the Council remarked that he did not wish to enter into a lengthy debate particularly since the wording would be translated into the ICAO official languages. The Representative of the United Kingdom agreed and felt that the meaning of the text was reasonably obvious that ICAO only extended invitations to organizations that would make a relevant contribution and, as such, he was in favour of retaining the current wording.

66. Remarking that this type of organization was often set up with the intention of exerting pressure on industry in response to accidents, the Representative of Bolivia (Plurinational State of)

remarked that special care should be taken when considering their inclusion and recommended that LEB determine the limits of access to information. The President of the Council requested LEB to take note of this consideration.

67. After reviewing C-WP/14388 on the above subject, presented by the President of the Council, the Council agreed that ACVFFI be included in the *List of international organizations that may be invited to attend suitable ICAO meetings* (as observer).

68. It was understood that a revised List reflecting the inclusion of both SAE and ACVFFI would be posted on the Council secure website under *SG Communications* and on the ICAO-NET site under *Quick Links*.

Subject No. 15.4: Facilitation

Draft Assembly working paper – Developments pertaining to the ICAO Public Key Directory (PKD)

69. The Council considered this item on the basis of C-WP/14410, which presented a draft Assembly working paper by the Air Transport Committee on developments pertaining to the PKD and acknowledged the PKD as an effective inspection tool for detecting counterfeit or altered passports, as well as for facilitating air transport border crossing.

70. In introducing the item, the Chairperson of the Air Transport Committee (Representative of Spain) noted that during its meeting on 18 January 2016, the Air Transport Committee had reviewed the paper and reached three basic conclusions: a) to provide additional information in the paper on the benefits for States in joining the PKD. He recalled that 46 States were members of the PKD, which represented 80 per cent of passports; b) to provide information on the relationship between PKD data and the Interpol Stolen and Lost Travel Documents Database; and c) to clarify information in Figure 3 on registration and annual fees arising from the operating contract with the new company.

71. In expressing appreciation and support for the paper, the Representative of Norway queried whether all States were aware of the level of passport required to join the PKD before investing and reaping any benefits. Responding to the question of the Representative, the President of the Council explained that in order to qualify for PKD membership, States were not required to issue ePassports, but underscored that it was beneficial to join when issuing ePassports or even at the planning stage.

72. The Director of the Air Transport Bureau (D/ATB) explained that communication and bilateral discussions with Member States were part of the regular work of the Secretariat on this subject. The Secretariat took the opportunity to communicate with States at regional meetings or when delegations were visiting Headquarters. For example, a specific session on PKD had been planned during the upcoming Ministerial AFI SECFAL meeting. He indicated as well that the Secretariat was communicating with regional groups since they helped to facilitate processes regarding travel documents.

73. In thanking the Secretariat for the paper, the Representative of Poland suggested that the issue of the risk of threats connected with the programme be included in the paper. Remarking that an additional approval process would be required to include the information at this stage, the President of the Council requested the Secretariat to clarify whether this issue could be covered in another Assembly paper. D/ATB indicated that the item on the risk of threats would be covered in an Assembly paper from the Committee on Unlawful Interference.

74. The Representative of Saudi Arabia remarked that there seemed to be a contradiction between the information quoted in paragraph 5.2 and in Figure 3 of the Appendix related to the decrease

of USD 15 900 in new operator fees. D/ATB explained that Figure 3 quoted both the registration and annual fees and noted that the registration fee was a one-time payment for new members.

75. The Chairperson of the Air Transport Committee recalled that the figures in the paper presented to the ATC had not been clear enough and the Secretariat had been requested to update Figure 3. He explained that there were two separate payments, the fee to register and the annual fee for the new system. Both payments would be reduced so that the registration fee would go from USD 56 000 to USD 15 900 for new members and the annual fee would decrease depending on the increase in membership, as shown in Figure 3.

76. Following consideration, the Council approved the draft Assembly working paper attached to C-WP/14410, for transmission to Member States as documentation for the 39th Session of the Assembly.

Subject No. 14.4: Air navigation meetings
Subject No. 15: Subjects relating to air transport
Subject No. 42: Technical Cooperation

ICAO World Aviation Forum (IWAF)

77. The Council considered this item on the basis of C-WP/14405, which presented a report on the outcome and follow-up actions of the first-ever World Aviation Forum (IWAF): *Aviation Partnerships for Sustainable Developments*, which had taken place from 23 to 25 November 2015 in Montréal.

78. In introducing the item, the Secretary General took the opportunity to thank the Representatives for their encouragement, advice and support related to IWAF. Many of the suggestions received in the months leading up to the IWAF and during the Informal Briefing in October 2015 had been taken into consideration in the Forum. She remarked on the great interest and participation from States, the UN family and the business sector, not only in terms of the number of attendees, but also in their calibre. She recalled the memorable moments during panel sessions that included the participation of Ministers, Secretaries General, Directors General, regulators, leaders and innovators and underscored the importance of sharing a common understanding of the potential of the *No Country Left Behind* (NCLB) initiative to bring prosperity to Member States. While noting that the IWAF was a good start, she emphasized that much work remained to carry the momentum that would result in real investment and outcomes for aviation. To that end, C-WP/14405 presented the outcomes and the follow-up actions stemming from the IWAF which were aimed at States, international organizations, industry and financial institutions. The Secretary General remarked that the decisions made by the Council would provide direction on the next steps and allow the Secretariat to draft an Assembly Resolution on NCLB for the consideration of the Council, which would provide an opportunity for the Assembly to secure the necessary commitments from States and others to support the NCLB in a manner consistent with the outcomes of the IWAF.

79. The President of the Council underscored the importance of the follow-up action, particularly now that the action was to be pursued by States, regional organizations, industry and ICAO. He noted that the lessons learned from the IWAF would be brought forward to the next IWAF, which would be held immediately prior to the 39th Session of the Assembly.

80. In commending the Secretary General on the forum, Representative of Burkina Faso remarked that IWAF's full potential could be used to demonstrate the relationship between civil aviation and economic development. He suggested that concrete examples be presented by States at the second IWAF that would show how their economies had improved through aviation.

81. In drawing attention to the financial implications, the Representative of Mexico requested clarification on the extra-budgetary resources needed to implement the follow-up actions. In addition, in referring to the follow-up action in paragraph 3.2 c) 1), he believed that it might be overly ambitious to expect financial institutions to provide support for mobilizing resources for infrastructure, capacity development and essential service needs. Acknowledging that this action was part of the NCLB initiative, he questioned to what extent the Organization was being committed to carrying out these activities, given the Organization's main mandate and the resources that might be required for implementation.

82. Replying to the queries from the Representative of Mexico, the Secretary General explained that resource mobilization, which had been carried out in the Secretariat for years, was now being addressed in a more consistent and a holistic way. She noted that extra-budgetary funding would be sought to carry out the tasks. Acknowledging that the work with financial institutions would be challenging, she believed that ICAO's work in this area would be enhanced. She underscored the importance of assisting States to obtain appropriate funding within their national development plan and from international resources in order to support the States' implementation of the Global Air Navigation Plan (GANP) and the Global Aviation Safety Plan (GASP).

83. Echoing the concerns expressed by the Representative of Mexico and bearing in mind the complexities of dealing with financial institutions, the Representative of Chile questioned whether a plan or strategy had been developed to address the follow-up actions to be pursued with financial institutions.

84. Referring to the Secretary General's comment on extra-budgetary funding for the follow-up actions, the Representative of Mexico expressed concern that ICAO would take on that level of commitment without stable funding. Noting that he was not opposed to this approach, he emphasized that the Secretary General should undertake these activities with the necessary caution and indicated that this issue should be reviewed within the context of the ICAO risk register.

85. While agreeing with the comment made by the Representative of Mexico on the need to carry out the work with caution, the President of the Council referred to the work of the Technical Cooperation Bureau which supported States for infrastructure development in response to the GANP. He did not see anything wrong with the process of ICAO assisting States to enable them to seek funding and financing in order to carry out the infrastructure development as long as ICAO did not bear the financial responsibility. He indicated that by offering technical cooperation services, ICAO became a facilitator in aviation infrastructure which gave some level of confidence to financial institutions to support States with funding.

86. Responding to the comments made by the Representatives of Chile and Mexico, the Secretary General cited as an example the African Development Bank, which provided support to States in Africa for upgrading infrastructure, as the type of cooperation that ICAO sought to enhance. She explained that ICAO would work in a cooperative arrangement, by providing input to the African Development Bank on the areas of aviation which required assistance and which States required this type of funding in order to meet their requirements. As for other financial institutions, such as the World Bank, which offered similar types of funding arrangements but not directed to aviation, the Secretary General indicated that in dealing with such institutions, ICAO would strengthen the case for funding by providing advice on the importance of aviation in contributing to economic development.

87. The Director of the Air Navigation Bureau (D/ANB) added that the Secretariat had already worked with financial institutions and States in a partnership arrangement that was a precursor to the actions described in the working paper. He drew attention to the Aviation and Safety Implementation Assistance Partnership (ASIAP) which was the current methodology used in ANB's work with the Regional Offices and States to identify projects which could be eligible for financing to assist with safety implementation programmes. He recalled that the High-level Safety Conference (HLSC) 2010 had recommended that ICAO take on this kind of coordinating activity in light of the overlapping and at times conflicting nature of assistance being provided in key areas where implementation was being developed. He noted that HLSC 2015 had recommended that ICAO continue this activity. Acknowledging that this activity was part of the NCLB campaign, he affirmed that greater transparency was being sought in regard to the shift in methodology and the alignment of the GASP and GANP programmes with the assistance partnership.

88. After expressing appreciation to the Secretariat for the paper and his support for the comments made by the Representative of Burkina Faso, the Representative of Cameroon voiced disappointment that the Secretariat had not developed the best practices from IWAF on approaches in civil aviation financing to boost States' economic development, and recalled that a draft offering a regional approach had been submitted to ICAO from his Delegation. Underscoring that the main ideas from IWAF would help States understand their role in mainstreaming civil aviation into their economic development plans, he suggested that the best practices from IWAF be included in the follow-up actions.

89. Expressing appreciation to the Secretary General for the paper, the Representative of France felt that the paper aptly summarized the IWAF. Drawing attention to paragraph 3.2 d) 4), he requested more information on the nature and content of the Assembly working paper that would be issued.

90. Remarking on the concern expressed by the Representative of Mexico and the reply of the Secretary General, the Representative of Spain believed that it would be more appropriate, in paragraph 3.2 c) 1), to refer to mobilizing resources for infrastructure as essential projects related to the GANP and GASP. The President of the Council indicated that this point would be modified to include all strategic areas of the Organization.

91. After expressing appreciation to the President of the Council and the Secretary General for the efforts made to provide effective support for aviation development, the Representative of Norway raised three questions related to the follow-up actions. The first query was whether the action in paragraph 3.2 a) was directed to all States or only to donating or receiving States. Speaking from personal experience, he explained that in providing development aid for special sectors, donor States had to consider their own priorities at the same time as the needs of recipient States. He emphasized that the recipient State needed to prioritize aviation in its plans in order to be considered by the donating State. In this regard, he believed that it was important to be quite concrete when stating the follow-up action in this paragraph. As his next point, related to paragraph 3.2 d) 1), he requested a description of the aviation development network. He then queried whether the next IWAF would target the same participants as the Assembly and remarked that the participants from the aviation sector attending the Assembly might not be the same ones that were necessary to provide the requisite input regarding external third-party financing at the IWAF event.

92. Responding to the query on paragraph 3.2. a), the Secretary General remarked that specific mention of developed and developing States would be included paragraph 3.2 a). With regard to the establishment of the aviation development network, she indicated this work was being progressed. Once the work had advanced, an update would be provided to the Council. She explained that the resource mobilization work was currently being conducted on a part-time basis in the Secretariat and

external expertise would be required to advance the work. Referring to the next IWAF, the Secretary General explained that the Forum would focus on the relationship between aviation and economic development and, in particular, the implementation of SARPs as a foundation for aviation development in order to help States in their economic development and social progress. Indicating that the objective of the Forum would be clear in the Assembly paper, she stated that in order to carry out these activities, it was necessary to obtain the commitment of States and to encourage the various stakeholders to support aviation development by demonstrating the benefits of aviation for economic development through the implementation of SARPs and ICAO's core programmes. The Secretary General indicated that she would welcome ideas and advice from the Representatives on this subject.

93. Referring to the comments made by the Representative of Norway on the next IWAF, the President of the Council noted that one of the lessons learned from the last IWAF was to consider the level of participation by donor agencies and international financial institutions. With respect to the aviation development network, he indicated that although details still needed to be worked out, the intention was to develop a wider network than the current ASIAP that comprised financial institutions and development banks. In relation to paragraph 3.2 a), an additional point would be included on encouraging donor States to extend their development assistance to aviation.

94. In thanking the Secretary General for the excellent paper, the Representative of the United Republic of Tanzania remarked that the success of the Forum indicated that States, industry and financial institutions were ready to work together and support the NCLB campaign. Echoing the comments of the Representatives of Burkina Faso and Cameroon, the Representative of Tanzania reiterated the importance of the best use of the forums for the economic development of air transport in the countries which should not be left behind. Underscoring the need to identify the follow-up issues for States, international organizations and financial institutions, he indicated that the follow-up action with financial institutions, as explained by the Secretary General, represented a very good way forward. In terms of the content of the Assembly working paper on this subject, he indicated that including an action plan of activities would not only reflect the successful outcome of the first Forum, but also assist in the implementation of the activities.

95. The President of the Council remarked that all the issues raised on this subject would be duly captured in the Assembly working paper. Drawing attention to paragraph 3.2 d) 3), he indicated that the issue of best practices and projects was included in the follow-up action to continue to optimize and strengthen the programmes and tools that support the effective implementation of Standards.

96. The Representative of Poland queried whether ICAO had considered obtaining feedback from States on the lessons learned since the previous IWAF and requested information on the feedback from the IWAF bilateral meetings initiative.

97. The Secretary General was pleased to report that the feedback from the bilateral meetings with some financial institutions which had attended the IWAF had been very positive. The institutions had expressed interest in strengthening cooperation with ICAO and donor States under the NCLB initiative.

98. Expressing appreciation to the Secretariat for the paper, the Representative of Venezuela (Bolivarian Republic of) supported the comments of the Representatives of Cameroon and France related to the importance of aviation to economic development and the need to obtain more information on the nature of the Assembly working paper.

99. The Representative of Japan expressed appreciation for the comments made by the Representatives of Burkina Faso and Cameroon on the importance of aviation in people's lives in

developing countries. Although she understood the context of the explanation provided by D/ANB, she concurred with the points raised by the Representative of Mexico which stressed the need to properly control the expectations from Member States and the work that ICAO could undertake. She emphasized ICAO is not the organization responsible for drafting policy guidelines for donor States. In supporting the comments made by the Representative of Mexico on the follow-up actions related to financial institutions, she suggested that paragraph 3.2 c) be redrafted to include wording that ICAO would increase efforts to help financial institutions become better informed in order to mainstream aviation into their activities. She reiterated the importance of concentrating on the actions that could be delivered without overcommitting the Organization.

100. The Representative of the United Kingdom expressed support for the comments made by the Representatives of Burkina Faso, Cameroon, France and United Republic of Tanzania on the question of providing examples of lessons learned in the paper. With regard to the issue of financial institutions, as commented by the Representatives of Chile, Norway and Japan, he provided a concrete example of a situation related to a question of safety oversight and safety of aircraft flying between the United Kingdom and a State in Asia. In this case, it was discovered that the European Bank for Reconstruction and Development had been undertaking a project in that State aimed at enhancing aviation infrastructure. He indicated that had this information been available beforehand, the problem could have been resolved by ensuring that the project incorporated the improvement of certain safety standards. Remarking that these relationships needed to be strengthened so that existing development programmes met ICAO's aviation goals, he believed that development efforts would be improved generally in the future. He also noted that this type of action required creative thinking without having to create a whole new structure of work.

101. Noting that the points raised by the Representatives of Japan and the United Kingdom would be taken into consideration, the President of the Council recalled that ICAO had signed a Memorandum of Cooperation (MOC) with the African Development Bank, as well as with other international financial institutions. He indicated that there was ongoing collaboration between the African Development Bank and the relevant Regional Office in terms of how to advance ICAO's strategic objectives.

102. The Council endorsed the follow-up actions outlined in section 3 of C-WP/14405. Comments made in the course of the discussion were noted and the Secretariat was requested that these be reflected in the draft Assembly working paper on the IWAF that was scheduled to be presented for consideration during the 208th Session. In particular, the Council requested that the draft Assembly working paper should provide further elaboration and clarity in relation to the proposed follow-up actions to be pursued by the Secretariat with financial institutions and industry (paragraph 3.2 c) of C-WP/14405 refers), including more detail in this regard as to how this was envisaged to be undertaken and coordinated with other entities in the international donor community.

103. It was also understood that another IWAF would be scheduled to take place immediately prior to the forthcoming 39th Session of the Assembly (27 September to 7 October 2016). In this connection, the Council underscored the importance of ensuring that this event should aim, as far as possible, to encourage donor States to extend their official development assistance (ODA) to aviation infrastructure given the demonstrated linkages between the development of the aviation sector and economic growth in emerging economies. This was noted as being particularly vital in the context of ensuring the success of the *No Country Left Behind* campaign.

Any other business

Council Order of Business

104. Further to the issuance of memorandum PRES OBA/2494, dated 19 February 2016, the Council agreed that consideration of the adoption of the five Annex Amendments currently listed on the Order of Business (i.e. C-WP/14391, C-WP/14392, C-WP/14393, C-WP/14394 and C-WP/14395), should now occur at the Eighth Meeting of the Council on Wednesday, 2 March 2016, instead of the Ninth Meeting on Friday, 4 March 2016, and that this decision would constitute advance notification of a “meeting called for that purpose” in accordance with Article 90 a) of the Chicago Convention.

105. The Council further agreed that two items that were currently listed on the Order of Business for the fourth week of the current session (i.e. “Actuarial study of the long-term impact of the funding options for after-service health insurance (ASHI) scheme” and “Draft Assembly working paper – Appointment of the External Auditor of ICAO for the financial years 2017,2018 and 2019”, should be brought forward and would now be listed for consideration at the Ninth Meeting on Friday, 4 March 2016.

Report of the HRC – Work Programme of the Council and its Committees for the 208th Session

106. The Chairperson of the Human Resources Committee (Representative of Portugal) indicated that at its second meeting of the current (207th) session, the HRC had considered the Work Programme of the Human Resources Committee for the 208th Session of the Council. Further to its deliberations at that meeting, the HRC requested that the following items should be added to the HRC Work Programme for the 208th Session:

- a) A working paper on the term of appointment for the position of Chief, Evaluation and Audit Office, with consequential amendments to *The ICAO Service Code*;
- b) An information paper on the United Nations Compensation Review for Professional and Higher Categories;
- c) A working paper on the Review of the Mandatory Age of Separation with consequential amendments to *The ICAO Service Code*; and
- d) A working paper on the review of the *ICAO Framework on Ethics*.

This was agreed to by the Council.

Sub-group of the Working Group on Governance and Efficiency (WGGE)

107. The Chairperson on the Working Group on Governance and Efficiency (Representative of Saudi Arabia) recalled that in a discussion on the Evaluation and Audit Office (EAO) during the Sixth Meeting of the 206th Session, the Council had decided to establish a sub-group of the WGGE “...to consider a holistic review of EAO for the purpose of supporting its mission in a manner that ensures the independence, transparency and objectivity of its work, including, inter alia, the need for additional resources” (paragraph 5 c) of C-DEC 206/6 refers). In this connection, the Chairperson of the WGGE indicated that a report from this sub-group would be presented at the 208th Session.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE EIGHTH MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 2 MARCH 2016, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|----------------------------------|--------------------------|------------------------------------|-----------------------------------|
| Argentina | — Mr. A.J. Dumont | Malaysia | — Mr. Y.-H. Lim |
| Australia | — Ms. K. Macaulay | Mexico | — Mr. D. Méndez Mayora |
| Bolivia (Plurinational State of) | — Mr. J.G. Soruco | Nicaragua | — Mrs. E.A. Aráuz Betanco |
| Brazil | — Mr. J. Taunay | Nigeria | — Mr. M.E. Nwafor |
| Burkina Faso | — Mr. M. Dieguimde | Norway | — Mr. K.M. Skaar |
| Cameroon | — Mr. E. Zoa Etundi | Poland | — Prof. M. Polkowska |
| Canada | — Mr. J.-B. Leblanc | Portugal | — Mrs. M.H. Faleiro T. de Almeida |
| Chile | — Mr. C. Mac-Namara | Republic of Korea | — Mr. J. Hur |
| China | — Mr. Tao Ma | Russian Federation | — Mr. A.A. Novgorodov |
| Dominican Republic | — Mr. C.A. Veras Rosario | Saudi Arabia | — Mr. H.A. Abudaowd |
| Egypt | — Mr. A. Khedr | Singapore | — Mr. T.C. Ng |
| France | — Mr. O. Caron | South Africa | — Mr. M.D.T. Peege |
| Germany | — Mr. U. Schwierczinski | Spain | — Mr. V.M. Aguado |
| India | — Mr. A. Shekhar | United Arab Emirates | — Miss A. Alhameli |
| Italy | — Mr. F. Lonardo (Alt.) | United Kingdom | — Mr. M. Rodmell |
| Japan | — Ms. N. Ueda | United Republic of Tanzania | — Mr. R.W. Bokango |
| Kenya | — Ms. M.B. Awori | United States | — Mr. M.A. Lawson |
| *Libya | — Mr. M. Sayeh Eltayf | Venezuela (Bolivarian Republic of) | — Mr. D.A. Blanco Carrero |

ALSO PRESENT:

- | | |
|------------------------------|----------------------|
| Mr. F. Zizi, President, ANC | |
| Dr. N. Luongo (Alt.) | — Argentina |
| Mr. J.R. Bollard (Alt.) | — Australia |
| Mr. P. Jardim (Alt.) | — Brazil |
| Mr. R. da Rosa Costa (Alt.) | — Brazil |
| Mr. M. Vidal (Alt.) | — Chile |
| Mr. I. Camino (Alt.) | — Chile |
| Mr. M. Millefert (Alt.) | — France |
| Mr. M. Ishii (Alt.) | — Japan |
| Mrs. D. Valle Álvarez (Alt.) | — Mexico |
| Mrs. H. Jansson Saxe (Alt.) | — Norway |
| Mr. S. Kim (Alt.) | — Republic of Korea |
| Mr. S. Koh (Alt.) | — Republic of Korea |
| Mr. D. Subbotin (Alt.) | — Russian Federation |
| Mr. A. Almoghraby (Alt.) | — Saudi Arabia |
| Ms. K. Riensema (Alt.) | — United Kingdom |
| Mr. W. Voss (Alt.) | — United States |

SECRETARIAT:

- | | |
|--------------------|-----------------|
| Mr. S. Creamer | — D/ANB |
| Mr. M. Marin | — A/C/OPS |
| Mr. A. de Kock | — AIG |
| Mrs. E. Gnehm | — OPS |
| Mrs. M. Taal-Ndure | — OPS |
| Miss S. Black | — Précis-writer |

*Part-time

Representatives to ICAO

Afghanistan
Colombia
Ecuador
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Paraguay
Peru
Turkey
Uruguay

Airports Council International (ACI)
European Union (EU)

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of the ANC — Adoption of Amendment 40 to Annex 6, Part I

1. The Council reviewed C-WP/14391, in which the Air Navigation Commission (ANC) presented a proposal for Amendment 40 to Annex 6 – *Operation of Aircraft, Part I – International Commercial Air Transport – Aeroplanes*. The amendment concerned: a consequential amendment related to fatigue management approaches; protection of flight recorder recordings in normal operations; harmonization and alignment of terms and language, updated performance-based navigation (PBN) provisions, enhanced vision systems (EVS), and cargo compartment fire suppression considerations for diversion; the use of an enhanced global reporting format for assessing and reporting runway surface conditions; carriage requirements of flight recorders; performance-based communication and surveillance (PBCS); and safety management.

2. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2016; a proposed applicability date of 10 November 2016 for the elements concerning fatigue management approaches, harmonization and alignment of terms and language, updated PBN provisions, EVS, cargo compartment fire suppression considerations for diversion, carriage requirements of flight recorders, and PBCS; a proposed applicability date of 8 November 2018 for the elements concerning protection of flight recorder recordings in normal operations, and safety management; and a proposed applicability date of 5 November 2020 for the element concerning the use of the said enhanced global reporting format.

3. Responding to a question raised by the President of the Council, the President of the ANC clarified that the proposed applicability date for all provisions of Amendment 40 which related to the Global Aeronautical Distress and Safety System (GADSS) was 8 November 2018, and that there was a proposed embedded applicability date of 1 January 2021 for those provisions relating to flight recorder data recovery, the extended duration of the cockpit voice recorder (CVR) and the location of an aeroplane in distress. The Representative of Bolivia (Plurinational State of) highlighted the need to pay special attention to those States which requested extensions or exemptions to the various proposed applicability dates and/or which requested implementation assistance.

4. While supporting Amendment 40 in principle, the Representative of Nicaragua sought clarification regarding the effect of the Standards in Section 7.1 *Communication equipment* on certificates of airworthiness issued after the said applicability date of 10 November 2016.

5. In noting that the Standards did not necessarily apply directly to certificates of airworthiness, the Acting Chief, Operational Safety Section (A/C/OPS) indicated that they were envisaged to be implemented through the normal approval process of a Civil Aviation Authority (CAA), by including the necessary procedures in the Operations Manual.

6. The President of the Council emphasized that the said applicability date would not affect the dates on which certificates of airworthiness were renewed, whether the certificates were issued for one year, as was the case in Nicaragua, or for longer periods of time.

7. Recalling that one of the main risks identified at the workshop on the Corporate Risk Register and Assurance Framework that had taken place the previous day, on 7 March 2016, had related to the lack of effective implementation of ICAO SARPs, the Representative of Venezuela (Bolivarian Republic of) suggested that for future Annex amendment proposals the format for the implementation assistance tasks contained in the appended *Implementation Task List and Outline of Guidance Material* be

enhanced so as to clearly indicate, for each identified task: its specific objective, the scope of action, the lead entity responsible therefor and the target dates for implementation. He underscored, in this context, that the implementation assistance task “Increased awareness” listed in paragraph 4 of Appendix A to C-WP/14391 was an objective and not a task.

8. While noting that the Secretariat and the Commission had already made considerable efforts to provide the said Implementation Task List, as well as the Impact Assessments, that were now included in every Annex amendment proposal, the President of the ANC indicated that they would do their best to further improve the format of the Implementation Task List.

9. In encouraging the Representative of Venezuela (Bolivarian Republic of) to work with the Secretariat and the ANC in that regard, the President of the Council maintained that it would be easy to include the said target dates for implementation in the Implementation Task List as information relating to the convening of workshops/seminars, symposia, etc. was already contained in the Operating Plan of the originating Bureau [Air Navigation Bureau (ANB) or Air Transport Bureau (ATB)]. He stressed the need to harmonize that information.

10. Although he recognized the tremendous efforts made by the Secretariat and the ANC to provide the *Implementation Task List and Outline of Guidance Material* for all Annex amendment proposals, the Representative of Spain indicated that while that work was being done well, it could always be improved upon. He thus supported the proposal by the Representative of Venezuela (Bolivarian Republic of). Drawing attention to paragraph 3.5.2.1 of the paper, in which it was indicated that “Locating an aeroplane in distress is essential, in the case of an accident, to facilitate the location of the wreckage and possible survivors, and for accident investigation purposes, to recover flight recorder data.”, the Representative of Spain reiterated that the first priority should be determining the position of the aircraft in distress with a view to rescuing any survivors, and that the second priority should be locating the wreckage and recovering the flight data recorder (FDR) and CVR in order to support the accident investigation and the subsequent issuance of safety-related recommendations.

11. Referring to new Standard 6.3.2.3.4 (cf. Appendix C to the paper), in which it was stipulated that “All aeroplanes of a maximum certificated take-off mass of over 27 000 kg ... shall be equipped with a CVR capable of retaining the information recorded during at least the last twenty-five hours of its operation.”, the Representative of Spain queried why 25 hours had been chosen and not some other period of time, such as 24 or 30 hours. He presumed that it had been selected based on information received from industry regarding the feasibility of extending the duration of CVR recordings beyond the current two hours.

12. In supporting ICAO’s move to performance-based SARPs, the Representative of Spain noted that new Standard 6.3.5.1 specified that “All aeroplanes of a maximum certificated take-off mass of over 27 000 kg and authorized to carry more than nineteen passengers ... shall be equipped with a means approved by the State of the Operator, to recover flight recorder data and make it available in a timely manner.”. Observing, from the related Note, that guidance on approving the said means was contained in the *Manual on Location of Aircraft in Distress and Flight Recorder Data Recovery* (Doc 10054), he sought clarification regarding such means.

13. Turning to new Standard 6.18.1, the Representative of Spain noted that it stipulated that “All aeroplanes of a maximum certificated take-off mass of over 27 000 kg ... shall autonomously transmit information from which a position can be determined by the operator at least once every minute when in distress, in accordance with Appendix 9.”. In questioning whether determination of a position by the operator was the best possible solution, he emphasized that it was the air traffic controller (ATCO) who had the closest contact with an aircraft in flight and who was responsible for the airspace. While

agreeing that the operator needed to know the location of all of its aircraft when the latter were in operation, the Representative of Spain underscored that when a moment of extreme danger to an aircraft and its passengers and crew arose and it was essential to find and rescue any survivors, the operator was usually quite removed from that distress situation, in terms of both distance and focus. Referring to Standard 6.18.3, he enquired as to the appropriate organizations to which the operator was to make position information of a flight in distress available, as well as to the means by which that information was to be provided and the related timeframe. While the Representative of Spain was prepared to support Amendment 40, he suggested that the ANC review the points he had raised so that they could be more closely assessed in the future. In emphasizing that it should be possible to reach the accident site within a specific timeframe in order to rescue any survivors, he questioned whether it was sufficient to have only the operator determine the position of an aircraft in distress.

14. Responding to the question raised regarding new Standard 6.3.2.3.4, the President of the ANC indicated that it could have been worded very loosely, making reference to the retention of the information recorded by the CVR for the necessary amount of time instead of for at least 25 hours. However, there had been an exchange of views with industry, notably the manufacturers of CVRs, which had indicated that 25 hours was the appropriate duration as the technology required to enable that extended recording time was currently available and would meet the expectations of the accident investigation authorities.

15. A/C/OPS clarified that as the provisions were performance-based and not prescriptive, all available and emerging technologies which met the position information of aircraft in distress requirements could therefore be considered. He emphasized that having the operator responsible for making the said position information available enabled that flexibility.

16. In underscoring the need to consider the matter holistically, A/C/OPS recalled that during the last session the Council had adopted Amendment 39 to Annex 6, Part I, relating to normal aircraft tracking (cf. C-WP/14346; 206/4), Chapter 3.3 of which contained provisions that clearly established the responsibility of the operator to track the position of aircraft throughout its area of operations. He emphasized that those provisions served as the foundation for the provisions relating to position information of aircraft in distress which were currently under discussion.

17. In further noting that paragraph 2.4 of Appendix 9. *Location of an aeroplane in distress* of Amendment 40 established that the operator shall provide the position information to the air traffic service unit(s) (ATSU) and the SAR coordination centre(s) (RCC) and sub-centres, as a minimum, A/C/OPS indicated that Secretariat and the ANC might identify other entities that needed to be advised while developing the various procedures. He highlighted that pursuant to existing Standard 4.2.1.3.1 the operator had the option of transferring that responsibility to third parties as long as the appropriate policies and procedures were in place. A/C/OPS noted that, within the said framework, there was a whole range of solutions: the COSPAS-SARSAT next generation of ELTs; or completely new solutions that could range from passenger entertainment systems that had the capability of performing distress tracking to any other solutions that industry might develop in the future. What was important was that the said framework established in Amendment 40 clearly identified the responsibilities and the accountability.

18. The President of the Council requested that the ANC take on board the comments made on SAR-related issues, including response times. Recalling that he had raised the latter issue in his address to the Commission at the start of a recent ANC session, he underscored that some work thereon remained to be done in order to deliver the desired results.

19. Drawing attention to paragraph 1.1 a) of the paper, the Representative of South Africa enquired why reference was made to fatigue management approaches for ATCOs and not to fatigue risk

management approaches. Noting, from paragraph 3.4.1, that runway surface conditions posed serious challenges and had contributed to many safety events, he queried whether the proposed 5 November 2020 applicability date was not too far in the future. The Representative of South Africa also queried whether new Recommended Practice 4.3.10.1 should refer to the diversion time to an “alternate airport” instead of to “an aerodrome”, in line with customary aviation terminology. In then referring to paragraph 1.1.1 of Attachment G, *Automatic landing systems, head-up display (HUD), equivalent displays and vision systems* in Appendix C to the paper, he enquired as to the meaning of the expression “without significantly” restricting the pilot’s forward external field of view. In also questioning why paragraph 1.2.1 merely indicated that flight operations with a HUD “can” improve situational awareness, the Representative of South Africa sought confirmation that they actually did improve situational awareness. He also sought clarification regarding the reference made in paragraph 6.1.1 of Attachment G to “an equivalent display” to a HUD.

20. Responding to the Representative’s first query, the Director of the Air Navigation Bureau (D/ANB) noted that the term “fatigue management” referred to a body of work (SARPs) whereby States were required to manage, within their respective Safety Management System (SMS), the fatigue experienced by certain aviation personnel such as flight and cabin crew and ATCOs. He emphasized that it was completely separate and distinct from a “fatigue risk management system”, on which work was also underway. Underscoring that those issues would be addressed in detail during the upcoming Symposium for Fatigue Management Approaches in Aviation, being held at ICAO Headquarters from 5 to 6 April 2016, and the 2016 Conference of the FRMS Forum, being hosted by ICAO from 7 to 8 April 2016, D/ANB expressed the hope that many Representatives would be able to attend those events.

21. A/C/OPS indicated that the Secretariat had taken note of the above-mentioned editorial comments and would review them. The President of the ANC assured the Representative of South Africa that the Commission had given indepth consideration to the various points which he had raised during its review of the Annex amendment proposal and the comments made thereon by States and international organizations during the consultation process and had aligned the terminology. However, if there was a potential caveat, then the ANC could also review it. In response to the question raised regarding paragraph 6.1.1 of Attachment G, the President of the ANC noted that reference was made to “an equivalent display” to provide for the future development of another system that would offer the same capability as a HUD and would meet the regulatory requirements.

22. The Representative of Norway voiced support for the Council’s adoption of Amendment 40. He nevertheless sought clarification regarding the distinction being made in Appendix 9 between an aircraft in a distress condition and an aircraft in an emergency phase (cf. paragraphs 2.2 and 2.4), and regarding the authority which decided that an aircraft was in an emergency phase.

23. A/C/OPS recalled that emergency phase criteria were set forth in Annex 11 – *Air Traffic Services*, while the required notifications in the event of an emergency phase were specified in Annex 12 – *Search and Rescue*. He noted that a distress condition was a subset of a distress phase to establish when an aircraft needed to autonomously transmit information from which a position could be determined at least once every minute pursuant to Standard 6.18.1. A/C/OPS emphasized that the latter only established the position information that would be made available to appropriate organizations.

24. A/C/OPS further indicated that consideration was now being given to developing procedures to make use of the data derived from systems that provide position information of aircraft in distress to obtain meaningful information and establish the roles and responsibilities of stakeholders. Thereafter, the procedures would be introduced, as necessary, into the relevant Procedures for Air Navigation Services (PANS) to facilitate the location of the accident site and the rescue of any survivors.

25. Referring to the comments made by the Representatives of Nicaragua and Venezuela (Bolivarian Republic of), the Representative of the Russian Federation suggested that the list of ICAO supporting documentation contained in paragraph 3.1 of the *Implementation Task List and Outline of Guidance Material* (cf. Appendix A) be expanded to include the *Regional Supplementary Procedures* (Doc 7030). In sharing the views expressed by the Representative of Spain regarding Standard 16.8.1, he suggested that the latter be amended in the future to refer to the ATSU under whose control the aircraft in distress was operating in addition to the aircraft operator, to be consistent with paragraph 2.3 of Appendix 9. The Representative of the Russian Federation emphasized, in this regard, that with some aircraft equipage there was a probability that the position information would not be received in a timely manner by the aircraft operator, which made it only logical to include the ATSU in emergency situations.

26. Noting that Standard 16.8.1 could be enhanced in the future in light of experience, the President of the ANC underscored that new technologies would become available and that the roles and responsibilities of the various stakeholders would evolve. In encouraging Representatives to consult the GADSS Report, he emphasized that the ATSU could not fully play the desired role in some of the potential distress and accidents scenarios set forth therein. Highlighting that Amendment 40 created the need for the said position information to be available at the right rate (at least once every minute) and with the capacity to be transferred to the appropriate organizations, the President of the ANC asserted that it had not been possible to go beyond that in the short period of time that had been available to the Commission and the Secretariat to develop the Annex amendment proposal.

27. Responding to a point raised by the Representative of Libya, the President of the ANC clarified that the main reason for extending the duration of the CVR recordings to at least 25 hours was that some of the causes of incidents and accidents were generated during the pre-flight phase, including the take-off phase, which would not be covered by the CVR recordings for flights that were longer than two hours. As indicated in paragraph 3.5.3.1 of the paper, the said extension of the duration of the CVR recordings would enable the capture of pre-flight and post-flight crew activities, including for long-haul flights. As the technology required to make use of the existing data in the aircraft system's buffer was already available, it was not envisaged that there would be any new technology development-related costs. The President of the ANC averred that any other process would be cumbersome and difficult to regulate.

28. The President of the ANC recalled that following the crash of Air France 447 (AF447) into the Atlantic Ocean on 1 June 2009 while en route from Rio de Janeiro, Brazil, to Paris, France, the Council adopted, as part of Amendment 36 to Annex 6, Part I (C-WP/13805; 195/5), paragraph 1.1 c) of Appendix 8. *Flight recorders*, whereby the minimum operation time of underwater locator beacons (ULBs) was extended from 30 to 90 days. That provision, which was to be implemented at the earliest practicable date, but not later than 1 January 2018, was designed to ensure that in future there would be a greater possibility of determining the accident site, rescuing any survivors, locating the wreckage and recovering the FDR and CVR. He emphasized that the ANC and its recently-constituted Accident Investigation Panel (AIGP) were carefully considering how to provide the necessary means to investigate aircraft accidents and incidents through relevant Annex amendments.

29. The Representative of Malaysia underscored that the tragic disappearance of Malaysia Airlines Flight 370 on 8 March 2014 while en route from Kuala Lumpur, Malaysia, to Beijing, China, had given rise in his State to serious concern regarding the duration of ELT transmission as it affected the timeframe for determining the accident site and thus the ability to rescue any survivors. While aware of the availability of the current COSPAS-SARSAT system, and of the implementation by the International COSPAS-SARSAT Programme of a new MEOSAR system which would significantly enhance the timeliness and accuracy of ELT alerts, he underscored that not all States availed themselves of such SAR-related services. The Representative of Malaysia stressed the need for the ANC and Secretariat to work

closely with the industry on the transmission period of ELTs and the frequencies on which they operated, in particular, the 121.5 MHz frequency.

30. In view of the said tragedy, the Representative of Malaysia commended, and expressed appreciation for, the work done by the ANC and the Secretariat with regard to the extension of the duration of cockpit voice recordings to at least 25 hours, as now embodied in proposed Standard 6.3.2.3.4. He underscored that even if Flight 370's CVR were recovered it would not yield much useful information as it had only recorded data for two hours and the duration of the flight had been much longer.

31. In noting that in a number of fatal accidents, the ELTs had been destroyed or their antennae had become disconnected, rendering the distress signal unavailable, the President of the ANC indicated that that had led to the development of the Autonomous Distress Tracking (ADT) system, which created and made available information before a crash, increasing the chance of determining the accident site, rescuing any survivors, locating the wreckage and recovering the FDR and CVR.

32. Commenting on Standard 6.18.1, the Representative of Nigeria underscored that the GADSS was another means by which the operator could report position information of a flight in distress to the ATSU and the SAR RCC and sub-centre(s). He emphasized the importance of stressing that point each time the Council discussed the GADSS as distress was an aspect of the emergency phase. The Representative of Nigeria noted that even before the operator reported the position information, the ATSU would already have started working and that the SAR RCC and sub-centre(s) would already have been activated. He underscored that, in order to harmonize the two, it was important at all times to mention that the GADSS was another way to assist in the gathering of information on an aircraft in distress.

33. Recalling that when the draft Annex amendment proposal relating to the safety management provisions had been transmitted to States for comments (cf. State letter AN 8/3-15/46 dated 21 July 2015), States had been requested to confirm their agreement with the recommended applicability date of 8 November 2018 or alternatively, to indicate if they supported a 5 November 2020 applicability date and to provide their rationale therefor, the Representative of Bolivia (Plurinational State of) enquired as to the number of States that favoured the latter (2020) applicability date. He stressed the need to take into account the capacity of States to implement the said provisions in establishing the applicability date.

34. The President of the ANC clarified that 49 States and international organizations had indicated a preference for an applicability date of 8 November 2018, whereas 15 had indicated a preference for 5 November 2020. In noting that the Annex 6, Part I, amendments relating to safety management were consequential to proposed Amendment 1 to Annex 19 – *Safety Management*, he underscored that, after careful review and consideration, the ANC had selected an applicability date of 8 November 2018 for Amendment 1 as: the principles set out in the original version of Annex 19 were not essentially changing, but rather being clarified and restructured; and States would need to progress implementation of the provisions on safety information protection as it had been considered as a priority by the second High-level Safety Conference (HLSC 2015) (cf. paragraph 4.2 of C-WP/14395). The ANC thus proposed the same applicability date for corresponding safety management provisions in Amendment 40 to Annex 6, Part I.

35. It was agreed that the list of ICAO supporting documentation contained in paragraph 3.1 of the *Implementation Task List and Outline of Guidance Material* (cf. Appendix A) would be expanded to include the *Regional Supplementary Procedures* (Doc 7030) as suggested by the Representative of the Russian Federation. The above-mentioned editorial comments regarding Recommendation 4.3.10.1, Standard 6.18.1, and paragraphs 1.1.1, 1.2.1 and 6.1.1 of Attachment G were noted by the Secretariat for review. Furthermore, the comments made regarding, inter alia, SAR-related issues, including the response

times and coordination between the operator and appropriate organizations, were noted by the President of the ANC for future consideration.

36. The Council, by 36 votes in favour, none against and no abstentions, then adopted, as Amendment 40 to Annex 6, Part I, the amendment to the Definitions and the SARPs as contained in Appendix C to C-WP/14391. The Council also approved, as part of the said amendment, the amendment to the Notes and Attachments as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 6, Part I, as set forth in Appendix E.¹

37. In addition, the Council requested that: the State letter informing States of the adoption of Amendment 40 include an executive summary explaining the requirements for its implementation, in particular with regard to its GADSS-related provisions; and that the Secretariat provide Representatives with a pictorial diagram showing past, present and future actions to address the various elements of the GADSS, together with an indication of relevant Council decisions. The President of the Council underscored that it would be useful to also provide the said diagram to States at some point to clear any confusion.

38. Note was taken of the suggestion made by the Representative of Venezuela (Bolivarian Republic of) that for future Annex amendment proposals the format for the implementation assistance tasks contained in the appended *Implementation Task List and Outline of Guidance Material* be enhanced so as to clearly indicate, for each identified task: its specific objective, the scope of action, the lead entity responsible therefor and the target dates for implementation. The Representative was encouraged to work with the Secretariat and the ANC in that regard. It was understood that for each Annex amendment proposal the said information would be harmonized with that contained in the Operating Plan of the originating Bureau (ANB or ATB).

39. Representatives were invited to attend the Symposium for Fatigue Management Approaches in Aviation, being held at ICAO Headquarters from 5 to 6 April 2016, and the 2016 Conference of the FRMS Forum, being hosted by ICAO from 7 to 8 April 2016.

Report of the ANC — Adoption of Amendment 34 to Annex 6, Part II

40. The Council had for consideration C-WP/14392 (Revised, Spanish only), which presented a proposal by the ANC for Amendment 34 to Annex 6 – *Operation of Aircraft, Part II – International General Aviation – Aeroplanes*. The amendment concerned: protection of flight recorder recordings in normal operations; harmonization and alignment of terms and language, updated PBN provisions, and EVS; the use of an enhanced global reporting format for assessing and reporting runway surface conditions; carriage requirements of flight recorders; and PBCS.

41. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2016; a proposed applicability date of 10 November 2016 for the elements concerning harmonization and alignment of terms and language, updated PBN provisions, EVS, carriage requirements of flight recorders, and PBCS; a proposed

¹The Council subsequently decided to extend the applicability date for the elements relating to the protection of flight recorder recordings in normal operations, and safety management, by one year, to 7 November 2019, to be in line with the extended applicability date for those elements that it had agreed upon in adopting Amendment 1 to Annex 19 (cf. C-DEC 207/9, paragraphs 32 and 33, and C-DEC 207/8, paragraph 29).

applicability date of 8 November 2018 for the element concerning protection of flight recorder recordings in normal operations; and a proposed applicability date of 5 November 2020 for the element concerning the use of the said enhanced global reporting format.

42. In addition, it was noted that the proposed applicability date for all GADSS-related provisions of Amendment 34 was 8 November 2018, and that there was a proposed embedded applicability date of 1 January 2021 for the provision related to the extended duration of the CVR (paragraph 3.6.3.2.2.1 of Attachment 2.B in Appendix C to C-WP/14392).

43. In reiterating her State's position with regard to Amendment 34, the Representative of Japan emphasized that Japan believes that the qualification for PBN, as well as for PBCS, needs to be ensured for international general aviation in the same way as for international commercial aviation to ensure the safety of civil aviation. For that purpose, Japan believes that a prior approval process is necessary instead of ex-post reporting. With that caveat, Japan would respect the consensus which had been reached in the Council on Amendment 34.

44. The Council, by 35 votes in favour, none against and no abstentions (one Representative being absent), then adopted, as Amendment 34 to Annex 6, Part II, the amendment to the Definitions and the SARPs as contained in Appendix C to C-WP/14392 (Revised, Spanish only). The Council also approved, as part of the said amendment, the amendment to the Notes and Attachments as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 6, Part II, as set forth in Appendix E.²

45. Furthermore, the Council requested that the State letter informing States of the adoption of Amendment 34 include an executive summary explaining the requirements for its implementation, in particular with regard to its GADSS-related provisions.

Report of the ANC — Adoption of Amendment 20 to Annex 6, Part III

46. The Council reviewed C-WP/14393 (Revised, Spanish only), in which the ANC presented a proposal for Amendment 20 to Annex 6 – *Operation of Aircraft, Part III – International Operations – Helicopters*. The amendment concerned: protection of flight recorder recordings in normal operations; harmonization and alignment of terms and language, updated PBN provisions, and EVS; carriage requirements of flight recorders; PBCS; and safety management.

47. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2016; a proposed applicability date of 10 November 2016 for the elements concerning harmonization and alignment of terms and language, updated PBN provisions, EVS, carriage requirements of flight recorders, and PBCS; and a proposed applicability date of 8 November 2018 for the elements concerning protection of flight recorder recordings in normal operations, and safety management.

² The Council subsequently decided to extend the applicability date for the elements relating to the protection of flight recorder recordings in normal operations, and safety management, by one year, to 7 November 2019, to be in line with the extended applicability date for those elements that it had agreed upon in adopting Amendment 1 to Annex 19 (cf. C-DEC 207/9, paragraphs 32 and 33, and C-DEC 207/8, paragraph 29).

48. The Council, by 35 votes in favour, none against and no abstentions (one Representative being absent), then adopted, as Amendment 20 to Annex 6, Part III, the amendment to the Definitions and the SARPs as contained in Appendix C to C-WP/14393 (Revised, Spanish only). The Council also approved, as part of the said amendment, the amendment to the Notes and Attachments as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 6, Part III, as set forth in Appendix E.²

49. Additionally, the Council requested that the State letter informing States of the adoption of Amendment 20 include an executive summary explaining the requirements for its implementation, in particular with regard to its GADSS-related provisions.

Report of the ANC — Adoption of Amendment 105 to Annex 8

50. Tabled for the Council's consideration was C-WP/14394, which presented a proposal by the ANC for Amendment 105 to Annex 8 – *Airworthiness of Aircraft*. The amendment concerned: the use of an enhanced global reporting format for assessing and reporting runway surface conditions, and safety management.

51. It was noted that, having examined the technical circumstances associated with the implementation of the amendment, the ANC considered that the following dates would be suitable for the implementation of these provisions: an effective date of July 2016; a proposed applicability date of 10 November 2016 for the element concerning safety management; and a proposed applicability date of 5 November 2020 for the element concerning the use of the said enhanced global reporting format.

52. The Council, by 35 votes in favour, none against and no abstentions (one Representative being absent), then adopted, as Amendment 105 to Annex 8, the amendment to the Definitions and the SARPs as contained in Appendix C to C-WP/14394. The Council also approved, as part of the said amendment, the amendment to the Notes as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 8 as set forth in Appendix E.

Report of the ANC — Adoption of Amendment 1 to Annex 19

53. The Council reviewed C-WP/14395, in which the ANC presented a proposal for Amendment 1 to Annex 19 – *Safety Management*. The amendment marked the completion of the second phase of the development of Annex 19 and concerned: integration of the State safety oversight (SSO) system critical elements (CEs) and the State safety programme (SSP) provisions; enhancement of safety management system (SMS) provisions to support uniform implementation, including the extension of SMS to organizations responsible for the type design and/or manufacture of engines and propellers; and protection of safety data, safety information and related sources.

54. It was recalled that when the draft Annex amendment proposal had been transmitted to States for comments (cf. State letter AN 8/3-15/46 dated 21 July 2015), States had been requested to confirm their agreement with the recommended applicability date of 8 November 2018 or alternatively, to indicate if they supported a 5 November 2020 applicability date and to provide their rationale therefor. Forty-nine (49) States and international organizations had indicated a preference for an applicability date of 8 November 2018, whereas 15 had indicated a preference for 5 November 2020. After careful review and consideration, the ANC had noted that the principles set out in the original version of Annex 19 were not essentially changing, but rather being clarified and restructured. The ANC had also considered that the provisions in relation to safety information protection had been considered as a priority by the second

High-level Safety Conference (HLSC 2015), and that States would need to progress that matter in relation to their respective institutional issues (cf. paragraph 4.2 of C-WP/14395).

55. Having examined the technical circumstances associated with the implementation of Amendment 1, the ANC considered that an effective date of July 2016 and a proposed applicability date of 8 November 2018 would be suitable for the implementation of its provisions.

56. On behalf of the Council, the President expressed appreciation for all of the difficult work carried out by the ANC and the Secretariat in developing the first amendment to Annex 19.

57. Responding to a question then raised by the President regarding the key new elements of the said Annex amendment proposal, the Technical Officer, Operational Safety Section (TO/OPS) highlighted that the safety information protection guidance material currently set forth in Attachment B to Annex 19 was being elevated to the status of SARPs in a new Appendix 3. *Principles for the protection of safety data, safety information and related sources*. Furthermore, the SSP guidance material currently contained in Attachment A was being elevated to the status of SARPs and relocated to Chapter 3. *State safety management responsibilities*, with several provisions and explanatory notes related to SMS being added for clarification purposes. TO/OPS cited, as an example, the inclusion of specific provisions on the establishment of safety objectives in the SMS framework.

58. The Representative of the United Republic of Tanzania recalled, from the Council's earlier discussion of the implementation of the ICAO Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA), that very few States have performed a self-assessment on the SSP-related PQs and recorded the results in the USOAP CMA online framework (OLF) (cf. information paper C-WP/14364, paragraph 2.2; 207/4). In noting that the implementation of the Amendment 1 elements relating to the integration of the SSO system CEs and the SSP provisions was expected to take between five to ten years, depending on each State's level of safety oversight and safety management maturity (cf. paragraph 2.1.6 of Appendix B to C-WP/14395), he underscored that it would take a long time especially for those States which have not yet started to implement their SSP. Emphasizing that it would be necessary for all States to either develop or update their SSP to reflect the modified Annex 19 provisions, as well as to develop or amend their legislation and regulations and provide training to the relevant aviation personnel, the Representative of the United Republic of Tanzania stressed that that would potentially require a substantial amount of time and resources, as referred to in paragraph 3.1.2 of the paper. He therefore considered that the proposed Amendment 1 applicability date of 8 November 2018, a mere two years after the effective date, was too early for some States.

59. In underscoring the need for the Council to take into account the critical issue of States' capacity to implement the safety management SARPs contained in Amendment 1, the Representative of the United Republic of Tanzania averred that the issuance of a large number of SARPs amendments with short timeframes for implementation could create a burden for States and adversely affect their ability to comply therewith. He therefore recommended that the said proposed applicability date for Amendment 1 be extended by at least one year so that States would have sufficient time to prepare for its implementation. The Representative of the United Republic of Tanzania highlighted, in this regard, that those States whose level of effective implementation was below 60 per cent were not even considering the implementation of a SSP and that those States whose level of effective implementation was higher than 60 per cent were still struggling with SSP implementation.

60. The Representative of Cameroon highlighted that the workshop on the Corporate Risk Register and Assurance Framework that had been held the previous day, on 7 March 2016, was in line with Amendment 1 to Annex 19, which contained new Chapter 3 provisions relating to State safety risk management. In fully agreeing with the Representative of the United Republic of Tanzania that the

existing SSP-related SARPs of Annex 19 were not widely implemented, he underscored that it would take time for the required culture change to be effected in States. In emphasizing the need for ICAO to provide more implementation assistance, he sought clarification regarding the related tasks listed in paragraph 4 of the *Implementation Task List and Outline of Guidance Material* contained in Appendix A to the paper. In wondering whether ICAO was not proceeding too quickly by setting an 8 November 2018 applicability date for Amendment 1, the Representative of Cameroon averred that two years might be insufficient for its implementation, particularly as not all States had established a SSP.

61. The President of the ANC underscored that those States which had not yet implemented the existing provisions of Annex 19 could proceed directly with the implementation of the clarified, more mature safety management framework provided in Amendment 1. In elaborating on the ways in which implementation assistance was being provided to States, he noted that the *Global Aviation Safety Plan* (GASP), a new version of which would soon be issued, provided clarifications regarding the safety management framework. In particular, it indicated that those States with a low level of effective implementation should focus on safety oversight. The President of the ANC further noted that: the related Global Aviation Safety Roadmap identified the various steps and priorities; the Safety Management Panel (SMP) was developing guidance material to support both the existing safety management SARPs and the proposed amendments to Annex 19; and the fourth edition of the *Safety Management Manual* (SMM) (Doc 9859), which would reflect all of the changes contained in Amendment 1, was planned for publication in July 2017, well in advance of the ANC's proposed 8 November 2018 applicability date. He stressed that work was thus underway to develop, with the resources available, the best possible material to assist States in implementing Amendment 1. The President of the ANC reiterated that the Commission's recommendation was to have the said safety management framework applied by States from the earliest possible date, i.e. 8 November 2018, particularly since safety information protection had been considered as a priority by the HLSC 2015. He re-emphasized that pursuant to ICAO's policy for the conduct of USOAP CMA audits, the PQs focused on what was essential i.e. the underlying principles of the provisions being audited, and not solely on the letter of the provisions.

62. The Director of the Air Navigation Bureau (D/ANB) recalled that the majority of States which had replied to State letter AN 8/3-15/46 dated 21 July 2015 had indicated that the preference was that the ANC set an applicability date for Amendment 1 that was sooner, rather than later. He noted that initially the Secretariat had considered that a 5 November 2020 applicability date would be preferable from its point of view as much work had remained to be done to prepare for its implementation. However, after working with the ANC on the development of Amendment 1 and on the evaluation of States' responses to the said State letter, the Secretariat had come to agree with the Commission that the 8 November 2018 applicability date made more sense as the said Annex amendment consolidated all of the SARPs and guidance material in a single set that could be applied by all States sooner rather than later. Recalling the comment made by the Representative of the United Republic of Tanzania that many States had not yet implemented their SSP, D/ANB underscored that many States had in fact waited for Amendment 1 in the expectation that it would provide additional clarity regarding the safety management framework. Those States had been planning to develop their regulatory framework and related training on the basis of Amendment 1. Thus the sooner Amendment 1 became applicable, the sooner States could comply with its provisions.

63. In emphasizing that USOAP CMA audits related to the SSP had not yet formally commenced, D/ANB indicated that a demonstration trial had been carried out with several key States to review implementation, with it having been noted that the said additional guidance material was necessary for a comprehensive implementation by the States concerned. That was one of the reasons why the Secretariat considered that an earlier applicability date i.e. 2018 for Amendment 1 would permit an alignment between what currently existed and the said future guidance material. The Secretariat was thus not preparing parallel offset material; rather, it was updating the guidance material all at once and would

thereafter provide the necessary training and implementation assistance-related workshops. D/ANB stressed that although there was much work to be done, the sooner the guidance material was prepared and issued, the sooner the safety management methodology would be utilized by States. He averred that an applicability date of 5 November 2020 would cause a deferral in the implementation of safety management practices by the operators and of the safety oversight practices by States – a situation the Secretariat wished to avoid.

64. The President of the Council observed that one of the main reasons for having an effective date for Annex amendments was to enable States to start taking implementation action before the amendments became applicable.

65. In welcoming the comment made earlier by the Representative of Venezuela (Bolivarian Republic of) regarding the format for the implementation assistance tasks contained in the *Implementation Task List and Outline of Guidance Material* appended to Annex amendment proposals (cf. paragraph 7 above), as well as the comments made during the present discussion by the Representatives of the United Republic of Tanzania and Cameroon, the Representative of Spain emphasized that the important points that they had raised were of relevance for all of the Annex amendment proposals being considered by the Council during its current session. Noting that his national administration, as well as those of other States, might have difficulty in digesting the contents of the various Annex amendments, he indicated that while much good work had been done to establish a corresponding *Implementation Task List and Outline of Guidance Material* (cf. Appendix A), additional efforts to assist States' implementation were required in the form of workshops in all ICAO regions as they were essential for States' compliance with ICAO SARPs.

66. Having heard the explanations of the President of the ANC and D/ANB regarding the recommended 8 November 2018 applicability date for Amendment 1 to Annex 19, the Representative of Spain accepted that date, as long as implementation assistance was provided to States. He voiced support for the proposed elevation of the said Annex 19 guidance material to SARPs. Observing that Amendment 1 contained new Standard 3.3.5.1 and new Recommended Practice 3.3.5.2, with two Notes, relating to the management of safety risks, the Representative of Spain underscored that they could be applied to corporate risk management in ICAO, the subject of the previous day's workshop.

67. Referring to paragraph 2.1.2 of Appendix B to the paper relating to the financial impact of the integration of State safety management responsibilities, the Representative of Norway noted that higher implementation costs were expected for, inter alia, those States where the SSP is approved at the highest level similar to a legislative document. He highlighted that an analysis conducted by the States which he represented (Denmark, Estonia, Finland, Iceland, Latvia, Norway and Sweden) had shown, however, that those States that documented their SSPs on a process basis rather than on an element basis should not face heavy implementation costs.

68. In taking very seriously the concerns raised by the Representatives of the United Republic of Tanzania and Cameroon regarding the proposed 2018 applicability date for Amendment 1, the Representative of Norway recalled that on the basis of another analysis done by the said States which he represented, the latter would support that date with a view to not delaying the implementation of provisions that would improve safety in States, taking into account that the provisions were aspirational in nature and that the targets should be set fairly high. The States which he represented considered that States should be supported in implementing the provisions of Amendment 1 without fear of being audited thereon under the USOAP CMA and being found to have not reached the required level of effective implementation.

69. In endorsing the interventions made by the Representatives of the United Republic of Tanzania and Cameroon, the Representative of South Africa averred that paragraph 4.2 of the paper on the ANC's selection of 8 November 2018 as the applicability date for Amendment 1 did not address the ICAO *No Country Left Behind* (NCLB) initiative, which had been commended by the United Nations (UN) Secretary-General during the Council Special Session on 12 February 2016 as it helped to "reduce global inequality by ensuring that all countries have access to safe, reliable and environmentally-friendly air transport".

70. In also sharing the concerns expressed by the Representatives of the United Republic of Tanzania and Cameroon, the Representative of Nicaragua voiced support for the 2020 applicability date in order to provide sufficient time for State implementation and thereby possibly reduce the number of differences filed.

71. Endorsing the comments and suggestions made by the Representatives of the United Republic of Tanzania, Cameroon, Spain, Norway and Nicaragua, the Representative of Bolivia (Plurinational State of) supported the said 2020 applicability date as implementation of Amendment 1 was a very complex matter which could necessitate the internal organizational restructuring of States' CAAs, as well as the development or amendment of legislation and regulations, and thus have budgetary implications for the States concerned. He further emphasized that more time was needed to garner the political will of not only the CAAs but also the Heads of State and Government to implement Amendment 1. The Representative of Bolivia (Plurinational State of) underscored the need for the Council to bear in mind that those States which preferred the later 2020 applicability date wanted to be able to comply with its provisions.

72. While understanding the logic of the ANC's and the Secretariat's approach, the Representative of the Russian Federation shared the concerns expressed by the Representatives of the United Republic of Tanzania, Cameroon and Bolivia (Plurinational State of) regarding, inter alia, the length of time required by States to develop or amend their legislation and regulations in order to implement Amendment 1. He therefore endorsed the said 2020 applicability date. In noting that the Representative of Spain's support of the ANC's proposed 2018 applicability date was conditional upon the provision of the necessary implementation assistance, the Representative of the Russian Federation underscored that that issue should be considered as part of the ongoing budgetary discussions. To a point then raised by the Representative regarding the GADSS concept of operations, D/ANB clarified that it was published on the ICAO public website in a new centralized online information area for aircraft tracking development entitled *Aircraft Tracking Website*, under the captions *Global Tracking Initiatives, Documentation*. He considered that it would be useful to give the Council an informal briefing on the entire GADSS programme at a future session.

73. The Representative of the United Kingdom concurred with previous speakers that further implementation assistance was required, including regional workshops. While also agreeing that it would take some time to effect the necessary culture change in States, he averred that that was actually a reason for commencing implementation of Amendment 1 sooner rather than later. The Representative of the United Kingdom also asserted that the proposed 2018 applicability date was consistent with the ICAO NCLB initiative as all States would have the opportunity to commence implementation of that important safety management-related Amendment at the same time. He supported the said pragmatic approach to auditing Annex 19 under the USOAP CMA, whereby focus would initially be on implementation of the Annex's high-level principles and recognition of States' movements towards those goals rather than on compliance with the letter of its provisions, affirming that that was very much in line with the Annex's nature. The Representative of the United Kingdom cautioned that by delaying the Amendment 1 applicability date risked a delay in the movement to make progress. He endorsed the 2018 applicability

date proposed by the ANC, subject to the said implementation assistance, as well as to the said pragmatic auditing approach, which would not give rise to a blame culture.

74. The President of the Council, while fully supporting ICAO's safety management-related activities, in which he had actively participated prior to assuming his current role, and while recognizing that Amendment 1 enabled the integration of the SSO system CEs and the SSP provisions, expressed one of his long-standing personal concerns that the movement to safety management would draw States' attention away from the existing safety oversight-related provisions before they had developed the required capability for risk management. He emphasized the importance of remaining vigilant to ensure that that did not occur. The President of the Council also underscored that ICAO's shift to performance-based SARPs should not draw the Organization's attention away from the continued need for prescriptive Standards, which were important for those States with a low level of effective implementation. He stressed the need to continue to pay attention to these two issues. Observing that during the discussion D/ANB and the President of the ANC had found common ground regarding a later applicability date, the President of the Council enquired whether all of the proposed action could be accomplished with such an applicability date and the recommended 2016 effective date.

75. While replying that that would be possible to some degree, D/ANB underscored that a level of complication would be added should a State decide to continue implementing the original version of Annex 19 until 2020 despite the 2016 effective date for Amendment 1. Such a later applicability date would thus create a fairly long overlap, particularly for those States which might have already begun to implement the latter's provisions. He would thus encourage States to implement Amendment 1 sooner rather than later. In confirming that the audit of Annex 19 under the USOAP CMA would be a high-level process in the early years, D/ANB emphasized that it could not be a very prescriptive process as the said safety management principles had to be developed iteratively in each Government.

76. Although agreeing that an early effective date i.e. 2016 could make it possible to have a later applicability date, the President of the ANC stressed the importance of not conveying the message that Amendment 1 rendered the safety management framework more complex when in fact it simplified and clarified the latter. In stressing the need for a coherent and consistent framework, he reiterated that the GASP and the related Global Aviation Safety Roadmap would be a source of implementation assistance for States. Noting that Annex 19 was a systemic Annex, the President of the ANC indicated that it would not be an easy task to conduct a USOAP CMA audit thereof. He emphasized the importance of recognizing that the management of safety, and not safety management, was the aspirational goal and thus top priority, followed by safety oversight and SSPs.

77. The President of the Council indicated that he was unsure that even the existing principles and provisions of Annex 19 had been well-implemented by many States. In recalling that in his former capacity as Representative of Nigeria he had helped to organize and host the first Global Aviation Safety Roadmap workshop in Abuja, Nigeria, he noted that the Roadmap had initially been considered as a precursor to the GASP. While the Roadmap had subsequently been put aside following the development of the GASP, which had been considered to be sufficient, attention had reverted to the Roadmap as it was now recognized that it was necessary for the Plan's implementation. The President of the Council observed that there had thus been a learning curve even within ICAO. In further noting that States were confused regarding many of the safety management-related issues, he indicated that while the proposed 2016 effective date for Amendment 1 could be retained, it was necessary to provide States with additional clarifications and explanations in the form of the said Roadmap, and the guidance material being developed by the SMP, and to give them time to develop the requisite capabilities.

78. The Representative of Venezuela (Bolivarian Republic of) stressed that whenever an ICAO Standard was adopted by the Council as part of an Annex amendment, there should be certainty

that States would be able to comply therewith by the established applicability date. In view of the comments made regarding the steps to be taken by States to implement Amendment 1 and their potential financial implications, and the need for implementation assistance, including guidance material, he agreed with the proposal made by the Representative of Nicaragua and supported by the Representatives of Bolivia (Plurinational State of) and the Russian Federation to defer the applicability date to 2020 to ensure effective State implementation.

79. The Representative of Burkina Faso fully endorsed the comments made by the President of the Council on the need for the Secretariat and the ANC to further enrich the safety management approach for States. In strongly supporting the interventions made by the Representatives of the United Republic of Tanzania and Cameroon and by all those Representatives who shared their concerns, he stressed that ultimately it was necessary to strictly adhere to the philosophical framework of the ICAO NCLB initiative, as indicated by the Representative of South Africa, and to give those States facing challenges more opportunity to implement the very important Amendment 1 to Annex 19. The Representative of Burkina Faso therefore supported a 2020 applicability date. The Representatives of Chile and Brazil also spoke in favour thereof.

80. The Representative of Spain agreed with the differentiation between the effective and applicability dates referred to by the President of the Council which provided States with a reasonable amount of flexibility in implementing Annex amendments, including Amendment 1 to Annex 19. He emphasized the need for the State letter informing States of the Council's adoption of Amendment 1 to clarify the various issues raised in order to support the implementation process, and to encourage States to implement it as soon as possible.

81. Responding to a point raised by the Representative of Cameroon, TO/OPS noted that it was expected that the supporting documentation listed in paragraph 3.1 of Appendix A to the paper would be available in all of ICAO's working languages by the planned 2017 publication dates indicated, which were well in advance of the 8 November 2018 applicability date initially proposed for Amendment 1. With regard to training, she indicated that it was expected that workshops would be conducted to roll out the guidance material once the latter became available. The President of the Council observed that those were very tight schedules.

82. The President of the ANC emphasized the need to bear in mind that Amendment 1 was based on the existing principles in Annex 19 and did not create any new ones, and that it reflected some restructuring which was aimed at facilitating effective implementation. In further underscoring that training was already being provided on a number of the said safety management-related principles, he indicated that the Commission and the Secretariat would discuss the best strategy for providing implementation assistance during the interval between the effective date and the applicability date for Amendment 1.

83. In fully supporting the positions expressed by the President of the ANC and the Secretariat, and the position clearly articulated by the Representative of the United Kingdom, the Representative of the United States indicated that one of the negative comments made about ICAO that affected its reputation was that it took a very long time to accomplish its work. He expressed concern that extending the applicability date for the implementation of a safety management framework, which was already provided for in Annex 19, would lead to a further delay in the initiation of States' implementation process. Reiterating the importance of strictly adhering to the philosophical framework of the ICAO NCLB initiative, the Representative of the United States emphasized that it was essential to provide States' aviation personnel that needed ICAO's assistance with the resources required to accord top priority to aviation safety. Underscoring that extending the said applicability date was not the way in which to do that, he averred that it would instead provide another excuse for States to accord low priority to aviation

safety. Recalling that the ANC and the Secretariat had given careful, indepth consideration to Amendment 1 and its applicability date, the Representative of the United States noted that they were trying to bring the Council into an era where they all could be proud of their work and of all ICAO Member States and could assist the latter in making progress. Averring that extending the 2018 applicability date did not assist in the achievement of that aim, he reiterated his full support for positions of the President of the ANC, the Secretariat, and the Representative of the United Kingdom.

84. In fully endorsing all of the arguments put forward for retaining the proposed applicability date of 8 November 2018, the Representative of France noted, from the explanations provided by the President of the ANC and the Secretariat, that all of the tools necessary to initiate the implementation process in optimal conditions were already in hand. He stressed the importance of that earlier i.e. 2018 applicability date for the Organization's effectiveness and image.

85. The Council noted that: those States which had not yet implemented the existing provisions of Annex 19 could proceed directly with the implementation of the clarified, more mature safety management framework provided in Amendment 1; guidance material was under development to support both the existing safety management SARPs and the proposed amendments to Annex 19, in particular, the next edition of the *Safety Management Manual* (SMM) (Doc 9859) was planned for publication by July 2017, well in advance of the ANC's proposed 8 November 2018 applicability date for Amendment 1; and the ICAO safety management standardized training programme would be updated.

86. In summarizing the discussion, the President of the Council noted that, in effect, all Representatives were right from the various perspectives from which the proposed applicability date for Amendment 1 had been considered. Observing that a number of issues had been raised regarding the development and publication of guidance material, he emphasized the need to ensure that: adequate resources were provided so that all of the requisite guidance material would be made available in all ICAO working languages to all States; and that there was a clear programme to provide support to States with the implementation of not only Amendment 1 but of Annex 19 as a whole. The President of the Council noted that: the ANC and the ANB would progress their work on the new edition of the GASP and the related Global Aviation Safety Roadmap required for the implementation of amended Annex 19; and that following the ANC's review thereof during the upcoming Spring session, those documents would be available for the 39th Session of the Assembly in September/October 2016.

87. The President of the Council then suggested that the proposed effective date for Amendment 1 of July 2016 be retained and that the proposed applicability date of 8 November 2018 be extended by one year, to 7 November 2019. This was agreed.

88. On that basis, the Council, by 34 votes in favour, none against and two abstentions, adopted, as Amendment 1 to Annex 19, the amendment to the Definitions and the SARPs as contained in Appendix C to C-WP/14395. The Council also approved, as part of the said amendment, the amendment to the Notes and Attachments as contained in that same Appendix C. In addition, the Council approved the Resolution of Adoption set forth in Appendix D and, as part of the said amendment, the amendment to the Foreword of Annex 19 as set forth in Appendix E. It was noted that, as a consequence of this adoption of Amendment 1, a second edition of Annex 19 would be published.

89. The Council requested that the State letter informing States of the adoption of Amendment 1 clarify the various issues raised during the discussion, including the audit of Annex 19 under the USOAP CMA.

90. It was noted that if the Council so wished, an informal briefing on the entire GADSS programme could be given at a future session.

91. It was understood that the appropriate adoption, effective and applicability dates would be inserted in the Forewords of the above-mentioned Annexes and in the Resolutions of Adoption of their respective Amendments.³

Any other business

Council working paper presented for information

92. As the President of the Council did not receive any requests to have the following information paper tabled for discussion, it is considered that the Council has noted the information provided therein:

- **C-WP/14407 Restricted** – *Review of the net base salaries of the President of the Council and the Secretary General and representation allowances of the President of the Council and the Secretary General* – circulated under cover of PRES OBA/2491 dated 17 February 2016 with a deadline of 25 February 2016 for comments.

Subject No. 24.3: Action on Assembly resolutions and decisions

Review of the overall structure of the preparatory work for the Assembly

93. As requested by the Council during its earlier consideration of this subject (C-WP/14360; 207/3), the Chairperson of the Working Group on Governance and Efficiency (WGGE), the Representative of Saudi Arabia, Mr. Hazim A. Abudaowd, reported on the outcome of his consultation with the Group's Members regarding action paragraph a) vi) of C-WP/14360, which had not seemed to be aligned with its recommendation as reflected in paragraph 21 a) iii) of C-DEC 207/3.

94. With a view to ensuring parity between States and international organizations with regard to the submission of working papers to the 39th Session of the Assembly in September/October 2016 and to provide clarity with regard to the circumstances under which the various approved (207/3) deadlines could be waived, the Council took the action recommended by the Chairperson of the WGGE and agreed:

- a) to amend paragraph 21 a) iii) of C-DEC 207/3 by replacing “23 August 2016” with “9 August 2016” and revising the text so as to read:

“9 August 2016 as the deadline for the submission of working papers by international organizations in all ICAO working languages as provided by the international organizations;”

- b) to insert a new paragraph 21 a) vi) in C-DEC 207/3 which reads:

³ With regard to Amendment 40 to Annex 6, Part I, Amendment 34 to Annex 6, Part II, and Amendment 20 to Annex 6, Part III, the Council subsequently decided to extend the applicability date for the elements relating to the protection of flight recorder recordings in normal operations, and safety management, by one year, to 7 November 2019, to be in line with the extended applicability date for those elements that it had agreed upon in adopting Amendment 1 to Annex 19 (cf. C-DEC 207/9, paragraphs 32 and 33, and C-DEC 207/8, paragraph 29).

“that working papers from States and international organizations received after the 9 August 2016 deadline will be considered as information papers;” and

- c) to insert a new paragraph 21 a) vii) in C-DEC 207/3, based on the Note contained in paragraph 2.3.3 of C-WP/14360 as subsequently modified by the WGGE, which reads:

“that only in cases of extraordinary importance or urgency of issues, raised in the working papers submitted by States, may the deadlines listed above be waived under approval by the Secretary General in consultation with the President of the Council on an individual basis.”

95. Recalling an issue which he had raised during the previous session (206/3), the Representative of Brazil expressed gratitude to the Government of Canada, through its Representative of the Council, for the goodwill and efficiency it had evinced in expeditiously restoring the student visa of a daughter of a former advisor to the Brazilian Delegation. He had been unable to voice his appreciation earlier due to an illness which had prevented him from attending subsequent Council meetings.

96. Responding to a comment by the Representative of Venezuela (Bolivarian Republic of) on the need for more effective and visible follow-up to requests made by Representatives during Council meetings that did not form part of the Council decisions, the President suggested that the Secretariat maintain a list of such requests to facilitate follow-up. In emphasizing that the Secretariat should contact Representatives to follow up on their requests, the Secretary General suggested that they inform the Secretariat of any outstanding requests so that bilateral meetings could be arranged to address them.

97. The Secretary General highlighted that the format of the sessional reports on implementation of Council decisions, which were posted on the Council website, was being further enhanced to include indications of the Bureau responsible for implementation and the associated target date for implementation to facilitate follow-up by the Council. She welcomed Representatives' advice regarding any additional improvements that could be made to the format to enable them to have a good understanding of the Secretariat's effective implementation of the Council decisions.

98. Replying to another point raised by the Representative of Egypt, the Secretary General indicated that she would try to find an amicable solution to the long-standing problem of an indoor parking spot in the ICAO garage for him. In highlighting the challenges being faced in that regard, she noted that some Representatives were reluctant to relinquish their indoor parking spots following the completion of their States' term on the Council. Furthermore, while some Representatives did not have vehicles and thus did not have an indoor parking spot, their successors might have vehicles and would thus require one. The Secretary General thus sought the cooperation and support of other Representatives in finding an amicable solution. She clarified, in this context, that members of the Secretariat had been given the right to indoor parking spots. It was noted that the President of the Council would also follow-up on this issue.

99. In response to an additional comment by the Representative of Mexico, the President of the Council assured Representatives: that action had been taken to address the delays encountered, since the 206th Session, in the publication of Council decisions and, in particular, Council minutes; and that the situation would be significantly improved.

100. The meeting adjourned at 1300 hours.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE NINTH MEETING

(THE COUNCIL CHAMBER, FRIDAY, 4 MARCH 2016, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

- | | | | |
|----------------------------------|-------------------------------|------------------------------------|-----------------------------------|
| Argentina | — Mr. A.J. Dumont | Malaysia | — Mr. Y.-H. Lim |
| Australia | — Ms. K. Macaulay | Mexico | — Mr. D. Méndez Mayora |
| Bolivia (Plurinational State of) | — Mr. J.G. Soruco | Nicaragua | — Mrs. E.A. Aráuz Betanco |
| Brazil | — Mr. R. da Rosa Costa (Alt.) | Nigeria | — Mr. M.E. Nwafor |
| Burkina Faso | — Mr. M. Dieguimde | Norway | — Mr. K.M. Skaar |
| Cameroon | — Mr. E. Zoa Etundi | Poland | — Prof. M. Polkowska |
| Canada | — Mr. J.-B. Leblanc | Portugal | — Mrs. M.H. Faleiro T. de Almeida |
| Chile | — Mr. C. Mac-Namara | Republic of Korea | — Mr. J. Hur |
| China | — Mr. Tao Ma | Russian Federation | — Mr. A.A. Novgorodov |
| Dominican Republic | — Mr. C.A. Veras Rosario | Saudi Arabia | — Mr. H.A. Abudaowd |
| Egypt | — Mr. A. Khedr | Singapore | — Mr. T.C. Ng |
| France | — Mr. O. Caron | South Africa | — Mr. M.D.T. Peege |
| Germany | — Mr. U. Schwierczinski | Spain | — Mr. V.M. Aguado |
| India | — Mr. A. Shekhar | United Arab Emirates | — Miss A. Alhameli |
| Italy | — Mr. F. Lonardo (Alt.) | United Kingdom | — Mr. M. Rodmell |
| Japan | — Ms. N. Ueda | United Republic of Tanzania | — Mr. R.W. Bokango |
| Kenya | — Ms. M.B. Awori | United States | — Mr. M.A. Lawson |
| Libya | — Mr. M. Sayeh Eltayf | Venezuela (Bolivarian Republic of) | — Mr. D.A. Blanco Carrero |

ALSO PRESENT:

- *Mr. F. Zizi, President, ANC
- Dr. N. Luongo (Alt.) — Argentina
- Mr. M. Vidal (Alt.) — Chile
- Mr. I. Camino (Alt.) — Chile
- Mr. M. Millefert (Alt.) — France
- Mr. M. Ishii (Alt.) — Japan
- Mrs. D. Valle Álvarez (Alt.) — Mexico
- Mrs. H. Jansson Saxe (Alt.) — Norway
- Mr. S. Kim (Alt.) — Republic of Korea
- Mr. S. Koh (Alt.) — Republic of Korea
- Mr. D. Subbotin (Alt.) — Russian Federation
- Mr. A. Almoghraby (Alt.) — Saudi Arabia
- Mr. W. Voss (Alt.) — United States

SECRETARIAT:

- *Mr. B. Djibo — D/ATB
- Mr. A. Mishra — RD, APAC
- Mr. B. Kashambo — RD, ESAF
- Mr. L. de Almeida — RD, EUR/NAT
- Mr. M.B.T. Smaoui — A/RD, MID
- Mr. M. Cintron — RD, NACC
- Mr. F. Hoyer — RD, SAM
- Mr. M. Jallow — RD, WACAF
- *Mrs. J. Hupe — DD/ENV
- *Mr. M. Belayneh — A/GAT Manager
- *Mr. T. Tanaka — C/CC
- *Mr. T. Thrasher — C/ES
- *Mr. N. Dickson — ES
- Miss S. Black — Précis-writer

*Part-time

Representatives to ICAO

Afghanistan
Colombia
Cuba
Ecuador
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Paraguay
Peru
Turkey
Uruguay

Airports Council International (ACI)
European Union (EU)

Subject No. 50: Questions relating to the environment

**Environmental protection – Recent developments in other
United Nations bodies and international organizations**

1. Tabled for the Council's consideration was C-WP/14390 presented by the Secretary General, which reported on the outcome of the 21st Session of the Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) (Paris, France, 29 November – 12 December 2015), notably the adoption of the Paris Agreement (with associated decision text), which were applicable to all UNFCCC Parties for implementation from 2020 and whose aim was to strengthen the global response to the threat of climate change in the context of sustainable development and efforts to eradicate poverty, including by holding the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C. The paper elaborated on the key elements of the Paris Agreement and their relevance for international aviation, as well as on the handling of international aviation during the COP21 negotiations and on ICAO's active outreach activities at the Conference, and set forth some key conclusions which had been drawn from COP21.

2. In introducing the paper, the Secretary General noted that both she and the President of the Council had participated in the Conference, providing statements and speeches at, and otherwise participating in, various events. The Director of the Air Transport Bureau (D/ATB), the Deputy Director, Environment (DD/ENV) and other members of the ICAO Secretariat had also participated therein. In addition, more than twenty bilateral meetings with high-level representatives had been undertaken to highlight ICAO's leadership role and to seek support for ICAO's position as set forth in the *Council Declaration on International Aviation and Climate Change* of 18 November 2015 (206/8).

3. The Secretary General underscored that to achieve the Paris Agreement's said goal of holding the global average temperature to well below 2°C above pre-industrial levels, progress would be assessed on the basis of information included in national reports, referred to as "Nationally Determined Contributions" (NDCs). Moreover, a global stocktaking to assess collective progress and enable further enhancement of the NDC's ambitions would take place every five years starting in 2023.

4. The Secretary General then highlighted the following key conclusions arising from COP21 (cf. Section 3 of the paper):

- a) The Paris Agreement and its associated decision text, did not include a reference to international aviation, which could be considered as a vote of confidence in ICAO's work, and that ICAO Member States thus continued to work on the basis of ICAO-agreed instruments, such as Assembly Resolution A38-18 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*);
- b) The Intergovernmental Panel on Climate Change (IPCC) estimated that approximately 1 000 Gt of CO₂ could be emitted before 2100 in order to hold the global temperature increase to 2°C. ICAO might need to consider the share of international aviation in this "carbon budget", in the context of the feasibility of a possible long-term aspirational goal. The Committee on Aviation Environmental Protection (CAEP) had recently agreed to undertake further analysis thereof during its next cycle (CAEP/11).
- c) The Paris Agreement also included the establishment of a new mechanism under the UNFCCC to allow the use of internationally transferred mitigation outcomes to

achieve the NDCs. ICAO needed to closely follow the development of that mechanism and its possible implications for the Organization's global market-based measure (GMBM) scheme.

- d) ICAO's capacity building and assistance for States' voluntary Action Plans on CO₂ emissions reduction activities for international aviation would be of critical importance, as it constituted a parallel to the UNFCCC Parties' NDCs for mitigation of other domestic emissions.
- e) ICAO and its Member States needed to continue to express a clear concern, through the UNFCCC process, on the use of international aviation as a potential source for the mobilization of revenue for climate finance to the other sectors, in order to ensure that aviation is not targeted as a source of such revenue in a disproportionate manner.

5. The proposed action was indicated in the executive summary of the paper.

6. The Council welcomed, with satisfaction, ICAO's active outreach activities at COP21. It took note that the Subsidiary Body for Scientific and Technological Advice (SBSTA), which had met in its 43rd Session during COP21, had noted the information received from, and the progress reported by, ICAO, as well as the International Maritime Organization (IMO), and had invited both organizations to continue to report at future SBSTA sessions on relevant work.

7. During the ensuing discussion, the Representatives of Mexico, the Russian Federation, Spain, Japan, India and Egypt voiced appreciation for the successful efforts of the President of the Council, the Secretary General, D/ATB, D/ENV and other Members of the Secretariat on behalf of ICAO to ensure a positive outcome for international aviation at COP21.

8. In endorsing the paper, the Representative of Mexico expressed satisfaction that the Paris Agreement and its associated decision text did not include reference to international aviation and that ICAO was only called upon to continue to report on relevant work at future SBSTA sessions. He emphasized that ICAO would consequently have greater flexibility in addressing all of the various issues relating to international aviation and climate change which, in turn, should facilitate the achievement of the necessary consensus in developing a GMBM scheme for international aviation. In concurring that the fact that international aviation was not referred to in the Paris Agreement represented a vote of confidence by the UN in ICAO's said work, the Representative of Mexico underscored that it also heightened ICAO's commitment to make clear progress in reducing international aviation CO₂ emissions and their impact on the climate. He noted that the Paris Agreement's aim of holding the global average temperature to well below 2°C above pre-industrial levels served to highlight the importance of ICAO's existing global aspirational goal of carbon neutral growth from 2020 (CNG2020), as set forth in paragraph 7 of Assembly Resolution A38-18. Referring to paragraph 3.5 of the paper, he stressed the need for ICAO to continue to mitigate the risk of international aviation being used as a potential source for the mobilization of revenue for climate finance to other sectors and to be proactive in preventing such use.

9. The Representative of the Russian Federation voiced full support for the action proposed in the executive summary of the paper, in particular, in paragraph b), in which the Council was invited to "reiterate the need for ICAO and its Member States to continue to express a clear concern, through the UNFCCC process, on the use of international aviation as a potential source for the mobilization of revenue for climate finance to the other sectors in a disproportionate manner", as requested in paragraph 30 of Assembly Resolution A38-18. In averring that ICAO's proposal to use a carbon offsetting scheme for international aviation (COSIA) contradicted that principle, he stressed the need for the Organization to be consistent in its approach in developing a GMBM scheme. In drawing attention to paragraph 3.2 of the

paper on the “carbon budget”, under which some 1 000 Gt of CO₂ could be emitted before 2100 in order to hold the global temperature increase to 2°C, the Representative of the Russian Federation highlighted the importance of discussing real cuts in aviation emissions and of not trying to achieve ICAO’s global aspirational goal of CNG2020 using artificial means.

10. The Representative of China emphasized that although the Paris Agreement and its associated decision text did not explicitly refer to international aviation, they also did not explicitly exclude it. In expressing confidence that agreement on an ICAO GMBM scheme would be reached, he underscored the need for it to reflect the principles embodied in the Paris Agreement, in particular, the principle of common but differentiated responsibilities (CBDR). In concurring with the Representative of the Russian Federation that ICAO’s goal was to achieve real aviation emissions reductions, the Representative of China stressed that a GMBM scheme was only complementary to the other elements of the basket of mitigation measures. Expressing his full support for paragraph 3.5 of the paper, and thus for action paragraph b), on the said need to continue to express a clear concern, through the UNFCCC process, on the use of international aviation as a potential source for the mobilization of revenue for climate finance, he noted that he had always considered that there was lack of concrete actions on the part of ICAO to prevent such use. In seeking clarification, the Representative of China emphasized that ICAO should be more concerned about its actual actions to prevent international aviation from being targeted as a source of such revenue in a disproportionate manner than about its rhetoric.

11. In endorsing the action proposed in the executive summary of the paper, the Representative of Spain cautioned that while the fact that international aviation was not covered under the Paris Agreement and its associated decision text could be seen as a vote of confidence in the progress that ICAO and its Member States were achieving, it was a double-edged sword, inasmuch as a failure by the Organization to live up to that vote of confidence by delivering practical results within the envisaged timeframe could engender the risk that other organizations would address the issue of international aviation and climate change in its stead. He agreed on the need to closely monitor the development of the said UNFCCC mechanism to allow the use of internationally transferred mitigation outcomes to achieve the NDCs in order to determine its potential impact on ICAO’s work on a GMBM scheme for international aviation.

12. Underscoring that the Paris Agreement had been adopted at the level of the UN, the Representative of Spain re-emphasized the need for ICAO and its Member States to consider the share of international aviation emissions in the said “carbon budget” of approximately 1 000 Gt of CO₂ that could be emitted for all sectors of human activity before 2100. In sharing the concerns expressed by the Representatives of Mexico and the Russian Federation regarding the use of international aviation as a potential source for the mobilization of revenue for climate finance, he sought clarification regarding the level of associated risk and reiterated the need to be proactive in mitigating that risk with the means available to ICAO.

13. In offering clarifications, DD/ENV noted that international aviation and international maritime activities continued to be the focus of attention of not only States’ environment authorities, but also their finance authorities as a possible source of revenue for climate finance. She underscored that although the Paris Agreement and its associated decision text did not explicitly refer to those activities, they were encompassed under the reference made in Article 9, paragraph 3, of the Paris Agreement to mobilizing climate finance from “a wide variety of sources, instruments and channels” (cf. FCCC/CP/2015/L.9). Discussion of that issue was continuing in the UNFCCC process. Recalling the UNFCCC Parties’ agreement to jointly provide USD 100 billion annually by 2020 for mitigation and adaptation to climate change through 2025, DD/ENV emphasized that it was necessary to locate those funds. The risk was that that discussion was taking place more among States’ finance authorities than among their environment authorities. Instead of identifying a source of funds within their own remit, the

finance authorities were considering external sources, such as international aviation. As international aviation activities were well-organized, computerized and registered they were an easy target for taxation as a means to generate revenue for climate finance.

14. In elaborating on the various actions to be taken to mitigate that risk, DD/ENV indicated that ICAO would continue to participate in the UNFCCC process and explain, in the relevant fora, the possible impact of the use of international aviation as a potential source for the mobilization of revenue for climate finance. ICAO would also continue to express its concerns in that regard to its Member States. However, the most effective action would be coordination at the State level among transport, environment, finance and other authorities to ensure a common position whereby international aviation would not be targeted as a source of such revenue in a disproportionate manner.

15. The Representative of South Africa informed the Council that South Africa's George Airport has recently become the first on the African continent to be powered by solar energy, meeting some 41 per cent of its energy demand from a solar power plant on its grounds. Noting that it followed in the footsteps of India's Cochin International Airport, which had been the world's first airport to be entirely solar-powered, he affirmed that that was the right path to take. Turning to the action proposed in the executive summary of the paper, the Representative of South Africa suggested that paragraph a) be strengthened by replacing the phrase "reiterate the need for ICAO to exercise continuous leadership" with the phrase "confirm ICAO's leadership". He further suggested that paragraph b) be amended by replacing the phrase "reiterate the need for ICAO and its Member States to continue to express a clear concern" with the phrase "request ICAO to urge its Member States to continue to express a clear concern".

16. With regard to paragraph 1.3, the Representative of South Africa enquired as to why international aviation was not referred to in the Paris Agreement and its associated decision text and in particular, whether that was due to the progress being made by ICAO and its Member States in addressing the issue of international aviation and climate change. Noting, from paragraph 2.3, that some Parties attending SBSTA43 had welcomed that progress, he sought clarification as to number of such Parties and whether they constituted a majority of the Parties. In concluding his remarks, the Representative of South Africa voiced support for the interventions made by the Representatives of the Russian Federation and China.

17. In strongly endorsing action paragraph a) on the need for ICAO to exercise continuous leadership on environmental issues relating to international civil aviation, the Representative of Japan agreed with the Representative of Spain that the UN's vote of full confidence in ICAO, as demonstrated in the lack of an explicit reference to international aviation in the Paris Agreement and its associated decision text, was a double-edged sword: while it drove ICAO to work hard to realize concrete achievements, confidence in the Organization would decline if it failed to do so, with considerable repercussions.

18. While appreciating that in addressing the issue of international aviation and climate change ICAO worked in tandem with the UNFCCC, and recognizing that it was beneficial to have such good communication between the two Organizations, the Representative of Japan emphasized the need to bear in mind that there were two separate processes and that ICAO was operating on the basis of its own principles and processes in dealing with the said issue.

19. The Representative of France spoke in favour of the action proposed in the executive summary of the paper. Recalling that he and other members of his Delegation had witnessed first-hand ICAO's participation in COP21, he underscored that it had been very much to the honour and credit of ICAO as an Organization that was committed to addressing the fundamental issue of climate change. Noting that COP21 had sent an unequivocal signal to the international community of the urgency of

climate action to achieve the Paris Agreement's aim of holding the global average temperature to well below 2°C above pre-industrial levels and ideally limiting the temperature increase to 1.5°C, the Representative of France emphasized that all sectors of human activity needed to take such action even if they were not explicitly referred to in the Agreement and its associated decision text. In strongly supporting the notion that the lack of such a reference to international aviation constituted a vote of confidence in ICAO's related work, he underscored that it was therefore left to ICAO to continue to exercise leadership in attaining the said environmental objectives and to set the appropriate parameters and working methods for addressing international aviation CO₂ emissions. Referring to paragraph 3.5 and action paragraph b), the Representative of France underscored that ICAO would be even more convincing in expressing concern on the use of international aviation as a potential source for the mobilization of revenue for climate finance if it were more ambitious in achieving the said environmental objectives. Those two elements went hand-in-hand.

20. The Representative of India completely endorsed the views expressed in the paper. Referring to paragraph 3.1, he reiterated the concerns expressed by the Representative of China and shared by the Representative of South Africa to the effect that the various sectors should all work under the same broad framework that had been universally accepted and politically agreed at COP21, namely, the Paris Agreement. They should not operate in different silos. The Representative of India emphasized that while ICAO was free to adopt any principles for addressing the issue of international aviation and climate change, they should be within the parameters and principles embodied in the Paris Agreement to facilitate States' political acceptance thereof and thus implementation. He stressed that the Agreement's basic principles, namely common but differentiated responsibilities (CBDR) and respective capabilities and a bottom-up approach i.e. NDCs, should be taken into account and adequately reflected in whatever approach ICAO adopted to address international aviation CO₂ emissions.

21. In endorsing the comments made by the Representative of the Russian Federation regarding a GMBM scheme, which had been supported by the Representative of South Africa, the Representative of India underscored that a GMBM scheme was only one element of the basket of measures to mitigate climate change and averred that other elements thereof should be adopted. He further emphasized that ICAO's proposed COSIA should be universally accepted in the context of the broad framework provided by the Paris Agreement.

22. Congratulating the Representative of South Africa and his State on having the first African solar-powered airport, which followed the example set by India's Cochin International Airport, the Representative of India noted that there was an increasing number of solar-powered airports, which should be taken into account by ICAO in developing any scheme for addressing international aviation CO₂ emissions.

23. In reaffirming that international aviation should not be targeted as a source of revenue for climate finance to other sectors in a disproportionate manner, the Representative of Egypt highlighted that international aviation emissions currently accounted for less than 2 per cent of total global CO₂ emissions. He also emphasized that using international aviation for that purpose would result in a loss of revenue for the aviation industry, which already had a low profit margin. It was therefore necessary to express ICAO's serious concern regarding the use of international aviation as a potential source for the mobilization of revenue for climate finance so as to ensure that international aviation did not assume such responsibilities which were beyond its means. The Representative of Egypt averred that COP21 should have welcomed ICAO's role in addressing the issue of international aviation and climate change and expressed complete confidence in the Organization's efforts in that regard.

24. Responding to a question raised by the Representative of Nigeria, the President of the Council noted that although the *Convention on International Civil Aviation* (Chicago, 7 December 1944)

was ICAO's constitutional instrument that governed all of the Organization's activities, environmental issues cut across all sectors. Thus Assembly Resolution A38-18 acknowledged not only the principles of non-discrimination and equal and fair opportunities to develop international aviation set forth in the Chicago Convention, and the subsequently-developed ICAO principle of special circumstances and respective capabilities, but also the principles and provisions on common but differentiated responsibilities (CBDR) and respective capabilities and with developed countries taking the lead under the UNFCCC and the Kyoto Protocol [cf. Preambular paragraphs 11 and 10 of A38-18 and guiding principle p) in the Annex thereto]. Observing that it was always a challenge to weave those principles and provisions together in one document, the President indicated that the Council would have the opportunity to further discuss this issue later in the current session when it considered the oral reports by the Environment Advisory Group (EAG) and the High-level Group on a Global Market-based Measure (MBM) Scheme (HLG-GMBM) on the outcomes of their reviews of draft Assembly Resolution text on a GMBM scheme.

25. Recalling the many commendations of his efforts at COP21, and those of the Secretary General and the Secretariat, the President of the Council emphasized that the positive results for international aviation achieved at that Conference went beyond the efforts of individuals. He underscored that they were also attributable to the efforts of: the Council, which, over a very strenuous two-day period, had adopted, on 18 November 2015, the *Council Declaration on International Aviation and Climate Change* (206/8) which had been conveyed to States in State letter E 2/58-15/84 of 23 November 2015 to inform States of ICAO's position in advance of COP21; and the industry, including the International Air Transport Association (IATA), with which ICAO had coordinated very closely at COP21, and the Air Transport Action Group (ATAG), at whose last summit he and the Representative of Spain had spoken with Delegates to underscore some of the issues relating to international aviation and climate change. The President noted that the positive results were also due to the dissemination by ICAO, in the said State letter, of a brief executive summary of the issue of the use of international aviation as a potential source for the mobilization of revenue for climate finance to other sectors, which was of serious concern to ICAO and the international aviation community in the context of COP21. The said executive summary had been suggested by the Representative of South Africa in line with his earlier suggestion (205/5) that an executive summary of the ICAO Position for the International Telecommunication Union (ITU) World Radiocommunication Conference 2015 (WRC-15) be issued for use by States' policy decision-makers and delegations to WRC-15. The President stressed that ultimately the positive COP21 results were attributable to the efforts of the UNFCCC Parties which had negotiated the text of the Paris Agreement taking into account ICAO's position, whether the group of G77+China, the umbrella group led by Sweden, the group of Small Island Developing States (SIDS) led by the Maldives, or other groups or individual States with whom ICAO coordinated. He emphasized that it was only by true joint efforts that similar positive results would continue to be achieved. In thanking all Council Members for their support, the President also commended the efforts of the ICAO Secretariat staff.

26. The Council noted the comments and suggestions made during the discussion, as well as the supplementary information provided.

27. In then taking the action proposed in the executive summary of C-WP/14390, as amended by the President in light of discussion, the Council:

- a) will ensure that ICAO continues to exercise leadership on environmental issues relating to international civil aviation, including greenhouse gas (GHG) emissions, as requested by the Assembly in paragraph 2 a) of Resolution A38-18, and by the Council in its *Declaration on International Aviation and Climate Change* of 18 November 2015 (206/8), by coordinating with the various stakeholders and

making further progress toward the 39th Session of the Assembly in September/October 2016 and beyond; and

- b) will ensure that ICAO and its Member States continue to express a clear concern, through the UNFCCC process, on the use of international aviation as a potential source for the mobilization of revenue for climate finance to the other sectors in a disproportionate manner, as requested by the Assembly in paragraph 30 of Resolution A38-18;
- c) noted, in that regard, the critical importance of coordination at the State level among transport, environment, finance and other authorities in ensuring a common position;
- d) noted, with satisfaction, that international aviation is not covered under the UNFCCC's Paris Agreement and its associated decision text, which the Council viewed as a vote of confidence in the progress that ICAO and its Member States are achieving, and agreed to take all action to justify that confidence placed in ICAO by the international community;
- e) noted the need for ICAO and its Member States to consider the share of international aviation emissions in the "carbon budget" in the context of the feasibility of a possible long-term aspirational goal and related actions for international aviation, and that the CAEP had recently agreed to undertake further analysis in that regard during its next cycle (CAEP/11);
- f) agreed to monitor the evolution of the new mechanism established under the UNFCCC's Paris Agreement to allow the use of internationally transferred mitigation outcomes to achieve the UNFCCC Parties' NDCs and to closely follow up on the mechanism's possible implications for ICAO's work on a global market-based measure (GMBM) scheme for international aviation; and
- g) noted the importance of ICAO Member States' voluntary Action Plans on CO₂ emissions reduction activities for international aviation initiated at the 37th Session of the Assembly in September/October 2010, which constituted a parallel to the said subsequently-established UNFCCC Parties' NDCs for mitigation of other domestic emissions.

28. With reference to paragraph 27 b) above, the Council agreed to a suggestion by the Representative of Norway that the use of international aviation as a potential source for the mobilization of revenue for climate finance to the other sectors in a disproportionate manner be included as a risk in ICAO's Corporate Risk Register and analyzed.

Environmental protection – Recent developments in ICAO

29. The Council considered this subject on the basis of information paper C-WP/14389, in which the Secretary General provided updated information on: States' voluntary Action Plans on CO₂ emissions reduction activities; assistance to States, including the ICAO-European Union (EU) joint assistance project *Capacity Building for CO₂ Mitigation from International Aviation* and the ICAO-Global Environment Facility (GEF)-United Nations Development Programme (UNDP) joint assistance project *Transforming the Global Aviation Sector: Emissions Reductions from International Aviation*; and the development by the ICAO and UNFCCC Secretariats of a methodology to account for the emissions

reduction from the implementation of “electric taxiing systems for airplanes” under the UNFCCC Clean Development Mechanism (CDM).

30. In her introduction of the paper, the Secretary General highlighted that whereas by the 38th Session of the Assembly in September/October 2013 72 States had submitted voluntary Action Plans, that number had increased to 87 by the end of January 2016. It was expected that by the 39th Session of the Assembly in September/October 2016, more than 100 States will have submitted Action Plans. She noted that although the Secretariat had undertaken an initial assessment of the Action Plans that had thus far been submitted, the Plans’ lack of quantified emissions reduction information limited the ability to assess their collective effect in a robust way. The Secretary General further indicated that the *ICAO Action Plan Buddy Programme* had been launched to encourage partnerships among States, with the support of the Secretariat, to develop, refine and implement voluntary Action Plans on CO₂ emissions reduction activities.

31. With regard to the said ICAO-EU joint assistance project, the Secretary General noted that the Organization had organized two capacity-building seminars in October and November 2015 for the Caribbean and African regions. She underscored that as result of the project, two Caribbean States and five African States had been able to complete and submit their Action Plans to ICAO by mid-January 2016. Six additional African States were expected to submit their Action Plans by the end of March 2016. The Secretary General emphasized that the Steering Committee, which had met on 28 January 2016, considered that thus far the project exceeded expectations.

32. Recalling that the ICAO-GEF-UNDP joint assistance project had been launched in December 2015, the Secretary General noted that it included the development of guidance documents and supporting mechanisms to assist with the identification and implementation of measures to reduce aviation CO₂ emissions, as well as to implement a pilot project in Jamaica.

33. In underscoring that ICAO would continue, throughout the year, to support Member States in the development and implementation of their Action Plans, the Secretary General highlighted that its capacity building and assistance strategy regarding States’ Action Plans was a concrete example of the Organization’s efforts to achieve the objectives of its *No Country Left Behind* (NCLB) initiative.

34. With reference to the said methodology to account for the emissions reduction from the implementation of “electric taxiing systems for airplanes” under the UNFCCC CDM, the Secretary General underscored that it had been approved by the CDM Executive Board in November 2015, thereby expanding the scope of the CDM programme to include aviation projects for the first time.

35. Affirming that such aviation-related CDM methodologies had great potential for effecting real reductions in international CO₂ aviation emissions, the Representative of the Russian Federation emphasized that they should be the focus of more attention. Noting that the said methodology for “electric taxiing systems for airplanes” was an initial step, he emphasized the need to continue along that path.

36. In recognizing the good work being done by the Secretary General and the Secretariat on behalf of ICAO, the Representative of the United Republic of Tanzania highlighted the progress being made in the submission of States’ Action Plans, which was a good way forward. Noting, however, that the Plans merely indicated what CO₂ emissions reduction activities the States intended to undertake, he enquired whether there was any quantified information on States’ actual aviation CO₂ emissions reductions.

37. While indicating that ICAO currently did not have much information thereon as few State Action Plans contained any quantification of the aviation CO₂ emissions reductions, the Secretary General

underscored that the Secretariat was taking action to address the situation in order to be able to demonstrate to the 39th Session of the Assembly in September/October 2016 the progress made in tackling such emissions using the basket of mitigation measures. In particular, the Secretariat was approaching those States that had not undertaken quantified assessments to identify possible solutions to enhance their Action Plans, as indicated in paragraph 1.3 of the paper. Noting that information on the aviation industry's CO₂ emissions reductions was already available, the Secretary General highlighted that more than twenty European airports had achieved CNG by 2014.

38. In emphasizing that the quantification of the aviation CO₂ emissions reductions posed a considerable challenge to the Secretariat, the Deputy Director, Environment (DD/ENV) indicated that less than 40 per cent of States' submitted Action Plans included some quantified results. As that percentage was not sufficient for the purposes of conducting an overall assessment of results for presentation to the Assembly, the Secretariat was focusing its efforts on quantification and the development of additional tools. In highlighting the use of the Environmental Benefits Tool (EBT) and other quantification tools by the States taking part in the ICAO-EU joint assistance project. DD/ENV underscored that while those States were thus quantifying their aviation CO₂ emissions reductions, more such action on the part of other States was needed.

39. The President of the Council encouraged those States, including Council Member States, that had the required level of technical sophistication to quantify their aviation CO₂ emissions reductions to do so and to submit or re-submit their Action Plans to the Organization. He emphasized that the recently-updated *Guidance on the Development of States' Action Plans on CO₂ Emissions Reduction Activities* (Doc 9988) and the EBT would facilitate that work.

40. In expressing appreciation to the EU and GEF-UNDP for the assistance that they were providing to States, through the said joint projects with ICAO, in terms of the development of Action Plans and other important activities being carried out thereunder, the Representative of the United Republic of Tanzania queried whether any other organizations had offered to fund other such aviation CO₂ emissions reduction projects so that more States could benefit therefrom.

41. While replying that thus far no other concrete proposals had been made for such joint assistance projects with ICAO, DD/ENV indicated there were some prospects for Asian Islands States for the next round of the current projects with the EU and GEF-UNDP. She further noted that ICAO was requesting support from the UNFCCC's Global Climate Fund (GCF) for, inter alia, the development and implementation of States' Action Plans.

42. To another query by the Representative, DD/ENV underscored that the recent approval by the CDM Executive Board of the said methodology for "electric taxiing systems for airplanes" represented a big success for ICAO. In affirming the need for such aviation-related CDM methodologies, she stressed the importance of developing them for other areas such as the washing of aircraft engines using solar power. DD/ENV noted that, in view of the limited resources available in ICAO, alternative means were being explored for the development of such methodologies by dedicated personnel, such as secondments.

43. In noting, with satisfaction, that assistance was available from various sources for the development and implementation of States' Action Plans on CO₂ emissions reduction activities, the Representative of Spain observed that such Action Plans, which had been initiated in 2010, were in line with the UNFCCC Parties' national reports i.e. Nationally Determined Contributions (NDCs) for mitigation of other domestic emissions which were now being developed under the recently-concluded Paris Agreement. In agreeing with the Representative of the Russian Federation that aviation-related CDM methodologies had great potential for effecting real reductions in international aviation CO₂

emissions and that they should be pursued, the Representative of Spain underscored the need to allocate the necessary resources for their identification and development, with a view to their implementation following approval by the CDM Executive Board.

44. In also acknowledging the work being done by the Secretariat regarding States' Action Plans, the Representative of Brazil indicated that Brazil had already offered support to States in its region in the development of their State Action Plans and that it was ready to contribute to the *ICAO Action Plan Buddy Programme* with other interested States. This was noted by the President of the Council with appreciation. It was understood that a State letter on the said Buddy Programme would soon be issued.

45. Noting how, with generous funding from the EU and the UNDP, the said two joint assistance projects were contributing to the development and implementation of States' Action Plans, the Representative of Cameroon underscored that it clearly demonstrated the importance of effective financing. Recalling that permanent organizational structures had been established to provide implementation support to States in the fields of safety and security [the Implementation Planning and Support Section (Safety) (IMP/SAF) in the Air Navigation Bureau (ANB) and the Implementation Support and Development Section – Security (ISD/SEC) in the Air Transport Bureau (ATB)], he enquired whether it was intended to create a similar permanent organizational structure to support the continued implementation of States' Action Plans and indicated that, in the affirmative, it would have to be taken into account in the ongoing Budget discussions. The Representative of Cameroon emphasized that the ongoing development and implementation of States' Action Plans would go hand-in-hand with the envisaged development and implementation of new aviation-related CDM methodologies.

46. The Secretary General noted that, due to resource constraints, such a permanent organizational structure to sustain the implementation of States' Action Plans was not included in the proposed Budget for the next (2017-2018-2019) triennium.

47. Referring to the comments made by the Representatives of the United Republic of Tanzania and Cameroon, the Representative of the Russian Federation reiterated that the development of States' Action Plans was just the first step and that it was necessary for States to implement them in order to actually reduce their aviation CO₂ emissions. Indicating that it was his understanding that the solar energy project for South Africa's George Airport referred to earlier in the meeting (cf. paragraph 15) had not been paid for with carbon credits but rather with real money, he reiterated the need to establish a mechanism to promote the mobilization of resources for financing such environmentally efficient aviation projects, primarily in developing States, as suggested previously during the Eleventh Meeting of the EAG (cf. EAG/11-WP/3 presented by India, China and the Russian Federation).

48. The Secretary General underscored that, pursuant to the United Nation's 2030 Agenda for Sustainable Development, all UN organizations were working in a holistic manner to achieve sustainable development, with environmental issues being among the most important issues being addressed by them. She highlighted, in that context, the agreement reached between ICAO and UN-Habitat to develop concrete projects to "green" airports in Africa. Emphasizing that those projects represented important progress in the African region in terms of aviation emissions reduction, the Secretary General indicated that ICAO would seek to strengthen its cooperation with UN-Habitat. She noted that ICAO would also seek opportunities to strengthen its cooperation and develop synergies with other UN organizations such as the UNDP and the United Nations Environment Programme (UNEP) to support environmental issues relating to international civil aviation. The Secretary General would keep the Council informed of progress made in these matters.

49. In noting the information contained in C-WP/14389, as well as the supplementary information provided during the discussion, the Council took the action proposed by the President in light of the discussion and:

- a) noted all of ICAO's various assistance and capacity-building activities to support the development and implementation of States' voluntary Action Plans on CO₂ emissions reduction activities, and the support received from States and international organizations in that regard;
- b) encouraged the Secretariat to continue to build such partnerships with States and international organizations in order to provide further such assistance and capacity-building;
- c) continued to encourage States to submit their quantified Action Plans on CO₂ emissions reduction activities to ICAO and to share with one another their experiences in developing them, pursuant to paragraph 13 of Assembly Resolution A38-18 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*) and the *ICAO Action Plan Buddy Programme*; and
- d) noted the Secretariat's successful development of a CDM methodology to account for the emissions reduction from the implementation of "electric taxiing systems for airplanes"; and
- e) encouraged the Secretariat to continue its efforts to develop CDM methodologies in other aviation areas, on the understanding that the Secretariat would seek the necessary resources through budgetary allocation and/or through support from States.

**Tenth Meeting of the Committee on Aviation Environmental Protection (CAEP/10)
(Montréal, 1-12 February 2016)**

50. On behalf of the Secretary General, the Deputy Director, Environment (DD/ENV), who serves as the Secretary of the CAEP, presented the following interim oral report on the results of the CAEP/10 Meeting, which had also been the subject of a debriefing to Council Representatives and Members of the Air Navigation Commission (ANC) on 12 February 2016.

51. The CAEP/10 Meeting was held from 1-12 February 2016. The key issues on its Agenda were the new aeroplane CO₂ emissions Standard, a new non-volatile particulate matter (nvPM) Standard, and technical issues associated with a global market-based measure (GMBM) scheme. The Meeting was attended by 200 participants, including 22 Members, 16 Observers, and their Advisers.

52. The Meeting agreed on a comprehensive set of 17 recommendations that will help ICAO fulfil its mandate on aviation environmental protection. These include the recommendation of two new emissions Standards, proposals for new publications, environmental trends and laying out the future work of CAEP for the coming three years.

New Standards on CO₂ emissions and nvPM

53. The new aeroplane CO₂ emissions Standard, the first global Standard for CO₂ emissions of any sector, will apply to new aeroplane type designs from 2020 and to aeroplane type designs that are already in-production in 2023. This means that if an in-production aeroplane design is changed at a time

beyond 2023, the aeroplane will have to comply with the CO₂ emissions Standard. In 2028 there is a production cut-off, meaning that in-production aeroplanes that do not meet the Standard from 2028 can no longer be produced, unless the designs are modified to meet the Standard. Importantly, the proposed global Standard is especially stringent for larger aircraft, those with a maximum take-off mass of greater than 60 tonnes, where it will have the greatest impact. The recommendation on the CO₂ emissions Standard is supported by a significant data-driven process and the cost-benefit modelling analysis of several different CO₂ stringency options. The CAEP unanimously recommends that the new CO₂ emissions Standard be included in an entirely new Volume III to Annex 16 – *Environmental Protection*.

54. The nvPM Standard, which will apply to engines manufactured from 1 January 2020, is for aircraft engines with rated thrust greater than 26.7kN and is the first of its kind. It includes a full standardized certification procedure for the measurement of nvPM, and the regulatory limit for the nvPM mass concentration set at the current ICAO smoke visibility limit. The new nvPM Standard is recommended as an amendment to Annex 16, Volume II – *Aircraft Engine Emissions*. The agreement on this Standard will allow ICAO to develop a more stringent nvPM mass and number Standard during the CAEP/11 cycle.

Global market-based measure (GMBM) scheme

55. Regarding a GMBM scheme for international aviation, the CAEP reviewed the significant technical work completed so far, and agreed on recommendations related to monitoring, reporting and verification (MRV) of CO₂ emissions, eligibility criteria for emissions units (EUC), and registries. The CAEP recommended that the technical reports submitted to the Meeting be used as the basis for further work, pending future decisions by the Council and the Assembly. The Meeting also recognized the analytical work undertaken by the CAEP on various approaches for a GMBM scheme to support the work of the Council and its Environment Advisory Group (EAG).

Sustainable alternative fuels

56. The CAEP carried out a substantial amount of work related to developing a life-cycle analysis methodology for sustainable alternative fuels for use in a GMBM scheme. In addition, it developed a projection for the possible availability of sustainable alternative fuels in 2020 and 2050, along with their potential to reduce net CO₂ emissions. The analysis showed that in 2020, a reduction of 1.3 per cent of international aviation CO₂ emissions could be possible from the use of sustainable alternative fuels. By 2050, 100 per cent of international aviation jet fuel demand could be met with alternative fuels. However, such a scenario is highly dependent on policy decisions that are taken.

Air cargo CO₂ emissions

57. A methodology to quantify air cargo CO₂ emissions was recommended by the CAEP. This complements the ICAO Carbon Calculator for passenger air travel emissions.

Environmental trends

58. Regarding updated aircraft noise and emissions trends, the CAEP recommended that they be the basis for decision-making on matters related to the environment during the 39th Session of the ICAO Assembly in September/October 2016.

Aircraft noise

59. The CAEP continued the important work of monitoring noise technology and understanding the progress towards the ICAO noise goals. This is part of the continued efforts to ensure that the latest available noise reduction technology is incorporated into aircraft designs. The CAEP also continued its work of developing a new supersonic noise Standard for future aircraft and understanding the current state of sonic boom knowledge, research and supersonic aeroplane projects. It is anticipated that the certification of a supersonic aeroplane could occur in the 2020-2025 timeframe.

60. It was also recognized that, for the first time, ICAO and its Member States may be able to consider the possibility of “noise neutral growth” from 2030 under the most optimistic advanced technology and operational improvements scenario. This clearly demonstrates that ICAO Standards for aircraft noise are working and the possible decoupling of air traffic growth and noise growth.

Airports and operations

61. The CAEP recommended a new Circular on *Community Engagement on Aviation Environmental Management*, which identifies key principles for stakeholder’s communication. On air traffic management, CAEP analysis showed that full implementation of the Aviation System Block Upgrade (ASBU) Block 0 could achieve 0.7 to 1.4 per cent fuel saving in 2018 compared to 2013. The CAEP also recommended an update to Part 2 – *Land Use and Environmental Control of the Airport Planning Manual* (Doc 9184) to include climate change considerations and to meet the direct needs for guidance of States facing environmental challenges at and around airports.

Future work and meetings

62. The Meeting developed the future work programme for CAEP/11, and the three top priorities will be: the collection of data and further consideration of stringency levels for the nvPM Standard; the completion of remaining technical work related to a GMBM scheme; and support for the implementation of the CO₂ emissions Standard. In addition, a number of emerging issues were highlighted, namely: 1) guidance for adaptation to climate change; 2) guidance on aircraft recycling; and 3) placing international aviation into context with a 1.5°C/2.0°C temperature increase scenario.

63. The Meeting discussed the locations and dates of the CAEP Steering Group meetings during the CAEP/11 cycle. While acknowledging the Council recommendation to host these meetings in Montréal, the CAEP Members and Observers requested that the CAEP Steering Group meetings be held within the regions. This would enable the CAEP to maintain its strong global outreach and would allow effective participation from all Members and Observers. It was noted that by continuing to hold the CAEP Steering Groups at ICAO Headquarters in Montréal, participation may be limited. The Meeting recognized offers from the United States, Spain and Singapore to host, respectively, the 2016, 2017 and 2018 CAEP Steering Group meetings leading up to CAEP/11.

64. In noting that the issue of the confidentiality of information had arisen during the CAEP/10 Meeting, DD/ENV indicated that the Secretariat was currently taking action regarding access to, and use of, information on the CAEP secure website.

65. The Council welcomed, with satisfaction, the results of the CAEP/10 Meeting.

66. During the ensuing discussion, Representatives commended the CAEP for its excellent work and expressed appreciation to the Secretariat for its assistance in that regard.

67. The Representative of Mexico congratulated the CAEP on the development of the new global aeroplane CO₂ emissions Standard, as well as on the consensus reached on a nvPM Standard for aircraft engines, which was no less important. In strongly supporting the CAEP's recommended use of the said technical reports as the basis for further work, he emphasized that they constituted an important contribution to the establishment of a GMBM scheme as they were based on painstaking technical and economic analyses and broad scientific support and would thus enable the Council and the Assembly to take informed decisions. The Representative of Mexico supported all of the work being carried out by the CAEP with regard to sustainable alternative fuels for aviation, with the exception of the change in the emission factor used in the life-cycle analysis methodology for such fuels, which had been made for accountability purposes. In averring that the emission factor should remain at zero for the purposes of international civil aviation in order to promote the production and use of sustainable alternative aviation fuels, he indicated that it could be reviewed later when such fuels were in greater use.

68. The Representative of Portugal welcomed the progress that had been achieved in the different areas of CAEP's work, and expressed appreciation for the vast amount of technical work done by the Committee's experts, particularly with regard to MRV and EUC to support the work of the EAG and the High-level Group on a Global Market-based Measure (MBM) Scheme (HLG-GMBM). Highlighting that it had been the first time that recommendations for two emissions Standards had been finalized at a CAEP Meeting, she underscored that they paved the way for cleaner aircraft that would have less impact on the global climate. With reference to the CAEP's future work programme, the Representative of Portugal noted that there were clear indications that more technical work on GMBM-related issues would be needed after CAEP/10, particularly with regard to MRV rules and EUC.

69. While fully supporting the CAEP's work relating to sustainable alternative fuels for aviation, the Representative of the Russian Federation suggested that the Committee conduct an economic assessment thereof. Noting that each type of alternative fuel cost approximately four times as much as conventional jet fuel, he emphasized that it was necessary to assess not only the alternative fuels' efficiency in terms of net CO₂ emissions reduction but also the cost-effectiveness of investing in such fuels. The Representative of the Russian Federation mentioned that new generation aircraft are 20 per cent more fuel efficient, which could call into question the ecological efficiency and cost-effectiveness of the use of alternative aviation fuels in comparison with investments in aircraft fleet renewal. He highlighted that the implementation of ASBU Block 0 would not only result in fuel savings but also in increased safety.

70. The Representative of Venezuela (Bolivarian Republic of) recalled the 2015 Scoping Study on the Possible Effects of Climate Change on Air Navigation Services over the North Atlantic that had been undertaken by Dr. Paul D. Williams of Reading University (United Kingdom), ICAO Climate Change and Adaptation Consultant, for the Joint Support Committee (JSC) (cf. JS-WP/2026) and considered by the CAEP/10 Meeting, together with a related paper by the International Federation of Air Line Pilots' Associations (IFALPA). Noting that those two documents provided valuable insight into the types and dimensions of future challenges that the international aviation community might face due to climate change, he indicated that there was evidence that the latter could affect, inter alia, aviation safety, the development of air transport, air navigation, aircraft performance (eg. fuel burn, CO₂ emissions, increased flight time) and even air navigation infrastructures. The Representative of Venezuela (Bolivarian Republic of) emphasized that it would therefore be useful to extend the said Scoping Study globally and have it considered by the Council and the ANC in order to have a holistic view in addressing the phenomenon of climate change in view of its potentially negative impact on the safe and orderly development of international civil aviation. In addition, he highlighted the extreme importance of the GMBM-related issues mentioned in the oral report, which had already been discussed at length in the Council. The Representative of Venezuela (Bolivarian Republic of) further indicated that he had no objection to the CAEP Steering Group meetings being held within the regions.

71. The Representative of South Africa emphasized the need to highlight the improvements made in the area of aircraft noise as a result of the adoption and implementation of related ICAO Standards and Recommended Practices (SARPs) and technological advances in aircraft engines. He underscored, in this context, that the new generation of aircraft did not make as much noise as older aircraft such as the BAC1-11, Trident, Airbus 300, DC-10 and TriStar had in the past. The Representative of South Africa stressed the need to always showcase the benefits of ICAO's actions in the various fields of international civil aviation so as to increase public awareness thereof. He spoke in favour of aircraft recycling and the development of related ICAO guidance material.

72. The Director of the Air Transport Bureau (D/ATB) indicated that the Secretariat was currently examining the various aspects of aircraft recycling, the potential benefits to be derived therefrom and its potential impacts, with a view to developing a holistic approach. In the context of the growth of air transport, consideration was being given to the conditions to be created so that operators could afford not only to recycle aircraft but also to replace them with aircraft that were safer, more fuel efficient, etc. In the context of air navigation, consideration was being given to the potential impacts on training and safety. This was in addition to the CAEP's consideration of the environmental aspects of aircraft recycling.

73. In congratulating the CAEP/10's 200 participants on having achieved such practical results by consensus, the Representative of Spain highlighted the new CO₂ and nvPM emissions Standards. He affirmed that those Standards, as well as the existing Standards for aircraft noise, constituted a great success for ICAO that would have a big impact on the environment. Underscoring the important role which technological and scientific advances had played in enabling the development of those Standards, he emphasized that the latter's implementation would lead to real reductions in CO₂ and nvPM emissions and to continued real reductions in aircraft noise. Recalling that at the CAEP/10 debriefing held on 12 February 2016 he had not received a very positive response to his question regarding the possibility of maintaining the 2 per cent annual fuel efficiency improvement, the Representative of Spain sought further clarification. Referring to the CAEP's future work, he noted that emerging issue 3) placing international aviation into context with a 1.5°C/2.0°C temperature increase scenario was strongly related to the results of the Paris Agreement, which had been discussed by the Council earlier in the meeting, under the first Agenda item (cf. C-WP/14390).

74. The Representative of the United Arab Emirates endorsed these comments, as well as those made by the Representative of South Africa.

75. DD/ENV noted that since 1996 the Secretariat had been monitoring and calculating fuel efficiency improvement using the total amount of fuel sold to international aviation per international Revenue Tonne-Kilometres (RTKs), which had yielded an average of 3 per cent annual fuel efficiency improvement for the period up to 2016. However, such improvement would become much more difficult going forward, and the CAEP's assessment was that it would not be possible to maintain the said 2 per cent annual fuel efficiency improvement up to 2050. The relevant details would be provided in the environment trends assessment which was presented at each Assembly.

76. The Representative of the United Kingdom noted that the oral report's reference to a "recommendation" by the Council that CAEP Steering Group meetings be hosted in Montréal was incorrect. The Council's decision did not include any such "recommendation"; rather, it reflected the Council's understanding that "as far as possible all CAEP Steering Group meetings should be held in Montréal" (cf. C-DEC 203/7, paragraph 7). However, those CAEP/10 cycle Steering Group Meetings which had already been scheduled and for which other venues had already been identified would not be affected. In recalling that a number of different views had been expressed at that time by Council Representatives, the Representative of the United Kingdom indicated that, for his part, he supported

regional rotation for meetings of the CAEP Steering Group and the Committee's other working groups as it would contribute to full participation, especially by giving a fair opportunity to participate to those CAEP experts who resided in States that were very distant from Montréal. Highlighting that panels followed that same practice of regional rotation for their subsidiary meetings, the Representative of the United Kingdom expressed support for the CAEP's request that its Steering Group meetings be held within the regions, provided that the main CAEP meeting took place in Montréal.

77. The President of the Council stressed that such regional rotation would be even better if the States hosting the meetings defrayed the cost of the participating ICAO Secretariat staff as it would result in significant savings for the Organization. He observed, in this regard, that the three States that had offered to host the CAEP Steering Group meetings during the CAEP/11 cycle (the United States, Spain and Singapore) were represented on the Council.

78. Noting that he had had the privilege of opening and closing the CAEP/10 Meeting under the leadership of the President of the Council, the Representative of Cameroon echoed the comments made by the Representative of Portugal. He underscored that the CAEP/10 Meeting had enabled the Council to be updated on the progress being made to implement the Assembly's directives relating to aviation environmental protection.

79. The Representative of Norway indicated that had no difficulty with the CAEP Steering Group meetings being held within the regions. He recalled, however, that during the previous discussion of the matter it had been highlighted that that would entail not only travel and other costs for participating Secretariat staff but also the latter's loss of several work days in travel time. While the Representative of Norway agreed that the host States should defray the said costs, he enquired as to the status of the Council's previous decision (203/7).

80. The President of the Council noted that during the Council's extensive discussion of the matter (202/4, 202/5 and 203/7) various considerations had been raised, including the effect of the choice of venue on the level of participation and the issuance of visas, and different views had been expressed. The view of the majority of Representatives had nevertheless been clear: it was important that, as far as possible, all CAEP Steering Group meetings should be held in Montréal, for the reasons cited by previous speakers. Observing that a number of issues to be considered in the context of the Organization's Budget for the next triennium revolved around allocations for travel by Secretariat staff, he indicated that it would be for the Council to decide whether or not to recommend to the Assembly that sufficient financial resources be allocated to enable Secretariat participation in all relevant meetings held in the various regions. The President suggested that instead of taking a decision on the CAEP's proposal during the present meeting, the Council await the final report on the CAEP/10 recommendations, which would be tabled for its discussion during the next (208th) session, prior to the next CAEP Steering Group meeting. He underscored that although the Council had given a directive in that regard previously (203/7), the CAEP could request that it be reviewed.

81. All of the comments and suggestions made during the discussion were noted for consideration by the CAEP. Referring to the comment made by the Representative of Portugal on MRV and EUC, the President of the Council underscored that work thereon would continue and that those issues would be addressed in the envisaged Assembly Resolution on a GMBM scheme. While noting the suggestion made by the Representative of the Russian Federation that an economic assessment be done of sustainable alternative fuels for aviation, he emphasized that ICAO would continue to encourage the use of such fuels. The President then referred to the suggestion by the Representative of Venezuela (Bolivarian Republic of) that the Scoping Study on the Possible Effects of Climate Change on Air Navigation Services over the North Atlantic that had been undertaken for the JSC and considered by CAEP/10 be extended globally and considered by the Council and the ANC in order to have a holistic

view in addressing the phenomenon of climate change in view of its potentially negative impact on the safe and orderly development of international civil aviation. Underscoring the importance of that issue, he indicated that the said Scoping Study would serve as a basis for further studies by the CAEP on adaptation to climate change. Recalling the comment made by the Representative of South Africa on the need to enhance the visibility of the improvements achieved in the area of aircraft noise through the adoption and implementation of related ICAO SARPs and technological advances in aircraft engines, the President observed that such improvements, as well as improvements achieved in the area of aircraft emissions, would continue to be reflected in the environment trends assessment presented at each Assembly.

82. In taking the action then suggested by the President, the Council noted the said interim oral report, on the understanding that a final report proposing action on the CAEP/10 recommendations following their review by the ANC would be presented for consideration during the next (208th) session. It was agreed to consider at that time the issue raised by the CAEP of holding its Steering Group meetings in the regions.

Subject No. 14.2: Regional Plans

**Annual Report to Council on Regional Offices' activities during 2015
and work programmes for 2016**

83. The Council considered this subject on the basis of: information paper C-WP/14381, in which the Secretary General presented the seven Regional Offices' respective reports on activities during 2015 and work programmes for 2016, which focused on their outcomes and achievements and the activities' impact on the attainment of ICAO's five Strategic Objectives; and a PowerPoint presentation by the ICAO Regional Director (RD), SAM (Lima), on behalf of: RD, APAC (Bangkok), Acting RD, MID (Cairo), RD, WACAF (Dakar), RD, NACC (Mexico), RD, ESAF (Nairobi) and RD, EUR/NAT (Paris), who were also in attendance.

84. RD SAM thanked the Council for supporting the proposal by the Delegation of Argentina on behalf of the Group of Latin American and Caribbean Countries (GRULAC) to waive the provision in Staff Regulation 9.15 relating to his mandatory age of retirement on an exceptional and non-precedent setting basis and provide the Secretary General with the required flexibility to extend his contract until 31 August 2017, when he would reach the maximum eight year's term limit (cf. C-DEC 207/6, paragraphs 1-9). As coordinator for the RDs, RD SAM also expressed appreciation to the Council for the opportunity to participate in the meeting and to interact with Representatives in discussions of the Regional Offices' activities in the past year and their future work programmes.

85. During his ensuing PowerPoint presentation, RD SAM noted that the Regional Offices deployed a very wide range of activities, all worth mentioning but impossible to summarize in a single meeting or a reader-friendly paper. He underscored that the various levels of development in the ICAO regions, plus the social, cultural and economic differences, affected the way in which the Regional Offices went about their business: their activities were tailored to those realities.

86. In highlighting some of the important points raised in the Regional Offices' Annual Reports appended to C-WP/14381, RD SAM noted that all seven Regional Offices had worked with their respective States to successfully establish key performance indicators (KPIs), metrics and targets, which provided a very strong and simple message to States and were used as a tool by high level decision-makers for the easy allocation of priorities. He emphasized that despite the fact that the Regional Offices were in the front line of implementation, they were only fully engaged in three of the Organization's five Strategic Objectives, namely, *Safety, Air Navigation Capacity and Efficiency*, and *Security and Facilitation*. They only played a supporting role to ICAO Headquarters in the implementation of the

Strategic Objectives *Economic Development of Air Transport and Environmental Protection* due to their lack of specialists in those fields.

87. Noting that the Regional Offices were conducting various actions to implement the ICAO *No Country Left Behind* (NCLB) initiative through the provision of technical assistance to States, RD SAM indicated that some of them were financed by the ICAO Safety Fund (SAFE), some by development institutions, some through horizontal cooperation among their accredited States and some through the provision of assistance on a cost-recovery basis. He underscored that, despite those actions, to date there had not been any increase in Regional Offices' resources to deploy any special activities or missions for that purpose.

88. RD SAM highlighted that many Regional Offices were promoting the creation of regional accident and incident investigation arrangements as a way to increase the level of effective implementation (EI) of the AIG-related critical safety oversight element of the Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA), which was one of the lowest in the average global level of EI of the eight critical elements. He indicated that many Regional Offices were reporting, as one of the main challenges they faced in promoting SARPs implementation, States' lack of competent human resources, which was closely related to the weakness of government civil aviation institutions with regard to the hiring and retention of the best human talents. Another main challenge that they reported was the lack of separation between regulators and service providers.

89. RD SAM noted that, in general, the State Safety Programme (SSP) was cited as one of the main implementation difficulties where Regional Offices would place more efforts during 2016. Unfortunately, there were few success stories to be shared in that regard. Observing that another problem area was airport certification, he indicated that the Regional Offices were reporting some slight progress and would continue to allocate resources during 2016 to improve compliance in that area. RD SAM emphasized that while the newly-created aviation security/facilitation (AVSEC/FAL) groups were very similar to the Planning and Implementation Regional Groups (PIRGs) and the Regional Aviation Safety Groups (RASGs), there were no clear reporting lines to ICAO Headquarters or to a Global AVSEC/FAL Plan similar to the Global Aviation Safety Plan (GASP) and the Global Air Navigation Plan (GANP).

90. RD SAM then highlighted specific issues affecting implementation, notably tensions in the MID region and the difficulty faced by the APAC Office in increasing its presence and influence in isolated Pacific Islands States. In concluding, he underscored that the way in which the Regional Offices measured performance still needed some fine-tuning and standardization, which had been put in evidence by the way each Regional Office had reported its progress in the paper.

91. On behalf of the Council, the President thanked the RDs for coming to ICAO Headquarters for the consideration of the Annual Report on Regional Offices' activities and congratulated each and every one of them for the excellent work that they were doing for the Organization and its Member States.

92. The Representative of Nigeria emphasized that C-WP/14381 was very important as it detailed how the Council's decisions were translated into implementation actions in the various Regional Offices. He noted, however, that while the voluminous paper contained a substantial amount of information, it was difficult to understand as the individual Regional Office reports set forth in the Appendices thereto did not follow a consistently-organized format. For that reason, and for the sake of efficiency, the Representative of Nigeria suggested that either a new Committee be established to review the Annual Reports on Regional Offices' activities prior to the Council's consideration thereof and to report orally thereon to the Council, or the mandate of the Working Group on Governance and Efficiency (WGGE) or the Technical Cooperation Committee (TCC) be expanded for that purpose. He affirmed that that procedure would: facilitate and expedite the Council's consideration as the oral reports would be better-organized and more concise than the Annual Reports; and inform its decision-making. Observing

that the Regional Offices' 2016 work programmes now under discussion contained so many planned projects and programmes that it was likely that some would not be completed in the current year and would continue into the next (2017-2018-2019) triennium, the Representative of Nigeria underscored that having a clear indication in the envisaged oral reports of those projects and programmes that would be carried over would assist the Council in its Budget discussions.

93. Observing that many ICAO technical assistance projects were being implemented by different Bureaux using a variety of funding sources, the Representative of Nigeria emphasized that the multiplicity of reports made it difficult to understand which projects were funded under the SAFE, which ones were funded under the Regular Budget and which ones were funded by donor States and international organizations. He reiterated his suggestion that the TCC report to the Council on all ICAO technical assistance projects.

94. While noting, from paragraph 2.3 of the paper, that "the programmes, projects and activities of the Regional Offices are undertaken in close and direct coordination with Bureaux at Headquarters", the Representative of Mexico contended that more could be done to facilitate the development of recommendations for enhancing the Regional Offices' work. He underscored that if there were a transfer of more responsibilities and resources from Headquarters to the Regional Offices, then integrated coordination would be essential in carrying out the implementation assistance tasks in the Regional Offices. In emphasizing that the Council should address the matter in a holistic way, he averred that there might be insufficient coordination and disparate targets for the Council's various implementation assistance strategies/initiatives such as the ICAO World Aviation Forum (IWAFF), the ICAO NCLB initiative and the activities of the Global Aviation Training (GAT) Office. Thus in line with the suggestion made by the Representative of Nigeria, the Representative of Mexico proposed that a small Council group be established to review, with the support of the Secretariat, such implementation assistance strategies/initiatives and to make recommendations to the Council during the next (208th) session on how the Regional Offices could take follow up action to ensure that they were effectively carried out. He noted that one such recommendation could be that an ad hoc policy on implementation assistance programmes be developed for consideration and approval by the Council.

95. The Secretary General recalled that the paper's format had been enhanced on the basis of the comments made by Representatives during their consideration of the 2014 Annual Report (cf. C-WP/14231; 204/1) and was now more focused on reporting outcomes and achievements, as well as on identifying the impacts of the Regional Offices' activities on the attainment of ICAO's Strategic Objectives. In underscoring that ICAO was moving towards being a performance-based and results-based organization under the Council's guidance, she highlighted that the Secretariat had, for the first time, submitted to the Council a Business Plan for 2017-2018-2019 with an Operating Plan, as well as a results-based Budget proposal for the next triennium. The Secretary General also noted that starting from 2016 the Regional Offices' Operational Plans would be standardized and would contain targets and outcomes, with key performance indicators (KPIs). As part of that ongoing improvement process, future Annual Reports on Regional Offices' activities would have a much clearer format and would be aligned with the Regional Offices' Operational Plans to facilitate the Council's review and the monitoring, by both the Council and the Secretariat, of the Regional Offices' progress. Note was well-taken of Representatives' comments and suggestions, including with regard to the risks being faced in each of the regions, and they would be reflected in future Annual Reports. The Secretary General observed, in this context, that at a meeting during the coming weekend best practices would be shared among the RDs based on their submitted 2016 Operational Plans with a view to standardizing the latter and thus meeting the Council's expectations.

96. Thanking all Representatives for their support of the Regional Offices' activities, the Secretary General indicated that their advice and guidance were well-taken. Noting that individual

meetings between the various Council regional groups and the relevant RD(s) had been scheduled for the coming days, she welcomed any further advice and guidance that Representatives might have to offer to assist the RDs in going forward.

97. The Representative of Portugal observed that the information presented in the individual Regional Office reports under the Strategic Objective *Economic Development of Air Transport* varied. There was some commonality, however, with regard to difficulties encountered in the collection of air transport statistics and financial data. She further noted that under the Strategic Objective *Environmental Protection* the commonality related to the level of development and submission of States' Action Plans on CO₂ emissions reduction activities for international aviation. The Representative of Portugal sought further information from the RDs that were facing those challenges in their respective regions on possible solutions that could support the States concerned. She recalled, in this context, that the Regional Offices' work programmes for 2016 included the continued provision of assistance to States in the development of their said Action Plans, as well as the convening of training workshops on the submission to ICAO of air transport statistics and financial data.

98. Voicing support for the Secretary General's holistic approach to the Regional Offices' Annual Reports, the Representative of Egypt underscored that provision of the said targets, outcomes and quantifiable KPIs would enable the Council to make a comparison across the various regions. Drawing attention to the MID Office Annual Report for 2015 (cf. Appendix B), he expressed a reservation regarding the first paragraph of the executive summary thereof, in which it was indicated that "The security situation in Cairo had a profound effect on staff ..." and suggested its deletion. Affirming that Egypt was a safe and secure State, the Representative emphasized that there had never been any threats or hostilities that had affected the ICAO MID Office since its establishment in Cairo some 65 years ago, or the regional offices of any other international bodies located in Egypt, or the diplomatic missions located in the State. He underscored, in this regard, that the diplomatic corps in Egypt enjoyed an excellent level of security. Recalling that ICAO was a UN Specialized Agency, the Representative of Egypt stressed that all States were united in combatting terrorism, which was a threat to all humanity.

99. The Council noted the above reservation by the Representative of Egypt and his suggestion that the first paragraph of the executive summary of the said MID Office Annual Report be deleted.

100. In commending the decision of the Secretary General to extend the contract of RD SAM, the Representative of Bolivia (Plurinational State of) highlighted the excellent results which were being achieved in the SAM region as a result of the efforts of the RD and his staff. He affirmed that it was always beneficial to have an RD complete his/her mandate.

101. In emphasizing that the underlying philosophy of the ICAO NCLB initiative was to reach out to, and assist, those States which did not have the necessary capabilities to effectively implement the Organization's Standards and Recommended Practices (SARPs) and policies, the Representative of Bolivia (Plurinational State of) reiterated his long-standing concern that there had not been any increase in the resources allocated for NCLB implementation, as reflected in the Regional Offices' Annual Reports, as well as in the Secretary General's various reports on the Organization's related work. Averring that ICAO's NCLB-related activities were not being carried out in a coordinated manner, he suggested that the mandate of the existing Strategic Planning Group (SPG) be expanded to include assembling all of the said activities under the Organization's five Strategic Objectives and monitoring their implementation so as to ensure that concrete results were achieved. Recalling that the Representatives of Saudi Arabia and the United Arab Emirates had previously proposed the creation of a Council Working Group on ICAO Future Strategy and Planning (WG-FSP) whose mandate would have been much broader than that of the SPG (cf. C-WP/14229; 203/7), the Representative of Bolivia

(Plurinational State of) also suggested that the SPG's mandate be further expanded to cover the tasks listed in their paper (cf. Section 3 of C-WP/14229), as well as those referred to by the Representatives of Nigeria and Mexico. He maintained that the SPG's mandate should extend beyond organizing, and reporting on, the Council's annual off-site strategy meetings (COSMs) and regional visits.

102. In voicing support for these proposals to expand the SPG's mandate, the Representative of the United Arab Emirates underscored that the Group could address many issues that were not dealt with in Council Committees.

103. Recalling that his Delegation had done a comparison of the ICAO Business Plan for 2017-2018-2019 (with Operating Plan) and the Regional Offices' work programmes for 2016, focusing mainly on the SAM region for obvious reasons, the Representative of Chile indicated that it had noted, with much satisfaction, the correlation between the projects/key activities, deliverables and KPIs in the said Business and Operating Plans and those in the SAM Office's 2016 work programme (cf. Appendix D). It had been a difficult undertaking, however, as there was no correlation between the format of the Business and Operating Plans and the format of the Regional Offices' work programmes. As the said work programmes were supposed to emanate from the Business and Operating Plans and the Organization's Strategic Objectives, it was important that their format conform. The Representative of Chile considered, however, that the work programmes should provide more detail regarding the Regional Offices' respective projects/key activities, deliverables and KPIs. He emphasized that the correlated formats would enable the Council to properly monitor the implementation of the Regional Offices' work programmes.

104. In underscoring that the Regional Offices were the face of ICAO for States, the Representative of Venezuela (Bolivarian Republic of) highlighted that each region had its own priorities, needs and circumstances. While the Council had a certain picture of what was happening in each region based on, inter alia, the Regional Offices' Annual Reports, it was very important that Representatives visit the Regional Offices to see first-hand what the actual situation was in each region. Recalling that he had had the opportunity of visiting the NACC and SAM Offices, the Representative of Venezuela (Bolivarian Republic of) underscored that he now had a much clearer picture of the realities in their respective regions. He stressed that such visits enabled the Council to have a better understanding of the dimensions of the Regional Offices' work and of the regions' needs, and to better assess the Regional Offices' Annual Reports. The Representative of Venezuela (Bolivarian Republic of) therefore supported the suggestion made by the Representative of Nigeria and supported by other Representatives in order to identify those Regional Offices' activities that had an impact. He emphasized that the envisaged group, which could be the WGGE, should be able to interact with the Regional Offices in order to coordinate the work and ensure that their Annual Reports corresponded to the realities in each region and met the Council's needs.

105. The Representative of South Africa supported the intervention by the Representative of Nigeria. In voicing satisfaction with the executive summaries of the Annual Reports of the WACAF and ESAF Offices (cf. Appendices C and F, respectively), he commended the WACAF region for being the first and only ICAO region to have no Significant Safety Concerns (SSCs). Referring to slides 6 and 10 of the PowerPoint presentation, the Representative of South Africa expressed concern that the Regional Offices only played a supporting role to ICAO Headquarters in the implementation of the Strategic Objectives *Economic Development of Air Transport* and *Environmental Protection* due to a lack of specialists in those fields, and that the implementation of SMS and SSP continued to be one of the main challenges, with very little visible progress and very few success stories. He emphasized the need to apprise States thereof so that they could take action to address the situation as a matter of urgency. In then referring to paragraph 2 b) of the summary of key issues in the ESAF region relating to the Strategic Objective *Economic Development of Air Transport* (cf. Appendix F), the Representative of South Africa

highlighted the importance of the tripartite framework for the liberalization of air transport markets in the region concluded between the East African Community (EAC), the Common Market of Eastern and Southern Africa (COMESA) and the Southern Africa Development Community (SADC) and underscored that it was in line with the African Union's (AU's) policy of a single sky for Africa through the implementation of the 1999 Yamoussoukro Decision.

106. The Representative of Spain indicated that while he had many suggestions for handling the large volume of information contained in the Annual Report on Regional Offices' activities, he would not present them now due to time constraints and would instead convey them to whichever group was tasked with reviewing that Report in line with the suggestions made by the Representatives of Nigeria and Mexico. In noting that the most important task that the Council could accomplish during the present meeting, with the RDs in attendance, was the identification of the challenges being faced in each of the regions and the associated risks, he underscored that the general presentation given by RD SAM, while simple and easy to understand, had not included information on such risks.

107. The Secretary General reiterated that it was planned to have the RDs meet with their respective Council regional groups over the coming days to receive their advice and suggestions for further improvement.

108. The Representative of the United Republic of Tanzania endorsed the comments made by the Representative of Nigeria, especially in terms of the formation of a Committee to review the voluminous Annual Report on Regional Offices' activities. He noted that there had been some enhancement in the latter's format, inasmuch as the Reports no longer merely presented a listing or inventory of all of the Regional Offices' activities, meetings, etc. and instead focused on presenting outcomes and achievements, as well as the impact of the said activities, meetings, etc. on the attainment of the Organization's Strategic Objectives. Observing, however, that there was always room for improvement, the Representative of the United Republic of Tanzania expressed appreciation that the Secretariat would be aligning the format of the said Annual Report with that of the Regional Offices' Operational Plans so that the said Reports would be more performance-based and easier to review.

109. The Representative of the United Republic of Tanzania noted, from slide 9 of the PowerPoint presentation, that one of the main common challenges facing the Regional Offices in carrying out their activities was the States' lack of competent human resources. Recalling the presentation of the NACC Regional Office's impressive NCLB strategy during the Council State visit to Jamaica (Montego Bay, 12-15 October 2015), he emphasized that it should cascade into the other regions as it could assist in fostering the political will of the Ministers and other senior level government officials to develop and support a sustainable and ICAO-compliant aviation system and in so doing, address the said human resources issue. The Representative of the United Republic of Tanzania underscored that as all of the other RDs were at ICAO Headquarters, it would be possible for RD NACC to share information with them on his Regional Office's successful NCLB strategy.

110. The Secretary General noted that it was intended, in the coming days, when the RDs were still in Montréal, to share best practices such as the NACC NCLB strategy in order to enhance the ICAO NCLB initiative and its effective implementation. Responding to an additional point raised by the Representative of the United Republic of Tanzania, she indicated that many of the NCLB-related activities listed in the Regional Offices' work programmes for 2015 and 2016 were not included in the Organization's Budget for the present (2014-2015-2016) triennium. In recalling that the Budget proposal for the next (2017-2018-2019) triennium included the allocation of some funds for the implementation of the ICAO NCLB initiative, the Secretary General noted that it would be for the Council and the Assembly to decide thereon. She further indicated that in the event that the approved Budget for the upcoming triennium only covered part of the NCLB-related activities, the Secretariat would seek voluntary financial

contributions, as well as expertise from donor States and international organizations, to enable the implementation of those activities and the development of synergies.

111. The President of the Council noted, from his own experience, that many of the RDs were doing an excellent job in going beyond the resources that they had been allocated and collaborating with States and industry to address the many challenges that their Regional Offices faced. He underscored, however, that while much of the Regional Offices' work was already being supported by the voluntary contributions of many donors who found that work very useful, there was a limit to how much the Regional Offices could depend on such a revenue stream. They could not build their operations thereon.

112. The Representative of Cameroon suggested that in future the Annual Report on Regional Offices' activities be issued as a working paper and not as an information paper. He underscored that the PowerPoint presentation's depiction of the actual situation in the regions vis-à-vis States' difficulties in implementing ICAO SARPs was in line with comments made by Representatives, including him, during the Council's discussion of proposed Amendment 1 to Annex 19 – *Safety Management* (cf. C-WP/14395; 207/8). The Representative of Cameroon recalled that he had highlighted the difficulties faced by States in implementing the existing SSP-related SARPs and the consequent need for ICAO to provide more implementation assistance (cf. C-MIN 207/8, paragraph 60). He emphasized that the Council could use the said presentation as a basis in taking action to improve the effective implementation of ICAO SARPs.

113. The Representative of Cameroon recalled that when the Council had considered the report on the Council State visit to Jamaica, it had: “a) noted the NACC Regional Office NCLB strategy as outlined in Section 2 of the paper (C-WP/14356) and as presented in the ICAO Business Plan, and supported its continued implementation, including through the consideration of the allocation of additional resources for the Regional Offices as proposed in the draft Budget of the Organization for 2017-2018-2019 (C-WP/14397); and b) requested the Secretary General to share the NACC Regional Office NCLB strategy, as well as the experiences gained and lessons learned during the Council State Visit to Jamaica, among the other Regional Offices;” [cf. C-WP/14356; C-DEC 207/3, paragraph 13 a) and b)]. He noted that he and RD WACAF, as well as the other RDs, had already used that NCLB strategy in collecting the information contained in the Annual Report on Regional Offices' activities.

114. Referring to the Council's earlier decision regarding C-WP/14315 (*Assistance to States and related matters*) presented by his State, in which it had noted the ongoing work relating to the review of the Regional Offices' functions and responsibilities and the periodic updating of the *Regional Office Manual* [cf. C-DEC 201/5, paragraph 15 b)], the Representative of Cameroon enquired as to the current situation regarding the Manual's revision.

115. The Secretary General clarified that the *Regional Office Manual* had been partially updated in the past to reflect the Regional Offices' responsibilities in the areas of technical cooperation and technical assistance. Noting that a full updating of the Manual was currently underway, she welcomed Representatives' advice as that process moved forward.

116. Indicating that the Secretary General would ensure that the revised Manual would dovetail with the ICAO Business Plan for 2017-2018-2019, the President of the Council stated that a report thereon could be presented in the future, possibly during the next (208th) session.

117. The Representative of Saudi Arabia underscored the need to further discuss the key regional issues relating to the implementation of SMS and SSP, airport certification, and the lack of clear reporting lines to ICAO Headquarters for newly-created AVSEC/FAL groups in order to find solutions. Reiterating that the Regional Offices were the face of ICAO to States, he also emphasized the need to reflect in the Organization's Budget for the 2017-2018-2019 triennium the Regional Offices'

requirements for providing States with guidance and assistance in implementing ICAO's SARPs and policies. In supporting the comments and suggestions made by the Representatives of Nigeria, Mexico, Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of), inter alia, the Representative of Saudi Arabia agreed that the Council could not consider such an important subject as the Annual Report on Regional Offices' activities in the limited time available. It was therefore necessary to find another way to consider such Reports and to decide on a single format for the coherent provision of the information.

118. The Representative of Saudi Arabia emphasized that just as the SAM Office's 2014 Annual Report had been a good model for the other Regional Offices (cf. C-WP/14231; 204/1), so was its 2015 Annual Report (cf. Appendix D to C-WP/14381). In underscoring that the latter was full of achievements, despite the limited resources available, he highlighted the following: 12 technical assistance missions had been conducted to a State to address its SSC, out of a total of 48 such missions; the SAM region's accident rate had been reduced by 61 per cent during 2015, to 1.05 per cent, which was lower than the world average rate of 2.7 per cent; and the accident rate for runway excursions had also been reduced by 73 per cent in relation to the SAM average for the 2007-2012 period. Noting that the SAM Office's 2016 work programme set clear targets, many of which were expressed in percentages, so as to facilitate follow up, the Representative of Saudi Arabia cited as an example the regional safety targets. He expressed the hope that all of the other Regional Offices would in future present Annual Reports and work programmes that were similar in both format and contents to those of the SAM Office.

119. The Representative of the United Arab Emirates fully supported these comments. In thanking RD NACC for his excellent presentation of his Regional Office's NCLB strategy during the said Council State visit to Jamaica, she noted that there were many elements thereof that could be replicated in other regions. As food for thought, the Representative of the United Arab Emirates asked the RDs when it would be possible to say that no country was left behind.

120. Observing that during her almost six years as Council Member she had seen continued improvements in the level of coordination within and between the Regional Offices and ICAO Headquarters, the Representative of Australia indicated that she looked forward to that continuous improvement. In further noting that she had also seen improvement in the format and the quality of the contents of the Annual Reports on Regional Offices' activities, she stated that she expected those continued improvements to occur. The Representative of Australia was therefore not quite as enthusiastic as a number of other Representatives were regarding the need, at this point in time at least, to establish a separate group to review the Annual Reports beforehand and present oral reports thereon to the Council. Recalling that the Secretary General had acknowledged that future Annual Reports would be aligned with the Regional Offices' Operational Plans and would reflect the comments and suggestions made by Representatives, including with regard to the risks being faced in each of the regions, she underscored that at this stage she would prefer to see that occur. While the Representative of Australia had no problem with the SPG somehow complementing that work in terms of any considerations it might have on that issue, she was certain that the Council would see some significant improvements in the next iteration of the Annual Report, particularly as the Organization had committed to its first real comprehensive Business and Operating Plan.

121. In affirming that as individual Council Members, and as Members of Council regional groups, Representatives had a responsibility to remain engaged with the Regional Offices throughout the year, the Representative of Australia emphasized that they should not regard their consideration of the said Annual Report as being all that was needed on their part. She suggested that to facilitate the Council's consideration of the voluminous Annual Report, it would be useful to first have an informal briefing thereon following the arrival of the RDs at ICAO Headquarters, and thereafter individual meetings between the Council regional groups and the relevant RD(s). The Representative of Australia

considered that that procedure, if logistically possible, would give Representatives the opportunity to discuss many issues before the formal presentation and consideration of the Annual Report in the Council.

122. In then referring to the APAC Annual Report (cf. Appendix A), the Representative of Australia indicated that she was heartened to see that there was a little more focus on the Pacific Islands States and the challenges they faced, particularly in the areas of oversight capability, and expressed the hope that that trend would continue. While aware that those States comprised only a small part of the international aviation community, she emphasized that they struggled significantly to have in place the resources they each required to fulfill all of their respective responsibilities. The Representative of Australia underscored the need to find some more collective/regional-type ways of addressing those challenges, including through further improvements in the Pacific Aviation Safety Office (PASO).

123. The President of the Council emphasized that although the contribution of Pacific Islands States to international civil aviation was a small one, it was even more important than for other States as they had no other means of transportation. As aviation was thus key to the Pacific Islands States' economic survival, it was important that ICAO continued to support them.

124. The Representative of Norway highlighted the need to plan the Council's future consideration of Annual Reports on Regional Offices' activities well in advance so that Representatives could consult their national administrations to verify if there were any issues they wished to have raised with the RDs while they were at ICAO Headquarters. He underscored that it was important for the Council to reflect on its responsibility, as the governing body of ICAO, towards the Regional Offices as it could not manage all of the Organization's activities. The Representative of Norway noted that it had always been his expectation that the Secretary General would manage and monitor the Regional Offices and make a comprehensive report to the Council on the status of each one, highlighting any issues which warranted special attention, such as risks, the effective implementation of ICAO's SARPs or the lack of resources.

125. The Representative of Burkina Faso agreed with the Representative of Cameroon that in future the Annual Report on Regional Offices' activities should be issued as a working paper rather than as an information paper. He also concurred with the Representative of Australia that the Council should await the Secretary General's next Annual Report, with the envisaged enhanced format, before deciding whether or not to establish a small group to give it prior consideration and to present an oral report thereon to the Council. In speaking in favour of continuing to invite the RDs to be in attendance for the Council's consideration of future Annual Reports, the Representative of Burkina Faso emphasized the importance of having face-to-face meetings with them to learn what the actual situation was in their respective regions with a view to supporting the Regional Offices' good work. He welcomed all of the RDs taking part in the present meeting, in particular, the RD WACAF, whose efforts had led to his region being the first to be without any SSCs. In underscoring the high degree of importance of the WACAF region's good practices in the area of aviation safety, the Representative of Burkina Faso emphasized that they warranted being shared with the other regions and integrated into the ICAO NCLB initiative so that all States would benefit therefrom.

126. In concurring with the Representative of Australia that the Council should give the Secretary General time to improve the format of the Annual Report on Regional Offices' activities, the Representative of Japan reiterated the importance of standardization of the NACC Office's best practices with regard to the implementation of the ICAO NCLB which had been presented to Representatives during the said Council State visit to Jamaica. She also agreed with the said Representative that the Council's consideration of such Annual Reports would be facilitated by first having an informal briefing thereon, followed by individual meetings between the various Council regional groups and the relevant RD(s). In noting the Secretary General's explanation regarding the allocation of funds for the

implementation of the ICAO NCLB initiative in the Budget proposal for the next triennium, the Representative of Japan sought information from each RD as to the greatest challenge their respective Regional Offices faced in terms of achieving effective implementation of the NCLB initiative. She recalled, from the PowerPoint presentation, that while the Regional Offices were supporting ICAO Headquarters in NCLB implementation through the provision of technical assistance to States, the latter's lack of competent human resources had been cited as a common regional challenge.

127. The President of the Council indicated that unfortunately there was insufficient time remaining in the present meeting for the RDs to respond.⁴

128. In then summarizing the discussion, the President recalled that the Council had adopted the recommendation arising from the first Council off-site strategy meeting (Montebello, Québec, 12-14 June 2014) that it conduct periodic visits to the regions and the Regional Offices on an annual basis (cf. C-WP/14211, Appendix, paragraph 3; 203/7), and that it had agreed, earlier in the current session (203/7) that, in consultation with the Secretary General and the RDs, it would continue to identify and undertake regional visits annually, to the maximum extent possible. He underscored that the Council State visit to Jamaica (Montego Bay, 12-15 October 2015), which had included a Meeting with NACC Directors General of Civil Aviation (DGCA's), had been highly successful and that Representatives had been very appreciative of the presentation by RD NACC of his Regional Office's NCLB strategy. The President noted that it was the Council's expectation that each RD would: coordinate with the States to which the Regional Office was accredited to see how to arrange such a Council visit, which would enable Representatives to learn first-hand of the regional challenges being faced; where possible, arrange for a concurrent meeting between Representatives and the regional DGCA's and representatives of industry; and submit a proposal for a Council visit for its consideration.

129. Underscoring that the role of the Regional Offices had changed over time, the President recalled that initially they had been responsible for coordinating the implementation of the respective regional Air Navigation Plans. Those responsibilities had evolved and expanded to now cover, inter alia, implementation of all of the Organization's Strategic Objectives. Agreeing with the comments made that the Regional Offices were the face of ICAO to Member States, the President noted that their responsibilities had increased with the adoption of the Organization's NCLB initiative, which placed emphasis on the implementation of ICAO's SARPs and policies. Indicating that the change in the Regional Offices' responsibilities had necessitated a change in their working methods, the President underscored that the RDs had transitioned from serving as Secretaries to regional meetings to being project managers. In that context, the Regional Offices were working not only with States but with other stakeholders, including regional organizations, financial institutions and governments. Affirming that that strategy should continue, the President stressed the need to accord the RDs and the Regional Offices the necessary responsibility and to provide sufficient resources to enable them to take the requisite action to meet the specific needs of their respective regions, which they understood better than the Secretariat and the Council at ICAO Headquarters. That would entail a revision of the *Regional Office Manual* to properly empower the RDs and the Regional Offices to take the necessary action. Recalling that the Manual had been under review for the last three years, the President stressed the need to revise it accordingly and establish a target date for completion.

130. Recalling that in his presentation RD SAM had highlighted the key regional issues relating to the implementation of SMS and SSP, airport certification, and the lack of clear reporting lines to ICAO Headquarters for newly-created AVSEC/FAL groups, the President emphasized the need for the Council to consider and address them. Noting that the Annual Report on Regional Offices' activities set

⁴ Presentations by the RDs of the key challenges faced by their respective Regional Offices were subsequently given during the Council's Tenth Meeting on 7 March 2016 (cf. C-MIN 207/10, paragraphs 47 to 63).

forth such challenges and associated risks, and recommendations to address them, he indicated that in future it should be issued as a working paper and not as an information paper. The President observed that, while the Annual Report's format had been considerably improved, it could be further enhanced. He noted that the Secretary General would continue to review and improve its format.

131. With regard to the Council's future consideration of Annual Reports on Regional Offices' activities, the President indicated that it would be very useful to first have an informal briefing thereon, followed by individual meetings between the various Council regional groups and the relevant RD(s). He emphasized that it would be necessary to plan for those events well in advance.

132. The President recalled that the issue of efficiency had been raised and that a suggestion had been made that a small new group be established to review the Annual Reports on Regional Offices' activities beforehand and to present an oral report thereon to the Council to facilitate and expedite its consideration, in line with the current practice of the various Council Committees and other subsidiary bodies. It had been highlighted that the Council was spending a substantial amount of time discussing reports on, inter alia, the IWAF, the activities of the GAT Office and the ICAO NCLB initiative and that having those reports reviewed beforehand by such a group and synthesized in an oral report would enable the Council to not only have a holistic view and better understanding of implementation and assistance issues but also to save considerable resources for the Organization. The President noted that both the Chairpersons of the TCC and the Strategic Planning Group (SPG) [the Representatives of Nigeria and Bolivia (Plurinational State of)] had suggested that the mandates of their respective bodies be expanded to include the review of implementation and assistance issues. A suggestion had also been made that the WGGE be tasked with reviewing the Regional Offices' Annual Reports.

133. In proposing that the Council leave the matter in his hands, the President indicated that he would discuss it with the Vice-Presidents of the Council and the Chairpersons of the TCC, the SPG and the WGGE to see how best to address it, with the proviso that any proposed solution would enhance the efficiency of the Council's deliberations to the maximum extent possible. Noting that it might be possible for the envisaged prior review of the Annual Reports on Regional Offices' activities to be done without the provision of interpretation services, the President indicated that that process would enable the Council to not only consider the said Annual Reports in a more efficient and cost-effective manner but also to take an informed decision. In reiterating the importance of the Regional Offices' Annual Reports, he underscored that they formed the Council's feedback mechanism, whereby it was apprised of the regional activities taking place, the challenges being faced, and the associated risks. That mechanism appropriately informed the Council's review of ICAO's policies and the Organization's relationship with its Member States, especially as the Regional Offices were the primary means of enhancing implementation of ICAO's SARPs and policies.

134. The Council accepted the President's summary as its decision regarding C-WP/14381.

135. The Secretary General indicated that every effort would be made to complete the ongoing review and full updating of the *Regional Office Manual* as soon as possible, and to ensure that the Organization's Business Plan and the Regional Offices' Operational Plans would have the proper mechanisms for carrying out the Regional Offices' tasks and for delivering services to ICAO Member States. She would inform the Council of the target date for the completion of the Manual's revision after her forthcoming discussions with the RDs.

Any other business

Subject No. 14.1.1: International Standards and Recommended Practices (SARPs)

Report of the ANC — Adoption of Amendment 40 to Annex 6, Part I
Report of the ANC — Adoption of Amendment 34 to Annex 6, Part II
Report of the ANC — Adoption of Amendment 20 to Annex 6, Part III

136. It was recalled that, at its previous meeting, the Council, in adopting Amendment 1 to Annex 19 (C-WP/14395), had agreed to extend the proposed applicability date of 8 November 2018 by one year, to 7 November 2019 (cf. C-DEC 207/8, paragraph 29). It was also recalled that the elements contained in Amendment 1 relating to the protection of flight recorder recordings in normal operations, and safety management, were also contained in Amendment 40 to Annex 6, Part I, Amendment 34 to Annex 6, Part II, and Amendment 20 to Annex 6, Part III [C-WPs/14391, /14392 (Revised, Spanish only) and /14393 (Revised, Spanish only)] that had been adopted by the Council during the same meeting but prior to its consideration of Amendment 1 to Annex 19, and with an applicability date of 8 November 2018 for the said elements.

137. In order to have a globally harmonized implementation of those elements, the Council agreed to amend its previous decision (C-DEC 207/8) to reflect that the applicability date for the elements of Amendment 40 to Annex 6, Part I, Amendment 34 to Annex 6, Part II, and Amendment 20 to Annex 6, Part III relating to the protection of flight recorder recordings in normal operations, and safety management was also extended by one year, to 7 November 2019. It was understood that the effective date of July 2016 for those three Amendments remained unchanged.

138. The meeting adjourned at 1310 hours.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE TENTH MEETING

(THE COUNCIL CHAMBER, MONDAY, 7 MARCH 2016, AT 1430 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Mr. A.J. Dumont	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Bolivia (Plurinational State of)	— Mr. J.G. Soruco	Nicaragua	— Mrs. E.A. Aráuz Betanco
Brazil	— Mr. P. Jardim (Alt.)	Nigeria	— Mr. M.E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Prof. M. Polkowska
Canada	— Mr. J.-B. Leblanc	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. C. Mac-Namara	Republic of Korea	— Mr. J. Hur
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Dominican Republic	— Mr. C.A. Veras Rosario	Saudi Arabia	— Mr. H.A. Abudaowd
Egypt	— Mr. A. Khedr	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. M.D.T. Peege
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. A. Shekhar	United Arab Emirates	— Miss A. Alhameli
Italy	— Mr. F. Lonardo (Alt.)	United Kingdom	— Mr. M. Rodmell
Japan	— Ms. N. Ueda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Ms. M.B. Awori	United States	— Mr. M.A. Lawson
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mr. J. Bollard (Alt.)	— Australia
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. M. Vidal (Alt.)	— Chile
Mr. I. Camino (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. A. Almoghaby (Alt.)	— Saudi Arabia
Mr. S. Kotis (Alt.)	— United States

SECRETARIAT:

Mr. I. Galán	— D/TCB
Mr. B. Djibo	— D/ATB
Mr. J. Augustin	— D/LEB
Mr. S. Creamer	— D/ANB
Mr. V. Smith	— D/ADB
Mr. A. Mishra	— RD, APAC
Mr. B. Kashambo	— RD, ESAF
Mr. L. de Almeida	— RD, EUR/NAT
Mr. M. Smaoui	— A/RD, MID
Mr. M. Cintron	— RD, NACC
Mr. F. Hoyer	— RD, SAM
Mr. M. Jallow	— RD, WACAF
Mr. R. Bhalla	— C/FIN
Mrs. J. Hupe	— DD/ENV
Mr. T. Hasegawa	— DD/ECD
Mrs. L. Comeau-Stuart	— C/POD
Mr. A. Bilaver	— OSG
Mr. A. Larcos	— ACC
Miss A. Tyo	— Précis-writer

Representatives to ICAO

Afghanistan
Cuba
Ecuador
Ethiopia
Ghana
Greece
Iran (Islamic Republic of)
Lebanon
Paraguay
Peru
Turkey

Airports Council International (ACI)

European Union (EU)

International Women's Day 2016

1. The President of the Council made the following comments on the occasion of International Women's Day:

“International Women's Day is a time to reflect on progress made, to call for change, and to celebrate the acts of courage and determination by ordinary women who have played an extraordinary role in the history of their countries and communities. The 2016 theme for International Women's Day is: “Planet 50-50 by 2030: Step It Up for Gender Equality”. The idea of this theme is to consider how to accelerate the 2030 Agenda, building momentum for the effective implementation of the new Sustainable Development Goals (SDGs). It applies especially to SDG 5: “Achieve gender equality and empower all women and girls”, and to SDG 4: “Ensure inclusive and quality education for all and promote lifelong learning”. The theme will also focus on new commitments under the UN Women's “Step It Up” initiative, and other existing commitments on gender equality, women's empowerment and women's human rights.

“Additional objectives being pursued involve: ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant effective learning outcomes; ensuring that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education; and ending all forms of discrimination against all women and girls everywhere.

“It is important, as we seek to foster the next Generation of Aviation Professionals, that we attract the attention of youth, especially those boys and girls looking to pursue careers in aviation. It is for these reasons, for example, that we organized a Model Council and established a museum in 2014, and they are also important to the Council Resolution which will be considered during this meeting.”

2. The President then announced that in recognition and celebration of these goals a coffee break, hosted by the United Arab Emirates, would be held, during which a young woman pilot from Afghanistan, Ms. Shaesta Waiz, would give a presentation on her project, entitled *Dreams Soar*, whose goal was to complete a round-the-world solo flight. Thanking the Representative of the United Arab Emirates for bringing this project to the Council's attention, the President mentioned that he, the Secretary General and several Council Members had welcomed Ms. Waiz on the apron at Montreal-Pierre Elliott Trudeau International Airport, where the collaboration of ICAO was formalized by affixing to the fuselage Ms. Waiz's Beechcraft Bonanza airplane an ICAO logo and the State flags of the countries where Ms. Waiz would be landing.

Subject No. 10: ICAO Relations with the United Nations, the Specialized Agencies and other international organizations

Subject No. 24.2: Assembly agenda and documentation

Proposed Council Resolution on promoting Women Representatives on the Council and professionals in ICAO Secretariat

3. The Council considered this item on the basis of C-WP/14361, which was presented by Australia, Japan, Kenya, Nicaragua, Poland, Portugal, and the United Arab Emirates and which contained a draft Resolution expressing support for gender equality and the advancement of women as well as

inviting the Council to play an active role in the development of these ideals. The Council also had for consideration an oral report of the Working Group on Governance and Efficiency (WGGE) thereon.

4. The Representative of Poland presented the following statement on behalf of all women Representatives on the Council:

“Mr. President, Secretary General, Council Representatives and Representatives to ICAO, members of the ICAO Secretariat, tomorrow marks the occasion of International Women’s Day, which has been celebrated by the United Nations since 1975. This day recognizes women’s achievements and accomplishments, but it also looks ahead to the future. The proposed Resolution we have presented is a first step into the future for ICAO in promoting gender equality. By setting targets and promoting initiatives and actions for the furtherance of women, ICAO can lead the aviation industry and show that we stand ready to promote cooperation with all stakeholders for advancing career development of women in aviation and attracting women to pursue careers in aviation and to make ICAO a more familiar and friendly forum for women working in the aviation sector in our regions.

“Looking at the statistics, overall there are more men than women working in ICAO headquarters and Regional Offices – 70 per cent of the professional staff are male. Taking a closer look, the percentage of men hired as compared to women is much higher in professional and senior positions – only four per cent of D-1 and D-2 positions are held by women – in this case only one out of 24 positions within ICAO. At the GS level, on the other hand, 77 per cent of new recruits were women. There is also a disparity with respect to applications received for positions within ICAO. During 2015, for a professional post, 67 per cent of the applications came from men, and 33 per cent from women while it was the reverse for GS level positions. Thirty-three per cent came from men and 67 per cent from women.

“We are aiming to achieve parity at all levels, so that men and women can have access to the same opportunities. Currently we have seven female representatives on the Council of ICAO. This is the largest cohort of women to ever stand on the Council. We have much to celebrate that we have come this far, and there is still much to be done to achieve gender equity within the Organization and promote it within the aviation sector. Notwithstanding this achievement, one of the continuing challenges in achieving gender equity both within the ICAO Secretariat and in the Council is that many States from which we draw this important expertise are themselves struggling to attract and retain women in aviation. We need to encourage States to do more in this respect including committing to develop and report on plans of action which include innovative approaches to addressing this historical and ongoing inequity.

“The report on this proposed Resolution from the Chairperson of the Working Group on Governance and Efficiency includes some valuable feedback that will help to improve the completeness, clarity and strength of the proposal including, inter alia, with regard to the scope of resolving clauses in the Resolution’s text. Our plan is to continue to further develop the paper and in this regard, we intend to seek your feedback over the coming weeks before finalizing the paper for consideration and approval by the Council in the 208th Session. Thank you very much for your attention from the Delegations of Australia, Japan, Kenya, Nicaragua, Poland, Portugal and the United Arab Emirates.”

5. The Chairperson of the Working Group on Governance and Efficiency (Representative of Saudi Arabia) advised that the WGGE had reviewed C/WP-14361 and had offered some suggestions to enhance it. Among the WGGE’s suggestions was a proposal to include an action plan to facilitate a higher level of female representation in ICAO, and based on the discussion in the group, the working paper was to be updated and resubmitted during the 208th Session to respond to those suggestions.

6. Taking note of the comments from the Chairperson of the WGGE and the statement made by the Representative of Poland, the President recommended that any comments made during this

discussion should be taken on board by the presenters of the document and suggested that once the draft Resolution was complete, it be circulated to the Council, so that the Representatives might familiarize themselves with it ahead of its consideration and adoption during the 208th Session.

7. The Secretary General expressed her support for the statement made by the Representative of Poland and advised that the Secretariat had taken several initiatives to promote women professionals and, in particular, young women professionals in the Secretariat. Outside the Organization, these initiatives included a scholarship offered in cooperation with the International Aviation Women's Association to a young female professional, as well as internships and fellowship programmes offered in cooperation with a variety of organizations. For Secretariat staff, training opportunities, succession planning and a mobility policy had been developed and applied to enhance the work experience and encourage the growth of female professionals. Much remained to be done, and there was a need to promote, within the States, gender equality and opportunity for female professionals in their home countries, in order to be able to attract highly qualified female applicants to the Organization and achieve gender equality in the Secretariat.

8. All of the Representatives who took the floor during the ensuing discussion expressed appreciation to the Delegations of Australia, Japan, Kenya, Nicaragua, Poland, Portugal and the United Arab Emirates for having brought the draft Resolution on promoting Women Representatives on the Council and professionals in ICAO Secretariat before the Council in C-WP/14361.

9. Voicing his thanks to the Chairperson of WGGE and expressing his support for the President's comments on the subject of International Women's Day, the Representative of Cameroon, noting the comments made by the Secretary General, commented that it was important to consider how the expertise of women in civil aviation would be developed. Therefore he felt that the Resolution needed to enable States to include women participants in their Delegations to ICAO and to encourage the participation by women in ICAO panels. By holding positions of responsibility, female candidates would commence to build their expertise at an earlier stage. By virtue of this emphasis on the early stages of career development, the objectives could be attained. He therefore urged that the Resolution reflect the need to request States to include women in all their Delegations and also to promote women within the ICAO Secretariat.

10. The Representative of Norway welcomed the comments on the draft Resolution by the WGGE, and in particular the WGGE's proposal to expand the scope of the Resolution to include the need to strengthen female representation levels in other relevant entities of ICAO, such as the Air Navigation Commission (ANC), and the presentation of an action plan towards 2020. Turning to the draft Resolution, and operative clause 4, which instructed the Secretary General to commit to an aspirational goal of 50 per cent improvement in gender equity for professional and higher levels of employment in ICAO by 2020, compared to 2015 levels, he felt that given the current low level of female representation at the D-1 and D-2 levels, the goal as stated was insufficient. A more ambitious goal for 2020 should be set for the professional levels. Referring to operative clause 5, which requested the Secretary General to assess and report to the Council on the achievement being made towards promoting equality for women within all levels of staff categories in the Secretariat and the Council, he opined that, with regard to the Council and ANC, the request to improve upon equality should be directed to the States.

11. In supporting the comments made by the Representative of Norway, the Representative of the United Arab Emirates suggested that the aspirational goals be set to align with those contained in United Nations General Assembly (UNGA) Resolution 69/151 which called for achieving the goal of a 50/50 gender balance at all levels throughout the United Nations system. An implementation action plan was needed to demonstrate either the annual or biennial increase in women staffing within ICAO.

12. Reiterating the comment made by the President of the Council in his introduction, the Representative of Portugal reminded that the Resolution was a draft proposal and the presenters thereof welcomed all comments and suggestions. She emphasized that the Resolution was to be submitted to the 39th Session of the Assembly by the Council as a whole and not as a Resolution presented by a group of States only. She invited all Representatives to support the proposal, mentioning that work still needed to be done, in particular in the review of the aspirational goals and the drafting of a well-developed action plan.

13. Supporting the female Representatives on the Council, the Representative of the Russian Federation, referring to operative clause 4, offered his full support to the principles of equality and non-discrimination. At the same time, while he wished to ensure that men would continue to offer support and respect to women in the workplace, he felt it would be incorrect to try to apply 50/50 percentages as an equality factor and that anatomic gender differences had existed for centuries.

14. Offering his congratulations to all women and especially those in the Council chamber on International Women's Day, the Representative of Libya pronounced his support for the draft Resolution. Agreeing with the sentiments expressed by the Representative of the Russian Federation, he remarked on the particularly high respect held for women in certain cultures and the differing roles played by each gender. For these reasons, he felt that it would be difficult to achieve 50/50 gender parity.

15. Voicing her enthusiasm for the work undertaken so far by the women Representatives, the Representative of Australia took the opportunity to update the Council that significant work on redrafting the Resolution had already taken place. The working paper was now much better developed as it had already taken into account in large part the comments of the WGGE and some of the issues which had been raised in the current discussion. Referring to Item 5, she agreed that while the aspirational goals should be in line with those contained in UNGA Resolution 69/151 for 2030 there was a need to set interim targets, as they provided something to strive towards rather than setting goals that were too far into the future or too vague. As far as the comments made regarding operative clause 4 and its reference to percentages, this would be re-examined and redrafted accordingly.

16. Offering his congratulations to all women on the occasion of for International Women's Day, the Representative of the United Republic of Tanzania echoed the query initially raised by the Representative of Norway with regard to operative clause 4, and requested clarification on the figure of 50 per cent, as to whether it meant a 50/50 gender division or an increase of 50 per cent over current female staffing levels.

17. Responding to a request from the President to address the question of percentages raised by the Representative of the United Republic of Tanzania and others, the Representative of Poland explained that the presenters of the draft Resolution chose to follow existing international standards, and that the data and concepts contained in the draft were not original notions but were based on UN Resolutions. She assured that the presenters of the Resolution would review all comments and suggestions, and the redrafted working paper to be presented in the 208th Session would reflect what was suggested by the WGGE as regards State action plans and ICAO action plans and would refer to concrete activities.

18. On the basis of the recommendation from the WGGE as well as the intervention from the Representative of Poland (on behalf of the sponsoring States), the Council decided to defer the adoption of the proposed Resolution contained in the Appendix to C-WP/14361 until the 208th Session, to allow more time for the sponsoring States to further develop the text of both the working paper and the

proposed Resolution. It was understood that the revised working paper would outline a plan of action that could facilitate higher levels of female representation in the ICAO governing bodies, ICAO Secretariat, and more widely throughout the aviation sector.

19. In relation to the working paper that will be redrafted based on C-WP/14361, Council Representatives were invited to submit their comments, suggestions and points of clarification on the text and draft Resolution to the sponsoring States so that these might be incorporated and reflected in the subsequent version. In order to facilitate the approval of the proposed Resolution, it was also agreed that the President of the Council would circulate the redrafted working paper via e-mail to all Council Representatives prior to the reconsideration of this item at the 208th Session.

Subject No. 18.14: Other finance matters for consideration by Council

Report of WGGE – Corporate Key Performance Indicators (KPIs)

20. The Council had for review C-WP/14403, which was presented by the Chairperson of the Working Group on Governance and Efficiency, and which contained the draft ICAO Corporate Key Performance Indicators (KPIs) as developed by the WGGE Sub-Group on Performance Management. It was noted that the draft KPIs formed the basis for the discussion that had taken place on 1 March 2016 at the Council Workshop on Risk Management, Assurance Framework and Performance Management on this subject presented by the Chairperson of the WGGE. Based on the workshop outcomes, it was agreed that the Secretariat would compile the suggestions derived from the workshop for submission to the WGGE for consideration and further discussion, in order to identify realistic, measurable and mutually agreeable KPIs and their respective targets, after which they would be shared with the Council during the 208th Session.

21. The President of the Council expressed the view that since significant discussion had already taken place on this subject, the best approach was to proceed by noting the report and requesting the Secretariat and the WGGE to take into account the results of the workshop and propose amended KPIs. He explained that the purpose of scheduling this item on the agenda was due to its role in the Business Plan, to be presented under C-WP/14396 and which was the next item to be considered.

22. The Representative of Spain emphasized that among the issues to be considered subsequent to the work done at the workshop of 1 March 2016 was how to address risk in regard to the Business Plan, the operational plans and the work programmes. All of these elements had to be coordinated and coherent, and indicators would need to be identified at the corporate level.

23. The Representative of Venezuela (Bolivarian Republic of) endorsed the working paper and the report by the Chairperson of the WGGE but expressed a desire that consideration be given to existing indicators in use in different areas. He mentioned, as examples, the areas of Technical Cooperation and Aviation Safety, where work had already taken place on indicators and recommended that efforts be made to avoid duplication. What were needed were KPIs that helped to gauge the efficiency and effectiveness of the Organization, and these KPIs would help the Council to take the right decisions. He was of the view that some of the revised KPIs were not in fact performance indicators and suggested that it would be useful to request input from academia so as to provide a clear picture as to which indicators were appropriate for the Organization.

24. While the Council welcomed the progress made thus far in the development of the Corporate KPIs as outlined in the Appendix to C-WP/14403, it was understood that the draft Corporate KPIs would be subject to further discussions with the Secretariat in order to identify realistic, measurable

and mutually agreeable KPIs with respective targets taking into consideration the suggestions derived from the recently concluded Council Workshop on the Corporate KPIs, Risk Register and Assurance Framework. It was understood that a further report on the Corporate KPIs would then be presented for Council consideration at the 208th Session.

Subject No. 18.14: Other finance matters for consideration by Council

ICAO Business Plan for 2017–2019

25. The Council considered this subject on the basis of C-WP/14396 (and Addendum/Corrigendum), presented by the Secretary General, which set out the strategies and priorities to guide the activities of the Organization to enable States to attain safe, secure, efficient, economically viable and environmentally responsible air transport. The Council also had for consideration an oral report thereon by the Finance Committee (FIC), which had considered the paper at its First Meeting of the current session on 15 January 2016.

26. In presenting the oral report on its review of the Business Plan, the Chairperson of the Finance Committee (Representative of Mexico) stated that its members took note of the document and were in general approval with the direction and approach adopted by the Plan as it set out the strategies and priorities to guide the activities of the Organization to enable States to attain a safe, secure, efficient, economically viable and environmentally responsible air transport. The Business Plan highlighted ten Key Priorities to advance the realization of the 15 Expected Results attributable to the Organization's five Strategic Objectives. In so doing, the FIC felt the Plan provided the right framework for the development of the Regular Programme Budget. The Plan included all mandated activities and projects, including some that were critical but unfunded, presenting a risk to the achievement of the results. It also formed the basis for resource allocation, including the results-based Regular Programme Budget and was part of the Corporate Performance Management Framework together with, inter alia, the Corporate Key Performance Indicators and the Risk Register. Noting that the Secretariat intended to adopt a rolling business plan approach, the members of the FIC reserved the right to make suggestions and comments on the Plan subsequently.

27. The Secretary General thanked the Chairperson of the FIC for his report. She reiterated her firm belief that the 2017-2018-2019 triennium would provide a unique opportunity for ICAO to chart a course to ensure that the Organization would continue to flourish now and in the future as a global forum for international civil aviation and would further strengthen its leadership role within the global aviation sector. The Business Plan was a first step in defining ICAO's role by ensuring it met the needs of its Member States and the global aviation community in the most efficient and effective manner. It resulted directly from the Council's need for the clearest picture of how to most effectively allocate resources to the work of ICAO. The Business Plan was the seminal document for the Organization for next triennium, taking into account all of the work mandated to be undertaken by ICAO regardless of the source of funding. It set out the strategies and priorities to guide the activities of the Organization.

28. The Secretary General reminded that, as mentioned by the Chairperson of the FIC, the Plan highlighted ten Key Priorities to advance the realization of 15 Expected Results attributable to the five Strategic Objectives. It followed a results-based management approach integrating strategies, resources, processes and management to improve decision-making, transparency and accountability. As a living document, the Business Plan would be continuously adjusted to meet the changing needs of States and the global aviation community. Changes to relevant elements of the Plan including the review of emerging aviation issues, the assessment and mitigation of internal and external risk factors, and the

implementation of the work programme throughout the Operating Plan, would be monitored, updated and optimized by the Secretariat on an ongoing basis. The Business Plan would be submitted to the Council on an annual basis for review and advice. She reiterated that the Business Plan was a product of the collaboration and cooperation between the Secretariat and the Council. As had been highlighted by the Chairperson of the FIC, there had already been a good exchange of views during the Committee stage, and the recent Council workshop on the Corporate Risk Register, Assurance Framework, and Corporate Key Performance Indicators had also allowed for useful input and feedback. Taking into consideration the input received thus far, the Secretariat would continue to work on the Business Plan to ensure it mapped out and aligned all of the work activities and initiatives of the Organization, standardized terminologies, presented a holistic view, and set out a simplified reporting process to senior management and to the Council.

29. Following from the statements by the Chairperson of the FIC and the Secretary General, the Representative of Spain stressed the importance of utilizing a single terminology throughout the entire Organization. As had been mentioned by the Representative of Venezuela (Bolivarian Republic of) during discussion of the previous item (cf. paragraph 23), activities undertaken in different parts of the Organization should not be referred to using different terms. In addition, it was equally important that there be one, single planning methodology. He agreed with the action proposed by the President to take note of the FIC Report and to note the Council's agreement to approve the Business Plan in principle, on the understanding that a revision to the Plan would take place when the time came to consolidate priorities, outcomes and strategic objectives. This revision would be done in order to capture all of these terms and to define exactly what was meant by Corporate KPIs.

30. Offering thanks to the Secretary General and the entire Secretariat for the enormous amount of work done on the very detailed Business Plan, the Representative of the Russian Federation expressed the belief that it led to a better understanding of the tasks faced by the Organization. He then drew attention to the fourth paragraph of the Oral Report of the Chairperson of the FIC, which read "the Business Plan includes all mandated activities and projects, including some that are critical but unfunded, presenting a risk to the achievement of the results". Acknowledging the hefty cost of the Business Plan, he reminded that when came time to discuss the Budget of the Organization, it should be recalled that this budget proposal has already reflected a 25 per cent deficit.

31. The Representative of Republic of Korea expressed his appreciation for the Business Plan and queried how the calculations contained in the Business Plan and those in the Budget for the 2017-2018-219 triennium were to be aligned. He noted that while it was simple to categorize elements within the Plan as to their importance and the amounts to be allotted to each component, he requested clarification as to how these amounts would be combined and categorized with elements of the Budget for 2017-2018-219.

32. Addressing the concerns of both Representatives, the Secretary General explained that the Business Plan outlined for both the Council and States the tasks which should be undertaken, but acknowledged that the Organization did indeed face resource constraints. The Budget would incorporate the most important elements for the Council's consideration to ensure that appropriate assessment and other resources could be allocated to carry out the tasks. As noted by the FIC, there was a resource gap between the Budget and the aspirational goals of the Business Plan. The Organization would endeavour to engage partners, donor States, international organizations, financial institutions and the private sector to assist ICAO to reduce the gap and thereby to mitigate risk. The Resource Mobilization Policy, which was also part of the organizational strategy, would allow the Organization to approach different partners.

33. Referring to page 13 of the Appendix to C-WP/14396, item a) "Strengthening ICAO's

regional presence”, the Representative of Japan expressed her interest in the upcoming presentations from the Regional Directors. She believed that the aforementioned item a) would entail changes to the Terms of Reference of the Regional Offices, and to the allocation of duties between the Regional Offices and Headquarters for the next triennium, including placing more emphasis on the Regional Offices’ work to achieve the goals of the *No Country Left Behind* (NCLB) initiative. She recalled that in the draft budget proposal it had been explained that resources would be shifted or added to the Regional Offices. She looked forward to hearing from each of the Regional Directors on how this new priority was perceived, and how it would be incorporated in the coming triennium budget exercises and in the Business Plan. She also expressed interest in learning about the challenges faced by the Regional Offices and what was required in order for them to effectively address the NCLB initiative.

34. Following presentations by the Regional Directors (cf. paragraphs 47 to 54) and a coffee break, discussions resumed on the subject of C-WP/14396 regarding the ICAO Business Plan for 2017-2019.

35. The comments from the Representative of Venezuela (Bolivarian Republic of) followed from those raised by the Representative of the Republic of Korea as to how to mesh the activities outlined in the Business Plan with the Budget, so as to understand the full scope of the activities and the resources that would be allocated to them. He also raised a concern, similar to that mentioned by the Representative of the Russian Federation, regarding the unfunded activities and projects referred to in paragraph 4 of the Oral Report by the Chairperson of the FIC and stated that, before a decision was taken to approve the Business Plan, greater understanding was needed of how it dovetailed with the Budget.

36. The Representative of Saudi Arabia recalled the explanation by the Secretary General that the Business Plan was a living document which would be updated annually and supported the views expressed by the Representatives of the Republic of Korea and Venezuela (Bolivarian Republic of) on the need to establish a relationship between the Business Plan and the Budget. The Business Plan should contain the Risk Register and the Corporate KPIs which were under development. He proposed that the update of the Plan not wait a full year, but rather that in a few months’ time the Business Plan be reconsidered in light of the KPIs and the Risk Register. In this way, the Business Plan would be developed taking into account certain specific organizational KPIs, and this presented an opportunity to review the Plan once all the elements were in hand.

37. While noting that the Business Plan represented the results of much good work based on the inputs, the Representative of Chile expressed a certain discomfort that the content of the Operating Plan did not, except with regard to the work to be undertaken by the Regional Offices, make specific mention of the allocation of tasks as would be assigned to the Bureaux at Headquarters. While the programmes in the Business Plan related to the Bureaux, he expressed difficulty in understanding how to know in a given time period what the individual Bureaux were mandated to do. Thus he proposed a change to the Plan in future to have it provide a clearer picture of the main activities and areas of work and who was in charge in each of the Bureaux within the Secretariat as well as the tasks set out for the Regional Offices.

38. Aligning his views with those Representatives who had requested that the Business Plan and the Budget be considered together, the Representative of Kenya felt this was particularly important in regard to activities of the Regional Offices in order to be able to match the activities with the Budget when came time for prioritization.

39. The Secretary General thanked the Representatives for their advice, suggestions and comments on the Business Plan and noting the support given to this new approach for the Organization,

she requested that the Secretariat be given some time to gain experience therewith. This would allow work to be done to determine the best approach to monitor the Business Plan and the Operating Plan, as well as the KPIs and Risk Register as a whole, and would also permit time to standardize terminology which would result in the presentation of a holistic picture of the methods and format to be used to report to the Council on a regular basis.

40. While noting the request from the Secretary General to be given appropriate time to incorporate the comments from the Council, the Representative of Japan recalled an earlier budget discussion wherein the Secretariat had explained the need to allocate 9.5 new posts to the Regional Offices as this was in line with the goal of prioritizing their staffing. It was her understanding that the budget proposal presented by the Secretariat had already incorporated this prioritization of strengthening the Regional Offices, but in hearing the explanation of the Secretariat in the current discussion that the linkage of the Business Plan and Budget was still in process, she expressed some confusion as she believed that linkage had already been established. She reiterated her request for information as to the extent to which the challenges faced by the Regional Offices were being addressed in the budget proposal for the next triennium and requested clarification on this, as she had recollected that the earlier explanation from the Secretariat had already incorporated the prioritization of the Regional Offices into the budget proposal.

41. The Secretary General confirmed the views expressed by the Representative of Japan that the prioritization of work had been outlined in the earlier presentation of the Budget. She clarified that the comments and suggestions raised by the Council Members during the current meeting related to the Business Plan, and these suggestion would be taken on board in efforts to further improve the Business Plan.

42. Given that the Plan was a rolling business plan, the Representative of Spain was of the opinion that clarification was needed as to whether, at this stage, annual approval by the Council was appropriate. Since many improvements had been suggested by various Council Members, he felt it was not correct to wait a full year before reconsidering the Business Plan. He suggested that the Secretariat do the work of fine-tuning the Business Plan in terms of the concepts and terminology as discussed and revert to the Council during the 208th Session.

43. The President commented on the discussion thus far by noting that with regard to paragraph 4 of the Oral Report of the FIC, and the risks associated with the Business Plan, work was currently being undertaken on the Risk Register and the Assurance Framework, as well as discussions taking place on the corporate performance indicator that might have an impact on the individual indicators and all this would be incorporated with the KPIs into the next iteration of the Business Plan. As well, the Budget would outline those items to be funded, and those that would not, and this would indicate what would be in the Risk Register.

44. The President suggested leaving to the Secretariat the decision as to when to present the next iteration of the Business Plan, on the understanding that the Secretariat be given sufficient time to operationalize all issues discussed, and the 208th Session would be too soon, but it was agreed to aim for the 210th Session in February-March 2017. He stressed the importance, as indicated in paragraph 6 of the Oral Report of the FIC and in the Executive Summary of C-W/14396, that the Council approve the direction and approach adopted for the ICAO Business Plan taking into account all the comments that had been made and that the Plan be presented for consideration to the Council on an annual basis such that it would represent a rolling business plan.

45. Following consideration, the Council agreed that the direction and approach outlined by

the Business Plan provided a suitable framework for developing the Regular Programme Budget. Comments made by the Council in the course of the deliberation of this item, especially in regard to establishing clear linkages between the Business Plan and the triennium Budget would be taken into account by the Secretariat and reflected in the regular updates and subsequent iterations of the Rolling Business Plan. It was understood that these subsequent iterations would also take into account and reflect the work being undertaken by the Secretariat in relation to the Corporate KPIs and Risk Register and Assurance Framework.

46. The Council agreed that the subsequent iteration of the Business Plan would next be presented for consideration by the Council at the 210th Session in February-March 2017.

Presentations by the Regional Directors

47. The presentations by the Regional Directors commenced with the Regional Director of the South America Office (SAM) who informed the Council that, on the subject of aviation safety, the key challenges for the Lima Office were the slow progress from States in addressing their Corrective Action Plans (CAPs) and Protocol Questions (PQs), as well as the implementation of State Safety Programmes (SSPs), and of the Safety Management System (SMS) by aerodromes and Air Navigation Services Providers (ANSPs). The certification of aerodromes faced issues of non-compliance, due primarily to a lack of adequate technical training. On air navigation capacity and efficiencies, key challenges were the high levels of rotation of specialized personnel, operational resistance in the use of ATS interfacility data communications (AIDC), and financial limitations for the implementation of modernization of the air navigation systems. Regarding security and facilitation (SECFAL), the Regional Director emphasized the financial limitation of States to implement the requirements of SECFAL and the necessity to improve coordination between the activities of ICAO, the Latin American Civil Aviation Commission (LACAC), and the AVSEC FAL Regional Group. The SAM Office's priorities were defined by the Bogota Declaration on Sustainable Transport Objectives, and its strategies were targeted toward States with lower levels of Effective Implementation (EI). The Regional Safety Oversight Cooperation System (SRVSOP), the Latin American Safety Oversight Organization and the SAFE fund were all offering support. For the lower levels of compliance with aircraft accident and incident investigation (AIG), air navigation services (ANS) and aerodromes, air routes and ground aids (AGA), general strategies involved the implementation of the regional mechanisms such as the AIG Regional Cooperation Mechanism (ARCM) and the Latin American Aviation Regulations (LARs) on ANS and AGA. Under the NCLB initiative, the Lima Office's strategy was to focus on the less-connected States. A high-level mission to Suriname and Guyana with the aim of obtaining political commitment had been very well received, and both States were fully committed at the highest level. For the next triennium, improved human and financial resources were required to assist the SAM States under the NCLB initiative.

48. The Regional Director of the European and North Atlantic Office (EUR/NAT) was next to address the Council. He outlined that the EUR/NAT Office covered two ICAO regions: the North Atlantic region and the European region and was accredited to 56 States, including States in the Eastern part of the European region as well as North African States that did not benefit from support from organizations such as Eurocontrol. Regional safety priorities were being addressed through regional plans and regional aviation safety groups (RASGs). States were monitored through USOAP CMA and were assisted in the development of tailored action plans. Fact-finding missions identified critical safety issues and gaps in the implementation of the Global Air Navigation Plan (GANP) and regional activities. In the air navigation area, focus was on States in the Eastern part of the European region and three North African States for the coordination and harmonized implementation of ASBU Block 0 and Block 1 modules. Implementation of performance-based navigation (PBN) was supported through specific PBN,

Continuous Descent Operations (CDO), Continuous Climb Operations (CCO) and PANS-OPS workshops in selected States. The recently created Black Sea Task Force was mandated to develop acceptable proposals for normalization of the use of airspace over the Black Sea. The NCLB initiative was being addressed through existing and new initiatives, all managed under one programme. Under the safety banner, countries having Significant Safety Concerns (SSCs) and States with less than 60 per cent EI were given top priority. For some European States with EI levels below 60 per cent, partners such as the European Aviation Safety Agency (EASA), the European Civil Aviation Conference (ECAC) and the European Commission assisted the EUR/NAT Office to resolve these issues. A special assistance campaign was planned to help States with EI above 60 per cent effectively address SSCs, to be undertaken by end of 2017 as prescribed by the Global Aviation Safety Plan (GASP). Other priorities included the local runway safety teams, the implementation WGS-84 and of PBN as well as support of activities related to the Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) project and to improving search and rescue capability. Regarding security and facilitation, the EUR/NAT Office undertook coordination and organization of EUR/NAT AVSEC group meetings, and continued to support AVSEC implementation with the focus on those EUR/NAT States which were members of the EU. Under the economic development of air transport were attempts to develop technical assistance proposals and identify technical cooperation projects following up from fact-finding missions. For environmental protection, further support was needed with the development and update of State Action Plans and assistance to States in the measurement of environmental benefits resulting from the implementation of selected mitigation measures. Given this heavy workload, the Regional Director requested the Council's support in terms of resources to face its mission in North Atlantic and the European Region.

49. The President of the Council took the opportunity to emphasize to all present that the EUR/NAT Office had under its purview many States outside the EU that had no other means of support than from the Regional Office in Paris.

50. The Regional Director of the Asia and Pacific Office (APAC) advised that the strong growth of the Asia/Pacific air transport market, which was the world's largest region with a 32 per cent share of total capacity, presented significant challenges for the Bangkok Office in the areas of safety, air navigation and security. Focusing his comments on the safety challenges and the NCLB programme, he outlined that 50 per cent of States in the Asia/Pacific region had levels of EI less than the global level of 62 per cent. The regulatory oversight capabilities of the States had not kept pace with the high growth of traffic. The Pacific Island States accounted for 11 of the 20 States with lower EIs and while these States carried very low risks, their remoteness and low levels of oversight capabilities posed a significant problem. Acknowledging with thanks Australia and New Zealand for their significant contributions in assisting the Pacific Island States, he advised that a comprehensive solution was needed to address the problems of these remote States. The Bangkok Office did not currently have sufficient resources to support the urgent safety needs of these States in the face of the huge traffic growth, but thanks to the support of Member States like China, Singapore, Republic of Korea, Malaysia and Japan, the APAC Office was attempting to assist States in a modest way despite its severely limited resources. As regards NCLB, the APAC Office selected nine States with relatively high levels of traffic, including two States with SSCs, as candidates for the Asia/Pacific Regional Office Mentoring Programme, whose objective was to identify and channel technical resources to high-risk States to address the known deficiencies in a timely manner. A Regional Officer had been assigned to each of these States to analyse the level of compliance at State level and identify gaps in technical expertise. Technical experts from Regional Offices, Cooperative Development of Operational Safety and Continuing Airworthiness Programmes (COSCAPs), and donor States were deployed as required to the States on a cost-recovery basis. A real process of engagement with States had started under the broad process framework of the NCLB. The Asia/Pacific Office had an urgent need for more resources from the Regular Budget, voluntary

contributions by States, and proactive participation by participating States to enable the programme to make a significant impact. The Bangkok Office was in the process of reinventing its role as a facilitator for implementing ICAO Standards and Recommended Practices (SARPs) and bringing efficiency to air navigation services. The full support of the Council was needed to augment the APAC Office's resources in order to be able to perform this role effectively and to the satisfaction of the Council and the Member States.

51. The Regional Director of the Western and Central African Office (WACAF) reported that in the Africa/Indian Ocean (AFI) Region at large, but particularly in the Western and Central African Region, regional targets agreed through continental bodies had been translated into annual goals that had been the focus of the work of the Regional Offices, and the Council had been regularly apprised of progress on these targets. These annual goals were not only aligned with the GANP, the GASP and ICAO's Strategic Objectives, but formed the core focus of activities in the Region. In 2015, two key safety goals were set for the AFI Region: One, that half the States should attain 60 per cent EI of safety oversight systems; and two, that all SSCs be resolved by the end of the year. Both of these goals were achieved in the WACAF Region, and this success could not have been possible without the high-level engagement with States by both the Secretary General and the President of the Council. Their efforts complemented the efforts by the Dakar Office and the collaboration received from its partners. For 2016, even more stringent and ambitious goals had been set, these being first, for 70 per cent of States to achieve the overall target of 60 per cent EI; second, to maintain zero SSCs; and third, to ensure that 45 per cent of international aerodromes were certified, which in itself was an enormous task. An additional key challenge was how to expand the NCLB initiative to cover all Strategic Objectives in the absence of resident competencies in some key areas, such as environmental protection and economic development. These areas were not to be neglected and the Regional Office should ensure that WACAF States were engaged in these areas in the same way as had States in other regions. The introduction of new programmes such as SECFAL plans also posed challenges given existing sparse resources. In addition to safety oversight implementation, new targets had been set for air navigation services, adding a new portfolio to the Regional Office's scope of activities. The number of States requiring priority attention due to audit activities had increased, and high-priority States had been identified. A number of these States were scheduled for audits in 2016. While the outcome of these audits could not be predicted, the challenge was to ensure that States did not revert to lower standards as a result thereof. In conclusion the Regional Director noted that as much as efforts were being made to improve the Dakar Office's working methods to make them more effective and efficient, more resources were needed to address the challenges over the next triennium. At present the momentum had been set, States were responding positively, and partners were expressing more good will for cooperation and collaboration, therefore these opportunities must not be squandered.

52. Stating that every region faced similar challenges with regard to safety issues, the Regional Director of the North American, Central American and Caribbean Office (NACC) outlined the strategies and actions taken by the Mexico Office to identify priorities, achieve concrete deliverables and ensure accountability for performance. The GASP, the GANP and the NCLB initiative all pointed to the Organization's priorities. He then outlined a systemic approach that had been devised to assist States. Rather than examining the end product of a broken system, the goal was to resolve the problems within the system itself. Using the mandate for a NCLB strategy implementation, a matrix was developed to identify the level of EI in all States and target which countries would be prioritized for implementation of the NCLB initiative. Stressing the importance of political will, he noted that no matter how strong the commitment of technical personnel on the ground, without upper level commitment and political will, nothing could be accomplished. A core issue of the NACC Office's strategy was the engagement by the Regional Director with Directors General of Civil Aviation (DGCAs) and high-level decision makers who determined funding and offered support to DGCAs in the requirements to meet their international

standards as ICAO Member States. Based on the needs identified during USOAP audits, ICAO Coordinated Validation Missions and an intelligence-gathering evaluation, technical teams developed an action plan that was agreed to by the counterparts in the State's CAA. The responsibility then shifted to the Regional Director and the DGCA and, if necessary, the relevant Minister within that country to agree on the State's priorities and to identify the relevant players. Teleconferences, video conferences and a mid-year review ensured continued cooperation and mutual accountability of the Regional Director and the DGCA. The NACC Office partnered with the other regional organizations to enter into agreements to permit weaker Regional Safety Oversight Organization (RSOOs) to benefit from coordination with strong RSOOs. Regional accident investigation units were also under development and positive results had been so far seen. Given their numerous similarities, the SAM Region and the NACC Region were exploring joint efforts to transform their cooperation to benefit from each other strengths. Summarizing the work done under the NCLB initiative, the end goal would be that within four years 90 per cent of NACC Region Member States would be at 80 per cent EI or above. The specific deliverables were identified within the action plan that was tailored to each Member State. The expectation was that by the end of 2016, 100 per cent of NACC Member States would have developed action plans.

53. Commencing his presentation by highlighting key achievements of 2015, the Regional Director of the Eastern and Southern African Office (ESAF) mentioned an increase in the number of States with a 60 per cent level of EI from five to nine, the resolution of two SSCs by Botswana, the operationalization of the Regional Safety Organization for the Southern African Development Community (SADC) Region, and the enacting of Civil Aviation Bills in Namibia and Djibouti. He acknowledged that the President of the Council, the Secretary General, and the Council Representatives from the United Republic of Tanzania and the Republic of Kenya had been instrumental in increasing political willingness and commitment by States in the ESAF Region. On security and facilitation, the approved AFI SECFAL Plan was now operational, however it faced a lack of funding. While increased cooperation between ICAO and Regional Economic Communities, and collaboration between the ESAF Region and the WACAF Region, were positive developments, inadequate funding and low staffing levels made it difficult to cope with the tasks at hand. Additional impediments were the weak political will in some States and the low level of commitment to aviation as a priority at State levels. The ESAF Region continued to have the biggest number of postings on the Conflict Zone Information Repository which was a deterrent to traffic growth within the region, as well as the highest presence of terrorism acts within the African Region. The Nairobi Office's key priorities for 2016-2019 included resolving all outstanding SSCs, attaining 60 per cent EI in all ESAF States by the end of 2017 in line with the Abuja Targets, establishing systems and programmes that would yield tangible results by the end of 2016 and securing funding for key activities in the Regional Office, especially by increasing commitment on cost recovery by States, guiding the establishment of the RSOOs and, most importantly, assisting the operationalization of the single African air market. To achieve these objectives would require optimizing the use of available resources, implementing State-focused programmes and projects, sharing of resources and coordination between the ESAF and WACAF Offices, strengthening intra- and inter-regional economic cooperation and Regional Office participation, enhancing State commitment by high-level intervention through the continuing assistance of the President of the Council and the Secretary General, strengthening the cooperation between the ESAF Office and the other UN agencies based in Nairobi, adopting best practices from the sister Regional Offices and also under the AFI Plan framework, harnessing the synergies through cooperation with the Council and the Secretariat, and most importantly, by strengthening links with Members States.

54. The Regional Director of the Middle East Office (MID) advised that the activities and challenges in the MID Office were similar to those enumerated by his colleagues, and the majority of resources were dedicated to safety and air navigation. The top priorities for the Cairo Office were to resolve a pending SSC and to increase the level of EI of those States currently below 60 per cent, as well

as to assist States with an EI between 60 and 70 per cent to reach at least 70 per cent. With regard to aerodrome and runway safety, support and assistance were conducted via runway safety routine visits and in coordination with Airports Council International (ACI) through their APEC Safety Review Programme. Since more than 50 per cent of the MID States had levels of EI above 60 per cent, the implementation of SSP and SMS had been also identified as a priority for these States in accordance with the GASP. The MID Office in coordination with the Arab Civil Aviation Conference (ACAC) was also supporting the process of establishing the Middle East and North Africa Regional Safety Oversight Organization. Other initiatives involved a plan for regional cooperation related to accident investigation and support the CAPSCA programme. The main activities in regard to air navigation related to the support provided to the Middle East Air Navigation Planning and Implementation Regional Group (MIDANPIRG) and its subsidiary bodies for the harmonized implementation of the ICAO SARPs and air navigation plans as well as the air navigation performance targets included in the Doha Declaration and the MID Region Air Navigation Strategy in accordance with the GANP and ASBU methodology and in support to the NCLB initiative. Eleven ASBU Block 0 modules had been identified as a priority for implementation and the top priorities were PBN, flexible use of airspace, the transition from AIS to AIM, and quality management systems for meteorology. The electronic air navigation plan for the MID Region had been completely approved and had been the first to reach this achievement. The MID Region ATM Enhancement Programme (MAEP) provided an umbrella for the implementation of a number of regional projects identified as priorities for the MID Region and would require significant resources from the MID Office for coordination with States, stakeholders and TCB. The main challenges faced by the MID Office were the slow progress in the development and implementation of the CAPs and upload on the Online Framework by States, the escalated situation in some of the MID States and associated United Nations Department of Safety and Security (UNDSS) travel restrictions, the lack of resources in some States to implement the regional air navigation and safety initiatives and projects, the lack of adequate training provided to technical and expatriate staff in some States, the limited contribution of States and international and regional organizations to the RASG MID and MIDANPIRG activities, the weak political and funding issues for the implementation of regional projects, and lastly and most significantly, the lack of resources in the Regional Office in the face of continuous traffic growth. Regarding AVSEC, economic development of air transport and environmental protection, limited participation, organization and resources had proven to be the main challenges in addressing these objectives. Additional resources were needed to fully support the NCLB initiative.

55. The presentations of the Regional Directors having concluded, the President commented that he felt it was important for the Regional Directors to have been invited to address the Council. He reminded that, as would be seen later when tabling the Budget, 25 per cent of resources were to be allocated to implementation, which meant in essence this covered the salaries and activities related to the staff of the Regional Offices. He asked that this perspective be kept in mind, in respect of the issues that had been raised with regard to staff resources.

56. The Representative of Spain noted that the situation in the regions had greatly improved over the last ten to fifteen years thanks to the work of many people. High-level declarations by continental entities, such as the Port-of-Spain and Yamoussoukro Declarations, now identified objectives, while audits now outlined activities within the States, providing information that had not been available in the past. While the need for political will had also been identified, the Representative of Spain had been struck by the comments made by the Regional Director of the NACC Office that, in that past, efforts had not been made to address problems in existing systems. Large institutions and organizations had been created to address large problems, but there would always be a lack of resources to address these needs. Slow implementation of the Standards could always be expected, but at the end of the day institutions needed to exist in the regions as did systems to finance those institutions. Once funding schemes will

have been determined for the institutions, the problem as a whole will have been addressed. He believed that the various new regional organizations in the different fields deserved support and, as for the management of the Regional Offices, each Office had to have its own Business Plan under the umbrella Business Plan of the whole organization. He applauded the methodology adopted by the Mexico Office wherein the Regional Director and the DGCA in each State engaged in high-level bilateral cooperation.

57. The Representative of Burkina Faso thanked the Regional Directors for their presentations which permitted an understanding of the actual situation in the regions including the European and North Atlantic Office, which faced a heavy workload. He commended those Regional Directors who had brought political will to bear in their various regions, as political will was a fundamental requirement. He expressed his pleasure to see that in future reports by the Regional Directors, the involvement of representatives in the region would be touched upon to build political will and help build RSOOs and keep them functioning. He also stressed the importance of specifying economic strategies so that a clear picture of events be presented. He reminded all Members that the Council had been given a mandate by the Assembly to support the work of the President, the Secretary General and the Regional Directors so that the objectives of ICAO would be attained.

58. Thanking the Regional Directors for their excellent presentations, the Representative of South Africa referred to the key item “strengthening ICAO’s regional presence” contained in the Appendix to C-WP/14396 and its relation to their presentations. He believed it was necessary to increase the presence of the Regional Offices and in particular to align the work of the Regional Offices with that of Headquarters by, inter alia, updating of the Regional Office Manual, a task which he was pleased had been noted by Secretary General. All the presentations had made clear the staffing and resource shortages faced by the Regional Offices. He requested that the Secretariat re-examine the subject of travel budgets, and suggested there be less travel by Headquarters staff to permit the Regional Offices do more work with States to promote and increase political will. Turning to the lack of airport certification which he felt was a challenging issue, and which had been cited by some of the Regional Directors, he queried what was felt to be the biggest challenge in this regard.

59. The Representative of Bolivia (Plurinational State of) thanked the Regional Directors for their presentations and commented that, without exception, they had mentioned that they faced a dearth of staffing. He believed that the Regional Offices were the face of the Organization, and speaking specifically of the South America Region, that people in the region engaged with the Regional Office, not with Headquarters. Resources needed to be allocated and staff appointed to the Regional Offices. Without this, it would not be possible to achieve the strategic objectives set for the regions, therefore the Secretariat must address this task.

60. The Representative of Venezuela (Bolivarian Republic of) suggested that to be able to have an accurate picture of the activities of each Regional Office, there be a policy whereby each Regional Office would be visited when Council Representatives had occasion to visit any of the regions. This would permit interaction with staff in the Regional Offices and would increase understanding of their circumstances, needs and challenges, as each office had its own special situation and limitations.

61. Extending his thanks to the Regional Directors for the explanations, the Representative of Saudi Arabia wished to highlight the importance of giving the Regional Offices the support needed in terms of human resources and other resources to enable them to carry out their tasks.

62. At the invitation of the President, the Regional Director of the South America Office addressed the question of airport certification raised by the Representative of South Africa by stating as way of background that it had been planned that, by 2005, 100 per cent of international airports were to

have been certificated, but in reality in some cases it was almost impossible to certificate with all the SARPs. At present, the Procedures for Air Navigation — Aerodromes (PANS-AGA) could address some of the problems but a possible solution could be not to have airport certification in 100 per cent of the SARPs, but to attain a certain level of certification and then, for specific items that it was not possible to certify (similar to the case of Annex 14, where in many States it was not possible to achieve all the SARPs), there be some measures introduced for mitigation. An example of this would be to have an airport 80 per cent certified for all these areas. In some specific areas, operations continued because a decision could not be made to withdraw one airport since some countries had only one international airport. In the case of airlines, the services provider would take whatever measures possible to mitigate for a specific case. This would result in a partial certification of the airport and the acceptance of this airport as certified by the Air Navigation Plan.

63. The President opined that the key factor was that, for a State, an airport was a gateway for connectivity and for economic issues, and there was considerable political consideration within States regarding this. Admitting that it could be argued that for these reasons the airport should receive special attention from government for the services and benefits it would provide, he felt that it was best left to the Secretariat to analyse this issue, which was in fact a global challenge, and to come up with some concrete solutions in this regard.

Any Other Business

Appointment of Member on the Air Navigation Commission (ANC) (Subject No. 6.3)

64. In the absence of comments by 26 February 2016 to the President of the Council's email dated 23 February 2016, Mr. Rodrigo Henriques Godinho, nominated by the Government of Brazil, was appointed as a Member of the Air Navigation Commission to succeed Mr. Antonio Marcio Ferreira Crespo with effect from 23 February 2016.

Canada – Electronic Travel Authorization

65. The Representative of Canada invited Council Delegations to attend a briefing that was scheduled on Thursday, 10 March 2016, in order to inform on the new Electronic Travel Authorization (eTA) system that was being introduced by the Government of Canada.

Reports on implementation of Council decisions

66. In response to a question from the Representative of Saudi Arabia, it was clarified that the “Report on the Council Decisions For Action” (CDFA), which reports on the actions undertaken by the Secretariat pursuant to the decisions of the Council at each session, is uploaded to the Council website under the link “Periodic Reports”. The Council was informed that the report on the implementation of Council decisions pertaining to the 206th Session (November 2015), had not yet been uploaded but that this would be in the course of the current week.

67. The meeting adjourned at 1730 hours.

COUNCIL — 207TH SESSION**SUMMARY MINUTES OF THE ELEVENTH MEETING****(THE COUNCIL CHAMBER, TUESDAY, 8 MARCH 2016, AT 1430 HOURS)****OPEN MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Dr. N. Luongo (Alt.)	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Bolivia (Plurinational State of)	— Mr. J.G. Soruco	Nicaragua	— Mrs. E.A. Aráuz Betanco
Brazil	— Mr. P. Jardim (Alt.)	Nigeria	— Mr. M.E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Prof. M. Polkowska
Canada	— Mr. J.-B. Leblanc	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. C. Mac-Namara	Republic of Korea	— Mr. J. Hur
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Dominican Republic	— Mr. C.A. Veras Rosario	Saudi Arabia	— Mr. H.A. Abudaowd
Egypt	— Mr. A. Khedr	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. M.D.T. Peege
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. A. Shekhar	United Arab Emirates	— Miss A. Alhameli
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Ms. N. Ueda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Ms. M.B. Awori	United States	— Mr. M.A. Lawson
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. M. Delisle (Alt.)	— Canada
Mr. P. Langlais (Alt.)	— Canada
Mr. M. Vidal (Alt.)	— Chile
Mr. I. Camino (Alt.)	— Chile
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. A. Almoghraby (Alt.)	— Saudi Arabia
Mr. M. Salem (Alt.)	— United Arab Emirates
Mr. S. Kotis (Alt.)	— United States

SECRETARIAT:

*Mr. I. Galán	— D/TCB
*Mr. J. Augustin	— D/LEB
*Mr. S. Creamer	— D/ANB
*Mr. V. Smith	— D/ADB
*Mr. R. Bhalla	— C/FIN
*Mr. O. Myard	— C/EAO
*Mr. J. Wan	— DD/IAS
*Mr. H. Gourджи	— DD/MO
*Mr. J.Y. Cossette	— C/ASV
*Miss L. Lim	— C/FSV
*Mrs. D. Rahmani	— DMO
*Mr. M. Leitgab	— ADADB
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Afghanistan
Colombia
Cuba
Ecuador
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Paraguay
Peru
Turkey
Uruguay

Airports Council International (ACI)
European Union (EU)

International Women's Day 2016

1. The Secretary General wished all female Council Representatives and members of the Secretariat a happy International Women's Day. During the ensuing discussions, all Representatives who took the floor likewise offered them their congratulations.

Subject No. 24: Sessions of the Assembly

Options for the electronic voting system for use during the 39th Session of the Assembly

2. The Council reviewed C-WP/14354 Revised, in which the Secretary General, pursuant to its earlier (206/1) request, provided information on electronic voting system (EVS) options for the election of Member States to the Council at the upcoming 39th Session of the Assembly (A39) which included: an analysis of the associated costs and benefits; as well as an indication of the basic requirements for the auditing, the security and the recounting of electronic ballots, and the use of an EVS in other United Nations (UN) system organizations. The Council had approved the use of an EVS for the said Council election during its last session (C-WP/14313; 206/1). The said analysis encompassed the EVS used at the 38th Session of the Assembly (A38) in 2013, as well as other semi-automated processes and methods of voting, such as the scanning of paper ballots. After considering the initial cost, time savings, ongoing maintenance and the past successful electronic voting processes, the Secretary General proposed utilizing the same EVS that had been used at the last Assembly. No additional funds were required therefor as the associated costs had already been included in the Organization's Budget for the current (2014-2015-2016) triennium.

3. While aware that there was a consensus concerning the use of an EVS for the Council election at the upcoming Assembly and that the proposed EVS had been tested and used at the last Assembly, the Representative of Italy reiterated his reservation (197/3 and 206/1) regarding the security and confidentiality of the electronic ballots used for the Council election and stressed the need to be able to verify them i.e. perform recounts and validations.

4. To an additional point raised by the Representative, the President of the Council confirmed that other international organizations did use an EVS. He recalled that the Council had taken its initial decision (187/4) to use an EVS for the election at the 37th Session of the Assembly (A37) in 2010 on the basis of the experience gained therewith by the International Labour Organization (ILO) and the World Meteorological Organization (WMO).

5. The Russian Federation noted, from paragraph 4.1 of the paper, that at least six UN organizations were currently using or considering using an EVS for elections of their Governing Bodies. Those organizations included the ILO, WMO, the World Health Organization (WHO), the International Atomic Energy Agency (IAEA), the United Nations Development Programme (UNDP), as well as the United Nations General Assembly (UNGA). Recalling that the first time ICAO had used an EVS for the Council election (A37) it had used that of the ILO, he suggested that consideration be given to the possibility of entering into an agreement with other UN organizations for the joint usage of an EVS for future elections of their respective Governing Bodies with a view to achieving additional cost savings.

6. The Representative of Germany had no objections to using an EVS per se, given the arguments put forward in its favour and in light of the fact that the Secretariat would be acquiring tablets in any event. It was simply a matter of demonstrating how the allocated funds would be expended. Referring to paragraph 2.1.4 of the paper, he voiced disagreement with the inclusion of any time savings for Delegates in the calculation of the cost savings to be derived from the use of an EVS as the Delegates' time had no associated cost for ICAO. Averring that the paragraph was contradictory, the Representative

of Germany noted that while it indicated that such time savings would be used for deliberations on other Agenda Items, those deliberations would, in fact, place demands on the time of the interpreters and other Secretariat staff and thus incur costs for ICAO. Such deliberations would also place demands on Delegates' time, without, however, entailing any cost for the Organization. He underscored that the use of the envisaged savings in the Delegates' time for discussions on the margins of the Assembly likewise did not have any associated cost for ICAO. The Representative of Germany affirmed that it was therefore necessary to exclude, from the calculation of the cost savings to be derived from the use of an EVS, any time savings for Delegates.

7. The Representative of the United Kingdom did not wish to stand in the way of the Council's approval of the proposed EVS as the requisite funds had already been allocated in the current Budget. However, like the Representative of Germany, he questioned some of the figures used to support the proposal. Furthermore, the Representative of the United Kingdom indicated that the selection process seemed to have been predicated on the assumption that the same EVS that had been used at the last Assembly (A38) should be the preferred option for the upcoming Assembly (A39) and that figures had thereafter been used to support that choice, rather than the other way around. The Representative of the United Kingdom expressed the hope that, in future, the process for choosing an EVS would start with no presumptions and the Council would select the most cost-effective EVS based on the Secretariat's analysis.

8. The President of the Council noted that it was necessary to include, in the draft Budget of the Organization for the next (2017-2018-2019) triennium, a figure for an EVS to be used for the subsequent Council election at the 40th Session of the Assembly (A40) in 2019. The Representative of the United Kingdom emphasized, in this regard, that any savings resulting from the selection of an EVS that cost less than the budgetary allocation should be used to deliver the Organization's Strategic Objectives.

9. The above comments and suggestions were noted and would be taken into account when considering, and presenting for the Council's approval, options for an EVS for future Council elections.

10. The Council then took the action recommended in the executive summary of C-WP/14354 Revised and approved the use of the same EVS that had been used at the 38th Session of the Assembly in 2013, as described in section 2.1 of the paper, as being the most efficient and cost effective option to meeting the requirement for an efficient, transparent voting process during the forthcoming Council election at the 39th Session of the Assembly.

11. It was noted that: a rehearsal of the approved EVS would be held for Council and resident national Delegations in May/June 2016, as requested during the informal briefing given on 29 January 2016; and an electronic voting procedure video would be available on the A39 website and at a Council election information booth that would be located outside the Assembly Hall during the Assembly session.

12. In addition, it was noted that the comprehensive information currently being compiled by the UN Governing Bodies Secretariat Group (UNGBS) on the use of electronic voting by its member organizations would be shared with ICAO and provided to the Council as soon as it becomes available.

Subject No. 18.14: Other finance matters for consideration by Council

**Actuarial study of the long-term impact of the funding options for the
After-Service Health Insurance (ASHI) scheme**

13. The Council had for consideration: C-WP/14400, in which the Secretary General presented the complementary actuarial study performed by AON Hewitt on a combination of three proposed options to fund ICAO's growing ASHI liability, as requested by the Finance Committee (FIC) during its discussion of C-WP/14338 on this subject at its Third Meeting of the 206th Session on 2 October 2015; and a related oral report by the FIC.

14. The said options, which are consistent with the United Nations (UN) ASHI Working Group's guidance and proposals, are as follows:

- a) increase in the age of separation from 62 years to 65 years (cost containment strategy);
- b) implementation of a 4 per cent surcharge on gross salary to be included in the Organization's Budget for the next (2017-2018-2019) triennium (funding strategy); and
- c) incentives to retirees to opt out of the ASHI plan and take up nationally-sponsored healthcare options instead (cost containment strategy).

15. The FIC had reviewed C-WP/14400 at its Second Meeting of the current session on 22 January 2016. In introducing the paper, the Chairperson, Mr. Dionisio Méndez Mayora (Mexico) had explained the said three options. The Secretariat had then clarified that: it was estimated that the 16 per cent reduction in Employee Benefit Liability using the incentive of CAD 2 000 per year could be roughly broken down as follows: increase in age of retirement, 4 per cent; surcharge on gross salary, 5 per cent; and incentive to opt out, 7 per cent; the 4 per cent surcharge on gross salary represented approximately CAD 2 million per year or CAD 6 million per triennium, on the Regular Budget; and that the opt out incentives were on voluntary basis and would most likely result in savings.

16. The Committee had taken note of the information provided in C-WP/14400. The opt out option had received support from several FIC Members, and it had been noted that the Secretary General was able to implement it immediately. The FIC had asked the Secretary General to monitor its implementation and to report on its effectiveness.

17. Some FIC Members had suggested that the Secretariat analyze the feasibility and consequences of changing the percentage of contributions to the ASHI made by ICAO and its employees so that the latter would make a greater contribution to the Fund.

18. Another proposal had been made in order to explore the viability, so that for future hiring of staff members, the health coverage would become more cost-effective in retirement, meaning that in States where the health coverage was adequate, the national health insurance scheme would act as a primary plan and the ASHI plan would act as a supplementary plan. The Secretariat had clarified that that would be discriminatory due to benefits being determined based on nationality.

19. With regard to instituting a surcharge on payroll, the FIC had recommended that the surcharge be scaled back from 4 per cent to 2 per cent, and had requested the Secretariat to quantify the impact of a 2 per cent surcharge on the Regular Budget and to present that information together with the report from the Secretary General.

20. Some FIC Members had suggested that the Secretary General, in her envisaged report on the review of the mandatory age of separation for staff recruited before 1 January 2014, take into account not only the financial aspects but also the non-financial i.e. social aspects thereof.

21. The FIC, taking into account a proposal made by the Secretary General, had recommended that the Secretariat submit a paper at the 208th Session in order to make recommendations for the Council's consideration. It had also agreed that the paper include a proposal, with a concrete approach, based on the three options contained in C-WP/14440, indicating in a clear and transparent manner the financial implications for ICAO, as well as an assessment of the expected results, including risks, and indicate how the proposed strategy would respond to the implementation of the ASHI's goals with less impact on the Organization's Regular Budget. Concerning the establishment of a surcharge on the payroll, the exercise would be carried out by the Secretariat with the impact of a 2 per cent on the Regular Budget.

22. In commenting on the said three options to fund ICAO's ASHI liability, the Representative of Egypt averred that option a), whereby the age of separation would be increased from 62 years to 65 years for staff recruited before 1 January 2014 as a cost containment strategy, should be rejected as it would lead to a decrease in the competencies and qualifications of the Secretariat staff and thus negatively impact the Organization's ability to be at the forefront in addressing issues relating to international civil aviation. Referring to option c), according to which incentives would be offered to retirees to opt out of the ASHI plan and take up nationally-sponsored healthcare options instead, which was another cost containment strategy, he emphasized that it should also be rejected as it would likely erode loyalty to ICAO. Such loyalty was desirable as it would enable the Organization to optimally benefit from staff members' competencies and skills. The Representative of Egypt supported the remaining option b), whereby a 4 per cent surcharge on gross salary would be implemented and included in the Organization's Budget for the next (2017-2018-2019) triennium, as he considered that staff members should bear part of the costs of their healthcare after retiring from ICAO. He underscored that that option would also ensure the rejuvenation of the Organization's workforce, as well as the loyalty of staff members.

23. The Chairperson of the FIC noted that the Committee was requesting a proposal from the Secretary General that was based on a combination of the said three options and that the Council was not requested to take a decision at the present time.

24. The Representative of South Africa, a FIC Member, emphasized that in its future deliberations the Council should bear in mind that it had standardized the upper age limits for pilots and co-pilots at 65 years when it had adopted Amendment 172 to Annex 1 – *Personnel Licensing* in March 2014 (cf. C-WP/14107; 201/4).

25. While supporting the recommended actions of the FIC, of which he was also a Member, the Representative of Germany stressed that implementation of option b), as amended to refer to a 2 per cent surcharge, should not have any impact on States' assessments and that any associated costs would be compensated for by other means.

26. The Representative of France, likewise a FIC Member, endorsed the said recommended actions, as well as the comments made by the Representative of Germany. He reiterated the need to pay careful attention to the implementation of option c) and to ensure that it was Budget neutral.

27. In the absence of further comments, the Council agreed that option b) be amended to refer to a 2 per cent surcharge on gross salary, as recommended by the FIC. It was noted that, as the

Secretary General was able to implement option c) immediately, the Committee had asked her to monitor its implementation and to report on its effectiveness.

28. Note was also taken of the need to ensure that: the implementation of amended option b) would not have any impact on States' assessments and that any associated costs would be compensated for by other means; and that the implementation of option c) would be Budget neutral.

29. In then taking the action recommended by the FIC on the basis of a proposal made previously by the Secretary General, the Council requested the latter to submit, for its consideration during the next (208th) session, a paper setting forth a concrete proposal for funding ICAO's ASHI liability which was based on the above-mentioned three options, as amended, and which took into account the comments made. The paper should, in a clear and transparent manner, set forth the financial implications for ICAO, as well as an assessment of the expected results, including risks, and indicate how the proposed strategy would respond to the implementation of the ASHI's goals with less impact on the Organization's Regular Budget.

30. Furthermore, in light of a suggestion made during the FIC's deliberations, the Council requested the Secretary General, in her envisaged report on the review of the mandatory age of separation for staff recruited before 1 January 2014, to take into account not only the financial aspects but also the non-financial i.e. social aspects thereof. The said report would be presented to the Council, through the Human Resources Committee (HRC), during the 208th session.

Subject No. 10: ICAO relations with the United Nations, the Specialized Agencies and other international organizations

Subject No. 18.14: Other finance matters for consideration by Council

Report of the Joint Inspection Unit (JIU) entitled "An analysis of the resource mobilization function within the United Nations system" (JIU/REP/2014/1)
ICAO Resource Mobilization Policy

31. The Council considered these two closely-related subjects concurrently on the basis of: information paper **C-WP/14409**, in which the Secretary General presented the key findings of the JIU Report entitled "An analysis of the resource mobilization function within the United Nations system" (JIU/REP/2014/1), as well as the five recommendations addressed to United Nations (UN) Governing Bodies and Executive Heads, the comments of the UN System Chief Executives Board for Coordination (CEB), and the response of the ICAO Secretariat; **C-WP/14398 Revised**, in which the Secretary General, pursuant to the recommendations of the JIU and the second High-level Safety Conference (HLSC 2015), presented an *ICAO Resource Mobilization Policy* (with Annex) whose aim was to achieve adequate, more predictable and sustainable voluntary contributions to realize ICAO's mission and to complement the Organization's Regular Budget and to assist States in securing funds to enhance their civil aviation systems; and an oral report thereon by the Finance Committee (FIC).

32. **C-WP/14409** had been tabled for discussion at the request of the Representative of Spain in response to the President's memorandum PRES OBA/2495 dated 19 February 2016. In introducing the paper, the Secretary General noted that the said JIU Report (JIU/REP/2014/1) examined the status of resource mobilization among UN system organizations, both those funded by assessed contributions and those funded by voluntary contributions, with a view to identifying good practices and lessons learned. She then drew attention to the following key findings of the Report, each of which had given rise to a recommendation:

- the Report highlighted the importance of organizations having in place an overall policy on resource mobilization, and considered that Governing Bodies of UN organizations have a role to play in overseeing the implementation of such policies;
- the Report considered at length certain undesirable consequences associated with the increase in voluntary contributions being “earmarked” by donors for specific activities, which included: reduced predictability of funding beyond a short-term time horizon; potential “fragmentation” of organizational mandates i.e. organizations become focused on the achievement of the objectives of activities financed by “earmarked” contributions which are fixed by donors, and which may not be fully aligned with the organizational mandate as established by the Governing Body; and increased transaction costs as a result of specific reporting requirements imposed on recipient organizations by donors;
- the Report discussed the value of establishing clear structures within organizations with responsibility for leading the implementation and monitoring of policies on resource mobilization;
- while recognizing the increasing volume of voluntary funding being provided to UN organizations by private individuals, foundations and businesses, the Report emphasized that mobilizing resources from such private actors must be accompanied by appropriate risk management and due diligence activities;
- the Report conceded that the specific reporting requirements imposed on UN organizations were understandable since Governments were under increasing pressure to provide clear and transparent information to their constituencies on the usage of public resources and the results achieved. Nevertheless, the Report observed that that constituted an additional burden for the UN system organizations but that the challenge might be addressed to a certain extent if donors – including Governments – were to agree on a set of common reporting requirements.

33. The Report contained five recommendations addressed to ICAO, two of which were directed to the Council, and three of which were directed to the Secretary General. One recommendation had already been partially implemented and four were in progress. The Secretary General noted that the responses of the ICAO Secretariat to the said JIU recommendations made reference to the provisions of the *ICAO Resource Mobilization Policy* which the Council was also now considering.

34. The Representative of Spain sought further information regarding JIU Recommendation 1, according to which the resource mobilization policy/strategy was to be reviewed periodically. Drawing attention to JIU Recommendation 4, he enquired as to what was meant by “due diligence processes” for resource mobilization, and as to why the ICAO Secretariat response referred to the Project Review Committees (PRCs) in the plural when the *ICAO Resource Mobilization Policy* called for the establishment of a new Project Review Committee for all ICAO Voluntary Funds (PRC-IVFs). Noting that while JIU Recommendation 5 called for dialogues with donors to agree upon common reporting requirements no reference was made to such dialogues in the ICAO Secretariat response, the Representative of Spain sought clarification.

35. With respect to JIU Recommendation 1, the Secretary General underscored that it would be the Council, as the Governing Body, that would conduct the envisaged periodic review of the *ICAO Resource Mobilization Policy*. She indicated that following the latter’s approval she would report annually to the Council on its implementation, at which time she might also recommend updates or amendments to the Policy. The Council would also have the opportunity to provide guidance on any changes to be made thereto during its consideration of her annual report.

36. To the query raised regarding JIU Recommendation 4, the Chief of the Evaluation and Internal Audit Office (C/EAO) indicated that as ICAO mobilized its resources from several sources, including the private sector, it was necessary to have controls in place to ensure that the origin of those resources was not suspect. Hence the reference to “due diligence processes” for resource mobilization.

37. The Secretary General observed, in this context, that Section 4. *Strategic Direction* of the *ICAO Resource Mobilization Policy* (cf. Appendix A to C-WP/14398) outlined a series of measures to improve ICAO’s resource mobilization. In further noting that Section 3 set forth guiding principles for carrying out resource mobilization activities, she emphasized that donations from the private sector would be used to implement projects and to carry out activities but not to develop Standards and Recommended Practices (SARPs) in order to ensure that there was no undue influence on ICAO’s Standard-setting. In then responding to the point raised regarding JIU Recommendation 5, the Secretary General indicated that the Secretariat was developing a standardized and integrated reporting system in order to share, in a transparent manner, both progress reports and financial reports with all donors and the Council. She would provide information thereon in her envisaged annual report on the implementation of the *ICAO Resource Mobilization Policy*.

38. The Representative of Saudi Arabia suggested that the ICAO Secretariat response for JIU Recommendation 5 be amended to reflect the Secretary General’s above clarification.

39. Replying to the remaining question from the Representative of Spain, the President clarified that the PRCs predated the new PRC-IVFs to be established under the said Policy.

40. Having concluded its consideration of C-WP/14409, the Council noted that of the five said JIU recommendations addressed to ICAO, the two that were directed to the Council were in the process of implementation and the three that were directed to the Secretary General were also in the process of implementation, one having been partially completed.

41. The Council further noted that: in accordance with JIU Recommendation 1, the Secretary General would present an annual report to the Council on the implementation of the *ICAO Resource Mobilization Policy* (once approved) which could include recommendations, if any, to update or amend the Policy; and that pursuant to JIU Recommendation 5, information on the establishment of a standardized and integrated reporting system to share both progress and financial reports on resource mobilization projects with all donors and the Council would be provided in such an annual report.

42. It was agreed that: the ICAO Secretariat response for JIU Recommendation 1 be accordingly amended to reflect that, in addition to the regular updating and amendment of the *ICAO Resource Mobilization Policy* under the authority of the Council, the Policy’s implementation would be reviewed by the latter on the basis of the Secretary General’s said annual report.

43. Subject to the above, the Council noted information paper C-WP/14409.

44. The Council then considered Appendix A to **C-WP/14398 Revised** setting forth the proposed *ICAO Resource Mobilization Policy* and its Annex (*Establishment and Management of Voluntary Funds*), and the FIC’s related oral report. It was noted that the said Annex was mostly derived from the existing *ICAO Policy on Establishment and Management of Voluntary Funds*, and that the proposed changes to the latter were indicated in Appendix B to the paper.

45. During its initial consideration of C-WP/14398 at its Second Meeting of the current session on 22 January 2016, the FIC had welcomed the need for such an *ICAO Resource Mobilization*

Policy and had suggested some changes, most of which had been incorporated into the Policy as presented in Appendix A to C-WP/14398 Revised.

46. At its Fourth Meeting on 19 February 2016, the FIC had further discussed whether the *ICAO Policy on Establishment and Management of Voluntary Funds* should be part of the *ICAO Resource Mobilization Policy*, as proposed by the Secretariat. The rationale behind that approach was that maintaining one policy would ensure consistency and coherence between documents that were complementary in nature. After considering arguments in favor and against, the FIC had agreed to recommend the approval of one single policy. It had been noted that: while the Secretariat had provided a response to each of the comments received from the FIC Members regarding C-WP/14398, not all had been reflected in the text contained in Appendix A of C-WP/14398 Revised; and that those comments that were not reflected could be considered when the Policy was revised on a future occasion.

47. The FIC had therefore recommended that the Council approve the *ICAO Resource Mobilization Policy*, as amended following the Committee's consideration, and declare that it supersede the *ICAO Policy on Establishment and Management of Voluntary Funds*.

48. As Members of the FIC, the Representatives of Spain, the Russian Federation and Germany endorsed the Committee's oral report.

49. In so doing, the Representative of the Russian Federation underscored that the Council's approval of the proposed *ICAO Resource Mobilization Policy* was fully in accordance with the JIU's above-mentioned recommendations (cf. C-WP/14409). Agreeing, however, with a comment made earlier (207/9) by the President of the Council during the discussion of the Annual Report on Regional Offices' Activities (C-WP/14381) that there was a limit to how much voluntary funds could be depended upon as a revenue stream, he emphasized that they did not provide much predictability. In seeking clarification regarding the aim of paragraph 4.2 of the Annex to the Policy, whereby the Council would review continuation of an existing, or establishment of a new voluntary fund during deliberations on a new budget cycle, the Representative of the Russian Federation indicated that the simplest solution would be to delete it.

50. The Deputy Director, Monitoring and Oversight (DD/MO) noted that paragraph 4.2 was an open clause which afforded the Council the opportunity to phase out a voluntary fund if it were deemed inactive or to establish an additional fund if it were deemed necessary.

51. In then drawing attention to paragraph 10.2 of the Annex to the Policy, the Representative of the Russian Federation suggested that a hyperlink be added to the *Guidelines on a Principle-based Approach to Cooperation between the United Nations and the Business Sector* for ease of reference. He further suggested that subsequent paragraph 11.1 be amended to indicate to whom the Finance Branch (FIN) would report on the financial position of each voluntary fund within the Organization's consolidated annual financial statements.

52. DD/MO indicated that the said hyperlink could easily be added, and that paragraph 11.1 could be amended to specify that the report would be made to the Council. The President emphasized, in this regard, that it was the Secretary General, and not FIN, that reported to the Council.

53. While supporting the FIC's recommended actions, the Representative of Germany emphasized that ICAO should have first mobilized all of its efficiencies in order to identify potential savings before mobilizing additional resources. Underscoring that it was very cumbersome to locate the terms of reference for the various ICAO Voluntary Funds on the ICAO Intranet using ICAO's search engine, he suggested that the Secretariat, at the earliest opportunity, when it updated the financial

statements for the Voluntary Funds, add hyperlinks either to the terms of reference, with an indication of the relevant Council decision whereby the Voluntary Fund had been approved, or to a document indicating when and where it had been established, such as the relevant working paper. In confirming that access to such information would be improved, the Secretary General indicated that the Secretariat would seek his further advice in a bilateral meeting.

54. With regard to the Annex to the *ICAO Resource Mobilization Policy*, it was agreed: that a hyperlink be added in paragraph 10.2 to the *Guidelines on a Principle-based Approach to Cooperation between the United Nations and the Business Sector* referred to therein; and that paragraph 11.1 be amended to specify that the report on the financial position of each ICAO Voluntary Fund would be made by the Secretary General to the Council. The suggestion by the Representative of Germany that hyperlinks to the various ICAO Voluntary Funds also be added to the Annex was noted by the Secretariat for further discussion with the Representative following the Council meeting.

55. In then taking the action recommended by the FIC, the Council:

- a) approved the *ICAO Resource Mobilization Policy* and its Annex (*Establishment and Management of Voluntary Funds*) presented in Appendix A to C-WP/14398 Revised, as amended in paragraph 54 above; and
- b) declared that the said Policy and its Annex, which come into immediate effect, supersede the *ICAO Policy on Establishment and Management of Voluntary Funds* which it had adopted on 9 March 2011 (192/5).

56. It was noted that the appropriate date and Council decision number would be inserted in the Policy, below its title.

Subject No. 11.5: Documentation policy and practices

Review of ICAO language service resources

57. The Council considered: C-WP/14399, in which the Secretary General, further to its earlier requests (202/5 and 205/6), outlined measures taken in language services during the current triennium to address budget restrictions while optimizing resources, and presented two scenarios, with associated resource requirements, for the provision of language services during the next (2017-2018-2019) triennium; and an oral report thereon by the Finance Committee (FIC).

58. During the FIC's review of the paper at its First Meeting of the current session on 15 January 2016, the Secretariat had explained that the proposed Scenario 1, which represented an enhancement of CAD 3.5 million over the current triennium, was already included in the draft Budget of the Organization for the next triennium (C-WP/14397) that was to be presented to the Council at its current session. FIC Members had expressed concerns over the methodology of presenting this item, and it had been noted that elements which had an impact on the Budget discussions should be introduced in a holistic way, together with the draft Budget, to enable an informed decision to be taken.

59. The Committee had discussed aspects of improving language support to the regions and of optimizing language service resources, including through the use of translation tools and by looking at ways to reduce demand for translation and interpretation services. Flexibility could also be exercised in the number of required sittings per meeting, as well as in balancing the work of the language services sections. The Committee had recommended that the Council request the Secretary General to explore options, including those generated from external funding sources and cooperative arrangements, in order

to improve the quality and the effectiveness of the provision of language services in the ICAO Regional Offices. In addition, the Secretariat had been requested to amend paragraph 5.1 of C-WP/14399 to indicate that ICAO language services are essential to all Strategic Objectives of the Organization.

60. The FIC had unanimously supported the principle of multilingualism of the Organization, as reflected in Assembly Resolution A37-25 (*ICAO Policy on the language services*). It had also been understood that a balance needed to be found by taking into account all requirements of the Organization. ICAO's priorities would need to be decided upon subject to the outcomes of the overall Budget discussions, and the appropriate resources would then need to be allocated to language services. In this connection, the Committee had considered a preliminary proposal to proceed with Scenario 1 as a basis for further consideration during the Budget discussions and in compliance with Assembly Resolution A37-25.

61. The Council joined the FIC in unanimously supporting multilingualism as being one of the fundamental principles to achieve ICAO's goals as reflected in Assembly Resolution A37-25.

62. It was recalled that Scenario 1 provided for a level of language services that was similar to the level provided during the current triennium: the translation capacity and number of sittings for interpretation remained the same, while the maximum number of sittings per week was increased from seven to 10. This Scenario, which incorporated an inflation factor of 2.5 per cent plus exchange rate fluctuations, had a total envelope of CAD 44.7 million, which represented an increase of CAD 3.5 million over the current envelope. It was already included in the draft Budget of the Organization for the next triennium (C-WP/14397), which the Council would consider under the next item on its Order of business.

63. It was further recalled that Scenario 2 provided not only for the said increase in the maximum number of sittings per week, but also for an increase in the translation capacity from 9.1 million to 11 million words per annum, as well as for five additional translators and six additional interpreters. It also incorporated an inflation factor of 2.5 per cent plus exchange rate fluctuations and had a total envelope of CAD 53.4 million.

64. In the absence of comments, the Council noted the FIC's oral report, in particular, the flexible approaches outlined therein relating to: the optimization of language service resources, including through the use of translation tools and the identification of ways to reduce the demand for translation and interpretation services; the number of required sittings per meeting of both deliberative bodies [the Council, Committees and the Air Navigation Commission (ANC)] and Category 1 (Assembly Sessions and Diplomatic Conferences), Category 2 (Divisional Meetings, Regional Air Navigation Meetings and Conferences) and Category 3 (Panels, Committees and Groups) meetings; and balancing the work of the language services sections. The Council requested the Secretary General to explore: the said approaches; as well as options to improve the quality and the effectiveness of the provision of language services in the ICAO Regional Offices, including those options generated from external funding sources and cooperative arrangements.

65. Based on the above, the Council took the action recommended by the FIC and decided to proceed with Scenario 1 (cf. section 4.1 of C-WP/14399, reflected below), which was in compliance with Assembly Resolution A37-25, as a basis for further consideration of language service resources taking into account other ICAO priorities within the overall Budget discussions. In so doing, the Council agreed to discard Scenario 2 as set forth in section 4.2 of the paper.

Scenario 1

Translation services: 9.1 million words per annum, maintaining a ratio of 60 per cent translated in-house by 20 language officers and 40 per cent translated through outsourcing; quality management of outsourced translations and the Junior Professional Project are covered by the Regular Budget; caters for the hiring of in-house freelance translators during peak periods to ensure the 60 in-house/ 40 outsourcing ratio;

Interpretation services: 1 500 sittings conducted through a combination of 14 language officers and in-house freelance interpreters in order to allow 10 sittings per week to meet the requirements of both deliberative bodies and Category 1, Category 2 and Category 3 meetings.

Subject No. 18.1: Annual Budget

Draft Budget of the Organization for 2017-2018-2019

66. The Council considered this subject on the basis of: C-WP/14397, presented by the Secretary General; and an oral report thereon by the Finance Committee (FIC). The paper set forth a draft results-based Budget for the next (2017-2018-2019) triennium that identified the resources needed to implement the ICAO Operating Plan for that period. The draft Budget, which used an inflation factor of 2.5 per cent, amounted to CAD 310.9 million.

67. It was recalled that the paper had originally been introduced to the Council during the informal briefing given on 19 January 2016. The Secretariat had provided information on the relationship between the draft ICAO Business Plan and the draft Budget of the Organization; the parameters and details of the draft Budget, including the enhancements that could be covered by the Budget proposal; and measures taken for efficiency gains and cost reductions.

68. During the FIC's review of C-WP/14397 at its Fourth Meeting of the current session 19 February 2016, the Secretariat had provided more details regarding the proposed draft Budget and had provided justification and explanations for the increase of the draft Budget vis-à-vis the Budget for the current (2014-2015-2016) triennium.

69. In the course of the Committee's deliberations, FIC Members had voiced appreciation for the details and the clear explanations provided by the Secretariat. However, some Committee Members had expressed their reservations regarding the proposed increases in the draft Budget documented in C-WP/14397 due to their concerns over the difficult economic situation in their home countries and consequently the drastic adjustments to their respective public budgets. They had asked for, inter alia: the exclusion of the CAD 3.5 million Contingency Fund from the draft Budget; a possible increase of the rental revenue following the office space optimization project being funded by the Government of Canada; a review of the proposed increase in the cost of the language services; and an increase in ICAO-funded staffing in the Asia and Pacific Office (APAC) Regional Sub-Office (RSO) in Beijing. Other FIC Members had been of the opinion that the Budget for the next triennium should reflect the current challenges of the Organization's Strategic Objectives.

70. Several FIC Members had suggested that the starting point for the draft Budget proposal should be Zero Nominal Growth (ZNG) using two possible scenarios: 1) using the average assessment for the current triennium as the baseline; and 2) using the 2016 assessment as the baseline. In that regard, the Secretariat had pointed out that the assessment for the current triennium was based on the 2013 assessment, and that therefore a Budget proposal that used the average assessment for the current triennium as the baseline would have the impact of locking the Organization into the 2013 assessment

until the end of 2019. For that reason, in the view of the Secretariat, that proposal was unrealistic. One FIC Member had noted that the Secretariat had prepared an ICAO Business Plan at the request of the Council and that instead of artificially fixing the Budget amount first, the Council should use the Business Plan to determine the size of the Budget.

71. In concluding its deliberations, the FIC had recommended that the draft Budget proposal contained in C-WP/14397 be revised based on the following two scenarios: ZNG using the average assessment for the current triennium as the baseline; and ZNG using the 2016 assessment as the baseline. The Committee had also recommended a number of items to be considered by the Secretary General with a view to achieving improvements and efficiencies, which were in addition to those identified previously by the FIC and the Council (206/9) (reduction in Headquarters' rent, favourable exchange rate with regard to regional currencies and other efficiencies/savings), as follows:

- a) not to include any provision for the establishment of a Contingency Fund;
- b) to achieve a bigger contribution from the Ancillary Revenue Generation Fund (ARGF) to the Regular Budget, based on greater efficiencies and cost control instead of on the generation of extra income that could jeopardize the results and management of the ARGF; a more progressive, ambitious goal of contribution from the ARGF to the Regular Budget may be considered;
- c) to examine whether the activities of some of the new posts proposed at ICAO Headquarters may be carried out by consultants instead of by staff members;
- d) rationalizing personnel costs by implementing policies and best practices in: retirements, new hiring, job categories, expenses and costs associated with benefits, among other things;
- e) increase the goal of reducing the administrative costs to 1.8 per cent – 1.9 per cent from the current goal of about 1 per cent;
- f) review the amount of resources allocated to travel, taking into account that the redistribution of activities among the Regional Offices may require fewer trips from ICAO Headquarters to address the needs of States;
- g) review the proposed budget increase for languages, in order to achieve the highest cost-efficiency services (cf. paragraph 65 above);
- h) adjust the activities and Operational Plans accordingly;
- i) review possible scenarios presented by the Secretary General together with the Canadian Government with the objective of optimizing office space at ICAO Headquarters and administrative savings to be gained, and potential additional generation of revenue for the Organization for the 2017-2018-2019 triennium;

72. Additionally, for the purposes of determining the use of resources, the FIC had recommended that the Secretariat: prepare a breakdown, pointing out clearly, in accordance with the Organization's Strategic Objectives and priorities, the resources assigned for the current triennium and to be assigned for 2017-2019 triennium, for activities such as the implementation of Standards and Recommended Practices (SARPS) and the ICAO *No Country Left Behind* (NCLB) initiative; and submit the Budget options recommended by the FIC in its oral report to the Council for consideration during its 208th Session.

73. It was noted that item i) of the FIC's list had recently been revised in light of a communication received from the Representative of Canada and now reflected the new text.

74. In expounding on the Secretariat's said view that a draft Budget proposal based on ZNG that used the average assessment for the current triennium (approximately CAD 266 million) as the baseline was unrealistic, the Chief of the Finance Branch (C/FIN) emphasized that it would result in a

shortfall of approximately CAD 22.8 million, which was equal to the combined budgetary allocations for the Evaluation and Internal Audit Office (EAO), the Communications Unit (COM), FIN and the Legal Affairs and External Relations Bureau (LEB). The said shortfall was also equal to the budgetary allocations for two Strategic Objectives, namely, *Economic Development of Air Transport* and *Environmental Protection*. The Secretariat therefore considered that it could not present to the Council a credible Budget proposal that used the average assessment for the current triennium as the baseline. C/FIN suggested, as an alternative, that the Secretariat provide the Council with information on the impact of using that baseline along the lines of his current explanation and only present a draft Budget proposal based on ZNG that used the 2016 assessment as the baseline.

75. The Secretary General recalled that during the Council's consideration, the previous day, of the ICAO Business Plan for 2017-2018-2019 (C-WP/14396, with Addendum/Corrigendum; 207/10), some Representatives had highlighted that the difference in funding between the Business Plan (amounting to CAD 409.6 million) and the proposed draft Budget now under discussion (amounting to CAD 310.9 million) represented a risk to the Organization of approximately CAD 100 million. She indicated that she would present a revised draft Budget proposal representing a modest decrease over the original proposal contained in C-WP/14397 that would be based on additional efficiencies arising from the Council's policy decisions/instructions, as well as from the Secretariat's own efforts to achieve further efficiency gains. The revised draft Budget would still take a results-based approach to meet expectations in what the Secretariat considered to be a reasonable yet realistic manner. It would still take into account the budgetary constraints of some Member States while enabling the Organization to deliver the tasks mandated by the Council and the Assembly, as well as to address new priorities such as the ICAO NCLB initiative and emerging aviation issues. The Secretary General recalled, in this regard, that the NCLB initiative had been discussed during the last two Council meetings in the context of: the Annual Report on Regional Offices' activities (cf. C-WP/14381; 207/9); and the said ICAO Business Plan (C-WP/14396, with Addendum/Corrigendum; 207/10), during the review of which the ICAO Regional Directors (RDs) had given presentations on the activities and challenges faced in each region, with special reference to efforts being undertaken in each region in support of the NCLB initiative. She expressed appreciation to the Council for its leadership and support in developing a draft Budget for the next triennium that would enable the Organization to deliver the expected outcomes to its Member States.

76. The Representative of the Russian Federation indicated that although he was a FIC Member, he did not fully share all of the Committee's positions as set forth in its oral report. In particular, he questioned using the currently favourable exchange rate vis-à-vis regional currencies as a basis for the draft Budget as it might not remain favourable in the coming triennium (cf. paragraph 71 above). With regard to item b) of the FIC's list relating to achieving a bigger contribution from the ARGF to the Regular Budget, the Representative of the Russian Federation averred that any increased commercialization to generate the additional funds would not be in accordance with ICAO's mandate. He also questioned whether it was necessary to place such an extra burden on the ARGF in order to provide services to ICAO Member States. With reference to item c) on examining the use of consultants to carry out the activities of some of the new posts proposed at ICAO Headquarters, the Representative of the Russian Federation recalled that the Council had on several occasions expressed concern about the use of consultants. Averting that their use was becoming very inconsistent, he underscored that while consultants could be engaged for temporary or part-time work, they should not be engaged to perform work associated with the Organization's permanent programmes.

77. Referring to item e), the Representative of the Russian Federation queried how it would be possible to reduce administrative costs by 1.8-1.9 per cent and sought clarification. Drawing attention to item g) on the review of the proposed Budget increase for languages in order to achieve the highest cost-efficiency services, he indicated that if that meant an increase in the budgetary allocation for the provision of language services then he would support it. It seemed, however, to mean the opposite. The

Representative of the Russian Federation recalled, in this context, that the Representative of Cameroon had previously highlighted that the effectiveness of many of the ICAO seminars held in Africa had been diminished due to the insufficient provision of language services. In further recalling that the FIC, in its oral report on C-WP/149399 (Review of ICAO language service resources), considered under the previous item, had recommended that options be explored in order to improve the quality and the effectiveness of the provision of language services in the ICAO Regional Offices (cf. paragraph 59 above), emphasized that language services impacted the latter's implementation of the ICAO NCLB initiative, as did their lack of specialized technical personnel.

78. In agreeing on the need to include in the Corporate Risk Register the difference in funding between the Business Plan and the proposed draft Budget (amounting to some CAD 100 million), the Representative of the Russian Federation indicated that it would consequently be necessary to inform the upcoming Assembly that under that Budget proposal it would not be possible for the Organization to implement 25 per cent of its mandated work programme. Averring that additional cuts should not be made in order to bridge the difference in funding, he stressed that the Organization needed to fulfill all of its tasks for its Member States.

79. The Representative of Portugal indicated that while she supported the FIC's oral report, she shared the views expressed by the Representative of the Russian Federation regarding the use of consultants. In her capacity as Chairperson of the Human Resources Committee (HRC), the Representative of Portugal noted that two items were being added to the work programmes of the HRC and the Council for the next (208th) session, namely, the review of the increase in the mandatory age of separation for staff recruited before 1 January 2014 and the review of the revised compensation package for staff in the Professional and higher categories. As the future implementation of the said increased mandatory age of separation and revised compensation package would have an impact on the Organization's Budget for the upcoming triennium, she requested that those two items be added to FIC's list of items to be considered by the Secretary General.

80. Noting that it had repeatedly been stated within the Organization that ICAO was losing institutional memory through the increased use of consultants, which would have a long-term impact on the Organization's ability to sustain its activities, the President sought clarification regarding item c).

81. The Chairperson of the FIC, Mr. Dionisio Méndez Mayora (Mexico), indicated that the FIC was calling for a flexible approach to the use of ICAO's resources without, however, compromising the Organization's objectives, and suggesting that consideration be given to the use of consultants in some areas of the Organization's non-core activities. This was noted.

82. In underscoring the need to be careful in considering item c), the President recalled that a draft ICAO Policy on Consultants would be presented for the Council's consideration, through the HRC, during the next (208th) Session.

83. As a Member of the FIC, the Representative of the United Kingdom fully supported the Chairperson's excellent oral report. In expressing appreciation to the Secretary General for her constructive remarks, he observed that progress was being made in closing the gap between the different understandings of the way forward with the draft Budget for the next triennium. In emphasizing the importance of the Council considering both of the Budget options recommended by the FIC, he affirmed that it was for the Council to decide whether or not they were credible. That should not be prejudged. The Representative of the United Kingdom underscored that a more vigorous baseline proposal presented an opportunity to look for savings within the Organization that could be used to pursue the implementation of ICAO's Strategic Objectives. In expressing support for all of the items in the FIC's said list, he suggested that an additional item be added relating to exploration of the options for reducing the

carryover. This suggestion arose from comments made by the Director of the Bureau of Administration and Services (D/ADB) during the Council's consideration of the 2015 Report on the Activities of the Evaluation and Internal Audit Office, in particular, the results of EAO's audit of the procurement of goods and services for ICAO Headquarters' needs (cf. C-WP/14382; 207/1). D/ADB had indicated that he was seeking to bring clearer discipline to procurement spending during the year, which might present the opportunity to reduce the carryover and thus reduce the need for any flexibility, in a controlled way. The Representative of the United Kingdom emphasized that if the carryover were reduced, then that would release funds that could then be used to contribute to the implementation of ICAO's Strategic Objectives, including inter alia, its NCLB initiative. He highlighted that if the said reduction were completely successful, then several million dollars would be released during the next triennium.

84. Recalling the comparison that had been done by the Secretariat of the Organization's total Budget and its total expenditures per triennium and that had subsequently been presented to the FIC, C/FIN underscored that the two figures had matched for each year under review and that the amount of carryover (some CAD 6-7 million) that was received at the beginning of a given year was the same amount that was rolled over into the next year. Thus no funds were left on the table.

85. Endorsing the suggestion by the Representative of the United Kingdom, the Representative of Spain stressed the need to increase flexibility in the management of the Organization's Budget to facilitate the reduction of any carryover through an amendment to *The ICAO Financial Regulations* (Doc 7515). As a Member of the FIC, he fully supported the Committee's oral report, in particular as it recommended revising the draft Budget proposal based on two scenarios that had different baselines i.e. the average assessment for the current triennium, and the 2016 assessment. While he agreed with some of the comments made by the Representative of the Russian Federation regarding certain items in the FIC's said list, the Representative of Spain maintained that the Secretary General should consider all of them in developing the revised Budget proposal, including item i), as well as the suggested additional items, should the Council agree to their inclusion. He emphasized the importance of: doing a comparison between the Budget for the current triennium and the Budget for the next triennium to know the direction in which the Organization was heading; and identifying those tasks that could be accommodated in the ICAO Business Plan for 2017-2018-2019, as well as those tasks which could not and which thus would constitute a corporate risk.

86. In noting that the point that he was raising was not the same as the one that had been addressed in the FIC, the Representative of the United Kingdom underscored that ICAO had a carryover of some CAD 6-7 million of dollars each year which represented a level of year-end flexibility which was very high by the standards of the public sector organizations with which Representatives' national administrations dealt. He emphasized that if, over the course of the next triennium, the Secretariat were able to reduce the amount of carryover at the end of each year by spending much closer to the timelines, then the funds that would previously have been left in the carryover, some CAD 6-7 million, would be released during that triennium. It was true, however, that a complete release could only be done once. While the Representative of the United Kingdom was not suggesting that ICAO move to the same level of discipline as some public sector organizations which were used to having year-end flexibility of between 0 and 1 per cent, he averred that even if it moved halfway there, several millions of dollars would be released over the next triennium. He affirmed that ICAO should attempt to do that.

87. In likening that to eating the cake that was baked tomorrow, today, the President reiterated that a complete release of the carryover could only be done once.

88. Affirming that doing it once was better than not doing it at all, the Representative of the United Kingdom stressed that the funds would still have been released, even if subsequently there was a low level of year-end flexibility.

89. In emphasizing that it was not possible for the Secretariat to spend its budgetary appropriations to the last red cent, C/FIN noted that the Secretariat had to manage the Budget in such a manner as to ensure that there would always be some funds remaining. Observing that the Secretariat received budgetary appropriations from the Assembly in six or seven different “buckets”, he underscored that even if the Secretariat spent very close to the appropriation, it would still have to leave some CAD 0.5 million in each “bucket”, resulting in some CAD 3.5 million in carryover automatically.

90. The Secretary General indicated that as part of the ongoing Budget exercise the Secretariat could explore the possibility of revising *The ICAO Financial Regulations* (Doc 7515) to increase flexibility in the management of the Budget and thus the efficiency with which the latter was implemented. She noted that ultimately it would be for the Council to decide on any such revision to the Financial Regulations. Responding to a question then raised by the President, the Secretary General clarified that the draft Budget under discussion proposed the establishment of thirteen new posts, nine of which would be in the Regional Offices to assist in the implementation of the ICAO NCLB initiative. She underscored that it did not contain any proposal to use consultants to carry out the activities of the four new posts to be established at ICAO Headquarters.

91. The Representative of Cameroon, a FIC Member, endorsed the Committee’s oral report. In drawing attention to the fact that there would be three draft Budget proposals presented for the Council’s consideration during the next (208th) session i.e. the two scenarios recommended by the FIC and the revised Budget proposal suggested by the Secretary General, he reiterated the view that he had expressed during the FIC’s Fourth Meeting that the scenario based on ZNG using the average assessment for the current triennium as the baseline would not be realistic for ICAO. In then referring to the FIC’s list, the Representative of Cameroon averred that item a) on excluding from the draft Budget proposal any provision for the establishment of a Contingency Fund was no longer relevant in view of the Council’s discussions during the workshop on the Corporate Risk Register and Assurance Framework that had taken place on 7 March 2016. He therefore suggested that the Council reconsider including that item in the Committee’s list. The Representative of Cameroon joined the Representative of the Russian Federation in seeking clarification regarding item e) relating to the reduction of administrative costs and endorsed the comments made by that Representative regarding item g) relating to language services.

92. To the query raised regarding item e), the Chairperson of the FIC recalled that during the FIC’s Fourth Meeting a Member had suggested that the Secretariat’s stated goal of reducing administrative costs by about 1 per cent could at least be doubled. That suggestion had been seconded. With a view to giving flexibility to the Secretariat, the FIC had set 1.8-1.9 per cent as the baseline. It had not established a higher baseline of, for example, 3 per cent or 5 per cent as that would compromise the Organization’s operations. The FIC considered that the said 1.8-1.9 per cent was a balanced figure.

93. C/FIN noted, in this context, that the Secretariat’s goal of reducing administrative costs by some 1 per cent represented approximately CAD 2.773 million. Doubling that goal would mean cutting costs by some CAD 5.4 million from a Budget base of CAD 289 million – a very difficult task, especially as that would be in addition to other savings that were hard to quantify as they did not lead to cost reductions, such as re-engineering processes to allow incremental work to be performed with the same headcount, and thus were not included in the said 1 per cent goal.

94. Indicating that it was still not clear how the FIC had decided on 1.8-1.9 per cent, the President noted that while it would be easy to understand if the current goal were doubled to 2 per cent, the fact that figures with decimal points had been agreed gave the impression that they had been calculated. It also gave rise to the question of why 1.7 per cent had not been set as the reduction goal.

95. The Representative of Saudi Arabia, a FIC Member, recalled that during the Committee's Fourth Meeting he had voiced broad support for the draft Budget proposal, despite the fact that it would result in a 40 per cent increase in his State's assessed contributions for the next triennium. He noted, however, that the oral report did not reflect all of the observations made and reservations expressed by him or other FIC Members. In underscoring that the Organization had challenges to face, as highlighted in the RDs' said presentations (207/10), the Representative of Saudi Arabia stressed the need to give the Secretariat every possible means to do the best work that they could.

96. The Chairperson of the FIC emphasized that the oral report expressed the views of the majority of FIC Members and reflected the summary of the discussions that he had given at the end of the Committee's Fourth Meeting, to which no objections had been raised. He noted that it nevertheless mentioned that other FIC Members were of a different opinion regarding the proposed increases in the draft Budget contained in C-WP/14397 (cf. paragraph 69 above).

97. The Representative of Egypt expressed support for all of the efforts being undertaken by the Secretary General and the President of the Council to achieve ICAO's Strategic Objectives as reflected in the said Business Plan and draft Budget. He underscored the high degree of consistency between those two documents. In drawing a comparison between the Budget for the current (2014-2015-2016) triennium and the draft Budget for the next (2017-2018-2019) triennium, the Representative of Egypt affirmed that the increases proposed in the latter were reasonable, especially in view of the fall in the value of the Canadian dollar against the American dollar. In noting that the draft Budget reflected the various comments and reservations previously expressed by Representatives, he emphasized that the Secretary General was honouring her commitments in that regard and required some flexibility in implementing the Organization's Business Plan and further developing the draft Budget. The Representative of Egypt stressed the need to always bear in mind that the ICAO NCLB should be implemented in terms of a flexible Budget.

98. The Representative of South Africa, a FIC Member, indicated that it was unfortunate that the Committee's oral report made reference to the views of an individual Member (cf. paragraph 70 above), and underscored that the FIC was a collective. He shared the views expressed by the Representatives of the Russian Federation, Cameroon, Saudi Arabia and Egypt as the points that they had made had been discussed in the Committee. The Representative of South did not support items a), b), c), d) and e) of the FIC's list as they had not formed part of the Committee's deliberations.

99. The Representative of Germany, also a FIC Member, underscored that, as the Committee Members had very clearly not been united in their views regarding the draft Budget proposal, the Chairperson had reflected the majority view in his excellent oral report, which he fully supported. Referring to the reservations expressed by some FIC Members to the proposed increases in the draft Budget due to the difficult economic situation of their respective States and consequently the drastic adjustments to their respective public budgets, he emphasized that whereas the assessed contributions reflected in the draft Budget were based on figures that were some two years old, they were to be paid in 2017, 2018 and 2019, when the economic situation of the said States might be even worse.

100. Referring to the opening comments made by C/FIN, the Representative of Germany maintained that the use of the average assessment for the current triennium as the baseline for a ZNG Budget would not lead to the end of ICAO: it was simply a matter of putting the figures together correctly. He noted, in this context, that the overall Budget envelopes for the 2011-2012-2013 triennium and the current 2014-2015-2016 triennium had been CAD 280.6 million and CAD 286.5 million, respectively [including assessments on States, reimbursement from the Administrative and Operational Services Cost (AOSC) Fund, etc.]. Altogether, there had been an increase of some CAD 6 million. Using CAD 266.5 for the assessment (with the adjusted figures provided by the Secretariat) resulted in a total of CAD 288

million, which was some CAD 2 million more than the current Budget envelope. In adding CAD 6 million for the rent, the total was CAD 294 million. Thus the difference between a ZNG Budget proposal that used the average assessment for the current triennium as the baseline and the proposed Budget was already CAD 7.5 million, which was CAD 1.5 million more than the amount which had been the subject of the said concerns. In emphasizing that the world would thus not come to a standstill, the Representative of Germany noted that there would also be some CAD 5 million in voluntary contributions and other funds to take into consideration.

101. In supporting all of the items in the FIC's said list, the Representative of Germany disagreed with the Representative of Cameroon that there was no longer a need to pursue item a) ("not to include any provision for the establishment of a Contingency Fund"), maintaining that it had been the clear view of the FIC that there was such a need. Referring to Electronic Bulletin EB 2010/43 dated 28 September 2010 on the establishment by the Council of the Safety Fund (SAFE), he noted that the "SAFE funds will also allow ICAO to act immediately and effectively in response to urgent and unforeseen circumstances or events", which was the purpose of a Contingency Fund.

102. With respect to item e), the Representative of Germany underscored that the envisaged 1.8-1.9 per cent reduction in administrative costs was less than the reductions which his national administration had had to endure over the years. It was thus a positive signal to the Secretariat that a higher percentage, such as the 2.5 per cent or even 5 per cent that some other national administrations were implementing had not been recommended by the FIC. The Representative of Germany indicated that experience had shown that every organization would be able to achieve the said goal of reducing administrative costs, unless they had already been pared to the bone through a similar process.

103. The Representative of Germany refrained from commenting on item g) ("review the proposed budget increase for languages, in order to achieve the highest cost-efficiency services") pending receipt of the Secretary General's report on the action taken in response to the Council's decision on C-WP/14399 (Review of ICAO language service resources) (cf. paragraph 65 above). In suggesting that, in addition to considering the items in the FIC's list, the Secretary General also consider intensifying efforts to collect arrears in contributions, he highlighted that total outstanding assessments from some 65 Member States amounted to CAD 20.8 million as at 31 December 2015. The Representative of Germany underscored that implementation of the ICAO NCLB would be a valid argument for requesting payment of those arrears.

104. With regard to increasing flexibility in the management of the Organization's Budget, the Representative of Germany encouraged the Secretary General to present proposals to improve the overall spending nature of ICAO and to give her more discretionary power, along with an indication of the impact on the Budget. In agreeing with the comments and suggestion made by the Representative of the United Kingdom regarding the carryover, he noted that the amount fluctuated and that while it was currently between CAD 6-7 million it had, in the past, been CAD 10 million and even CAD 12 million.

105. The Representative of Canada, also a FIC Member, then provided updated information on efforts being pursued by his Government in order to either generate administrative savings or generate additional revenue for the Secretariat pursuant to item i) of the FIC's list. Recalling that the Government of Canada would be providing CAD 7 million to renovate the ICAO Headquarters in the next five years in order to try to achieve some of those savings, he indicated that one of the options that had been identified and was being pursued was to work with the Government of Québec to determine if some savings could be gained in terms of the rent that the latter was paying for the office space of the Technical Cooperation Bureau (TCB) if TCB were to relocate from the Bell Tower to the Headquarters premises. The Representative of Canada noted that he would be meeting with officials from the Government of Québec the next day, 9 March 2016, to start that conversation.

106. The Representative of Canada further noted that he had just received, and was currently reviewing, the terms of reference of the Committee that would be working with the ICAO Secretariat to review possible scenarios to optimize office space allocation at ICAO Headquarters taking into account the said potential relocation of TCB. He emphasized that the Committee wished to carry out its work very quickly in order to try to find savings for the next triennium.

107. The Representative of France, a FIC Member, expressed support for the Committee's oral report, observing that it well-reflected the balances which had appeared during the discussion. With regard to the issue of a baseline for the draft ZNG Budget, he emphasized that, under the current circumstances, prudence and reality obliged the Council to select the average assessment for the current triennium as the baseline. In noting that that would also be in line with its sense of responsibility, the Representative of France indicated that there was a real possibility that that baseline would be the one that was ultimately chosen. In noting that he was pleased with the Secretary General's response to the Representative of the United Kingdom's suggestion regarding the carryover, he averred that, in light of States' known financial/economic situation, it was not possible to maintain the idea that change could not be envisaged. The Council should therefore take advantage of the said suggestion and amend *The ICAO Financial Regulations* (Doc 7515) in order to have more flexibility in the management of the Organization's Budget and to be able to release the carryover. In then referring to comments made on item e) of the FIC's list, the Representative of France emphasized that in his national administration a goal of 1.8-1.9 per cent reduction in administrative costs would be considered extraordinarily generous.

108. Indicating that he did not know what ICAO required in terms of a credible carryover and observing that only historical information regarding the magnitude of the carryover was available, the Representative of Norway expressed the hope that in future the Council would receive advice from an auditor as to what a normal carryover would be for the Organization. Recalling that in her previous capacity as D/ADB the Secretary General had loyally trimmed the number of posts in Languages and Publications (LP) and the costs associated with the provision of language services, he averred that the limit had been reached. The Representative of Norway was not saying that because his language was interpreted, which it was not, but rather because ICAO was a UN Specialized Agency and multilingualism was one of the fundamental principles to achieve its goals as reflected in Assembly Resolution A37-25. He therefore fully understood the need for ICAO to spend sufficient resources on the provision of language services. The Representative of Norway emphasized, however, that consideration should be given to those meetings at which such services were provided. Recalling that some meetings had been disrupted due to the lack of language services, he averred that there were many meetings held at ICAO Headquarters that would not be disrupted if language services were not provided and were instead used for other meetings.

109. To questions then raised by the Representatives of Norway and Spain, the President clarified that there were currently four Budget options: the draft Budget proposal contained in C-WP/14397, which was supported by the Representatives of Saudi Arabia, the Russian Federation and Cameroon; the FIC's two recommended Budget options based on ZNG, one using the average assessment for the current triennium as the baseline; and another using the 2016 assessment as the baseline, which would take into account the FIC's list of items, as supplemented during the discussion; and the revised draft Budget proposal referred to by the Secretary General that would incorporate additional efficiencies, taking into account the said list of items and Representatives' comments and advice. Noting that, in addition, there was the entire ICAO Business Plan totaling CAD 409.6 million as an option, he queried how the Council would be able to consider so many different Budget options and stressed the need to narrow the choices down during the present meeting. The President also enquired as to why, if it was the Council's intention to proceed on the basis of various options, it had requested the Secretary General to present an ICAO Business Plan with a view to developing a draft Budget that was consistent therewith.

110. The Representative of Bolivia (Plurinational State of) drew attention to paragraph 2.5.1 of the draft Budget proposal, in which it was indicated that to mitigate the impact on States and the global aviation community of the slight reduction in scope of certain safety-related activities in order to accommodate projects and activities to address critical deliverables “ICAO will continue to rely on secondees and will require closer cooperation with stakeholders (for example in coordinating assistance activities).”, and enquired whether it was the intention to use the Budget to engage more secondees.

111. In noting that it would be for the Council to decide if it wished to transform ICAO into an Organization that operated on the basis of secondees and consultants, the President underscored that there was an inherent risk in doing so. He stressed that in seeking efficiencies with which to solve a financial problem the Council should be careful not to create other problems.

112. Averring that reliance on secondees should be avoided, the Representative of Bolivia (Plurinational State of) maintained that an efficient Budget should instead be used to meet ICAO’s real needs, such as the need of all of the Regional Offices for more staff, which had been highlighted in the RD’s said presentations (207/10).

113. The Representative of Nigeria, a FIC Member, shared the views expressed by the Representatives of the Russian Federation, Cameroon, Saudi Arabia and South Africa. Indicating that he could not recall the FIC suggesting that the draft Budget should not include any provision for the establishment of a Contingency Fund as per item a) of the Committee’s list, he noted that it was his recollection that suggestions had been made to reduce the budgetary allocation for the Contingency Fund’s establishment. Referring to the comment made by the Representative of Germany regarding the SAFE, the Representative of Nigeria indicated that it was his understanding that the latter was a voluntary fund and as such would not form part of the Budget. Thus if an emergency arose, there would be no contingency funds available in the Budget with which to address it.

114. In querying whether item i) would remain on the FIC’s list for consideration by the Secretary General in further developing the draft Budget, the Representative of Nigeria noted that the Council seemed to be basing the Budget for the next triennium on an element on which it did not have sufficient information. With reference to the intervention by the Representative of Saudi Arabia, he observed that most Council Member States’ assessments for the next triennium would increase, although no complaints had been made in that regard. Recalling that the Council had approved the direction and approach outlined by the ICAO Business Plan (207/10), which had already led to a corporate risk of some CAD 100 million, the Representative of Nigeria stressed that the Council did not seem to be giving due consideration to the Business Plan in its discussion of the draft Budget.

115. The Representative of Singapore noted that while he was not a FIC Member, he was closely following the Committee’s deliberations on the draft Budget. He concurred with the President that the Council’s aim should be to move towards convergence on a common approach and a common Budget envelope. The Representative of Singapore endorsed the FIC’s oral report and all of the items it had recommended for consideration by the Secretary General with a view to achieving further efficiencies and cost-savings. At the same time, he emphasized the need to give the Secretariat all of the resources it required in order to address the many challenges which the Organization faced, including those highlighted by the RDs in their said presentations (207/10). The Representative of Singapore nonetheless considered that it would still be unlikely that all of the tasks included in the Business Plan would be accomplished within the next triennium and underscored that if implementation issues, support issues and NCLB implementation assistance-related issues were not addressed they would give rise to a substantial amount of corporate risk as highlighted in the recent workshop on the Corporate Risk Register and Assurance Framework. In echoing the comments made by the Representative of Saudi Arabia, the

Representative of Singapore indicated that he could broadly support the draft Budget proposal presented in C-WP/14397, while agreeing that further efficiencies and cost-savings should be sought by the Secretary General. Noting that some Member States might even be prepared to go a little bit beyond their assessed contributions, he suggested that consideration also be given, in future, to the Secretary General having a separate track to canvas for a specific voluntary fund for specific issues which could be related to the Budget i.e. a discrete Budget, to address perhaps an issue in a Regional Office or maybe even a language issue or a NCLB implementation assistance-related issue.

116. Averring that it was unhealthy to have FIC Members disagreeing with the contents of the Chairperson's oral report during the Council's consideration thereof, the Representative of the United Republic of Tanzania suggested that in future the Chairperson of the FIC circulate the draft texts of oral reports to FIC Members prior to their presentation to the Council. He voiced support for the draft Budget set forth in C-WP/14397, on the understanding that some of the projects and activities in the ICAO Business Plan would not be accommodated therein. In underscoring that it would not be possible to maintain the Budget envelope at the same level when there were new priorities and emerging aviation issues to be addressed, the Representative of the United Republic of Tanzania noted that the various options now being proposed would ensure that it did not remain stagnant. He emphasized, in this regard, that whereas the Council wanted the Regional Offices to improve their provision of assistance to States through the implementation of the ICAO NCLB initiative, the Regional Offices did not have the necessary resources, as highlighted in the RDs' presentations (207/10). The Representative of the United Republic of Tanzania thus considered that an increase in the Budget for the next triennium was unavoidable. He agreed, however, that in order to cut costs, consideration should be given to the items in the FIC's list, with the exception of items a), c), d) and e).

117. In underscoring that Council Representatives in general, and FIC Members in particular, should not question or undermine the oral report of the Chairperson of the FIC, the President noted that it was the task of all Chairpersons to harmonize the various views expressed during a meeting and to present a summary to the Committee based on his/her understanding of the deliberations. Any concerns or objections should be raised at that stage so that the summary could be revised as necessary before being finalized as the Committee's oral report and presented to the Council for consideration. He emphasized that as no objection had been raised to the summary made by the Chairperson of the FIC at the conclusion of the Committee's Fourth Meeting, that summary had become the Committee's oral report to the Council. Noting that much work remained to be done in the FIC, the President enjoined that there be cohesion in that regard.

118. The Representative of Argentina, a FIC Member, concurred. While noting that the extent to which personal opinions were incorporated into the FIC oral report could be debated, he reiterated that the Chairperson had presented his summary to the Committee and there had not been any objections. The Representative of Argentina considered that the oral report well-reflected the FIC's deliberations. While noting that his State's assessed contributions would increase considerably in the next triennium under the Budget proposal, he echoed the comments made by the Representative of Egypt and voiced strong support for all of the Secretary General's efforts to achieve the objectives of the ICAO Business Plan and the NCLB initiative.

119. The Representative of the United States, likewise a FIC Member, joined previous speakers in voicing support for the Chairperson of the FIC and his oral report. He underscored that what the oral report reflected was the decision of the majority of the FIC Members to ask the Secretariat for additional information so that the Committee could better examine the draft Budget based on a comparison to ZNG using two different baselines, the average assessment for the current triennium, and the 2016 assessment. It was not a recommendation that the draft Budget should be changed to reflect all of the items in the FIC's said list; rather, it was a request for some more information to facilitate further

discussion. In noting that FIC Members did have different ideas as to which areas should be supported/increased, which areas should be cut, whether secondees and/or consultants should be used, etc., the Representative of the United States emphasized that they would be in a better position to discuss those issues when they had the said additional information. He commended the Chairperson of the FIC for having so well reflected in his oral report all of the information required. In highlighting that some Council Members also needed that information in order to be accountable to their Capitals and to facilitate the latter's consideration of the draft Budget options, the Representative of the United States expressed appreciation to the Secretariat for having agreed to provide it and thus enable the FIC and the Council to better perform their functions.

120. The Representative of China, a FIC Member, indicated that from the point of view of developing international civil aviation, he supported, in principle, a modest increase in the Organization's Budget for the next triennium. He emphasized, however, that the Secretariat should do its utmost to increase its efficiency and effectiveness so as to meet Member States' expectations in that regard. Noting, from information received from the Secretariat, that his State's assessed contribution would increase by some 50 per cent over the next triennium, the Representative of China affirmed that that was too much. He emphasized that compared to the annual increase of 1.49 per cent over the 2016 assessment referred to in paragraph 3.3 of C-WP/14397, it constituted a big increase. Referring to Operative Clause 1 a) 1) of Assembly Resolution A36-31 [*Apportionment of the expenses of ICAO among Contracting States (Principles to be applied in the determination of scales of assessment)*], the Representative of China averred that the capacity to pay principle it did not adequately take into consideration per capita income. He emphasized that such a big increase might unfavourably affect China's ability to support ICAO's work. In expressing the hope that the Secretariat would take that into account, the Representative of China recalled that previously there had been a limitation principle, whereby the increase in a State's contribution as compared with the previous year's, expressed in per cent of the total contribution, shall not exceed a specified per cent of the previous year's contribution. That percentage had last been set, in Assembly Resolution A36-31, Operative Clause 1 e), at 20 per cent. He considered that the Assembly's removal of that principle, from 2009 onwards, might have a negative impact on developing States.

121. C/FIN noted that the said limitation principle had, in the past, enabled an increase in a State's contribution to be implemented slowly over the course of the triennium rather than immediately. As that principle was no longer applied, it would be necessary for China and other Member States to start paying their increased assessed contributions for the 2017-2018-2019 triennium overnight i.e. on 1 January 2017.

122. The Representative of Japan, a FIC Member, commended the Chairperson on the tremendous job he was doing in tackling the very difficult work relating to the draft Budget for the next triennium. She then commented on the FIC's said list of items to be considered by the Secretary General, which was intended to assist the latter in finding additional ways and means to cut the Organization's fat in order to gain further efficiencies. With regard to item c) "to examine whether the activities of some of the new posts proposed at ICAO Headquarters may be carried out by consultants instead of by staff members;", the Representative of Japan indicated that the Secretariat had previously explained to her that it meant the use of consultants where appropriate, for example, in technologically advanced fields such as information and communication technology (ICT), which could result in cost-savings. She affirmed that item i) relating to the optimization of office space at ICAO Headquarters and administrative savings to be gained, and the potential additional generation of revenue for the Organization for the next triennium was really worthwhile to be pursued.

123. Observing that the FIC's recommendation that the Secretary General prepare a breakdown of the resources assigned for the current triennium and those to be assigned for the next triennium for certain activities was in line with one of her earlier interventions, the Representative of

Japan underscored that it was intended to strengthen the link between the ICAO Business Plan and the draft Budget. She noted that the Secretariat had yet to explain how the various items in the Budget were aligned with the implementation of SARPs and the ICAO NCLB initiative and the strengthening of the Regional Offices for that purpose.

124. In agreeing with the Representative of the United States that the requested additional information would enable FIC Members and other Council Members to be accountable to their Capitals, the Representative of Japan emphasized that they would also be communicating to the latter the need for ICAO to carry out the important work set forth in the draft Budget for the next triennium. She further underscored the need for the Secretariat and the Council to be resourceful so as to ensure that the Organization would always have a healthy Budget. In concluding, the Representative of Japan affirmed that it would be constructive to have the said additional information, as well as the two Budget options recommended by the FIC, as they would enable the Council to make an informed decision regarding the Organization's Budget for the next triennium.

125. The Representative of Chile indicated that he could accept the proposed draft Budget for 2017-2018-2019 contained in C-WP/14397, which amounted to CAD 310.9 million. He noted that, even though Chile was a developing State, its assessed contributions would increase considerably in the next triennium. Nevertheless, Chile's commercial civil aviation sector was expanding. It was expected that its main airline would be among the top ten airlines in the world within the next decade and that it would become the top airline in South America, all of which would require sacrifices and commitments in support of ICAO's policy in the area of safety oversight. The Representative of Chile thus accepted the said draft Budget as it would enable the Organization to implement its Business Plan for the next triennium. Nevertheless, he had a reservation regarding the establishment of a new post in Headquarters in a coordinating role with the Regional Offices as referred to in paragraph 3.7 d) of C-WP/14397. Expressing concern regarding the associated increase in costs, as well as the possible functions of the new Officer, the Representative of Chile maintained that all savings should be used to benefit the Regional Offices to address their needs as highlighted by the RDs in their recent presentations (207/10).

126. The Representative of Italy noted that although his State was not represented on the FIC, it was one of the major contributors to the Organization's Budget. He commended the Chairperson of the FIC on his oral report, which he supported, including all of the items listed therein for consideration by the Secretary General. With reference to item e), the Representative of Italy maintained that a 1.8-1.9 per cent reduction in administrative costs was entirely reasonable considering the global economic situation. Averring that no Council Member State could look to the years ahead with any great optimism, he indicated that he failed to see why, when many Council Member States' difficult economic situation made it necessary for them to effect cost savings, an international organization such as ICAO should be the only exception. Affirming the need for ICAO to take into account the said global economic situation and to implement a ZNG Budget for the next triennium, the Representative of Italy indicated that he looked forward to reviewing a revised draft Budget proposal that was in line with the FIC's oral report.

127. The Representative of Australia, a FIC Member, noted that it was a stark fact that many Council Member States simply could not reconcile what, on the one hand, represented a proposed significant increase to the ICAO Budget, when on the other hand, their own Governments were taking extraordinary measures to contain costs to ensure that their national debts did not spiral out of control while at the same time meeting the basic needs of their populations. Public service agencies were continuing to be directed year-on-year to make efficiencies in the order of 1.5-2.5 per cent, or in some cases, more. They have had to slash the salaries and conditions of their public service employees or they have had to absorb salary increases within flat-lined budgets. Programmes have had to be wound back or delayed and tough decisions have had to be made on priorities. When it comes to the contributions to UN Specialized Agencies, many States have no discretion on these matters unless there is sufficient

justification. The Representative of Australia underscored that while her State had indicated that it had some flexibility with regard to the current ICAO Budget negotiations, it would, at the very least, expect to see greater efforts made to contain the Organization's costs. She emphasized that the suggestions therefor made by the Chairperson of the FIC on behalf of the Committee should thus be taken into account in any alternative Budget proposals that would be presented to the Council during the next (208th) session.

128. The Representative of Nicaragua, also a FIC Member, voiced support for the Chairperson's oral report. She nevertheless shared the concerns expressed by the Representatives of the Russian Federation and Norway regarding item g) on the review of the proposed budget increase for languages, and reiterated the need to uphold the principle of multilingualism, which was important for ensuring the leadership of ICAO in the international aviation community. In addition, the Representative of Nicaragua echoed the concern expressed by the Representative of Chile regarding paragraph 3.7 d) of the paper relating to the establishment of a new post in Headquarters in a coordinating role with the Regional Office.

129. The Representative of Venezuela (Bolivarian Republic of) also endorsed the FIC's oral report. Observing that there had been an increase in D-1 level posts, he emphasized the need to review that practice in order to increase ICAO's efficiency and effectiveness and to optimize its organizational structure. In thus supporting the concerns voiced by the Representatives of Chile and Nicaragua regarding the establishment of the said new post in Headquarters, he averred that it did not make any sense in view of the staff shortages in the Regional Offices in areas such as search and rescue and airworthiness. The Representative of Venezuela (Bolivarian Republic of) stressed the need to develop a viable Budget for the next triennium that would meet the Organization's needs, as well as the Member States' expectations and circumstances.

130. The President recalled that, during the Council's earlier discussion of the Annual Report on Regional Offices' activities (cf. C-WP/14381; 207/9), the Representatives of Mexico, Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of), inter alia, had highlighted the need to coordinate the Organization's and Regional Offices' implementation assistance efforts. He indicated that the Council could, in future, request the Secretariat to review the functions of the said new post so as to clarify its role in dealing with implementation assistance issues, emergency situations, etc., as well as the post's grade level. The President agreed with the Representative of Venezuela (Bolivarian Republic of) that efforts should be made to avoid creating additional D-1 level posts.

131. The Representative of Bolivia (Plurinational State of) emphasized that if any high-level D-1 posts were to be established, then they should be established in the Regional Offices rather than in Headquarters. In sharing the concerns expressed by the Representatives of Nicaragua, Chile and Venezuela (Bolivarian Republic of) regarding the said new post, he disagreed with its establishment. Noting that efforts were being made to create an efficient Budget for the next triennium, the Representative of Bolivia (Plurinational State of) underscored that coordination with the Regional Offices fell within the purview of the Secretary General and that establishing a separate post for such a coordinating role would be neither efficient nor effective. He further emphasized that the funds required to pay the salary of the new Officer would be sufficient to cover the salary of two or three Regional Officers.

132. In whole-heartedly associating himself with the comments made by the Representatives of the United States, Italy and Australia, the Representative of Germany reiterated the need to convince Capitals why ICAO needed the funds it was requesting in the draft Budget for the next triennium. He averred that if the two Budget options based on ZNG, one using the average assessment for the current triennium as the baseline and another using the 2016 assessment as the baseline, recommended by the FIC were not presented, then there would not be the slightest chance to go even one step further. The

Representative of Germany recalled, in this context, that one of his FIC colleagues had indicated that the draft Budget proposal contained in C-WP/14397 would not “fly”. In order to have one that would, it would be necessary to work very hard and to be transparent, putting all of the Budget options on the table for Member States’ consideration. The Representative of Germany thus urged the Council to take the action recommended by the FIC, which he strongly supported.

133. The Representative of the Russian Federation endorsed the suggestion made by the Representative of the United Republic of Tanzania regarding the advance circulation of draft texts of FIC oral reports to Committee Members prior to their presentation to the Council. In then commenting on item i) of the FIC’s said list, he indicated that the Council should accept, with gratitude, the proposal by the Government of Canada regarding the optimization of office space at ICAO Headquarters and administrative savings to be gained, and the potential additional generation of revenue for the Organization for the 2017-2018-2019 triennium. The Representative of the Russian Federation emphasized, however, that it might not be possible to realize the envisaged savings over the triennium as the relocation of TCB to the Headquarters’ premises would incur costs for ICAO.

134. The Representative of the Russian Federation highlighted that even though the use of an inflation factor of 2.5 per cent in the draft Budget proposal (cf. C-WP/14397) was very optimistic, given the current economic situation, it still would, of itself, result in an increase in the Budget of some CAD 23.8 million for the triennium. While agreeing with the Representative of Japan on the importance of linking the ICAO Business Plan and the draft Budget, he emphasized that it would consequently be necessary to increase the latter. The Representative of the Russian Federation indicated, in this context, that he was not opposed to the 25 per cent increase in his State’s assessed contributions for the next triennium.

135. While noting, from the views expressed, that there might have to be some adjustments to the items in the FIC’s said list, the Chairperson indicated that they could nonetheless be taken into account by the Secretary General in developing the Committee’s two recommended Budget options. In reiterating the need to explain to Capitals why an increase in the Organization’s Budget was being requested, he underscored the delicate nature of the Budget negotiations.

136. In thanking all Representatives for their comments, advice and suggestions regarding the draft Budget for the next triennium, the Secretary General emphasized that the Secretariat fully understood the difficulties and challenges that ICAO Member States were facing. She also expressed appreciation for Representatives’ efforts to convince their Capitals to assist ICAO in achieving a Budget with appropriate resources so as to enable the Organization to deliver services to its Member States to meet their expectations. In noting that ICAO had already experienced some 20 years of ZNG Budgets and enhanced its efficiency and effectiveness, the Secretary General highlighted that, in the last few years, more than CAD 20 million in savings had been achieved in the administrative area, which had enabled ICAO to be more efficient and effective while maintaining the same level of services to the Organization. Emphasizing, however, that that did not mean that the Secretariat should not make further efforts to achieve greater efficiency and effectiveness, she underscored that the Organization was heading in that direction under the Council’s leadership. The Secretary General and the whole Secretariat were committed to moving in that direction. Recalling that the ICAO Business Plan and draft results-based Budget for the next triennium had already been developed under the Council’s leadership, she noted that a performance management system was being established to enhance the Organization’s efficiency and effectiveness, and that a proper risk management system was also being put in place.

137. In voicing appreciation for the Council’s support of the Secretariat’s ongoing efforts to enhance ICAO’s efficiency and effectiveness, the Secretary General indicated that she looked forward very much to its continued support thereof. In reiterating her proposal to revise the current Budget

proposal contained in C-WP/14397 to incorporate additional efficiencies, taking into account the FIC's said list of items, as supplemented during the discussion, and Representatives' comments and advice, the Secretary General underscored that during the course of the revision she would work closely with each and every Representative. She welcomed Representatives' further advice and suggestions with a view to achieving a revised Budget proposal that would be more efficient, with a reduced level of funding but a similar level of services. The Secretary General was in Representatives' hands and would work closely with them, under their guidance and leadership.

138. In light of the discussion, and in order to narrow the gap between those Representatives who supported the draft Budget proposal contained in C-WP/14397 and those who supported the FIC's ZNG Budget option using the average assessment for the current triennium as the baseline, the President proposed that the Council proceed on the basis of the following two options: the FIC's ZNG Budget option using the 2016 assessment as the baseline, taking into account the FIC's list of items, as supplemented during the discussion; and a revised budget proposal based on the one set forth in C-WP/14397 that would incorporate additional efficiencies, taking into account the said list of items and Representatives' comments and advice.

139. In disagreeing with the proposal, the Representative of Germany averred that if the two Budget options recommended by the FIC were not presented, then the Budget discussions during the next (208th) session would be difficult. He maintained that the FIC's recommendation that the Council instruct the Secretariat to revise the draft Budget contained in C-WP/14397 based on those two options meant that the said draft Budget was no longer under consideration and that there would be a maximum of two new Budget proposals.

140. Recalling that some Representatives supported the draft Budget set forth in C-WP/14397, the President highlighted the need to respect everyone's opinions. He underscored that a Budget proposal would only be deemed to be no longer under consideration when the Council took a decision regarding which Budget option to recommend to the Assembly for adoption. In light of the comments made, the President suggested that the Council instead proceed on the basis of the said four Budget options.

141. Having concluded its deliberations, the Council agreed to add to the FIC's said list of items the review of the increase in the mandatory age of separation for staff recruited before 1 January 2014 and the review of the revised compensation package for staff in the Professional and higher categories, issues which would be considered by the Council and the Human Resources Committee (HRC) during the upcoming 208th Session.

142. The revised list of items is given below:

- a) not to include any provision for the establishment of a Contingency Fund;
- b) to achieve a bigger contribution from the Ancillary Revenue Generation Fund (ARGF) to the Regular Budget, based on greater efficiencies and cost control instead of on the generation of extra income that could jeopardize the results and management of the ARGF; a more progressive, ambitious goal of contribution from the ARGF to the Regular Budget may be considered;
- c) to examine whether the activities of some of the new posts proposed at ICAO Headquarters may be carried out by consultants instead of by staff members;
- d) rationalizing personnel costs by implementing policies and best practices in: retirements, new hiring, job categories, expenses and costs associated with benefits, among other things;
- e) increase the goal of reducing the administrative costs to 1.8 per cent – 1.9 per cent from the current goal of about 1 per cent;

- f) review the amount of resources allocated to travel, taking into account that the redistribution of activities among the Regional Offices may require fewer trips from ICAO Headquarters to address the needs of States;
- g) review the proposed budget increase for languages, in order to achieve the highest cost-efficiency services (cf. paragraph 65 above);
- h) adjust the activities and Operational Plans accordingly;
- i) review possible scenarios presented by the Secretary General together with the Canadian Government with the objective of optimizing office space at ICAO Headquarters and administrative savings to be gained, and potential additional generation of revenue for the Organization for the 2017-2018-2019 triennium;
- j) review the increase in the mandatory age of separation for staff recruited before 1 January 2014; and
- k) review the revised compensation package for staff in the Professional and higher categories.

143. Note was taken of the updated information provided by the Representative of Canada regarding item i). In addition, the suggestions made by the Representatives of the United Kingdom and Spain that options be explored for reducing the carryover and increasing flexibility in the management of the Organization's Budget were noted.

144. In taking the action recommended by the FIC, the Council requested the Secretary General to present, for its consideration during the next (208th) session, a paper setting forth: two Budget options based on ZNG, one using the average assessment for the current triennium as the baseline; and another using the 2016 assessment as the baseline, taking into account the above items; and the options' respective impacts. In addition, it requested that the Secretary General prepare a breakdown, clearly indicating, in accordance with ICAO's Strategic Objectives and priorities, the resources allocated for the current triennium and to be allocated for the next (2017-2018-2019) triennium, for activities such as the implementation of the Organization's SARPs and the ICAO NCLB initiative.

145. It was noted: that the Budget proposal contained in C-WP/14397 remained an option; and that the Secretary General's envisaged paper would also include, as another option, a revised Budget proposal based thereon that would incorporate additional efficiencies, taking into account the above items and Representatives' comments and advice. The impacts of that option would also be set forth in the said paper.

146. It was understood that, following the Council's approval of an option for the draft Budget of the Organization for the 2017-2018-2019 triennium, a draft Assembly working paper thereon would be presented for the Council's approval.

147. The meeting adjourned at 1730 hours.

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE TWELFTH MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 9 MARCH 2016, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Mr. A.J. Dumont	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Bolivia (Plurinational State of)	— Mr. J.G. Soruco	Nicaragua	— Mrs. E.A. Aráuz Betanco
Brazil	— Mr. R. da Rosa Costa (Alt.)	Nigeria	— Mr. M.E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Prof. M. Polkowska
Canada	— Mr. J.-B. Leblanc	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. C. Mac-Namara	Republic of Korea	— Mr. J. Hur
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Dominican Republic	— Mr. C.A. Veras Rosario	Saudi Arabia	— Mr. H.A. Abudaowd
Egypt	— Mr. A. Khedr	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. M.D.T. Peege
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. A. Shekhar	United Arab Emirates	— Miss A. Alhameli
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Ms. N. Ueda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Ms. M.B. Awori	United States	— Mr. M.A. Lawson
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mr. P. Jardim (Alt.)	— Brazil
Mr. M. Delisle (Alt.)	— Canada
Mr. M. Vidal (Alt.)	— Chile
Mr. I. Camino (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. A. Almoghraby (Alt.)	— Saudi Arabia
Mr. S. Kotis (Alt.)	— United States

SECRETARIAT:

Mr. B. Djibo	— D/ATB
Mr. J. Augustin	— D/LEB
Mr. V. Smith	— D/ADB
Mr. R. Bhalla	— C/FIN
Mrs. J. Hupe	— DD/ENV
Mr. B. Verhaegen	— SELO
Mrs. L. Comeau-Stuart	— C/POD
Mr. T. Tanaka	— C/CC
Mr. C. Petras	— LEB
Mr. A. Opolot	— LEB
Mr. S. Jossai	— RCP
Ms. O. Bondareva	— LEB
Mr. A. Larcos	— ACC
Ms. D. Cooper	— Précis-writer

Representatives to ICAO

Afghanistan
Cuba
Ethiopia
Ghana
Greece
Indonesia
Lebanon
Peru
Turkey

Airports Council International (ACI)
European Union (EU)

Subject No. 18.7: Appointment of external auditor

Subject No. 24.2: Assembly agenda and documentation

**Draft Assembly Working Paper – Appointment of the External Auditor of ICAO
for the financial years 2017, 2018 and 2019**

1. The Council considered this item on the basis of C-WP/14401, which provided information on the appointment of the External Auditor of ICAO and presented in the attached draft Assembly working paper, the decision by the Council (C-DEC 206/3 refers) to re-appoint the President of the Corte dei Conti (Italy) as External Auditor of ICAO for 2017, 2018 and 2019. The Council also had for consideration an oral report from the Finance Committee (FIC) thereon.

2. In introducing the item, the Chairperson of the Finance Committee (Representative of Mexico) recalled that the Council had considered C-WP/14401 at the first meeting of its 207th Session on 15 January 2016. In agreeing to offer to the President of the Corte dei Conti a three-year extension of his appointment as External Auditor of ICAO, commencing on 1 January 2017, it was understood that this would be on the basis that: two performance audits per annum would be conducted in 2017, 2018 and 2019; and the External Auditor would be allowed to claim an additional amount not exceeding CAD 15 000 per year towards reimbursement of travel costs arising from the second annual performance audit. It was noted that the President of the Corte dei Conti had agreed to these conditions.

3. The FIC had therefore recommended that the Council approve the extension of the Corte dei Conti for the financial years 2017, 2018 and 2019.

4. Following clarification by the President of the Council on the conditions of appointment of the External Auditor, the Representative of Norway, while not a member of FIC, expressed support for the proposal.

5. Having completed its consideration of the item, and in accordance with Financial Regulation 13.1, the Council approved, subject to confirmation by the Assembly, the reappointment of Mr. Raffaele Squitieri, President of the Corte dei Conti (Italy) as the External Auditor of ICAO for 2017, 2018 and 2019. The Council also approved the draft Assembly working paper attached to C-WP/14401, for transmission to Member States as documentation for the 39th Session of the Assembly.

Subject No. 24.3: Action on Assembly resolutions and decisions

Subject No. 27.1: Amendments to the Chicago Convention

Subject No. 33: Character and working methods of Representative Bodies in ICAO (Council, Committee, etc.)

Draft Assembly Working Paper – Proposal to amend Article 50 a) of the *Convention on International Civil Aviation* so as to increase the membership of the ICAO Council

Draft Assembly Working Paper – Proposal to amend Article 56 of the *Convention on International Civil Aviation* so as to increase the membership of the Air Navigation Commission

6. The Council resumed (207/7) consideration of these two items together on the basis of C-WP/14358 and C-WP/14359, which were both presented by the Secretary General. It was recalled that

both of these items were being presented in response to a request from the Council (C-DEC 206/9 refers) during which the Council agreed, in principle, that the size of both the Council and the ANC be increased, but that a determination on the respective size of the increase for the two bodies would occur during the current session.

7. It was also recalled that during the discussion on these items (207/7), the Council had agreed to defer further consideration of these items until a subsequent meeting in the current session so that additional consultations could be undertaken among Representatives in an effort to achieve a consensus position in the Council as to the respective size of the increase for both the Council and the ANC. In this connection, the Representative of Portugal, supported by the Representatives of Saudi Arabia, Nigeria, Chile, Japan and South Africa indicated that discussions were still ongoing and that therefore, it would be desirable to defer a further consideration of the items in the Council until the final meeting of the current session, which was scheduled on Friday, 11 March 2016. The Council agreed to this further deferral of the two items.

Subject No. 7: Organization and personnel

Subject No. 7.2: Recruitment policy

Report of the Human Resources Committee – Terms of Reference as they relate to the recruitment process for D-1 and D-2 level posts

8. The Council considered this item on the basis of C-WP/14411, presented by the Chairperson of the Human Resources Committee (Representative of Portugal), in which was presented the outcome of the review of the HRC terms of reference as they related to the recruitment process for D-1 and D-2 posts. The report outlined the considerations by the Committee and a recommendation on a consequential amendment to *The ICAO Service Code*.

9. In introducing the paper, the Chairperson of the Human Resources Committee (HRC) indicated that the Committee had concluded its review of the final report of the HRC working group at the Second Meeting of the current session on 23 February 2016. In its review, the HRC had highlighted the need to ensure a balance between the Council's requirement for transparent information on human resources management matters and the need for sufficient flexibility so as to allow the Secretary General to carry out her mandated duties. For consistency, the HRC had also requested that the recruitment process for the D-2 level posts be aligned with the current text and steps followed in the recruitment process for D-1 level posts.

10. The HRC had therefore recommended to the Council the approval of the consequential amendment to paragraph 11 of Annex IV of *The ICAO Service Code* as presented in paragraph 2.5 of the report, and subject to its approval, the Committee was satisfied with its existing terms of reference as they related to the recruitment process for D-1 and D-2 level posts in that they provided sufficient assurance that all recruitment would be conducted in a transparent, equitable and fair manner. The HRC had therefore recommended to the Council the retention of the existing text of paragraph 1 of Annex IV of *The ICAO Service Code*.

11. Referring to the last sentence of the proposed amendment to paragraph 11, the Representative of Mexico sought clarification on the alternative action afforded to the Secretary General to re-advertise the post should the candidate chosen by the Secretary General not meet the President's approval and he also queried the associated cost implications of this procedure.

12. Of the view that the alternative action should only be applied under exceptional circumstances, the Representative of the Russian Federation suggested that it be applied on condition the shortlist of candidates was exhausted.

13. The Chairperson of the HRC reiterated the Committee had determined that the recruitment process for the D-1 and D-2 level posts should be aligned and that the proposed amendment corresponded to the text for the D-1 level post, as presented in paragraph 15 of Annex IV of *The ICAO Service Code*. In this regard, the President of the Council pointed out that any amendment to the proposed text of paragraph 11 would require the same for paragraph 15.

14. Thanking the HRC Chairperson for her clarification, the Representative of Mexico indicated his support for the amendment proposal should the majority of the Council agree.

15. While in agreement with the proposed amendment, the Representative of Spain also supported the suggestion by the Representative of the Russian Federation and observed that paragraph 12 of Annex IV to *The ICAO Service Code* provided added assurance in the selection process in that a secret ballot would be required should the majority of Council Members express disapproval of the recommendation being presented on a chosen candidate.

16. Referring to the comments made by the Representatives of Mexico, the Russian Federation and Spain, the Representative of Norway queried the need for the amendment proposal as it was evident that if a shortlist of candidates had been exhausted, the post would have to be re-advertised thereby incurring added costs and administrative delays.

17. Responding to the previous interventions, the Secretary General highlighted that the Charter Letter given to her by the Council, provided her the authority to select the most suitable candidate and the proposed amendment would provide her with the flexibility to select another candidate or re-advertise the post even though there would be financial implications. She underscored that the cost would be even higher should the wrong candidate be selected and therefore it was important to ensure that the best candidate was selected.

18. Emphasizing that all candidates on the shortlist provided to the Secretary General were considered suitable, the Representative of Australia, in keeping with the interventions made by the Representatives of Norway and the Russian Federation, suggested for the purpose of clarity, that additional text be included in the proposed amendment to paragraph 11 that in the event the other candidates on the shortlist were unavailable or did not accept the offer, the Secretary General could then proceed to re-advertise the post.

19. Having the same concerns as the Representatives of Mexico, the Russian Federation, Norway and taking into account the comments of the Representative of Australia, the Representative of Venezuela (Bolivarian Republic of) stated that the reputation of the Organization should be borne in mind in the overall recruitment practices as certain expectations were created in the minds of candidates in this process. It was therefore important that the Organization be clear and professional in the conduct of such recruitment processes. The Representative of Burkina Faso, also observed the need to uphold the final shortlist of candidates so as to ensure equity and transparency in the recruitment process.

20. The Representative of Libya voiced full support for the amendment proposal as did the Representative of Malaysia who stressed the importance of codifying the regulations in *The ICAO Service Code* and that advice could be sought from the Legal Bureau on the wording of the amendment should there be any doubt in this regard.

21. In lending support to the intervention by the Representative of Libya, the Representative of South Africa expressed his confidence in the President of the Council and the Secretary General to

determine the most suitable candidate for a position. Of the same view, the Representative of Egypt also drew attention to the need for a minimum threshold in helping to assess and determine the final shortlist of candidates.

22. Given the comments thus far, the President of the Council questioned whether the HRC had carried out a thorough review of the existing text for the D-1 recruitment process as it appeared the current wording in *The ICAO Service Code* might be unsuitable.

23. As a member of the HRC, the Representative of the United States underscored that the Committee had only considered the language to codify existing practices that were already being followed in order to harmonize the text in paragraph 11 for the D-2 selection process with that for the D-1 level and further emphasized that the HRC had not reviewed the other issues being raised.

24. Endorsing the comments by the Representative of the United States, the Representative of the United Arab Emirates, also as a member of the HRC, stressed the equal importance of the D-1 and D-2 level posts. In that context, the HRC had determined that the same procedures ought to apply to both. As to the previous interventions made by Australia, Norway, Burkina Faso, the Russian Federation and Mexico concerning the shortlist, given the protracted time and financial implications involved in the recruitment process and the possibility that the shortlist of candidates could be exhausted, the Representative of the United Arab Emirates supported the suggestion by the Representative of Australia, otherwise it should be left to the discretion of the Secretary General to re-advertise the post in order to conclude the selection process in an appropriate manner.

25. Addressing the comments on the selection process, the Director of the Bureau of Administration and Services (D/ADB) confirmed, as explained by the Representatives of the United States and the United Arab Emirates, that the HRC had sought to make consistent the D-2 level recruitment process with that of the current D-1 level recruitment process. He observed that a very robust process in a fair and transparent manner was carried out in the selection of the shortlist of candidates and in the event it was exhausted there would be no choice but to re-advertise the post.

26. The President of the Council noted that the proposed amendment to paragraph 11 did not include reference to exhausting the shortlist of selected candidates prior to re-advertising the post.

27. D/ADB considered the focus should be on finding the most suitable candidate for the Organization whether or not the shortlist was exhausted and that the President of the Council and the Secretary General should agree on the selection.

28. The Chairperson of the HRC confirmed the wording of the two paragraphs had to be consistent and as each case was unique, the alternative option to re-advertise the post should not be discounted and a means was required by which the Secretary General and the President of the Council could do so as contained in the text of the amendment and as an example of such action cited the recent recruitment process for the D-2 level Director, Bureau of Administration and Services.

29. In lending support to the comments by the Representatives of the United States, Egypt, Libya and South Africa, the Representative of Singapore observed that many factors influenced the choice of candidate, such as equitable geographical representation and gender balance. Therefore, a degree of flexibility was required in the process.

30. The Representative of the United Republic of Tanzania supported the existing terms of reference for the HRC and the comments by the Representatives of the United States and United Arab Emirates, that the amendment proposal was categorically in line with the existing text in *The ICAO Service Code* and he joined the Representatives of Libya, Singapore, Egypt and South Africa and others in its approval.

31. In endorsing the interventions by the Representatives of Libya, Egypt, Singapore and others to retain the text of the proposed amendment to align the wording of the D-2 level posts with that of the D-1 posts, the Representative of India also thanked the HRC Chairperson for her clarifications as he had initially considered the amendment might have diluted the authority of the Secretary General.

32. In thanking D/ADB for his clarification, the Representative of Cameroon, an HRC Member, indicated that the Committee had reviewed all issues such as the independence of the Council and the authority of the Secretary General to assess the shortlist of candidates in a transparent manner and he supported the interventions made by the Representatives of Libya, Singapore, South Africa and the United States.

33. In endorsing the comment by the Representative of the United States, the Representative of China, also an HRC Member, maintained the common goal was to select the best candidate for the D-1 and D-2 posts and considered the proposal reflected a good balance, and should any problems be encountered, they could be addressed in the future.

34. In support of the comments by the Representatives of China, United States, India, Singapore, Cameroon, and the United Republic of Tanzania, the Representative of Egypt thanked the HRC Chairperson for her summary and highlighted the two issues: to exhaust the final shortlist of candidates; and to allow the Secretary General the required flexibility.

35. As a member of the HRC, the Representative of Japan supported the proposal and reiterated the point as suggested by others that the amendment codified the existing practices. She recalled that the purpose of revisiting the D-1 and D-2 recruitment process was to improve the procedures and increase transparency. She considered the point raised by the Representative of Australia and echoed by others had merit and suggested that one option might be additional text for paragraph 11 whereby the Secretary General would need to report to the Council as to why the remaining shortlisted candidates were unsuitable in order that the Council could make an informed decision.

36. In the absence of further comments, the Council approved the proposed new text for paragraph 11 of Annex IV of *The ICAO Service Code*, as presented in paragraph 2.5 of the report on the basis that it would lead to conformity between the recruitment process for D-2 and D-1 level posts. In approving the revision of the text as recommended by the HRC, the Council also agreed to otherwise maintain Annex IV of *The ICAO Service Code* unchanged as it relates to the terms of reference of the HRC on the basis that the existing recruitment process for D-1 and D-2 level posts provided sufficient assurance that all such recruitment would be conducted in a transparent, equitable and fair manner.

37. It was also understood that the HRC, as part of its ongoing work, would continue to monitor this issue and that it could, should the need arise, advise the Council of any subsequent changes to *The ICAO Service Code* that might be necessary to provide further clarification or improvements to the relevant provisions as they pertained to the recruitment process for D-2 and D-1 level posts.

Subject No. 50: Questions relating to the environment

Report of the Chairperson of the Environment Advisory Group (EAG) – *Report on the Work of the Environment Advisory Group*

Report of the Chairperson of the High-level Group on a Global Market-based Measure Scheme (HLG-GMBM) – *Report on the work of the High-level Group on Global Market-based Measure Scheme*

38. The Council decided to consider these two items together. It had two oral reports for consideration: the first presented by the Chairperson of the Environment Advisory Group (Representative

of Singapore), which outlined the work that had been undertaken by the EAG in relation to the development of a global market-based measure (MBM) scheme for international aviation; and the second presented by the Director of the Air Transport Bureau (D/ATB) on behalf of the Chairperson of the High-level Group on a Global Market-Based Measure Scheme (Mr. Roberto Kobeh), which reported on the outcome of the HLG-GMBM meeting that took place in Montréal from 24 to 25 February 2016.

39. In introducing the first item, the Chairperson of the Environment Advisory Group indicated that since its establishment by the 201st Session of the Council in March 2014, the Environment Advisory Group (EAG) had conducted fifteen meetings. Under the direction of the Council, it oversaw the work related to the development of a global market-based measure (MBM) scheme for international aviation.

40. Progress was pursued by the EAG, starting with a “Strawman” approach in which a basic proposal for a global MBM scheme was tabled with a view to generating discussions and analyses on advantages and disadvantages of design elements, thus allowing for improvements. The Committee on Aviation Environmental Protection (CAEP) provided its analytical capability to deliver the results of the analyses requested by the EAG and Council. Focus of such analyses was on various approaches for distribution of obligations under a global MBM scheme. The EAG also discussed the work by CAEP to develop technical design elements of a global MBM scheme, i.e. monitoring, reporting and verification (MRV), emissions unit criteria (EUC) and registries. In addition, through briefings conducted by subject experts at the EAG meetings, information was shared on specific elements of the carbon market.

Technical analyses

41. The initial set of technical analyses requested by the EAG and Council were based on the Strawman as contained in C-WP/14153, Appendix A and such analyses included the assessment of: volumes of future CO₂ emissions from international aviation and overall cost impacts to achieve the carbon neutral growth from 2020; cost impacts of using combinations of individual operator’s growth rate of emissions and the international aviation sector’s average growth rate, for distribution of obligations; adjustments of obligations such as fast growers, early movers and new entrants; and technical exemptions and exemptions of routes to/from low emitting States. CAEP completed the initial analyses and presented the results to the EAG/7 in October 2014.

42. Additional analyses were requested that focused on the assessment of the various approaches for distribution of obligations (PRES OBA 2357 and 2377 refer), including:

- refinement of technical analyses presented to EAG/7, including the use of variable or dynamic growth rates over time;
- analyses of a route-based approach, including the definition of routes, using different criteria, as well as metrics for categorization of routes;
- analyses of an accumulative approach based on historical emissions; and
- comparison of various approaches for distribution of obligations.

43. CAEP completed the additional analyses and presented the results of all technical analyses up to EAG/15 meeting in January 2016.

44. The EAG was also presented with a schematic illustration of decision points for the distribution of obligations to individual aircraft operators. The main categories of decision points used were: exemptions/phase-in; distribution approaches, whether at the operator-level and/or route-level; and adjustments for early movers and fast growers.

MRV, EUC and registers

45. The EAG was updated on CAEP's work in developing recommendations on MRV, EUC and registers. Draft recommendations by CAEP were reviewed at the EAG/12 meeting in September 2015, which recognized progress made and encouraged further progress by CAEP.

46. Regarding the EUC, the EAG also considered possible additional approaches that could enhance environmental integrity, including draft CAEP recommendations on vintage restrictions, establishment of a technical advisory group to determine eligible programmes that would meet emissions unit criteria, and early purchase of emissions units by operators or early action. Regarding registries, clarification was made to EAG on a coordinated registry structure, with a focus on how emissions data and carbon credits information from aircraft operators would flow.

47. In addition, the EAG discussed a proposal for "accountable entities" in a global MBM scheme to be States instead of aircraft operators. For clarification, the respective roles of ICAO, States and aircraft operators under a global MBM scheme were presented. It is worth noting that there is no disagreement on the following roles: Aircraft operators would be accountable to their own States and purchase offset units; States would regulate their aircraft operators; and ICAO would oversight the overall functioning of the global MBM scheme as well as provide Standards and guidance material to States.

Global aviation dialogues (GLADS)

48. The EAG also considered the contents and results of the first round of MBM Global Aviation Dialogues (GLADs) conducted in five venues in April 2015, which intended to provide a means to ensure the full engagement of States and other stakeholders and the widest possible range of inputs, as requested by the 38th Assembly.

49. The EAG/11 in May 2015 was updated on the results of the first round of GLADs, which was attended by 362 participants from 79 States (including all 36 Council States) and 22 international organizations. The EAG highlighted that thematic dialogues by small-group discussions in GLADs facilitated the sharing of information and had encouraged active participation.

50. On the design elements of a global MBM scheme, views expressed at the GLADs included the need for consideration of environmental integrity, simplicity, cost-effectiveness, differentiation without discrimination, and the need to avoid excessive cost and administrative burdens. On the implementation aspects of a global MBM scheme, views included consideration on the legal framework, continuous information flow and outreach, capacity-building, transparency, and linkage to States' voluntary action plans.

Moving forward

51. The EAG achieved its mandate to oversee the work related to a global MBM scheme, with technical support provided by CAEP, and helped to build an understanding of key design elements and implementation aspects for a global MBM scheme, including environmental and economic impacts of various approaches for such a scheme. Such understanding is crucial to moving forward toward policy decision making.

52. During the 206th Session in November 2015, the Council agreed on clear steps forward in 2016, including the convening of the second round of Global Aviation Dialogues (GLADs) from 20 March to 8 April 2016 and the High-level Meeting on a Global MBM Scheme from 11 to 13 May 2016. The 207th Session of the Council in March 2016 is expected to agree on a proposal for a global MBM scheme, for consideration by the GLADs and the High-level Meeting (C-DEC 206/8).

53. In this regard, the EAG/15 meeting in January 2015 considered a draft Assembly Resolution text on a global MBM scheme, which was developed taking into account the progress achieved and views expressed during the EAG deliberations. The draft Resolution text would serve as a basis by which to move forward. The EAG provided initial comments on the draft text, and recommended that a High-level Group on Global MBM Scheme be established to facilitate the convergence of views in order to finalize the draft text for presentation to the Council.

54. Based upon the foundation built by the EAG process, the Organization expects to develop a practical recommendation on a global MBM scheme for decision by the 39th Session of the Assembly.

55. The President of the Council, on behalf of the Council, commended the efforts thus far by the EAG and the leadership provided by the Representative of Singapore. Even though it was reported that the EAG had completed its mandate to oversee the work related to a global MBM scheme, the President of the Council observed that work was ongoing with respect to the MRV and the Emissions Unit Criteria (EUC) by CAEP, some of which would be appropriate for review by the EAG prior to Council consideration. Although this was a significant progress report, work remained on resolving design elements as well as technical, legal and regulatory issues.

56. The Director of the Air Transport Bureau (D/ATB), on behalf of the Chairperson of the High-level Group on a Global Market-Based Measure Scheme (HLG-GMBM) (Mr. Roberto Kobeh), presented the HLG-GMBM oral report. He advised that the group was comprised of high-level aviation and/or transport representatives of eighteen selected Member States on the Council, taking into account equitable geographical representation, and that those Council Representatives who were not members of the group were welcomed as observers to the first HLG meeting held at ICAO Headquarters from 24 to 25 February 2015. He stated that the HLG members were largely in agreement with the text of the draft Assembly Resolution on a global MBM scheme as presented to the meeting (as of 22 January 2016) in that it could serve as a good basis to move forward in further improving the text. However, a number of concerns were raised and, in an attempt to further improve the text and get better consensus, the meeting reviewed the draft text paragraph-by-paragraph and some brackets were introduced with alternative views.

57. D/ATB indicated that preamble paragraphs were not reviewed during the meeting although five paragraphs were added to: recognize that emissions should be offset only once; emphasize the support for a global solution as opposed to a patchwork of MBMs; acknowledge the respective principles of the UNFCCC and the Chicago Convention; and recognize a new market mechanism under the Paris Agreement. As a result, the following operative paragraphs were also accepted by the HLG: paragraphs 1, 3, 5, 6, 7 chapeau, 7 c), 7 d), 8, 10, 12, 13, 14, 15 and 16. Square bracketed text remained in paragraphs 2, 4, 7 a), 7 b), 9, 11 and 17.

58. D/ATB advised that all submitted comments during the meeting on specific draft proposals to converge views were shared with the Council Representatives and that divergent views remained regarding paragraphs 7 and 9 of the draft Assembly Resolution text. All HLG members were strongly encouraged to undertake bilateral and multilateral consultations amongst themselves with a view to bridging their views and developing possible compromise text.

59. In conclusion, D/ATB indicated that the HLG-GMBM had agreed to recommend to the Council for approval the following action:

- a) note the progress made by the High-level Group in improving draft Assembly Resolution text on a global MBM scheme; b) further streamline and/or improve draft Assembly Resolution text;

- b) provide guidance on the presentation of draft Assembly Resolution text to the second round of the Global Aviation Dialogues (GLADs), to be held from 20 March to 8 April 2016 in five venues, to familiarize participants with the proposal for a global MBM scheme as included in C-DEC 206/8, paragraph 30 b)
- c) encourage all members of the High-level Group to undertake bilateral and multilateral consultations among themselves with a view to bridging their views; and
- d) provide any further guidance to the High-level Group and consider the convening of its second meeting from 13 to 15 April 2016 in Montreal.

60. The President of the Council thanked D/ATB for the very comprehensive report and confirmed that all the submitted comments during the first HLG meeting had been shared with the Council Representatives. He noted the amendments to the operative paragraphs which had been accepted by the HLG as well as pending amendments referenced in paragraph 57 above and suggested that the Council presently focus its attention on the text of the draft Assembly Resolution that remained unresolved.

61. During the ensuing discussion, all Representatives who took the floor voiced gratitude and appreciation for the tremendous work achieved by the EAG and HLG Chairmen.

62. The Representative of Mexico noted the importance of GLADs which afforded States an opportunity to be fully engaged in the process and to understand the technical design elements and implementation aspects of the global MBM scheme which were key going into the next round of discussions on the draft Assembly Resolution. In regard to the recommendations of the HLG-GMBM oral report, the Representative of Mexico concurred with amendments made to the draft Assembly Resolution text as presented in Appendix B to the HLG-GMBM oral report (and appended to these minutes), although he observed that it was difficult to improve the text without input from all deliberations. He stated that pending agreement on the bracketed text, the draft should be provided to the second round of GLADs. He encouraged all members of the HLG to undertake consultations in order to reach convergence as soon as possible and offered his support to the discussions. Lastly, the Representative of Mexico considered that the HLG should continue its work and to await the outcome of the GLADs prior to further guidance being provided to the HLG.

63. In response to the comment made by the Representative of Mexico, the President of the Council indicated that in order for the HLG to continue its work, its second meeting would need to be convened and that it was important for the Council to actively provide further guidance to the group.

64. The Representative of Chile considered the draft Assembly Resolution, as amended by the HLG, be taken into account and that the upcoming process in developing the MBM scheme would allow all States the opportunity to provide input. While recognizing the importance of the GLADs, the next HLG meeting would give States and ICAO the opportunity to formally present their views and, unlike the Representative of Mexico, considered it inappropriate to limit the process to HLG multilateral consultations alone.

65. The President of the Council indicated that the work of both the HLG and Council was to ultimately provide the basis for a global consensus. Members States would have the opportunity to express their views informally at the GLADs and formally at the HLG and he emphasized that consultations amongst all Member States should be made at every level in order to bridge the views and with the aim of reaching a global consensus.

66. In full support of the HLG-GMBM recommendations, the Representative of the Russian Federation queried whether the draft Assembly Resolution should take into account the United Nations Sustainable Development Goals (SDGs) for 2030 and why some of the proposals were excluded from the text in square brackets as it was essential that all opinions should be taken into consideration in these very important concepts. In regard to the EAG oral report and the need for environmental integrity and cost-effectiveness in the design aspects of a global MBM scheme, the Representative of the Russian Federation, referring to paragraph 19 of Assembly Resolution A38-18, indicated that in his view, the economic and environmental effects on industry had not yet been adequately reviewed. While it was true that the issue of common but differentiated responsibilities (CBDR) had been considered at the EAG and HLG meetings, this was an integral part of the whole aviation system and therefore, the HLG should focus its efforts in this regard. As to the GLADs, it was important to be open and transparent in describing the situation. He joined the President on the need to continue the work on this issue and in regard to the specific aspects of the draft Assembly Resolution, reiterated the concern that aviation should not be a source of financing for other sectors. There was financing for the global offsetting mechanism projects and that avenue should be pursued in order to ensure that the main goal of carbon-neutral growth (CNG) 2020 was obtained.

67. To the aspect of costing and financing as raised by the Representative of the Russian Federation, the President of the Council indicated that CAEP would continue with the studies towards achieving agreement on the framework following which additional studies could be carried out and the EAG would assist in that process.

68. The Representative of Portugal remarked on the decisiveness of the preparatory work carried out by the EAG and the development of the draft Assembly Resolution presented for discussion at the HLG. Following the landmark agreement reached at COP21, the international community was looking to ICAO to deliver the necessary contribution and emission reductions from international civil aviation. The draft proposal recognized the ICAO core principle of non-discrimination and the need to address the special circumstances and respective capabilities of States. Compliance with the non-discrimination principle of ICAO was fundamental to ensuring that operators were treated equally and that the distortion of competition was minimized. Importantly, it also included milestones for the implementation of the scheme with a good balance between the roles of ICAO, Member States and operators. The HLG at its first meeting had achieved improvements on the draft Assembly Resolution by providing more clarity in the text. As a result, there were some paragraphs accepted by the HLG and others in brackets. In an effort to achieve consensus, the Representative of Portugal supported the HLG in undertaking bilateral and multilateral consultations on the contentious paragraphs in square brackets. It was important that all ICAO Member States were given an opportunity to provide their input as the majority were not participating directly in this process. The HLG concerns on various aspects should be presented to GLADs participants and that the draft Resolution to be reviewed should consist of the HLG accepted text, while the text in square brackets should be replaced by original proposal presented by the President of the Council. The priority for Council was to facilitate input from the regions which would feed into further discussions and her delegation fully endorsed the approach on the way forward being taken by the President of the Council although little time left was left to find a compromise that would achieve carbon neutral growth in 2020, as requested at the 38th Session of the Assembly.

69. The President of the Council noted the proposal by the Representative of Portugal to retain the text accepted by the HLG and to use the text as of 22 January 2016.

70. The Representative of China expressed support for the intervention made by the Representative of the Russian Federation and referring to paragraph 13 of the draft Assembly Resolution in Appendix B to the HLG-GMBM oral report, disagreed with word “endorses” and proposed it be replaced by “notes”; and that the issues of MRV, EUC, Registries – CAEP recommendations had not been fully agreed at the HLG meeting but rather it had accepted to describe the endorsement of the Council and CAEP work thus far. Furthermore, many of the operative paragraphs had not been

adequately discussed at the HLG meeting. Therefore he disagreed with use of “accepted” since this would be misleading. In regard to the HLG-GMBM recommendations, the Representative of China concurred with the comment made by the Representative of Mexico, in that the Council should await the HLG discussions before streamlining the text of the draft Assembly Resolution. The Representative agreed to the need for a second round of GLADs in order to allow for different views to be expressed by all States especially given that consensus had not yet been reached. The Representative felt that without consensus, the GLADs might be redundant if no progress were to be achieved in that forum.

71. The President of the Council, in keeping with the comment made by the Representative of Chile, indicated that while it was a privilege to be an EAG or HLG member, GLADs provided the opportunity to obtain the views of all States, including those States that were Council Members. In that context, it was important the GLADs represented an invaluable opportunity for all Member States to express their view and to be heard.

72. Given this was a critical issue for the global community and the airline industry, the Representative of Canada indicated that his State was keen to see an ambitious outcome. It was hoped that the Council would leave the drafting of the Assembly Resolution to the HLG meeting in May. Although much progress had been made, differences still existed and he supported the President of the Council on the existence of GLADs in allowing all States the opportunity to express themselves. It was an exercise not just a privilege and it was important to validate the direction and key options on various elements of the text and GLADs was an instrument that would assist with the work in progress.

73. The Representative of India supported the views of the Representatives of the Russian Federation and China as well as the proposals presented in the HLG-GMBM oral report and highlighted that some of the comments provided by States on the agreed text had not been captured in totality, therefore to indicate that there had been agreement would be inaccurate. In regard to paragraphs 7 and 9 of the draft Assembly Resolution, the most important text to be discussed at the second round of GLADs, he suggested Member States should be informed of the outcomes of the first HLG meeting in order that decisions could be taken in the proper perspective; and to explain why a particular formulation related to carbon neutral growth from 2020 on a percentage of aviation carbon emissions was being proposed, as he recalled at the last Assembly it was clearly mentioned that a study report, not yet available, would substantiate the proposals. As the draft resolution would be modified following GLADs for presentation to the second meeting of the HLG, he suggested there be more time between the two meetings to allow HLG Member States to formulate their own views in preparation for that meeting.

74. The President of the Council pointed out that with one month between the two meetings the timing of the second HLG meeting would be affected; and on the comment that questions on issues agreed at the HLG had not been properly captured, suggested that all States with views, including HLG members, attend the GLADs in order that the Secretariat was not held accountable for incorrectly documenting the comments. The President also took the opportunity to reconfirm that all the views submitted to the Secretariat had been circulated to the Council Members.

75. In support of the comment made by the Representative of Chile, the Representative of Saudi Arabia indicated a great effort would be required to achieve general consensus on the recommendations and considered the dates for the second round of GLADs not entirely suitable as States views on the proposed Assembly Resolution needed to be properly prepared in advance for presentation at the GLADs.

76. In regard to HLG-GMBM recommendation b), as the preamble in the draft Assembly Resolution set out the context and all the relevant principles and key elements that underpinned the mechanism described in the Operative clause, the Representative of Australia considered they be referred to only once in the preamble rather than scattered throughout the rest of the operative clauses. Secondly, in order to provide the greatest certainty on agreement of the proposed GMBM, in order to accurately

measure and predict progress on carbon neutral growth, the proposal should avoid the use of discretionary language on major elements of the scheme. Thirdly, in keeping with the concerns raised by a number of HLG members with regard to a 100 per cent sectoral approach to the distribution of obligations, Australia was pleased to see a more dynamic approach was under consideration. In regard to recommendation c), the Representative of Australia supported the entire GLADs process as it was important to demonstrate genuine efforts on inclusiveness with wide consultation, nevertheless was not convinced that the Resolution could be further refined in the process as many questions and divergent views were expected. What was important, as indicated by the Representative of Portugal, was that the key document be the original proposal and to clearly quantify the expected carbon emissions reductions, and whether in doing so, if it would be possible to achieve carbon neutral growth by 2020 with this formulation. If, however, it was agreed to provide the text in Appendix B of the HLG-GMGM oral report with the bracketed text, it needed to be clearly understood why there were different views and to quantify the potential environmental impact of these different positions. Regarding recommendation d), the Representative of Australia shared the view expressed by the Representative of Chile and others that the bilateral and multilateral consultations should not be limited to HLG members and that they make greater efforts to be inclusive, at the very least with Council Members in these consultations, in the lead-up to a possible second meeting. In this regard, on recommendation e) the Representative of Australia considered there was some value in having a second meeting as long as HLG members committed to sensitizing the outcomes of the GLADs, and to further refine the text of the Resolution to assist the High-level meeting and ultimately the Assembly.

77. To focus the discussion, the President of the Council indicated there were two options for the text of the draft Assembly Resolution to be presented at GLADs: in keeping with the suggestion by the Representative of Portugal, a hybrid of the draft Assembly Resolution would be submitted to the GLADs consisting of the original text in place of the bracketed text and the agreed text by the HLG, taking into account the suggestion by the Representative of China to replace "endorses" by "notes" in paragraph 13; or to present the original text of 22 January 2016.

78. In full agreement with the need for the HLG to undertake bilateral and multilateral consultations and its second meeting, the Representative of the United Republic of Tanzania supported the President of the Council to give the opportunity to all ICAO Member States to contribute to the work being progressed. The draft Assembly Resolution text to be provided to the second round of GLADs should consist of the accepted text by the HLG and the text in brackets which would focus discussions on what was required; and that the draft Assembly Resolution text to be presented to the next HLG meeting should consist of the input from the Secretariat and from GLADs.

79. The Representative of Cameroon thanked the President for providing the necessary vision and leadership in guiding the Council to an effective solution in the matter before them and voiced full support for the proposal made by the Representative of Portugal.

80. The Representative of Spain upheld the process underway in EAG and HLG and all efforts toward the desired result of a global agreement. As it would be difficult to amend the draft Assembly Resolution at this time, the input from GLADs should be submitted to the next HLG meeting. The Representative of Spain unreservedly supported the GLADs as it was important to have dialogue with all States and endorsed the suggestion by the Representative of Portugal and seconded by others, including Cameroon. Should the GLADs make the same determination as the HLG meeting that paragraphs 7 and 9 of the draft Resolution were the most critical, then they should be the focus of attention. As pointed out by the Representative of Chile, advantage should also be taken of regional meetings to provide comments. Lastly, the Representative proposed that comments arising from GLADs should be circulated to Council Members prior to submission to the HLG meeting.

81. The President of the Council noted that there would be a Council briefing on the results of the GLADs prior to the HLG, which would provide the opportunity to be updated on progress.

82. The Representative of the United Kingdom indicated that it was self-evident to accept the progress made by the HLG in improving the draft Assembly Resolution and agreed with the proposal made by the Representatives of Portugal and Cameroon and others on the text to be submitted to GLADs as it reflected the work already done by the HLG and where there were remaining points of difference, those points were treated equally by providing the hybrid text. The Representative of the United Kingdom was also in agreement with the comments by the Representative of Chile, that there was need for the widest possible dialogue, not just amongst HLG members but also amongst non-members of the group and he supported the need for the second HLG meeting.

83. The Representative of the United States endorsed the comments made by the Representatives of the United Kingdom, Portugal, Cameroon and Chile.

84. The Representative of Singapore thanked those Representatives who had expressed appreciation of his efforts as Chairperson of the EAG. He noted though that without the input, wisdom, support and guidance from all Council Members, the EAG could not have done its work. He also applauded the leadership of the President of the Council in this matter. A lot work remained and Singapore was committed to support the process, in particular, the multilateral and informal consultations to resolve the outstanding divergences in the draft Assembly Resolution. He thanked Mr. Roberto Kobeh for his leadership in the HLG and for the tremendous amount of work done by the group. He also supported the Representatives of Chile, Portugal and others to extend consultations beyond the HLG members and supported the President of the Council and the Representative of Portugal and others to submit to the second round of GLADs the draft Assembly Resolution as set out in Appendix B of the HLB-GMBM oral report.

85. The President of the Council clarified that the proposal by the Representative of Portugal was to present to GLADs a hybrid document of those items accepted by the HLG and where there were concerns, to use the original text of 22 January 2016, as confirmed by the Representative of Portugal.

86. The Representative of Argentina supported the Representatives of Chile and the United Republic of Tanzania to present the draft Assembly Resolution as amended by the HLG to the second round of GLADs.

87. The Representative of Brazil agreed that the second round of GLADs should take place and endorsed the proposal made by the Representative of Portugal to present the hybrid draft Assembly Resolution with the understanding that there was a lack of consensus on many topics so as not to mislead the GLADs in trying to forge a consensus that did not exist.

88. The Representative of Burkina Faso fully supported the intervention by the Representative of Brazil as the need for discussion on every level of consultations was required to achieve the end goal.

89. In preparation for the second round of GLADs, the Representative of South Africa queried whether the lack of reference to aviation at COP21 had to be accounted for at the GLADs given the different views on this. He appreciated the work realized at the first round of GLADs as it gave an indication of States concerns from market distortion and enriched the discussion in the HLG on the concerns from several regions. The Representative of South Africa suggested that second round of GLADs be provided with a complete account of the outcomes of the first HLG meeting as there were some strong views from different regions and the proposal by the President provided a foundation for discussions to bridge the great disparities on a way forward. He supported the interventions made by the Representatives of Mexico, Chile, Portugal, United Republic of Tanzania, Cameroon, among others on the need to reach out to States as the second round of GLADs should focus on the preparations for the HLG meeting. He supported the HLG-GMBM recommendations but in relation to recommendation d), he

proposed that the term “bridging their views” should be replaced by “consensus”, since the former might be perceived as being too neutral.

90. As expressed by the Representative of Burkina Faso, the President of the Council encouraged all those who had views on the draft Assembly Resolution to attend GLADs as it was open to all ICAO Members States and would ultimately assist the Secretariat in avoiding any subsequent misinterpretation of views.

91. In response to the intervention by the Representative of China, the Representative of the Russian Federation indicated that the HLG meeting did not complete discussions on an agreed text and therefore proposed all opinions in the square bracketed text be included in order for GLADs to understand the various positions. In that context, the Representative did not therefore support presenting the original or final HLG text to GLADs.

92. The President of the Council considered the difference of opinions would be better explained by the States themselves.

93. In endorsing the proposals by the Representatives of Portugal, Brazil and Chile, the Representative of Mexico queried whether the proposal by the Representative of China to amend “endorses” to read “notes” in paragraph 13 of the Draft Assembly Resolution had been agreed.

94. The President of the Council considered the proposal did not have any impact on the operative clause as the more important aspect was the request to Council, with the technical contribution of CAEP, to complete its work to which the Representative of Mexico agreed.

95. In relation to the second round of Global Aviation Dialogues (GLADs) to be held from 20 March to 8 April 2016 in five regional venues in order to familiarize participants from Member States with the draft Assembly Resolution as well as the proposals contained, the Council reaffirmed that these were being held for the benefit of all Member States and their active and open participation was to be encouraged.

96. In relation to the draft Assembly Resolution that should now be the basis for further consideration, including at the GLADs, the Council was unable to complete its consideration of this, and so consequently it was agreed to defer further consideration until the Thirteenth Meeting of this session on Friday, 11 March 2016.

97. The meeting adjourned at 1305 hours.

APPENDIX B TO HLG-GMBM ORAL REPORT

Draft Assembly Resolution text on a Global MBM (GMBM) Scheme

(A clean version as a result of the first meeting of the High-level Group on a Global MBM Scheme, from 24 to 25 February 2016)

Whereas Assembly Resolution A38-18 decided to develop a global market-based measure (GMBM) scheme for international aviation, for decision by the 39th Session of the Assembly; ***{Existing text from A38-18, paragraph 18}***

Recalling that Assembly Resolution A38-18 requested the Council, with the support of Member States, to finalize the work on the technical aspects, environmental and economic impacts and modalities of the possible options for a GMBM scheme, including on its feasibility and practicability, taking into account the need for development of international aviation, the proposal of the aviation industry and other international developments, as appropriate, and without prejudice to the negotiations under the UNFCCC; ***{Existing text from A38-18, paragraph 19 a)}***

Also recalling that Assembly Resolution A38-18 requested the Council, with the support of Member States, to identify the major issues and problems, including for Member States, and make a recommendation on a GMBM scheme that appropriately addresses them and key design elements, including a means to take into account special circumstances and respective capabilities, and the mechanisms for the implementation of the scheme from 2020 as part of a basket of measures which also include technologies, operational improvements and sustainable alternative fuels to achieve ICAO's global aspirational goals; ***{Existing text from A38-18, paragraph 19 c)}***

Recognizing the significant amount of work undertaken by the Council, its Environment Advisory Group (EAG) and its Committee on Aviation Environmental Protection (CAEP) to develop a recommendation for a GMBM scheme and its design elements and implementation mechanisms, including the analyses of various approaches for distribution of obligations; ***{New text to reflect the work since A38}***

Further recalling that Assembly Resolution A38-18 requested the Council, with the support of Member States, to organize seminars, workshops on a GMBM scheme for international aviation participated by officials and experts of Member States as well as relevant organizations; ***{Existing text from A38-18, paragraph 19 b)}***

Recognizing the convening of two rounds of Global Aviation Dialogues (GLADs) seminars held in 2015 and 2016 for all regions; ***{New text to reflect the work since A38}***

Noting the support of the aviation industry for a single global carbon offsetting scheme, as opposed to a patchwork of State and regional MBMs, as a cost effective measure to complement a broader package of measures including technology, operations and infrastructure measures; ***{Existing text from A38-18 preamble}***

Recognizing that MBMs should not be duplicative and international aviation CO₂ emissions should be offset only once; ***{Based on text from A38-18, Annex paragraph f)}***

Emphasizing that the decision by the 38th Session of the Assembly to develop a global MBM scheme for international aviation reflects the strong support of Member States for a global solution for the international aviation industry, as opposed to a possible patchwork of State and regional MBMs; ***{Reflecting the background for a global solution compared to patchwork of MBMs}***

Acknowledging the principles and provisions on common but differentiated responsibilities and respective capabilities, and with developed countries taking the lead under the UNFCCC and the Kyoto Protocol; ***{Existing text from A38-18 preamble}***

Also acknowledging the principles of non-discrimination and equal and fair opportunities to develop international aviation set forth in the Chicago Convention; ***{Existing text from A38-18 preamble}***

Whereas the Kyoto Protocol provides for different flexible instruments (such as the Clean Development Mechanism — CDM) which would benefit projects involving developing States; ***{Existing text from A38-18 preamble}***

Whereas the UNFCCC COP21 Paris Agreement provides for a new market mechanism to contribute to the mitigation of GHG emission to support sustainable development, which would benefit projects involving developing States; ***{New text reflecting Paris Agreement}***

Welcoming the cooperation between the United Nations Framework Convention on Climate Change (UNFCCC) and ICAO Secretariats on the development of CDM methodologies for aviation; ***{New text on CDM methodologies}***

The Assembly:

1. *Acknowledges* the progress achieved on all elements of the basket of measures available to address CO₂ emissions from international aviation, including aircraft technologies, operational improvements, sustainable alternative fuels and a GMBM scheme and any other measures, and *affirms* the preference for the use of aircraft technologies, operational improvements and sustainable alternative fuels that provide the environmental benefits within the aviation sector; ***{Basket of measures and preference for non-MBM measures}***
2. *Also acknowledges* that, despite this progress, the environmental benefits from aircraft technologies, operational improvements and sustainable alternative fuels may not deliver sufficient CO₂ emissions reductions to address the growth of international air traffic, and to achieve the global aspirational goal of keeping the global net CO₂ emissions from international aviation from 2020 at the same level [, and *also recognizing* that more than 50 States expressed reservation on this aspirational goal]; ***{Recognition of not achieving CNG 2020 by non-MBM measures}***
3. *Emphasizes* the complementary role of a GMBM scheme to the other elements of a basket of measures, as a temporary emissions gap filler to achieve the global aspirational goal, without imposing inappropriate economic burden on international aviation; ***{Complementary role of GMBM to achieve CNG 2020}***
4. [*Decides* to establish] [*Encourages* that ICAO and its Member States implement] a GMBM scheme in the form of the Carbon Offsetting Scheme for International Aviation (COSIA) to address any annual increase in total CO₂ emissions from international aviation (i.e. flights that depart in one country and arrive in a different country) above the 2020 levels, taking into account special circumstances and respective capabilities; ***{GMBM is Carbon Offsetting Scheme for International Aviation (COSIA)}***

5. *Requests* the Council to continue to ensure all efforts to make further progress on aircraft technologies, operational improvements and sustainable alternative fuels be taken by Member States and reflected in their action plans to address CO₂ emissions from international aviation, and to monitor the progress on implementation of action; ***{Further progress on non-MBM measures}***

6. *Acknowledges* special circumstances and respective capabilities of States, in particular developing States, in terms of vulnerability to the impacts of climate change, economic development levels, and contributions to international aviation emissions, while minimizing market distortion; ***{Recognition of special circumstances of States}***

7. *Decides* the use of a phased implementation for the COSIA to accommodate the special circumstances and respective capabilities of States, in particular developing States, while minimizing market distortion, as follows: ***{Phased implementation}***

[a) First implementation phase applies from 2021 to the following:

- 1) States that are classified as high income States in terms of [gross national income (GNI) per capita] in year 2018 (as calculated and published by the World Bank method); or
- 2) States that either have an individual share of international aviation activities in Revenue Tonnes Kilometers (RTKs) in year 2018 above 1.0 per cent of total RTKs, or whose cumulative share in the list of States from the highest to the lowest amount of RTKs reaches 80 per cent of total RTKs;

b) Second implementation phase applies from 2026 to the following:

- 1) States that are classified as upper middle income States in terms of [GNI per capita] in year 2018 (as calculated and published by the World Bank method); or
- 2) States that either have an individual share of international aviation activities in RTKs in year 2018 above 0.5 per cent of total RTKs, or whose cumulative share in the list of States from the highest to the lowest amount of RTKs reaches 95 per cent of total RTKs;]

c) the COSIA does not apply to States which are classified as the Least Developed Countries (LDCs), Small Island Developing States (SIDS) or Landlocked Developing Countries (LLDCs), unless those States meet both criteria 1) and 2) in sub-paragraphs a) and b) above; ***{Exemptions of LDCs, SIDS and LLDCs}***

d) nevertheless, States that are not covered by the provisions in sub-paragraph a) or b) above are encouraged to voluntarily determine to participate in the scheme, in particular those States that are members of a regional economic integration organization; ***{Voluntary participation}***

8. *Decides* that same requirements and rules shall apply to all aircraft operators on the same routes between States in the COSIA with a view to minimizing market distortion, and all international flights on the routes to and from a State that is not included in the COSIA by paragraph 7 above are exempted from the offsetting requirements of the COSIA, but would retain simplified reporting requirements; ***{Minimize market distortion}***

[9. *Decides* that the amount of CO₂ emissions required to be offset by an aircraft operator in a given year from 2021 is calculated every year by multiplying its annual emissions in the given year with the

growth rate of the international aviation sector's total emissions in the given year compared to the 2020 levels;] ***{Distribution with 100% sectoral rate, without adjustments for fast growers or early movers}***

10. *Decides* that a new entrant⁵ is exempted from the application of the COSIA for three years or until the year in which its annual emissions exceed 0.1 per cent of total emissions in 2020, whichever occurs earlier. From the subsequent year, the new entrant is included in the scheme and treated in the same way as the other operators. ***{New entrants}***

11. *Decides* that, notwithstanding with the provisions above, the COSIA does not apply to low levels of international aviation activity with a view to avoiding administrative burden: aircraft operators emitting less than 10,000 metric tonnes of CO₂ emissions from international aviation per year; aircraft with less than 5,700 kg of Maximum Take Off Mass (MTOM); or humanitarian, medical and firefighting operations [; State aircraft vs. flights performed for official mission]; ***{Technical exemptions}***

12. *Decides* that the emissions that are not covered by the scheme, as the results of phased implementation and exemptions, are not assigned as offsetting requirements of any operators included in the scheme; ***{No redistribution of exempted emissions}***

13. *Endorses* the work of the Council, with the technical contribution of CAEP, on the monitoring, reporting and verification (MRV) system, criteria for emissions units to be purchased by aircraft operators, and registries under the COSIA, and *requests* the Council, with the technical contribution of CAEP, to complete its work so as to enable the full implementation of the COSIA from 2020; ***{MRV, EUC, Registries – CAEP recommendations}***

14. *Decides* a three year compliance cycle, starting with the first cycle from 2021 to 2023, within which aircraft operators reconcile their offsetting requirements under the scheme, while they report the required data to a single State authority every year; ***{Compliance cycle}***

15. *Decides the need to provide for safeguards in the COSIA to ensure the sustainable development of the international aviation sector and against inappropriate economic burden on international aviation due to market failure, such as excessive pricing of emissions units or restrictions to carbon market access; where under such circumstances, the Council should intervene to review the COSIA and consider possible means to address these issues; {Cost safeguard}*

16. *Decides* that the design elements of the COSIA apply until the end of 2035, with a periodic review every three years including the need for suspension of the scheme as a result of achieving the global aspirational goals through non-MBM measures, and the cost impact of the scheme such that it may affect the sustainable development of the aviation industry, and a review for any extension of the scheme beyond 2035 is undertaken by end 2032; ***{Duration and Review}***

[17. *Requests* the following actions be taken, with a view to establishing necessary mechanisms for implementation of the COSIA from 2020:

Regarding the implementation of the MRV system,

⁵ A new entrant is defined as any aircraft operator that commences an aviation activity falling within the scope of the scheme on or after its entry into force and whose activity is not in whole or in part a continuation of an aviation activity previously performed by another aircraft operator.

- a) the Council to develop, with the technical contribution of CAEP, the SARPs and related guidance material for the implementation of the MRV system under the COSIA, for adoption by the Council by June 2017; **{MRV rules development}**
- b) all Member States whose aircraft operator undertakes international flights to develop the necessary arrangements for the implementation of the MRV system from 1 January 2018, in accordance with the MRV SARPs ; **{MRV rules implementation}**
- c) the Council to take necessary action to expand the provision of capacity building and assistance for the preparation and implementation on Member States' action plans, in order to accommodate capacity building and assistance for implementation of the MRV system by Member States from 1 January 2018, including organization of seminars and training in all regions from 2017, and facilitation of financial support where needed; **{Capacity building on MRV}**
- d) Member States to build partnerships among themselves to cooperate on the implementation of the MRV system; **{Partnerships on MRV}**

Regarding the Emissions Unit Criteria (EUC),

- e) the Council to develop, with the technical contribution of CAEP, necessary guidance material for Emissions Unit Criteria (EUC) to support the purchase of appropriate emissions units by aircraft operators under the scheme, for adoption by the Council by 2018; **{EUC guidance development}**
- f) the Council to establish, with the technical contribution of CAEP, a standing technical advisory body on the Emissions Unit Criteria (EUC) to support the application of the EUC by Member States; **{Eligible programmes}**

Regarding the establishment of Registries,

- g) the Council to develop, with the technical contribution of CAEP, necessary guidance material to support the establishment of registries under the scheme, for adoption by the Council by 2018; **{Registry guidance development}**
- h) the Council to establish a consolidated central registry under the auspices of ICAO, for operationalization no later than 1 January 2021; **{Central registry establishment }**
- i) Member States included in the scheme at the first implementation phase to develop necessary arrangements for the establishment of their own registries or group registries established by groups of States, in accordance with the ICAO guidance, for operationalization no later than 1 January 2021; **{Registry establishment for 1st phase States}**
- j) Member States newly included in the scheme at the second implementation phase to develop necessary arrangements for the establishment of their own registries or group registries established by groups of States, in accordance with the ICAO guidance, for operationalization no later than 1 January 2026; **{Registry establishment for 2nd phase States}**
- k) the Council to take necessary action to expand the provision of capacity building and assistance for the preparation and implementation on Member States' action plans, in order to accommodate capacity building and assistance for establishment of registries by States, including organization

of seminars and training in all regions from 2017, and facilitation of financial support where needed; ***{Capacity building on Registry}***

- l) Member States to build partnerships among themselves to cooperate on the establishment of their own registries or group registries established by groups of States, and possible pilot implementation; ***{Partnerships on Registry}***

Regarding the governance of the COSIA,

- m) the Council to oversee the functioning of the COSIA, with support provided by the standing technical advisory body and CAEP, as needed, including the review of the design elements of the scheme; ***{Governance}***

Regarding the regulatory framework,

- n) Member States to take necessary action to ensure that the necessary national regulatory framework be established for the compliance and enforcement of the scheme by 2020. ***{Regulatory framework}***]

18. *Requests* the Council to promote the use of emissions units generated from programmes that meet the Emissions Unit Criteria (EUC) and would benefit projects involving developing States by the COSIA, including emissions units generated from the CDM, new market mechanisms or other programmes under the UNFCCC, and *encourages* States to develop aviation-related projects; ***{Further actions on the use of emissions units}***

19. *Requests* the Council to explore further development of aviation-related methodologies for use in offsetting programmes, including mechanisms or other programmes under the UNFCCC, and *encourages* States to use such methodologies in taking actions to reduce aviation CO₂ emissions, which could further enable the use of credits generated from the implementation of such programmes by the COSIA, without double-counting of emissions reduction; ***{Further actions on aviation-related methodologies }***

COUNCIL — 207TH SESSION

SUMMARY MINUTES OF THE THIRTEENTH MEETING

(THE COUNCIL CHAMBER, FRIDAY, 11 MARCH 2016, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Dr. Fang Liu, Secretary General

PRESENT:

Argentina	— Mr. A.J. Dumont	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Bolivia (Plurinational State of)	— Mr. J.G. Soruco	Nicaragua	— Mrs. E.A. Aráuz Betanco
Brazil	— Mr. P. Jardim (Alt.)	Nigeria	— Mr. M.E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Prof. M. Polkowska
Canada	— Mr. J.-B. Leblanc	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. C. Mac-Namara	Republic of Korea	— Mr. J. Hur
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Dominican Republic	— Mr. C.A. Veras Rosario	Saudi Arabia	— Mr. H.A. Abudaowd
Egypt	— Mr. A. Khedr	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. M.D.T. Peege
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. A. Shekhar	United Arab Emirates	— Miss A. Alhameli
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Ms. N. Ueda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Ms. M.B. Awori	United States	— Mr. M.A. Lawson
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mr. R. da Rosa Costa (Alt.)	— Brazil
Mr. M. Delisle (Alt.)	— Canada
Mr. M. Vidal (Alt.)	— Chile
Mr. I. Camino (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. M. Ishii (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. S. Kim (Alt.)	— Republic of Korea
Mr. S. Koh (Alt.)	— Republic of Korea
Mr. D. Subbotin (Alt.)	— Russian Federation
Mr. A. Almoghraby (Alt.)	— Saudi Arabia

SECRETARIAT:

Mr. I. Galán	— D/TCB
Mr. B. Djibo	— D/ATB
Mr. J. Augustin	— D/LEB
Mr. V. Smith	— D/ADB
Mrs. J. Hupe	— DD/ENV
Mr. B. Verhaegen	— SELO
Mr. T. Tanaka	— C/CC
Mr. C. Petras	— LEB
Ms. A. Opolot	— LEB
Ms. O. Bondareva	— LEB
Mr. A. Larcos	— ACC
Ms. A. Tyo	— Précis-writer

Representatives to ICAO

Colombia
Cuba
Ghana
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Paraguay
Turkey

Airports Council International (ACI)
European Union (EU)

Subject No. 50: Questions relating to the Environment

**Report of the Chairperson of the Environment Advisory Group (EAG) –
*Report on the Work of the Environment Advisory Group***

**Report of the Chairperson of the High-level Group on a Global Market-based Measure Scheme
(HLG-GMBM) – *Report on the work of the High-level Group on a Global
Market-based Measure Scheme***

1. The Council resumed (207/12) consideration of these subjects on the basis of Oral Reports presented by the Chairpersons of the Environment Advisory Group (EAG) and of the High-level Group on a Global Market-based Measure Scheme (HLG-GMBM). At the previous meeting, the Council had considered the option brought forth by the Representative of Portugal of a hybrid version of a draft Assembly Resolution, which suggested that this hybrid version be based on the February 2016 version, on the understanding that where the text had been updated and/or improved from the January 2016 version, it would be retained in the new hybrid version. However, where the February 2016 version contained bracketed text that reflected diverging views, the hybrid version would revert to the original text of the January 2016 version.

2. The President of the Council advised that he had been informed by the Representatives of the United States and France that they were in agreement with the proposal made by the Representative of Portugal (cf. paragraph 68 of C-MIN 207/12) and thus their names could be removed from the list of requests to speak. The President recommended that all those in agreement with the proposal made by the Representative of Portugal also withdraw, which recommendation had been followed, reducing the number of requests for the floor from ten to five.

3. Thanking the Chairpersons of the EAG and the HLG-GMBM for their Oral Reports, the Representative of Malaysia stated that although not a member of either the EAG or the HLG-GMBM, he had regularly been in attendance at their meetings, and he applauded the Representative of Singapore for his patience and perseverance in the difficult role of Chairperson of the EAG. Acknowledging as well the role played by Mr. Kobeh in the HLG-GMBM, he recognized the enormous task handled by both Chairpersons. In this connection, the Representative commended Mr. Kobeh on a job well done and offered support to both Chairpersons in their future endeavours.

4. Turning to the recommendations contained in paragraph 3.1 a) to e) of the Oral Report of the HLG-GMBM, the Representative of Malaysia expressed no objections thereto and voiced agreement with the views expressed by the Representatives of Chile, Portugal and Cameroon, among others, while also being in agreement with some of the opinions expressed by the Representatives of China, India, Russian Federation and South Africa. Focusing his comments on item 3.1 b), which sought to further streamline and/or improve the draft Assembly Resolution text, he reminded that the HLG-GMBM was comprised of 18 Members of the Council with equal geographical representation and expressed some concern that inviting the Council to improve or streamline the text of the draft Assembly Resolution could lead to greater complications and extended discussions. Associating his views with those expressed by the Representative of Mexico to await the outcome of the Global Aviation Dialogues (GLADs) prior to further guidance being provided to the HLG-GMBM (cf. C-MIN 207/12, paragraph 62), he offered the suggestion to invite the Council to consider the final draft Assembly Resolution during its 208th Session after consultation with States in upcoming events such as the GLADs meetings, the second meeting of the HLG-GMBM from 13 to 15 April 2016 and the High-level meeting on the Global MBM Scheme scheduled for 11 to 13 May 2016. On item 3.1 c), he supported the presentation of a draft Assembly Resolution text to the second round of the GLADs using as initial text the hybrid version suggested by Portugal which would consist of the HLG-GMBM accepted text while the text in square brackets would

be replaced by the original proposal presented by the President of the Council. He believed that all written comments of all members of the HLG-GMBM should be shared and considered, and requested as a first step that consideration be given to making all documents available to those attending the GLADs prior to the dates of the meetings. He acknowledged the level of technical difficulty of the mechanics of the global market-based measures scheme and shared the concerns raised by South Africa on ways to express the experience on the level of understanding of global market-based measures to those who attended the first round of GLADs in the various regions. In order to promote efficiency he suggested granting access to pertinent documentation through the ICAO portal to give States an opportunity to assess, analyse and seek clarification at meetings. This approach could be of benefit to those States which were unable to attend the meetings, so that at the least they could be familiar with the issues under this Strategic Objective in preparation for the 39th Session of the Assembly.

5. The Representative of Libya thanked the Chairperson of the EAG for his exemplary work and expressed confidence that the issue was now on the cusp of securing results that would meet with the acceptance of all parties. Speaking on behalf of the five MAGHREB States of North Africa, he expressed support for the Oral Report and its recommendations, as well as for the ideas put forth by other Representatives. He was of the belief that the GLADs should be based on consultation between the regions so that headway could be made based on existing progress which would help to achieve recommendations that all the regions could support and that would reflect the views of all 191 States at the next session of the Assembly and be acceptable to all. He advised of his continued pursuit of consensus based on the need to take account of the interests of all regions.

6. Conveying her congratulations for the excellent work of the EAG and the HLG-GMBM, the Representative of Nicaragua expressed her support of the belief that the GLADs should have the greatest possible clarity on the differences of views expressed in the HLG-GMBM on the draft Assembly Resolution. Echoing the suggestion from the Representative of Malaysia, she expressed support for the creation of the GLADs and emphasized the need for two-way feedback as it was essential for States, through participation in the GLADs, to have the clearest possible information from ICAO.

7. The Representative of South Africa expressed his pleasure that the joint statement on climate that was issued by Canada and the United States referenced the work of ICAO. He then read the following statement by China, India, Russian Federation and South Africa:

“JOINT STATEMENT of the People’s Republic of China, the Republic of India, the Republic of South Africa, the Russian Federation on the International Aviation and Climate Change

1. We recognize and appreciate initiatives taken by the President of the Council in his presentation of the draft Assembly resolution.
2. We recognize that climate change is a global concern which all of us need to address with regard to reduction of CO2 emissions by actual action.
3. We also recognize that the 38th Assembly resolution requested the Council to identify the major issues and problems, and to finalize the work on the technical aspects, environmental and economic impacts, and modalities of the possible options for a global MBM scheme, while taking into account special circumstances and respective capabilities of Member States.
4. We note that the Resolution A38-18 requested the Council to report the results of the work done on the technical aspects for GMBM, for decision by it in the 39th Session of the Assembly.

5. We recall that Resolution A38-18 asked the Council to organize seminars and workshops on a global MBM scheme for international aviation, participated by officials and experts of Member States as well as relevant organizations.
6. We note that the first round of GLADs presented a huge variety of views and concerns by Member States regarding the development of GMBM for international aviation, for instance, on issues of administrative simplicity, transparency, environmental integrity, capacity-building and assistance, etc.
7. We also note the report of the EAG which echoed the same concerns on the design of GMBM which were expressed by the participants of GLADs, in relations to environmental integrity, simplicity, cost-effectiveness, differentiation without discrimination, and the need to avoid excessive cost/administrative burdens, as well as consideration on the legal framework, continuous information flow and outreach, capacity-building, transparency, and linkage to States' voluntary action plans.
8. We welcome the Paris Agreement (COP21) and related decisions adopted by the Paris Conference on Climate Change, which is a comprehensive, balanced and ambitious agreement and put in place a global mechanism to deal with climate change centred on the post-2020 Intended Nationally Determined Contributions, reaffirmed commitment to the principle of common but differentiated responsibilities.
9. We reiterated our commitment to work together constructively with other countries on the international and climate change to develop an Assembly resolution, with each country making contribution to the best of its ability, and not to create a regime intending to run counter to the agreement reached in COP21. The resolution to be reached in ICAO shall be in full accordance with the principles of equity and common but differentiated responsibilities and respective capabilities and its implementation shall not lead to discrimination against the sustainable development of international aviation of countries, in particular developing countries. Differentiation between developed and developing countries should be reflected in each crucial component of the resolution.
10. We reiterated that developed countries should take the lead in the post-2020 period, by committing and implementing more ambitious, absolute quantified aviation emission reduction targets while developing countries will enhance their different types of efforts to grow sustainable aviation.
11. We note with concern the reluctance of some of the developed countries to take the lead to reduce their international aviation emissions through tangible actions, and further imposing unilateral actions against global consensus, which has made the aspirational CNG2020 unfounded and non-pragmatic.
12. We concur that a post-2020 enhanced transparency system of action to address international aviation emissions should be built on differentiated arrangements, while providing flexibility to developing countries.
13. We reiterate that the People's Republic of China, the Republic of India, the Republic of South Africa, the Russian Federation will continue to undertake robust actions domestically to conserve the aviation energy and reduce emissions. We highlighted that measures of improved technology and operation, infrastructure construction, sustainable jet bio-fuel, etc., will play a more significant role in facilitating developing countries to grow sustainable aviation.

14. We as the People's Republic of China, the Republic of India, the Republic of South Africa, the Russian Federation hereby wish to inform the Council that our views will be made available as a discussion item during the second round of GLADs in preparation of the second High-Level Group meeting."

8. This statement was supported by the Representative of the Russian Federation who also voiced his support for the suggestion made by the Representative of Malaysia that the draft Assembly Resolution reflect the opinions of the States. In addition, he requested to present for review by the GLADs the text of the Resolution contained in Appendix B to the Oral Report of the HLG-GMBM. Noting that the draft did not contain all of the opinions of the participants in the HLG-GMBM, he queried why the opinions of some States appeared to have been taken into consideration while others had not. For this reason he felt it was imperative that the GLADs be given access to the entire range of opinions. Without this full access, he was of the view that reaching consensus could be challenging. Lastly, he recalled that during the discussions there had been a request to disseminate the information of the HLG-GMBM on the website of the Council, but this information had not yet appeared and he requested clarification on this.

9. Addressing the query from the Representative of the Russian Federation, the Deputy Director, Environment clarified that the decision taken had been to not have a website, but rather to distribute the material directly to participants. She referenced paragraph 2.6 of the Oral Report of the HLG-GMBM which stated that the meeting requested that all the submitted comments during the meeting be shared with the Council Representatives. Apart from that, the only documentation for the meeting was the basis of the draft Assembly Resolution that was attached to the invitation of the meeting and that had been distributed to all the participants. On this basis, it was considered unnecessary to upload this information to the Council website

10. Following further consideration, the Council agreed to take note of the oral report of the Chairperson of the EAG. In this regard, the Council expressed its appreciation for the extensive work that had been undertaken by the EAG and the support that had been provided by the Committee on Aviation Environmental Protection (CAEP) in this process. The Council noted that additional technical analyses would be required to be undertaken by the EAG with the support of the CAEP, especially in relation to monitoring, reporting and verification (MRV), emissions unit criteria (EUC) regulatory framework, registries, and analysis of the impacts of the scheme. In this connection, the Council invited the EAG to continue to seek to progress work in these areas and to provide guidance, as necessary, to the CAEP.

11. In relation to the oral report presented on behalf of the Chairperson of the HLG-GMBM, the Council took note of the progress made in improving the draft Assembly Resolution text on a global MBM scheme. In this regard, the Council expressed its appreciation to the work undertaken by the HLG-GMBM and in particular by the Chairperson.

12. In relation to draft Assembly Resolution on a global MBM scheme, the Council agreed to make no further adjustments to the text at the current stage, but rather to await the outcome of the GLADs and the HLG-GMBM before considering additional amendments and revisions.

13. It was agreed that the version of the draft Assembly Resolution to be considered by the GLADs should be the hybrid version (cf. paragraph 3 above), on the understanding that all Member States should be encouraged to actively participate at the GLADs and be given the opportunity of expressing their views, whether supportive or otherwise, on the draft text. In this connection, the Council re-affirmed that the GLADs would not represent a decision-making element in the process, but rather should be seen as an opportunity to obtain the views and feedback from Member States that are not represented on the

Council. It was also agreed that it was inappropriate for the Secretariat to try and convey or synthesize to the GLADs the differing views of the HLG-GMBM Members where there was no consensus, but rather States are free to attend the GLADs to express their views. It was understood that all the material that would be available for consideration at the GLADs would also be shared in advance with all Council Representatives so that this could also be conveyed to respective members of the HLG-GMBM.

14. The Council also endorsed the suggestion that all members of the HLG-GMBM be encouraged to undertake bilateral and multilateral consultations among themselves, as well as among all 191 Member States, with the aim of bridging the differences in views and in seeking to reach consensus positions. In relation to the second meeting of the HLG, the Council agreed that this should be convened from 13 to 15 April 2016 in ICAO Headquarters in Montréal.

15. The Council also requested the Secretariat to arrange to present the outcome of the GLADs at an informal briefing of the Council, but that this should occur prior to the second meeting of the HLG-GMBM referred to in the preceding paragraph. In this regard, it was understood that the informal briefing would be scheduled on a date that would best facilitate the participation of members of the HLG-GMBM at the said briefing.

16. Finally, the Council also took note of a joint statement delivered on behalf of the Representatives of China, India, Russian Federation and South Africa, which outlined the position of these States vis-à-vis the draft Assembly Resolution and concerns related to the development of a global MBM scheme for international civil aviation. It was further noted that these States reiterated their commitment to work together constructively with all countries in the development of the draft Assembly Resolution and of their intention in this context to actively participate in both the GLADs as well as the second meeting of the HLG-GMBM.

17. The Representative of Japan strongly endorsed the conclusions drawn by the President of the Council on this item since she felt that these would not prejudice the very open and frank sharing of thoughts among the participants in the GLADs. She then requested clarification regarding the distribution of the GLADs material in advance of the meeting and specifically whether all Member States, and not just States represented on the Council, would receive the relevant information.

18. The President clarified his desire that the Council Representatives be aware of what would be taken to the GLADs. He reiterated that at the GLADs the material would be presented to all Member States for their review and comments and outlined that, as had occurred subsequent to the first round of GLADs, from which a number of important issues such as non-discrimination and administrative simplicity had been garnered, views would be captured by the second round of GLADs and the conclusions drawn would thereafter inform the Council's future work. He stressed the importance that all Member States be given the same opportunity to share their views in the second round of GLADs.

19. The President then reminded the Council that the process thus far sprang from a request from the 38th Session of the Assembly, and throughout the evolution of the draft, from the Council's establishment of the EAG, through the creation of the GLADs and the work of CAEP as a result thereof the draft Assembly Resolution had been improved upon by the EAG, and based on advice of the EAG, the Council transmitted it to the HLG-GMBM which further improved the document, and the draft had now evolved to its current state. The comments to be made at the second GLADs would be taken forward to the Council and to the HLG-GMBM. Subsequent to this, a High-level meeting, to which all States would be invited to participate, would take place where consensus would be sought, and the resulting draft would go forward to the 39th Session of the Assembly, which he hoped would adopt a Resolution that would include a package of work to be done in future.

U.S.-Canada Joint Statement on Climate, Energy, and Arctic leadership

20. DD/ENV informed the Council that on 10 March 2016, the President of the United States and the Prime Minister of Canada had issued a joint statement highlighting collaboration between the two countries in the areas of energy development and environmental protection. She took the opportunity to read the following except from this *U.S.-Canada Joint Statement on Climate, Energy, and Arctic Leadership*, statement:

“The leaders express their strong commitment to work together and through the International Civil Aviation Organization (ICAO) to reduce emissions from international aviation by fostering technological and operational advancements, implementing the new carbon standard for airplanes, and adopting in 2016 a carbon offset measure that will allow for carbon neutral growth from international civil aviation. They encourage world leaders to join them in supporting adoption of the carbon offset measure at ICAO’s fall 2016 Assembly.”

21. The President commented that, as had been previously noted, the fact that aviation was not mentioned in the Paris Agreement was a clear testimony to the confidence the international community had in ICAO in handling this matter on all the aspects of the basket of measures. It was now up to ICAO to justify that confidence, as the eyes of the world were upon ICAO to find a solution, based on consensus and compromise among the Member States. He expressed the hope that all would continue to work together to find that compromise and consensus in order to deliver on the assignment that was given to the Council by the 38th Session of the ICAO Assembly.

Subject No. 50: Questions relating to the Environment

Membership on the Committee on Aviation Environmental Protection (CAEP)

22. The Council considered this item under C-WP/14412 (and Addendum No. 1), presented by the Secretary General, which presented the requests from Indonesia and the United Arab Emirates (UAE) to change from observer to member status on the Committee on Aviation Environmental Protection (CAEP). Curricula vitae for the respective nominations of Mr. Yusfandri Gona (Indonesia) and Mr. Khalid Humaid Hassan Abdulah Al Ali (United Arab Emirates) were presented.

23. All speakers voiced their support for the requests by Indonesia and the UAE, and the Representative of the United States added that both States had been active participants in the CAEP process as required and had contributed positively to the CAEP work over the previous CAEP cycles. He noted that even though they had had observer status only, both States had hosted a wide variety of CAEP working groups and task forces, and their change in status was strongly supported.

24. Following consideration the Council agreed to the requests from Indonesia and the UAE for the respective nominations to be given member status on the CAEP.

Subject No. 24.3: Action on Assembly resolutions and decisions

Subject No. 27: Convention on International Civil Aviation (Chicago Convention)

Subject No. 33: Character and working methods of Representative Bodies in ICAO (Council, Committees, etc.)

Draft Assembly working paper – Proposal to amend Article 50 a) of the *Convention on International Civil Aviation* so as to increase the membership of the ICAO Council

Draft Assembly working paper – Proposal to amend Article 56 of the *Convention on International Civil Aviation* so as to increase the membership of the Air Navigation Commission

25. The Council resumed (207/7 and 207/12) its consideration of these matters, subsequent to significant consultation among the Representatives outside the Council chamber with a view to reaching compromise and consensus.

26. In summarizing the conclusion of the consultation process that had been undertaken among Representatives in the intervening period between meetings of the Council, the Representative of the United States informed that in an effort to preserve the principle of action by consensus at the ICAO governing bodies, agreement had been reached among Representatives to provide for an increase in the size of the Council by an additional four seats and an increase in the size of the ANC by an additional two seats. In addition, the United States recommended that in accordance with the resolution and recommendations of Assembly Resolution A38-13 entitled *Composition of the Air Navigation Commission and participation in its work*, the Council request the Working Group on Governance and Efficiency (WGGE) to review the procedures related to the nomination process and selection criteria of the membership of the ANC, taking into account the provisions in Article 56 of the Convention as well as Assembly Resolution A38-13..

27. The Representative of Japan expressed her support for the views put forth by the Representative of the United States on reaching consensus within the Council as this was the fruit of the joint effort by all the regional coordinators and the Representative of the United States. She reminded that the Asia-Pacific grouping was not a regional block, but an informal coordination group, which garnered strength from its variety and resilience. Through a long coordination process, the Asia-Pacific group came to a convergence and accepted the proposal, but at the same time wished to continue to emphasize that the region was under-represented especially in the Council and this under-representation needed to be addressed in the future.

28. The Representative of Saudi Arabia commented that in the desire to achieve consensus he agreed to the proposed increases to the Council and the ANC. He was also in agreement that there should be a complete review of the procedures for the selection of the members of the ANC. While supporting the view that the ANC should keep its technical nature, he pointed out that its membership should reflect the variety of disciplines and expertise required for the work of the Commission and that a balance needed to be struck in the ANC in the representation of different regions because each region had its own characteristics, its own operational needs, infrastructure, concept of operations, aircraft and equipment used, flow of traffic and other characteristics. Therefore, each region had its specific demands and challenges concerning safety and other aspects of air navigation, and these should be reflected in the deliberations in the ANC. For all these reasons, he requested that all these aspects be considered when reviewing the composition of ANC in order to strike the right balance between regions and also provide the necessary expertise and disciplines.

29. Expressing his thanks to the Representative of the United States, the Representative of Nigeria noted that his colleague had actively engaged in the informal discussions that had taken place despite his own views that no increase in the membership of the Council or ANC was warranted. By inserting himself in the discussions however, the Representative of the United States had been instrumental in bringing forth the recommendations now under discussion by the Council. In this context, the Representative of Nigeria fully supported the proposals which had been unanimously agreed by all the

parties especially taking into account that a review by the WGGE would address some of the issues that had been raised concerning the ANC.

30. Thanking all Members for their participation in the consultations, the Representative of Chile was grateful for the agreement reached to enhance the Council and ANC, and offered special thanks to the Latin American group for their ongoing support and advice throughout the consultations. Referring to Assembly Resolution A38-13 as well as other pertinent documentation, he emphasized that the review of the ANC process should cover the full process of nomination, election, and replacement of members and equitable representation of all ICAO regions.

31. Expressing her strong support of the proposal offered by the Representative of the United States and her thanks to all Members of the Council who had been involved in the consultations, the Representative of Portugal expressed that consensus had also been reached on a decision of the Council to a review process to be conducted by the WGGE. She noted that importantly, the review process of selecting members of the ANC would take into account Article 56 of the Convention as well as Assembly Resolution A38-13.

32. The President clarified that by tradition all work regarding rules of procedure had been undertaken by the WGGE. It was one of the reasons why the WGGE had been constituted in a way that was acceptable to the Council. Therefore, it was entirely appropriate that the Council delegate this review assignment to the WGGE.

33. The Representative of Venezuela (Bolivarian Republic of) commented that many State experts were members of State rotation groups, from Latin America, Africa, Europe and the Arab States, and this demonstrated an example of cooperation and equal opportunity. He believed that the practice of State rotation should continue to be encouraged and promoted, and requested that States keep these reasons in mind when ratifying this increase in membership. He was grateful for the efforts made by the regional coordinators, the Representative of the United States and others who took part in the consultations to achieve consensus and reiterated his support for both proposals.

34. Turning to consideration of the draft Assembly Working Paper contained in C-WP/14458 and its action item whereby the Assembly was invited to consider the proposal together with the Council's comments and recommendations thereon, and to approve the two draft Resolutions setting out an amendment to Article 50 a) of the Convention increasing the membership of the Council, and urging Member States to ratify such an amendment, the President pointed out that where the draft Assembly working paper raised the issue of the discussion in the Council, it left this part open for the conclusions of the current meeting and this part would be updated by the Secretariat to convey in a short summary the Council's discussion in the meetings of the 207th Session and to indicate the number of the increase. Appendix C would also be updated accordingly.

35. The Representative of Spain, in reviewing the draft Assembly working paper, opined that in order to facilitate the matter for the Assembly, emphasis needed to be placed on the consensus that had been reached in the Council. In this regard, he raised a request to the Secretariat to revise section 3, in particular paragraphs 3.2, 3.6 and 3.7, and also to consider whether or not Appendix C should include excerpts from the Council Minutes. The idea was that this could be done with a view to making sure the Assembly better understood that this matter had been given serious thought, a decision had been reached by consensus, and there would be subsequent action going beyond the Council's consensus.

36. While assuring that the document presented to the Assembly would include the fact that the Council's decision to recommend an increase of four seats had been reached by consensus, the

President was of the opinion that outlining the views expressed before that consensus had been reached was a two-way street. If it was not clear that varying views had been expressed, States might take the floor at the Assembly to express these views during the Assembly session. On the other hand, if the views were to be presented in the draft Assembly working paper, States could be assured that all views had been considered by the Council ahead of the consensus being reached and those views would not need to be repeated in the Assembly discussion.

37. At the invitation of the President to confirm the history of the process, the Director of Legal Affairs and External Relations (D/LEB) explained that the *Standing Rules of Procedure of the Assembly* required the comments or recommendations of the Council to be communicated to States (cf. *Rule 10*). During the 206th Session when the Council considered this issue, there had been a Council decision (paragraph 15 of C-DEC 206/9 refers) which formed part of the draft Assembly working paper and which, among others things, requested the Secretariat in preparing the Assembly working paper, to take into account that the majority of Representatives supported increasing the size of both the Council and the ANC, as well as the issues raised during the discussion regarding: equitable geographical representation on both bodies; the increasing growth in air transport in each region; giving preference to the use of regional rotation groups as a way to ensure future direct and indirect participation by many more States in the work of the Council and the ANC and thus stemming future requests to enlarge those bodies; the need to ensure efficiency in both the Council and the ANC; and logistics, including how to physically accommodate the envisaged increased number of Representatives and Commissioners in the existing Council and ANC Chambers respectively. Stating that the Secretariat was at the disposal of the Council as to how to proceed, D/LEB stated that in the past, different practices had been followed; in some sessions the Assembly working paper contained the Council Decision itself, whereas other times it contained the summary of the Council Decision. The Secretariat had opted to offer for the Council's consideration a significant amount of material and to leave to the Council's discretion the decision on what to include in the Assembly working paper.

38. The President brought the discussion to its conclusion by stating that a consequential update to the draft working paper would arise from the current meeting. Referring to the comments from the Representative of Spain that reporting on the divergent views could direct attention away from the consensus that was reached, the President expressed the belief that if varying views were outlined, it could still be clearly conveyed that, notwithstanding the varying views, the Council reached the consensus reflected in the proposals. He then requested the Council to permit him to work with the Secretariat to finalize the matter. The exercise would seek to ensure that the said updated working paper would provide delegates to the Assembly with an adequate summary of the points of view that had been aired in the Council in the course of the deliberations on these two items.

39. Accordingly, in relation to the draft Assembly working paper concerning a proposal to amend Article 50 a) of the *Convention on International Civil Aviation Organization* so as to increase the membership of the Council (C-WP/14358), the Council decided to recommend to the Assembly that the size of the Council be increased by four seats. The Council also approved the draft Assembly working paper attached to C-WP/14358, for transmission to Member States as documentation for the 39th Session of the Assembly. It was understood that the text of the working paper would be reviewed and updated so as to take account of the discussions that had been undertaken by the Council.

40. Likewise, in relation to the draft Assembly working paper concerning a proposal to amend Article 56 of the *Convention on International Civil Aviation Organization* so as to increase the membership of the ANC (C-WP/14359), the Council decided to recommend to the Assembly that the size of the ANC be increased by two seats. The Council also approved the draft Assembly working paper attached to C-WP/14359, for transmission to Member States as documentation for the 39th Session of the

Assembly. It was understood that the text of the working paper would be reviewed and updated so as to take account of the discussions that been undertaken by the Council.

41. In addition, in accordance with the recommendations of Assembly Resolution A38-13 (*Composition of the Air Navigation Commission and participation in its work*), the Council requested the Working Group on Governance and Efficiency (WGGE) to undertake a comprehensive review of procedures related to the nomination process and selection criteria of the membership of the ANC, taking into account related issues such as the desire for every region of the world to be represented. The WGGE was requested to report to the Council at a subsequent session on the results of this review.

Subject No. 13: Headquarters premises

**Report of RHCC – Progress achieved by the Committee on Relations
with the Host Country (RHCC)**

42. The Council had for consideration an Oral Report presented by the Chairperson of the Committee on Relations with the Host Country (Representative of Malaysia), which outlined discussions held during its eighth meeting on 27 January 2016 and the progress made on several pending issues.

43. In relation to the revised draft proposal of the new Understanding with Quebec, the Secretariat confirmed that this had been received from the Quebec authorities on 16 February 2016 and was currently being analysed. It was understood that a meeting with the authorities of Quebec would be scheduled in the near future to conduct a full review of the draft proposal, prior to it being submitted to the RHCC and Council. It was anticipated that this was tentatively scheduled to occur during the 208th Session.

44. In relation to the issuance of entry visas from Canada for national delegates to attend ICAO meetings, and for visiting family members/friends, it was indicated that 874 from 876 visa-related requests made in the course of 2015 had been granted and that the reasons for the two cases of refusal were provided separately to the applicants. In this connection, it was suggested that the Delegation of Canada be contacted by Representatives about any related concerns, including the case of relatives who are minors in instances where they are invited to Canada and for whom certain financial guarantees are to be provided.

45. Regarding the issue of CD licence plates, it was noted that 39 out of 58 delegations had provided the requested information on plate numbers to the Legal Affairs and External Relations Bureau (LEB). It was re-confirmed that this information was collected in relation to possible snow removal operations and that there was no intention to transmit this to any external entity.

46. In relation to the long-standing issue of paucity of indoor car parking spots in the ICAO garage for use by resident national delegations, it was understood that the Bureau of Administration and Services (ADB) was responsible for this issue and would, if necessary, provide a briefing to the RHCC on the existing arrangements.

47. The Representative of Canada indicated his delegation's intention to arrange a briefing session with the Police of Montreal so as to address questions from the resident national delegations on traffic-related issues. It was understood that the said briefing would be scheduled to occur during the final week of April 2016.

48. The Council noted the information provided, the update that was provided by the Chairperson/RHCC and the update that was provided by Canada.

Subject No. 13: Work programmes of Council and its subsidiary bodies

Work Programme of the Council and its Committees for the 208th Session

49. The Council considered this item on the basis of C-WP/14406, presented by the President of the Council and the Secretary General; and an oral report thereon by the Working Group on Governance and Efficiency (WGGE) (Representative of Saudi Arabia).

50. The Chairperson of the WGGE reported that at its second meeting of the current session the WGGE met in its expanded form, and he highlighted the following outcomes of the meeting. First was a request that the ICAO Programme for Aviation Volunteers (IPAV) be presented to the Technical Cooperation Committee (TCC) prior to its consideration by the Council. Secondly, with respect to the description in Item 11 in Appendix A – Draft Assembly working paper – United Nations 2030 Agenda – Sustainable Development Goals (SDGs) the WGGE noted that, as highlighted in discussions in the Finance Committee, it had not been accurate to state that ICAO's work programmes and activities were in support of the UN SDGs. The WGGE therefore recommended that the text of the description in Item 11 of Appendix A be reviewed and redrafted to place the SDGs, as they relate to ICAO's work programmes and activities, in their proper context. Thirdly, the report of the Evaluation and Internal Audit Office (EAO) on Consultants had been considered. In its first meeting of the session, the WGGE had discussed this subject and had recommended that more detail be provided to the Human Resources Committee (HRC) on the status of consultants at ICAO before reporting to the Council. The fourth point was to suggest the addition of a briefing on the outcome of the GLADs. With regard to the proposed Industry Briefing the WGGE asked that the global heads of the industry organizations be invited to the briefing. Lastly, during the discussion in this session on the overall preparatory work for the Assembly, the Council had requested a briefing on the expected outcomes from the Executive Committee and various Commissions of the upcoming Assembly. In relation thereto, the WGGE added an item to the briefing list to be presented in the 208th session.

51. The President thanked the Chairperson of the WGGE for the report and advised that all its requests would be noted, while attempting to ensure that not more than one briefing would be done during the Council phase given the heavy workload ahead. The Strategy Planning Group was also considering dates within the Council phase for the purpose of the Council Off-site Strategy Meeting (COSM). He advised that an update would be provided on this matter in due course.

52. The Secretary General welcomed the report of the WGGE as it related to the Work Programme of the Council and its Committees for the 208th Session. While discussing further ways to enhance the efficiency and effectiveness of the organization, including the Assembly, the WGGE had requested the Secretariat on a voluntary basis to consider whether there could be any efficiency gains in consolidating Assembly working papers that addressed the same issues. The Secretariat had identified two items in Appendix A and submitted for consideration by the Council the deletion of Item 9, Draft Assembly working paper – ICAO World Aviation Forum (IWAFF), and Item 18, Draft Assembly working paper – Council President Awards, since the information contained therein could be captured in Item 8, Draft Assembly working paper – The ICAO No Country Left Behind (NCLB) initiative. The Secretariat agreed with the WGGE's advice with regard to the description of UN SDGs contained in Item 11, and informed that the description had been revised and would be submitted to the Council. With regard to the consideration of the Policy on Consultants by the HRC, the Secretariat had provided additional information and was prepared to provide more, if so required.

53. The Council noted that the following supplementary items would be added to its Work Programme for the 208th Session as a result of decisions that it had taken during the current session, and that the consequent changes would be made to the Work Programme of the relevant Committees:

- a) a revised ICAO Civil Aviation Training Policy (cf. C-DEC 207/2);
- b) a methodology related to an analysis of training results obtained from training organizations and TRAINAIR PLUS Members (cf. C-DEC 207/2);
- c) a methodology for measuring the performance of the GAT Office using applicable key performance indicators (cf. C-DEC 207/2);
- d) a revised draft Assembly working paper on the ICAO Comprehensive Aviation Security Strategy (ICASS) (cf. C-DEC 207/3);
- e) a draft Assembly working paper on the Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa (AFI SECFAL Plan) (cf. C-DEC 207/3);
- f) a working paper detailing a mechanism by which high-level meetings will inform post-2016 Assembly sessions (cf. C-DEC 207/3);
- g) a working paper containing a review with recommendations on the mandatory age of separation and consequential amendments to *The ICAO Service Code* (cf. C-DEC 207/7);
- h) an information paper on the United Nations Compensation Review for Professional and Higher Categories (cf. C-DEC 207/7);
- i) a paper on a review of the *ICAO Framework on Ethics* (cf. C-DEC 207/7);
- j) a working paper on the term of appointment for the post of Chief, Evaluation and Audit Office, which would include consequential amendments to *The ICAO Service Code* (cf. C-DEC 207/7);
- k) an oral report by the WGGE on the work undertaken in reviewing the Charter of the Evaluation and Audit Office, the EAO mission, role, reporting lines, and resource requirements (cf. C-DEC 207/7);
- l) a report on the ICAO Corporate Key Performance Indicators (KPIs) (cf. C-DEC 207/10);
- m) a revised draft Assembly working paper containing a proposed Council Resolution on Women, incorporating updated text as well as a revised draft resolution (C-DEC 207/10);
- n) a paper containing proposed options for the Draft Budget of the Organization for 2017, 2018 and 2019, which would be in addition to the draft Assembly working paper on the proposed draft Budget of the Organization for 2017, 2018 and 2019, which was already reflected in the Work Programme for the next session, with the understanding that it was only the first of these two items that would also be considered by the Finance Committee before being presented to the Council, whereas the second item had already been considered by the Finance Committee (cf. C-DEC 207/11); and
- o) a draft Assembly working paper containing a consolidated statement of continuing ICAO policies and practices related to environmental protection related to a Global Market-based Measure scheme.

54. Subject to the amendments recorded above, the Council approved its Work Programme for the 208th Session set forth in Appendix A to C-WP/14406. In addition, the Council approved the Work Programme for the 208th Session of the Air Transport Committee (ATC), Joint Support Committee (JSC), Finance Committee (FIC), Committee on Unlawful Interference (UIC), Technical Cooperation Committee (TCC), Human Resources Committee (HRC), and Committee on Relations with the Host Country (RHCC), presented in Appendices B to H to the paper.

55. The President reminded that arising from the discussion in the Council and based on proposals made by a number of Representatives, the Council agreed to give to the President the responsibility to discuss with the Chairpersons of the Committees, the Vice-presidents, the Chairperson of the WGGE and the Strategy Planning Group (SPG) whether to revise the scope of one of the Committees, in order to be able to consider emerging issues, some of which had been raised in the course of deliberations in this Council session. Following that consultation, the President asked that the Council

leave in his hands the decision on whether to report to the Council during the 208th Session or in a subsequent session as well as the decision on whether to bring to the Council directly or to refer to one of the Committees some of the items that still required clarification.

56. The Representative of Australia welcomed the comments made by the Secretary General on the consolidation of some Assembly working papers and expressed her thanks for the presentation of the long list of additional items. Referring to the item on the term of appointment of the Chief of the Evaluation and Audit Office, and a possible Oral Report on the work of the Sub-group that reviewed the EAO mission, she advised that work had been completed and oral updates had been provided to both the HRC and the WGGE. That work, which potentially will lead to changes to the EAO Charter and some other comments on matters relevant to the EAO role, had been referred to the Evaluation and Audit Committee (EAAC) and discussions would be taking place about those proposed changes. While it would be possible following that process to consolidate the material into a working paper, she was conscious of the upcoming heavy workload for the 208th Session, and suggested that the matter be finalized and deferred to the following session in the form of a working paper. This suggestion was noted by the Council.

57. The Representative of South Africa requested the addition of a briefing on COSPAS-SARSAT and emergency locator transmitters (ELTs). Given the issue of Annex 12— *Search and Rescue* on COSPAS-SARSAT and ELTs and the disappearance of Malaysian Airlines flight MH370, he was of that opinion that this serious matter deserved due attention.

58. The request from the Representative of South Africa for a briefing was supported by the Representative of Cameroon. In his experience, the situation with Annex 12 required the implementation of safety management provisions, and this should be a concern of the Council. He felt that Annex 12 was causing difficulties in many countries and, particularly in the African region, there were many issues related to Annex 12 that required clarification because this Annex went beyond civil aviation and sometimes required other areas in the State to be involved. He believed that the members of the Council needed to have a larger overview of this Annex.

59. Support for the request from the Representative of South Africa was also voiced by the Representative of Malaysia, who recognized the importance of ELTs and of COSPAS-SARSAT and the safety issue which was of concern regarding the disappearance of flight MH370. The Representative of Malaysia also supported the suggestion from the President to leave in his hands, in tandem with the Secretariat, how best to schedule the briefing on ELTs and COSPAS-SARSAT.

60. The Representative of Spain mentioned that he had in the past also voiced concerns over the issue of the malfunctioning of ELTs, and therefore he supported the request for a briefing thereon. On another note, he wished to reiterate his comments on the need when consolidating documents for the Assembly for the Secretariat to identify Information Papers, which did not by their nature require action. The Assembly should discuss items contained in Working Papers where action would need to be taken, rather than Information Papers. He was of the opinion that this would rationalize the process in the run-up to the 39th Session of the Assembly and for subsequent sessions. Turning to the scheduled briefings, and in particular to the State of the Industry briefing, he noted that during the 38th Session of the Assembly, the Directors of IATA, ACI and many other bodies were invited, but there was insufficient time to engage in discussion with them on the important issues that came under their purview. Therefore he requested the Secretariat to prepare this briefing in such a way that an effective dialogue with industry representatives on these issues could take place. The Council noted these comments.

61. The President expressed his agreement on the importance of the ELTs issue and looked to the Council for guidance on the possibility of making room on the agenda for a briefing on ELTs by having it replace the briefing on the TRIP programme.

62. In relation to the informal briefings to take place at the next session, the Council noted that the following subjects would be considered: TRIP Strategy; State of the Industry; Electronic Voting System; Outcome of the ICAO Global Aviation Dialogues (GLADs); ICAO Communication Strategy; and Expected outcomes from the Executive Committee and the various Commissions of the 39th Session of the Assembly.

63. In relation to the proposed informal briefing on the State of the Industry, the Council requested that sufficient time be allocated for an exchange of views to occur between the Council and the Representatives of the aviation industry who would be in attendance. In this regard, the Council understood that this informal briefing should take place as much as a dialogue between participants.99999

Any other business

Appointment of an Alternate Member on the Air Transport Committee (ATC), Finance Committee (FIC), and Committee on Unlawful Interference (UIC)

64. The Council approved the appointment of Mr. Sang-wook Koh as Alternate to Mr. Jin Hur, Representative of the Republic of Korea, on the ATC, FIC and UIC, with immediate effect.

Activities during the recess

65. The President informed the Council of the missions that he would be undertaking in the coming months which were: Abu Dhabi from 15 to 17 March, at the invitation of the Government of the UAE, to address and attend the ICAO/UNOOSA Symposium and to meet with high-level government and aviation officials, and Dubai on 18 March to attend a Strategic Planning Workshop; Beijing from 20 to 25 March, at the invitation of the Government of China, to meet with high-level government and aviation officials; Lagos and Abuja from 26 March to 2 April, at the invitation of the Government of Nigeria, to meet with high-level government and aviation officials; Windhoek from 4 to 8 April, at the invitation of the Government of Namibia, to attend the High Level Ministerial Conference on Aviation Security and Facilitation and to meet with high-level government and aviation officials.

Council meeting

66. Representatives were informed that the Council would be convened during the Committee phase of the 208th Session, on 20 April 2016, in order to consider an oral report of the *Second meeting of the High-level Group on a Global Market-based Measure Scheme (HLG-GMBM)*, which was scheduled to be held from 13 to 15 April 2016. It was understood that this would enable the timely distribution to States of the textual changes to the Draft Assembly Resolution in advance of the *High-level Meeting on the Global MBM Scheme*, which would be held from 11 to 13 May.

67. The meeting adjourned at 1200.

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