
ICAO

International Civil Aviation Organization

COUNCIL — 202ND SESSION

Montréal, 9 June — 23 June 2014

**SUMMARY MINUTES
WITH SUBJECT INDEX**



2014

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COUNCIL — 202ND SESSION**SUMMARY MINUTES OF THE FIRST MEETING****(THE COUNCIL CHAMBER, MONDAY, 9 JUNE 2014, AT 1430 HOURS)****OPEN MEETING**

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Mr. Raymond Benjamin, 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.L. Vieira (Alt.)	Nigeria	— Mr. M. E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Dr. M. Polkowska
Canada	— Mr. M. Allen	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. W.H. Celedón	Republic of Korea	— Mr. Choi, D.
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. Mahmoud	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. L. Mabaso
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. P.N. Sukul	United Arab Emirates	— Capt. A. Al Hamili
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Mr. T. Koda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Mr. M. Adan (Alt.)	United States	— Mr. J.L. Novak (Alt.)
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mr. J.C.F. da Silva (Alt.)	— Brazil
Mr. P. de Moraes Jardim (Alt.)	— Brazil
Mr. C. Bühler da Silva (Alt.)	— Brazil
Mr. D.A. Dueñas (Alt.)	— Chile
Mr. M. Millefert (Alt.)	— France
Ms. M. Furuhata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. Kang. M. (Alt.)	— Republic of Korea
Mr. D.V. Subbotin (Alt.)	— Russian Federation
Mr. A. Almoghaby (Alt.)	— Saudi Arabia
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Ms. N. Graham	— D/ANB
Dr. Fang Liu	— D/ADB
Mr. I. Galán	— D/TCB
Mr. J. Augustin	— D/LEB
Mr. R. Bhalla	— C/FIN
Mr. J. Weich	— DD/HR-ADB
Mr. H. Gourdji	— DD/MO-ANB
Mr. M. Fox	— C/OPS
Mrs. N. Abdennebi	— C/EAP
Mrs. L.M. Comeau-Stuart	— C/POD
Mrs. K. Balram	— C/SEA
Mr. A. Opolot	— LEB
Mr. A. Philbin	— C/COM
Mr. M. Leitgab	— ADADB
Mrs. J. Zorbas	— JF
Mr. A. Larcos	— ACC

*Part-time

Representatives to ICAO

Colombia

Cuba

Ethiopia

Greece

Indonesia

Morocco

Mozambique

Peru

Turkey

EU

Opening of the Session

1. The President of the Council extended a warm welcome to Council Representatives attending the 202nd Session. In doing so, he noted that once again during this session the Order of Business would be issued on a weekly basis so that it would present an overview of items to be considered for each week. For purposes of efficiency however, it was explained that the order of items at each meeting might be altered depending on time constraints.

Welcome to new Representatives on the Council

2. On behalf of all Council Representatives, the President extended a warm welcome to Mr. Alberto Juan Dumont, the newly-appointed Representative of Argentina, as well as to Mr. Hazim A. Abudaowd, the newly-appointed Representative of Saudi Arabia.

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

Schedule for consideration of items during the 202nd Session

3. The Council noted the meeting schedule for the 202nd Session presented in the President's memorandum PRES OBA/2281 dated 1 April 2014, for which there had been no changes since its issuance.

4. The Council also noted the schedule for the consideration of items during the 202nd Session of the Council as set out in the President's memorandum PRES OBA/2301 dated 20 May 2014, subject to the following changes:

- a supplementary item "Review of Addendum/Corrigendum to the Report of the Twenty-fourth meeting of the Dangerous Goods Panel" (C-WP/14178 refers), had been included in the Work Programme for this session, as indicated in the e-mail message from the President of the Council, which was dated 22 May 2014;
- the Working Group on Governance and Efficiency (WGGE) would present an oral report on its consideration of the item "Review of the composition of the Standing Committees of the Council";
- the item "New template for electronic regional air navigation plans and related amendment procedures", would now be presented as "New regional air navigation plan (ANP) template and procedures for amendments" (C-WP/14174 refers);
- the item "Needs, dates, agenda, and administrative arrangements for the High-level Safety Conference (2015)", would be now be presented as "Proposal for the convening of a second High-level Safety Conference on Planning for Global Aviation Safety Improvement" (C-WP/14155 refers); and
- the item "Environment Advisory Group (EAG) – Progress report", would now consist of two working papers: an action paper that would request the Council to consider and take decisions on recommendations of the EAG, and an information paper (in English only), which would provide the Council with a summary of the discussions of the EAG.

events being planned in Montréal, the President acknowledged the need to contain any cost implications for everyone involved and it was for this reason that it was not currently envisaged that an invitation would be issued to all Member States since this would necessitate a significant and probably unwarranted travel commitment on the part of many.

12. At the conclusion of its consideration of this item, the Council decided that:

- a) the 70th Anniversary theme for 2014 should be realized through a combination of theme proposals one and three, namely: *Celebrating Seven Decades of Cooperative Air Transport Progress* and *Celebrating 70 Years of the Chicago Convention*;
- b) in the future a specific anniversary theme be developed every five years, and that a new theme be adopted for the full four-year period between anniversaries;
- c) in order to align anniversary themes with the actual year of the anniversary, they would henceforth be adopted on the 7th of December of the previous year; and
- d) the Secretary General be requested to seek the cooperation of States and appropriate international organizations in celebrating International Civil Aviation Day.

Subject No. 17.1: Joint financing agreement with Iceland

Subject No. 17.5: Joint financing agreement with Denmark

Recommendations of the Joint Support Committee related to items under the Danish and Icelandic Joint Financing Agreements reviewed during the 202nd Session

13. This subject was documented for Council consideration in C-WP/14140, presented by the Chairperson of the Joint Support Committee (JSC).

14. In his introductory statement, the Chairperson of the Joint Support Committee (Representative of Japan), indicated that the JSC was recommending to the Council that it approve the implementation of a new software function in the Integrated Situation Display System, which was aimed at optimizing flight profiles. This project had been presented to the user community at the most recent User Consultation Meeting held in Copenhagen in August 2013. The proposed capital expenditure was estimated at approximately USD 500,000 with 94 per cent of the cost being allocated to international civil aviation and recovered through the user charge for air traffic control services.

15. At the conclusion of its consideration of this item the Council approved the action recommended in the Executive Summary of JS-WP/1999 [subparagraphs a), b) and c)], as indicated in paragraph 2 of C-WP/14140.

Subject No. 41: Rules of procedure of the various representative bodies in ICAO

Review of the composition of the Standing Committees of the Council

16. The Council considered this item on the basis of an oral report from the Chairperson of the Working Group on Governance and Efficiency (WGGE), which had reviewed the Standing Committees of the Council and considered various options as regards their composition.

17. In his introductory statement, the Chairperson of the Working Group on Governance and Efficiency (Representative of China), noted that the WGGE had reviewed the composition of the Standing Committees of the Council in the course of four meetings at which it analyzed the current membership of the Committees and considered various options as regards the composition, particularly of the Air Transport Committee (ATC), Finance Committee (FIC), Human Resources Committee (HRC), Joint Support Committee (JSC), Technical Cooperation Committee (TCC), and the Committee on Unlawful Interference (UIC).

18. The Chairperson indicated that the majority of the members of the WGGE were of the view that the problem to be solved, which would require changing the composition of the Committees, had not been clearly articulated. In the circumstances, it was considered that any specific concerns could be resolved through rotational arrangements organized by the regional groupings. The WGGE therefore had agreed to recommend to the Council to make no changes to the rules governing the composition of the Standing Committees of the Council. However, some members of the WGGE had felt that consideration could be given in the future to open membership of the Committees for all Council Representatives on a voluntary basis but to limit the number of membership of Committees each Representative could hold.

19. The Representative of Venezuela (Bolivarian Republic of) indicated that his delegation had on a previous occasion (C 200/1) expressed concerns about the composition of the Standing Committees and the need to achieve a fairer balance of representation between Member States. He observed that some States appeared to be represented on most of the Committees whereas other States had only minimal representation. When the proposal had been made to review the composition of the Standing Committees, the whole Council had agreed to this review (C-DEC 200/1). The Representative expressed the view that it was important in this regard to ensure that all States elected to the Council had the same rights, opportunities and privileges, and that no one State or group of States have a dominant position, by being overrepresented.

20. Therefore, the Representative believed that there should be equitable participation on the Council Standing Committees to ensure their effectiveness. He acknowledged that sometimes historical practice becomes the norm over the years but that the Council should not accept the idea that there was an “inherited membership” on some of the Committees for some States with no prospect for change. This would not be within the spirit of the Chicago Convention.

21. In relation to the rotational arrangements organized by the regional groups, to which the oral report of the WGGE referred, the Representative noted that his region appeared to have one of the lowest participation rates of all with about three Committees per State. Venezuela (Bolivarian Republic of) itself was represented on only two Committees, with one of these being the ATC, which in any case under the existing arrangements was open to all Representatives. In the present circumstances, it was difficult for some States, such as his, to negotiate positions on the Committees on a rotational basis.

22. In concluding his remarks, the Representative urged the Council to ensure that all Representatives had the same rights to participate on the various bodies of the Council so that Committee membership would be equitable. If Council decided to maintain the status quo, that would effectively result in discrimination against certain States that did not have sufficient representation on the Committees. The Representative therefore proposed that the President of the Council use his good offices to meet with those States that would like to be on more Committees with the aim of achieving a better balance between the States. This exercise should also aim to establish criteria for the appointment of members to the Committees.

23. In outlining the position of the ABIS Group, the Representative of Portugal indicated that it was important for her rotational group to be represented on the Finance Committee (FIC). In doing so, she noted that the ABIS Group was the fifth largest contributor to the ICAO budget, representing 5.36 per cent of the total of

the scales of assessment whereas there were currently some members of the FIC that contributed less than one per cent of the budget. The current composition of the Finance Committee represented 67.23 per cent of the scales of the assessment for the triennium 2014-2016 but only six of the FIC members represented individual contributions of higher than four per cent. Seven of the FIC members represented 14.14 per cent of the scales of assessment with contributions of between 1 per cent and 4 per cent, while the remaining four members representing only 1.7 per cent of the scales of assessment with contributions of less than one per cent. According to this analysis it was possible to conclude that the smallest contributors to the ICAO regular budget had a low level of participation in the FIC.

24. The Representative also noted that presently, over 70 Member States were represented by a Council Representative who is also a member of a rotational grouping. That represented more than one-third of ICAO Member States. Only one member of a rotational grouping is currently a Member of the Finance Committee. Given the need to ensure that the membership of the Committees delivered a gender and geographical balance, it could be seen some of the Committees were unbalanced in geographical terms. Certainly it was the case that the smallest financial contributors were not well represented on the FIC. In conclusion, the Representative expressed support for the idea that the size of the FIC as well as the membership of other Committees be expanded so that all Council Representatives had the same right to participate in the different Committees.

25. The Representative of the Russian Federation emphasized that his delegation had always been opposed to the idea that the membership of the Committees should be restricted. He cited the Air Transport Committee as an example of a Committee that was open to all Council Representatives and yet worked well despite the larger membership size. He supported the principle of ensuring geographical balance on the Committees and in doing so referred to an informal analysis that had been drafted by the Delegation of Japan, which had concluded that in order to ensure fair geographical and regional balance, each Committee needed to have at least 16 members. There should be no restrictions on the rights of Council Representatives to participate on the Committees and the Representative expressed hope that the Council would arrive at a satisfactory resolution of this issue during the current Council session.

26. In agreeing that the current arrangement for the composition of the Council Committees needed reviewing, the Representative of India expressed the view that certain countries felt underrepresented on certain Committees. In the circumstances, it was important to develop a mechanism that would deliver a fairer outcome when composing the membership of the Committees. It was clear that the WGGE had genuinely attempted to arrive at some better options, as was indicated in its oral report, but that there were not necessarily any easy options in this regard. Therefore, the Representative supported the proposal that the President of the Council take on the task of reviewing the current arrangement with a view to possibly developing some criteria by which membership on the Committees could be allocated, including the possibility of expanding the size of the Committees if necessary, to achieve a better balance.

27. The Representative of Norway indicated that he did not have any complaints in relation to the Committees, including in relation to their current working arrangements or the advice that they provided to the Council. Nor did he perceive there to be a problem with the current composition of the Committees. In his view, they all seemed to be adequately fulfilling their responsibilities and presenting useful advice to the Council. At the same time he fully understood and respected the reasons why some Council Representatives wished to be on some of the Committees, not only because of their own distributed competence but also, due to their contribution to aviation in general, and ICAO specifically. It could be seen that the Committees provided Council Representatives with a chance to contribute to and influence issues before they come to the Council and he did not wish to restrict that possibility. He would prefer the possibility of retaining a certain future dynamic on the Committees and this was an option that was certainly open to the Council.

28. The Representative observed that the President of the Council had the power and credibility to evaluate nominations to the Committees and decide in these matters, whether alone or in consultation with others, including the Working Group of Governance and Efficiency, if he so chose. In the circumstances, the Representative supported the proposal for the President of the Council to review the current Committee arrangements. The Representative expressed full support and confidence in the President in this matter and he was prepared to fully respect the outcome of this review.

29. In emphasizing the importance of taking into account the issue of equitable geographical distribution, the Representative of Bolivia (Plurinational State of) stated that it was important to ensure that all States had the opportunity to contribute to the work of the Committees and by extension, the work of the Council. He noted that in some of the Committees, there were States that were represented for which aviation was an important sector, whereas there were other States represented on the Committees in which the aviation sector was not as significant. In this context, it was important to strike a balance and be aware of the differences between States. This would facilitate a better and more equitable outcome.

30. The Representative was a strong believer in greater transparency in such matters and so he thanked the Representative of Portugal for the additional and highly relevant information she had provided in her earlier intervention. In essence, the Representative believed that if the Council could arrive at an outcome in which all States could contribute to the work of the Committees for the greater development of air transport, no matter how much money one was putting into the system, then this would better serve the Council. He urged the Council to work together in resolving this issue now and not to delay in finding suitable outcomes.

31. The Representative of the United Arab Emirates aligned herself with the previous interventions of Venezuela (Bolivarian Republic of), Portugal, Russian Federation, and Bolivia (Plurinational State of). In doing so, the Representative noted that no State from the Arab Region was currently represented on the Finance Committee and it would therefore be important to examine the criteria for the composition of the Standing Committees. The Representative expressed her support for the proposal that the President of the Council informally work to resolve the issue.

32. Speaking in his capacity as a Council Representative and not as Chairperson of the WGGE, the Representative of China expressed support for the right of Representatives to participate in the work of the Committees on a voluntary basis, which would create the possibility for all Representatives to participate in all the Committees if they so desired. The Representative observed that although the WGGE had been unable to reach consensus on this idea of voluntary participation in the Committees, he nevertheless would support the President of the Council in his efforts to achieve a satisfactory resolution of this issue in collaboration with Representatives.

33. The Representative of Malaysia expressed support for the proposal outlined in the third paragraph of the oral report by the WGGE, concerning making better use of the rotational arrangements organized by the regional groupings. Whatever the final resolution of this issue, the Representative felt that it was important to arrive at a fair and just solution that reflected equal geographical representation. He supported the President of the Council in his efforts to achieve consensus and was confident that this would help to deliver an outcome that would be fair and just.

34. In expressing support for the idea of opening up the membership of the Standing Committees to all Council Representatives, the Representative of the United States cited the example of the Air Transport Committee (ATC) as a model, in which all Representatives had the right to participate and which appeared to all intents and purposes to be working well. Given that some Council Representatives wanted to participate on

some Committees on which they were currently not members, he suggested that the membership of the Committees be therefore opened up to all Representatives. In this context, one option could be for the WGGE to consider this specific option and then report to the Council on the practicalities involved. In general terms though, since the ATC already served as a workable model, the Representative was of the view that there would be no apparent reason why this could not be replicated for the other Committees as well.

35. In recalling that the Air Transport Committee (ATC) was unique among all the Standing Committees given its specific role as enshrined in the Chicago Convention, the President of the Council observed that the ATC could not necessarily be used as a direct example for comparative purposes. Nevertheless, he concurred with the previous interventions that had noted that the ATC had been working well as a Committee despite its larger membership size. In his time as a member of the ICAO Council however, the President had observed that even though the ATC comprised all Council Representatives, most of the interventions that were made on issues discussed in the ATC, were in many cases subsequently repeated when the same items were brought to Council. One would have expected that with all Representatives being present at the ATC when discussing an issue, that once a Committee recommendation was presented to the Council, the final decision would be easier to approve, but this had not been his experience. Indeed, the President of the Council observed that in most instances when a Council Representatives makes an intervention in the Council on some issues, it is only to repeat the same comments that he or she previously made at the ATC.

36. The Representative of Nicaragua expressed support for the proposal from the US that the membership of the Committees be opened up to all Council Representatives so that those who wished to do so had that option before them. She emphasized the need for the Council to arrive at a resolution that was fair and equitable to everyone and she would support the President in his efforts to informally try and arrive at a consensus resolution of this issue.

37. In emphasizing the importance of maintaining a workable size for the Standing Committees, the Representative of the United Kingdom observed that given the WGGE had met to discuss this issue on four separate occasions was an indication of how difficult it had been to arrive at a satisfactory and workable solution. He noted that the Committees existed for a reason and that it was not always easy to find the right balance on these matters. It was important for a Committee to be small enough to enable focused and detailed debate, where members could participate more than once, and if necessary, in order to genuinely thrash out a problem so as to make a coherent recommendation to the Council. Of course in attempting to achieve a fair and equal representation on the Committees, one option could be that all Council Representatives had the option to be on all the Committees. However, he would have serious reservations about extending the membership of the Committees in this manner since it could lead to Committees with 36 members where everything was discussed twice in exactly the same terms, first at the Committee and then at the Council. In that case, the Representative wondered whether it might not be just as appropriate to abolish the committee structure altogether and simply take all issues to the Council. This would represent the logical extension of any idea to open the Committees to everyone, but clearly would not be the most practical option.

38. In the circumstances, the Representative supported the proposal that the President of the Council attempt to informally resolve any particular grievances that individual Representatives might have with regard to the participation of particular States. He would prefer this rather than requesting the WGGE to hold yet another round of meetings, which might prove to be equally inconclusive. In the course of the President's informal consultations, the Representative suggested that President exercise some discretion in assessing what would represent a genuine grievance or sense of unfairness in regard to the composition of the Committees. He noted that there would always be a certain level of unevenness in the representation on the Committees because it would never be possible to please everyone.

39. The Representative also observed that the United Kingdom was itself not overly represented on the Committees but he for one would not perceive this to be a grievance since ultimately all the Council Representatives had to be prepared to compromise for the sake of the effective functioning of the Council. He would not be demanding additional representation for his country even though he noted that certain countries, including the European countries elected under Part One of the Assembly Session elections, were indeed slightly underrepresented. In this context, the Representative would not support a complete restructuring of the committee structure until it was clear as to the problem that was required to be resolved.

40. The Representative of Singapore cautioned against opening up the membership of the Committees too much since this would lead to them becoming inefficient in their functioning. On the other hand, he certainly recognized that current arrangements were unsatisfactory. In the circumstances, the Representative proposed that the Council consider selectively increasing the size of some of the Committees. He also expressed his full support for the President's informal efforts to try and resolve this issue and achieve a consensus outcome. He was confident in the President's ability in this regard.

41. In acknowledging that this was a difficult issue to resolve, the Representative of Italy nevertheless observed that despite the complexities, the Council should make every effort to arrive at a solution given the extent of dissatisfaction that existed in the current arrangements. He observed that some of the proposals that had been raised thus far in the debate were worthy of further consideration and on behalf of his delegation, he expressed his commitment to work together with all Council Representative so as to arrive at a suitable resolution of this issue.

42. The Representative of Mexico observed that there were some legitimate grievances that had been aired by Council Representatives in the course of the consideration of this issue. In trying to find satisfactory options to resolve the issue, the Representative recalled that it was important for the Council to bear in mind the reasons why the Committees had been created in the first place. In this context, the Committees had been established to facilitate the Council's work so if the membership of the Committees was opened to all Representatives with no limitations, then this would endanger the efficient functioning of the Committees. He recalled that this may have occurred in the past and he cited as an example, the issue of the environment that had until recently been part of the mandate of the Air Transport Committee (ATC). By any objective analysis, it had proven difficult to deal efficiently or effectively with this issue within a group of 36. If all Committees were opened to all 36 Representatives, then it would be possible to conclude that the Committees were not necessary and that the Council simply met as a whole to deal with all items. Therefore, the Representative cautioned against opening the Committees up to all Council Representatives since it would result in the Committees ceasing to function in the way that had originally been intended.

43. The Representative indicated that if the intention was to facilitate Council's work, then consideration could be given to increasing the size of some of the committees but this would require careful analysis including consideration of the relevant rules and implications. In addition, there might be cost implications of expanding the size of the Committees. For instance, there were some Committees where interpretation services in all languages was not provided, which would necessitate a change. He urged the Council to keep these considerations in mind before making any decision on this issue. In concluding, the Representative expressed his support for allowing the President the opportunity to informally consult with Council Representative with the aim of achieving a consensus resolution. The Representative expressed full support and confidence in the President's ability in this regard.

44. The Representative of Spain noted that for his part, he regularly participated in Committee discussions of items where he had an interest in a particular issue, even though he might not have been a member of that particular Committee. On these occasions when he participated as an Observer, he had never encountered any

difficulties in doing so. Even though this option was open to all Council Representatives, he stated that it would nevertheless be necessary to try and resolve this issue to the satisfaction of all.

45. The Representative expressed the view that in general terms it would be important to retain some flexibility when it came to the structure of the Committees. This would include taking into account the need to retain a size that would be efficient while delivering a fair balance of all considerations. This might be 12 or 15 or 20 members but ultimately, the efficiency of any particular committee would be in the hands of the person chairing a committee and coordinating the discussions. In his assessment, the number of members on any particular Committee was not the most important factor in the work being carried out. In that context, the Representative endorsed the efforts of the President to try and informally resolve the issue and achieve a consensus outcome that would be supported by the Council.

46. The Representative of Japan expressed support for retaining the current membership size of the Committees in order to ensure their effective and efficient functioning. Expanding the size of the Committees by too large a number might not necessarily be the most optimal solution. Nevertheless, in giving consideration to expanding the size of any Committees, this could be considered for all except the Joint Support Committee (JSC), which had a unique function. In general terms though, the Representative was not in favour of expanding the size of the Committees since the evidence was already before the Council of the way in which the ATC had been unable to effectively deal with environmental issues, which were eventually moved onto the recently established Environment Advisory Group (EAG). In the circumstances, the Representative expressed support for the efforts by the President to try and find a consensus solution that would help to resolve this issue and be acceptable to all Council Representatives.

47. In acknowledging that there were good arguments for and against expanding the membership size of the Committees, the Representative of Australia indicated that any solution that dealt with the grievances of the current Council would in fact prove to be only a temporary solution since the Representatives on a new Council would have different preferences and desires on the issue of which Committees they wanted to participate in. This meant that the issue would keep coming back to the Council as a recurring problem unless a formal mechanism was established that clearly established a set of rules that was understood and accepted by everyone. In addition to reviewing the size of the Committees, this might include placing limits on the number of Committee memberships and how long a Council Representative could be a member of a Committee for any one time before there was a requirement for a rotation. There could be a range of related rules such as these.

48. In agreeing with the Representative of Spain, the Representative of Australia recalled that over the years she had held no qualms about going to a Committee meeting as an Observer and participating in the discussions even though she was not a member of that Committee. Nevertheless, she acknowledged that there was an inherent difference in being a member and being an observer so she understood that this would not necessarily represent a solution to the concerns that had been expressed.

49. The Representative of Germany indicated a preference for the proposal outlined by the United States that would lead to the membership of the Committees being opened up to all Council Representatives if they so desired. As far as he was concerned, he had no desire to participate in all the Committees. However, opening up the Committees, with the exception of the Joint Support Committee, to all Council Representatives would eliminate all the grievances that had been aired in the past about the composition of the Committees. This would also eliminate the need to justify whatever composition was being proposed for any particular Committee. This option could be trialed for a period of time and then assessed as to its effectiveness as a new arrangement for the composition of the Committees. If it proved unsatisfactory, then the decision could always be revisited.

50. As to the idea that a set of rules might help to resolve this issue, the Representative doubted that this would prove to be a satisfactory solution in the long-term. As an example he cited the rules for Panels, which supposedly limited their size to a membership of between 15 and 25 in order to make them more workable. However, in many instances, these meetings were conducted in the presence of more than 150 Observers, which was clearly counterproductive.

51. In expressing support for the earlier intervention of Venezuela (Bolivarian Republic of), the Representative of the Dominican Republic also welcomed the proposal outlined by the WGGE in their oral report, which in paragraph three proposed that one option to resolve the issue of the size of the Committees might be to make greater use of the rotational arrangements organized by the regional groupings. If a State or group of States wished to participate in the work of a particular Committee, then it always retained the option of working through its regional grouping to do so. The Representative expressed confidence that an acceptable solution to the Council could be found to resolve this issue.

52. The Representative of France emphasized that the Committees played a useful role in filtering the discussions on issues before they were presented as recommendations to the Council for decision. In that context, the size of the Committees ought to be kept small so that they could meet as often as needed, and so that they could work in more detail on issues. There were some strong arguments in favour of retaining smaller Committee sizes, which were not really related to equitable geographical representation or other related considerations. The Representative doubted that the ATC model should be replicated for the other Committees since this was a special case.

53. The Representative also cautioned the Council that in expanding their size, there would also be a need to consider how to rationalize the work of the Committees so as to avoid a repetition of discussions since clearly, there would be broader implications for the functioning of the Committees. Nevertheless, the Representative would support the efforts of the President in trying to find a consensus solution to this issue especially as yet another discussion in the WGGE would not necessarily be productive at this point.

54. In agreeing that it would not necessarily be the best outcome to have all 36 Council Representatives on all the Committees, the Representative of Egypt indicated that this would prove unproductive and would merely lead to discussions that had taken place at a Committee being repeated at the Council. The Representative proposed that one option could be for all the Committees to comprise of 18 members and it would be their recommendations that would be the focus of consideration when items were subsequently brought to the Council. As with other previous interventions, the Representative expressed support for any efforts that the President might undertake informally to try and resolve this issue.

55. The Representative of Nigeria observed that many of the interventions that had been made thus far in the debate were similar to those arguments that had been presented during the consideration of this issue by the WGGE. Although not a member of the WGGE, the Representative had participated as an Observer in the consideration of this issue. In the circumstances, the Representative expressed support for any efforts that the President might undertake in order to informally reach a consensus solution that would prove satisfactory to everyone.

56. The Representative of Burkina Faso expressed concern that even though he had followed the debate thus far, he remained unclear as to what the problem was that was requiring resolution. He reminded the Council that all Representatives had been elected with a universal mandate and whether a particular country was represented or not, both the Council and the Committees were obligated to strive towards the best outcomes for international civil aviation. If something was not working in the most optimal fashion, then the Council was required to assess what needed to change and to respond accordingly. If that resulted in a change to the structure of the

Committees then it would need to be so as to achieve a viable and productive solution for the good of ICAO. He urged the Council to work together in resolving this matter and if a particular Council Representative wished to participate in the work of a Committee, then there should be nothing that prevented him or her from doing so. Council Representatives should work through their regional groupings to draw attention to particular topics of relevance but in the overall scheme, the Council should not be distracted or deviate from its global mission.

57. In concluding the discussion, the President of the Council observed that the WGGE had met on four separate occasions to discuss this item and yet, had been unable to resolve the issue. One of the positive aspects of the problem that he had welcomed had been that there were clearly quite a number of Council Representatives who were willing to work within the Committee structure to alleviate the work of the Council. At this stage, he was not prepared to open the Committees to all Council Representatives as this might prove counterproductive. In any case, it remained true that all Council Representatives retained the right to attend any Committee that they were interested in and participate as Observers in those discussions. In reality the main difference between a Member and Observer of a Committee was that the latter had no right to participate in any votes taking place on the Committee but he noted that in his many years of experience, there had never been any votes taken at the Committee level that he could recall. He acknowledged that if the Committees were open to everyone however, there was the risk, albeit small, that on certain particular issues there would be an insufficient turnout to some meetings so it would therefore be important to continue appointing Committee members rather than issuing a general non-binding invitation to everyone.

58. The President declared himself ready to accept the challenge of attempting to informally consult with Representatives with the aim of finding an acceptable consensus solution to this issue. To that end, he indicated that he would later that day issue a formal written invitation to the Council inviting expressions of interest on which Committees all Representatives wished to participate in. Responses would be required no later than 12 June to enable sufficient time for this item to be brought back to the Council before the conclusion of the current session. In that context, the President encouraged Representatives to consult among themselves and within the regional groups, if necessary, so as to reach agreement on which Committees Representatives were wishing to participate in. The President also encouraged those Council Representatives who felt that they were serving on too many Committees, to wherever possible, relinquish that membership to accommodate other Representatives who wished to serve in that particular capacity.

59. The President recalled that both the Joint Support and Finance Committees had a predetermined membership size and that in the case of the former, there were certain unique requirements that needed to be taken into account. It was also the case that the Joint Support Committee conducted its meetings in one language only and that the issues that came before it were primarily of concern only to a select group of States. The composition of the Human Resources Committee included the three Vice-Presidents and a number of Members nominated by the President. The Unlawful Interference Committee and the Technical Cooperation Committee had around 13 to 20 members. For the purposes of this discussion, the Working Group on Governance and Efficiency and the Environment Advisory Group were not part of the consideration and nor was the Edward Warner Award Committee, which met for the most part for only two or three times per year.

60. In essence, the further consideration of this item would focus on the composition of four Committees: Finance, Unlawful Interference Technical Cooperation and Human Resources. In relation to the latter, there was an existing Council decision on its composition so there would not be much room for manoeuvre in that regard. Nevertheless, the President undertook to do his best to resolve all outstanding grievances on this issue but in doing so he sought the cooperation of all Council Representatives.

61. With respect to the Finance Committee, the President recalled that the membership of the FIC was fixed between 13 and 17 but that currently there were fewer than 17 members. Increasing the size of the FIC would be

an option but he did not wish to continue that discussion within the Council at this time especially as the whole item would be brought back to the Council in due course in the current Session. In the course of this consideration though the President would consult with the Members of the Finance Committee.

62. In response to a question from the Representative of the United States, the President of the Council clarified that he would shortly be issuing a written invitation to the Council inviting all Representatives to indicate those Committees on which they wished to serve. Based on the responses received, the President would then return to the Council at a later time during the current Session with a proposal for Council consideration on the composition of the Committees. In the course of this short period, the President reiterated that it would be important for Council Representatives to consider relinquishing their membership of any Committee of which they no longer wished to participate in as this would help to free spaces up for other Representatives with a particular interest in the work of that Committee. The President would separately also be meeting with various Representatives to consult directly on this issue with the aim of arriving at a consensus solution that would be acceptable to the whole Council. In the meantime, he once again encouraged Representatives to consult among themselves and within their regional groups in order to offer options that would facilitate a solution.

63. At the conclusion of its consideration of this item, the Council noted that the President would issue a letter (PRES OBA/2307, dated 9 June 2014 refers), inviting all Council Representatives to indicate the names of Members and Alternates wishing to serve on the Joint Support, Finance, Unlawful Interference, Technical Cooperation, and Human Resources Committees, with responses due by no later than 12 June 2014, following which it was understood that the President of the Council would consult with Council Representatives with the aim of achieving consensus and thereafter present the composition of each Committee for the period 2014-2015 for Council consideration in a working paper (C-WP/14164 refers).

Subject No. 42: Technical cooperation

Report of the *Ad Hoc* Working Group on Technical Cooperation Programme Development

64. The Council considered this item on the basis of an oral report from the Chairperson of the *Ad Hoc* Working Group (WG) and an oral report from the Chairperson of the Technical Cooperation Committee (TCC). The WG had been established by the TCC to review and address the reporting requirements of the Technical Cooperation Bureau (TCB).

65. In introducing the item, the Chairperson of the Technical Cooperation Committee (Representative of Malaysia) indicated that during its meeting, the TCC had considered the interim report of the *Ad Hoc* Working Group on Technical Cooperation Programme Development, which was established to review and address the reporting requirements of the Technical Cooperation Bureau (TCB). The Committee had endorsed the expansion of the original scope of the work of the WG and its preliminary conclusions and recommendations on the subjects of “Technical Cooperation Programme’s Contribution to ICAO’s Strategic Objectives”, “Key Performance Indicators”, “Customer Satisfaction Surveys by an External Party”, and “Fall Session Reporting Requirements”. More specifically:

- a) the Committee acknowledged TCB’s commitment to supplement the information available in the Annual Report of the Council with more details on the Programme’s relationship with the Strategic Objectives of the Organization;
- b) it was noted that, for ease of access by the Council, TCB dashboards are now displayed at the opening page of the ICAO Secure Portal and are updated on a quarterly basis, thereby providing the governing bodies with a historical overview of the Programme’s results;

- c) it was appreciated that the *Ad Hoc* Working Group would continue to build on existing Key Performance Indicators with a view to developing appropriate indicators to measure the Programme's impact on the resolution of safety and security deficiencies identified through ICAO audits;
- d) the Committee recognized the benefits of independent customer satisfaction surveys, acknowledging that the Working Group would continue deliberating on the feasibility of engaging a third party for these purposes and that TCB has issued a request for quotation;
- e) recalling that TCB was implementing a Marketing Plan as part of its Management Plan for 2014-2016, the Committee suggested that the public website provide guidance on how to approach TCB for requesting assistance; and
- f) in terms of reporting requirements, the Committee had discussed the recommendation that the financial and operational results portion of the Fall Session report be discontinued in exchange for information of a similar nature to be made available in the Council website.

66. The Council noted that the information that had been presented by the TCC on this item was being presented on an interim basis and that a further report from the Chairperson of the TCC on the conclusions of the *Ad Hoc* Working Group would be presented at the 203rd Session of the Council.

Subject No. 42: Technical cooperation

Report on technical cooperation programme development and update of Administrative and Operational Services Cost (AOSC) income and expenditures for the year 2014

67. The Council had before it information paper C-WP/14143, which was presented by the Secretary General, and a related joint oral report from the Technical Cooperation Committee and Finance Committee, which had considered this item at a combined meeting on 12 May 2014.

68. In introducing the item, 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 C WP/14143, which presented the operational and financial results of the Technical Cooperation Programme for the year ending 31 December 2013, as well as an update of the Administrative and Operational Services Cost (AOSC) budgetary estimates for 2014.

69. The Committees were informed that the Technical Cooperation Programme had a total implementation volume of USD 137.2 million in 2013, which generated a total income of CAD 9.48 million for the AOSC Fund and expenditures of CAD 8.34 million for an excess of income over expenditure of CAD 1.14 million in the AOSC Fund.

70. The Committees acknowledged that, although the Americas region continued to consistently show the largest implementation volume in financial terms, a relative geographical balance existed in terms of the number of States receiving support from TCB as well as in the number of projects executed in each region. The difference in implementation volume stemmed mainly from the type of projects, with the Americas region concentrating mainly on large-scale procurement projects and the other regions in capacity-building projects.

71. It was noted that USD 137.8 million is expected to be implemented in 2014, out of a total programme of USD 309.2 million. The updated forecast showed an estimated AOSC surplus of CAD 852 000 with an estimated income of CAD 9.1 million against estimated expenditures of CAD 8.25 million. Attention was drawn to the increase in consultancy and travel costs. In this regard, the Committees were informed that two consultants were being recruited to assist in the automation of project management and related processes, and that TCB had initiated the implementation of a broader marketing plan, which would require increased visibility on the part of TCB and representation in regional meetings.

72. In conclusion, the Chairperson of the FIC informed the Council that the Committees had congratulated TCB for the progress achieved, especially in the last two years, in stabilizing the programme's performance and the AOSC Fund results. In view of the expected implementation volume for 2014, combined with the marketing efforts to enhance and strengthen the technical cooperation programme, members of both the FIC and the TCC were encouraged by the direction that TCB was taking.

73. By way of supplementary information, the Director of the Technical Cooperation Bureau (D/TCB) informed the Council that as of 31 May 2014, the implementation rate stood at just over USD 50 million. This was USD 14.3 million higher than at the same time in the previous year. On this basis, D/TCB indicated that the prospects for 2014 were positive. D/TCB also confirmed that the TCB dashboards on the website had now been updated so as to reflect the information as at the end of May 2014.

74. The Representative of Spain welcomed the positive results that had been presented by both the Chairperson of the FIC and the Director, Technical Cooperation Bureau (D/TCB), which he perceived to have exceeded expectations. In particular, he welcomed the stabilization that had occurred in the technical cooperation programme. One area that the Representative indicated that he would continue to monitor would be in relation to the need to achieve a regional balance in the programme, not in terms of the number of contracts that are awarded but in terms of the volume. In this regard, he was aware of efforts currently being undertaken to address this, especially in Africa. The Representative indicated that it would also be important to continue to monitor the overall technical assistance efforts for any deficiencies that might be identified as a result of safety and security audits, since these would require the Council to respond accordingly in the future, if required.

75. In relation to the information paper that had been presented (C-WP/14143), and specifically section 3.2.2, which dealt with technical assistance, the Representative of the Russian Federation observed that this referred to only two projects. He requested that in the future when this item was presented to the Council that it would be more useful if the information presented on this point could be elaborated on by providing more details on the volume of funds expended for individual projects and what the sources of funding were for each project.

76. In welcoming the healthy state of the technical cooperation programme, the Representative of Argentina emphasized that this seemed to confirm that the programme was now on track and that the funds were being well-managed. His only concern at this point would be if forced attempts were made in order to achieve a more balanced outcome in terms of the implementation volume across the different regions. The Representative indicated that there were certain regions that, for unique reasons, required specially targeted projects, which in other regions might not be as necessary.

77. On a related point as the previous intervention from Argentina, and in expanding on his earlier intervention on this item, the Representative of Spain indicated that the technical cooperation programme had greater potential in the implementation of a broader range of projects but that some States might not currently be aware of the usefulness of the programme, which meant that there might be underutilization of the programme in some regions.

78. The Representative wondered whether there might be a need to disseminate more information in the regions about the potential of the programme so as to increase project activity in certain regions. It was of course understood that each region had its own specific needs but the intention in this case would be not so much to affect any perceived imbalance in project activity across the regions but rather to raise levels of awareness as to the possibilities of the programme. The Representative noted for instance, that some regions had a greater interest in procurement whereas others might have a need to respond effectively to identified safety and security deficiencies.

79. In relation to the same issue and any perceived imbalance between the regions in terms of the implementation of projects, the Secretary General explained that whenever he or the President of the Council undertook missions, they always took the opportunity to outline the role of TCB, in relation to the implementation of the strategic objectives of ICAO and specifically in terms of assistance and technical cooperation. Indeed, during his last four missions that he had undertaken in Africa, the issue was a feature of his discussions with the relevant authorities. In three of these, the country involved had requested assistance from TCB, primarily in relation to strengthening their expertise and capability. In all cases, this was considered to be essential given it would help strengthen oversight capabilities of specific projects. This level of assistance did not involve large amounts of money but it was important to the particular State making this request. In general terms larger projects are related to procurement, for instance, in terms of certification of a new airport. Nevertheless, the Secretary General emphasized that the distinction between the number of projects in any given region and the amount of money that is expended in a different region should not be seen as an important factor. Rather, what was important was the number of countries where TCB was involved, in one way or another, to the benefit of a particular country.

80. In relation to the projected programme implementation for 2014, the Representative of the United Republic of Tanzania expressed concern that the forward estimates presented in C-WP/14143 suggested a decrease in the volume of expenditure in the African region of around USD 13.5 million.

81. In relation to the list or roster of ICAO experts and field personnel that are used for the technical cooperation programme projects, the Representative of Venezuela (Bolivarian Republic of) wondered whether it would be possible to circulate this list to the Council as he was concerned that a high percentage of these experts appeared to come from only a handful of countries. In this regard, he perceived that there was an unequal distribution of nationalities with about 60 per cent of the experts coming from a specific country.

82. In response, the Director, Technical Cooperation Bureau (D/TCB) explained that the list could be made available since it was possible to identify from which countries experts were being drawn. He noted however, that when it came to recruiting experts, many different factors needed to be taken into account. For instance, ICAO always attempted to select an expert from the same region where a particular project was to be implemented. This was because it usually meant that the expert was more likely to be familiar with the region and in addition, this helped to reduce the costs since it would obviously be less expensive to use experts from within the same region as where the project was being implemented. Nevertheless, it was not always possible to select an expert on this basis. It was also necessary for ICAO to assess an expert's qualifications and to select the one that would be most appropriate for a specific project. ICAO always attempted to conduct the selection process in a thorough, fair and transparent manner. D/TCB also noted that the roster of experts was constantly changing and for that reason any list that was circulated would be merely be a snapshot at a given moment in time.

83. In concluding the discussion on this item, the President of the Council took the opportunity to encourage Council Representatives to encourage their Member States to submit the names of suitable experts for inclusion on the roster and to pursue this option in consultation with the Technical Cooperation Bureau.

Subject No. 7: **Organization and personnel**
Subject No. 46: **Recruitment policy**

Revision of the ICAO Service Code

84. The Council considered this item on the basis of C-WP/14166, which was presented by the Secretary General, and a related oral report from the Chairperson of the Human Resources Committee (HRC).

85. In introducing this item, the Chairperson of the Human Resources Committee (Representative of the United Arab Emirates) indicated that at their meeting the Human Resources Committee (HRC) had considered C WP/14166 and the amendments presented therein to *The ICAO Service Code*, which aimed at introducing a maximum time frame for the recruitment process and to limit all appointments to D-1 level posts to a maximum of two terms.

86. The HRC had discussed the proposal for a maximum recruitment time frame of twelve months, from advertisement to appointment decision for a post. During consideration of this issue, the Secretariat had explained that a noticeable improvement in the recruitment timelines had been made and that further improvements would be envisaged with a new or enhanced e-recruitment system. It was understood that a 120 day recruitment timeline, as recommended by the Joint Inspection Unit, was the target for the United Nations system. The HRC had requested the Secretariat to make continuous efforts to further improve recruitment timelines with the aim of reaching this target, while recognizing the need for longer recruitment timelines for D-1 and D-2 level posts in ICAO, which require the involvement of the HRC and the Council.

87. After further consultation, the HRC had agreed to endorse the proposal for a maximum recruitment time frame of twelve months in *The ICAO Service Code*, but had suggested that targets be added or key performance indicators for the current triennium to reflect a maximum recruitment time frame of seven months for D-1 and D-2 level posts as well as five months for P-5 level posts and below. The HRC had also agreed that a recruitment process should remain active for twelve months from the date of the appointment decision, so as to allow, when required, for the selection of another candidate to the post within this period.

88. During its discussion of the proposed amendment regarding the service limit of two terms for all D-1 level posts, the HRC also took note of the position of the ICAO Staff Association. The HRC had agreed to revise the proposed text for Staff Regulation 4.20 in C-WP/14166, Appendix A, to reflect that exceptional consideration could be given for a further extension beyond the two terms for D-1 level staff other than D-1 Regional Directors, on the basis of satisfactory performance and upon recommendation of the Secretary General, and with the express approval of the Council.

89. The Representative of India welcomed the report from the Human Resources Committee and expressed his support for the recommended amendments that had been proposed. He noted that he had attended the HRC meeting as an Observer when these issues had been discussed and had found himself to be in total agreement with the reasoning given in support of the amendments.

90. In relation to the proposed 120 day timeline for the recruitment process as recommended by the Joint Inspection Unit (JIU), the Representative noted that this had first been raised in 2012, which meant that some considerable time had already elapsed in taking action in this regard. Indeed, the Representative felt that given the time lapse, action in adopting the JIU recommendations should have already been taken, possibly during the 200th Session of the Council in November 2013. In the circumstances, the Representative suggested that the Council consider the introduction of timelines for taking action in the implementation of JIU recommendations.

On previous occasions , including at the HRC meeting, the Representative had taken the opportunity of noting that similar practices existed elsewhere across the United Nations system and he invited the Secretariat to ensure that it would keep the Council informed on such matters with a view to taking prompt and appropriate action as necessary.

91. In likewise noting the importance of the Secretariat taking action to respond to the recommendations of the Joint Inspection Unit (JIU), the Representative of Spain observed that it would be important in implementing the 120 day time frame for the recruitment process to identify appropriate key performance indicators that could be applied in conjunction with the process. The Representative wondered whether it might not be more worthwhile to determine how these targets would be met before agreeing to the 120 day time frame.

92. Separately, in relation to the proposed new text for Regulation 4.8: “recruitment process for all posts shall be completed within twelve months from the date of issuance of the vacancy notice to the date of the appointment decision. Should the appointment decision not be taken within this twelve-month time frame, the post should be re-advertised following established procedures”, the Representative sought clarification on the circumstances in which this would apply. He wondered whether this new text might not require some elaboration so as to make it clear as to the circumstances under which this would be applicable.

93. In relation to the latter point raised by the Representative of Spain, the Director, Bureau of Administration and Services (D/ADB) explained that the reference to a twelve month time frame for a recruitment process to remain active resulted from the discussions that took place during the meeting of the HRC. At the time it was understood that this measure would only be required to keep active a particular recruitment process. D/ADB noted that for instance, there had been occasions where a selected candidate had been appointed to a post but suddenly, due to various reasons, had decided against taking up the post. When this occurred during this period of time, the Secretariat was always able to recommend to the Secretary General that the next ranked candidate be selected for consideration. The new text in Regulation 4.8 sought to address such situations.

94. In relation to the issue of key performance indicators or targets to be met in the recruitment process, D/ADB indicated that for D-2 and D-1 level posts, which required a seven-month recruitment time frame, as well as for P-5 level posts, which required a five-month recruitment process, the Secretariat would always aim to meet these targets. At the present time, these targets are being met within a range of about 80-90 per cent of the time. D/ADB indicated that it was hoped that once the new e-recruitment system was implemented at the beginning of 2015, this would help deliver better results in meeting the targets that had been set. On the latter, D/ADB indicated that she would like to return to the Council at a future session to provide more information on the implementation of the new system and the results being achieved.

95. In response to the Representative of Malaysia who wondered whether the proposed new text of Regulation 4.21 might not require additional clarification to avoid any potential confusion especially with regard to the precise meaning of the extension of a contract of a D-1 staff member being made on an “exceptional basis” subject to “satisfactory performance”, the Director, Bureau of Administration and Services (D/ADB), explained that this new text was based on the recommendations from the HRC and reflected the Committee discussion. She explained that the proposed new text introduced three conditions for any extension of a contract being offered. Firstly, this would be subject to satisfactory performance. Secondly, it would require a recommendation from the Secretary General. Thirdly, all such extensions would need the approval of the Council.

96. In response to the Representative of India who sought information on whether a previous Council decision (C-200) concerning the adoption of new rules concerning the implementation of a six-month waiting period for applications from secondees and consultants, the Director, Bureau of Administration and Services

(D/ADB) indicated that action had already been taken in this regard and that an updated Administrative Instruction had been issued accordingly to reflect this change.

97. By way of elaborating on the new rules that would apply to D-1 level posts, the Secretary General explained that the practice which he had followed in applying the same provision for D-2 level posts as well as for D-1 Regional Directors, had been that extensions were only to be granted on an exceptional basis, and then only for a six-month period. It was always understood that any such extensions, rare as they were, would only be granted upon completion of satisfactory performance. The Secretary General recalled one case where he had granted a twelve-month extension but this was truly exceptional as it related to the particular individual fulfilling certain requirements vis-à-vis pension entitlements and the applicable retirement age. He noted that in any case, all extensions were subject to Council approval.

98. In relation to the issue of a maximum time frame within which a recruitment process ought to be completed, the Representative of the United Kingdom stated that the introduction of targets would undoubtedly help to facilitate this process. In an ideal world, the Representative hoped that the targets could have been even more ambitious. Nevertheless, for an aspirational over a non-binding target, ICAO should at least attempt to aim for the JIU recommendations as a matter of good practice. Once the new process was under way for a year or so, the Representative suggested that the Council could take the opportunity to review its operation and to consider whether the attainment of even more ambitious targets would be possible.

99. In relation to the issue of extension of contracts for staff at D-1 level posts, the Representative thanked the Secretary General for his previous intervention as it had helped to clarify some of the concerns he had in relation to how extensions were to be applied on an “exceptional basis”. The Representative also expressed doubt as to the linkage of extensions on an “exceptional basis” to the completion of “satisfactory performance”. He noted that the latter term was somewhat redundant as this was the standard that should in any case be the norm for staff. It seemed obvious that any staff member that had not deemed to have achieved a level of “satisfactory performance”, would not be offered an extension. On the basis he proposed that these words be deleted from the proposed new text of Regulation 4.21.

100. In observing that the oral report by the Human Resources Committee had referred to the position of the ICAO Staff Association, the Representative of Germany sought elaboration on what this position had been in relation to the proposed new regulations. Separately, the Representative also questioned the value of the adjective in the phrase “express approval of the Council”, in the proposed new Regulation 4.21 since in his view “express” was somewhat redundant in this context. Finally, the Representative wondered when the new regulations would become applicable. He had recalled that there had recently been a recruitment process commenced for several D-1 level posts in the Secretariat and so he wondered whether the new regulations would apply in this instance.

101. In response, the Secretary General explained that given that the Council had already taken a decision in relation to the two-term limit for D-1 level posts (C-DEC 201/7, paragraph 16 refers), the draft regulations being presented for Council consideration at this meeting merely sought to update *The ICAO Service Code* so that it would be consistent with the Council decision that had already been taken. In relation to the position of the ICAO Staff Association, the Secretary General assured the Council that it had been involved in lengthy discussions on these issues and that its position had been to oppose the adoption of any such rules for a variety of reasons. The Secretary General noted that some of the reasons had been valid, while others less so, but in the circumstances of a pre-existing Council decision (C-DEC 201/7, paragraph 16), the issue had already been pre-determined.

102. In relation to the third point that had been raised by the Representative of Germany, the President of the Council agreed in the proposed new Regulation 4.21, that the word “express” should be deleted from the phrase “...with the express approval of the Council”.

103. In response to a question from the Representative of the United Arab Emirates who sought clarification on the meaning of the term “satisfactory performance” as it appeared in proposed new Regulation 4.21 and the mechanism by which this would be evaluated in order to grant an extension of a contract, the Director, Bureau of Administration and Services (D/ADB) explained that for all extensions of staff contracts, a pre-existing system was already in place whereby the supervisor would undertake an evaluation of a staff member’s performance. This would be the basis by which consideration would be given to granting an extension of a staff member’s contract.

104. By way of supplementing the information that the Director, Bureau of Administration and Services (D/ADB), had provided, the Secretary General added that in seeking the Council’s approval in the granting of an extension he would always clearly specify what the “exceptional basis” to justify this decision. It would of course go without saying that extensions would be sought only for staff members who had delivered satisfactory performance in their work. The Secretary General noted that there might of course be other reasons for the granting of an extension, such as in order to enable a staff member to complete a task that required his/her ongoing presence for a further six-month period. Indeed, there were other exceptional circumstances that arose from time to time, but whatever the circumstances, the Council would always be informed before any approval was sought.

105. In relation to the concerns expressed in the implementation of a two-term limit being imposed for D-1 level posts, the Chairperson of the Human Resources Committee, recalled that the ICAO Staff Association had been concerned that this might prove to be a disincentive for younger staff members, who might therefore leave the Organization, which of course would be counterproductive.

106. In welcoming the general thrust of proposed amendments that had been proposed by the Human Resources Committee, the Representative of France nevertheless wondered whether the proposed new text in Regulation 4.8, which aimed at ensuring that a recruitment process would be completed within a twelve-month time frame, did not require further elaboration so as to remove any possible ambiguity as to the intent.

107. In also welcoming the proposed amendments that had been proposed by the Human Resources Committee (HRC), the Representative of Australia as a participant during the HRC meetings, recalled that there had been quite a healthy and extensive level of discussion on all the issues requiring consideration. In relation to the proposed new text at Regulation 4.8, which aimed to ensure that a recruitment process would be completed within a twelve-month time frame, the Representative expressed her total support for this objective. In relation to the proposed new Regulation 4.21 and the granting of extensions of contracts on an “exceptional basis”, the Representative wondered whether it might not be worthwhile to indicate that there could only ever be the granting at most of a twelve-month extension. In relation to the concerns expressed by the ICAO Staff Association, the Representative noted that even when a staff member had reached the limit of their two terms at the D-1 level, that individual always retained the right to apply for other positions elsewhere in the Secretariat so that the Organization would continue to benefit from the staff member’s expertise and abilities, albeit, in another position.

108. In response to a question from the Representative of Mexico concerning the number of extensions that are currently being granted and the maximum number of extensions that can be given, the Director, Bureau of Administration and Services (D/ADB) confirmed that usually an extension is given for only a six-month period. This includes for the Regional Directors, although in their case it can depend in part on the initial period in

which they were appointed and whether the provisions of the previous Service Code would apply or not. In general terms though, an extension is usually only ever granted for a six-month period.

109. In taking the action indicated in the executive summary of C-WP/14166 and as recommended in the oral report by the Chairperson of the HRC, the Council approved the amendments to Article IV and Annex IV to *The ICAO Service Code*, as detailed in Appendices A and B to the Oral HRC Report on C-WP/14166. These amendments would, respectively, introduce:

- a) a maximum time frame of twelve months for the completion of the recruitment process for all posts, from the date of issuance of the vacancy notice to the appointment decision (Article IV, Staff Regulation 4.8); and
- b) a maximum service of two terms for all appointments to D-1 level posts (Article IV, Staff Regulation 4.20, 4.21 (new), and 4.22 (re-numbering of existing 4.21); and consequential editorial changes in Annex IV, paragraphs 15, 17, 18, 22, 23, 24, and 25)

110. In relation to the proposed new wording for Staff Regulation 4.21, as outlined in Appendix A, Council revised the proposed text so that the references to “on the basis of satisfactory performance” and “express”, would be deleted. The proposed new text was approved in-principle by the Council subject to the Secretariat undertaking a further revision to take into consideration the existing practice in relation to the extension of employment contracts as currently applies in *The ICAO Service Code* for D-2 level and D-1 Regional Director posts and on the understanding that the President of the Council would in due course circulate an e-mail message to the Council that would contain the revised text of Staff Regulation 4.21.

111. Finally, the Council agreed with the HRC recommendation that targets for key performance indicators be added in the Corporate Performance Management system for the current triennium to reflect a maximum recruitment time frame of seven months for D-1 and D-2 level posts, and five months for P-5 level posts and below.

112. The Council then reconvened in closed session in order to consider item 9 on the Order of Business C-O/B 202/1.

COUNCIL — 202ND SESSION

SUMMARY MINUTES OF THE FIRST MEETING

(THE COUNCIL CHAMBER, MONDAY, 9 JUNE 2014, AT 1720 HOURS)

CLOSED MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Mr. Raymond Benjamin, 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.L. Vieira (Alt.)	Nigeria	— Mr. M. E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Dr. M. Polkowska
Canada	— Mr. M. Allen	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. W.H. Celedón	Republic of Korea	— Mr. Choi, D.
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. Mahmoud	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. L. Mabaso
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. P.N. Sukul	United Arab Emirates	— Capt. A. Al Hamili
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Mr. T. Koda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Mr. M. Adan (Alt.)	United States	— Mr. J.L. Novak (Alt.)
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mr. J.C.F. da Silva (Alt.)	— Brazil
Mr. P. de Moraes Jardim (Alt.)	— Brazil
Mr. C. Bühler da Silva (Alt.)	— Brazil
Mr. D.A. Dueñas (Alt.)	— Chile
Mr. M. Millefert (Alt.)	— France
Ms. M. Furuhata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. Kang. M. (Alt.)	— Republic of Korea
Mr. D.V. Subbotin (Alt.)	— Russian Federation
Mr. A. Almoghaby (Alt.)	— Saudi Arabia
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Ms. N. Graham	— D/ANB
Dr. Fang Liu	— D/ADB
Mr. I. Galán	— D/TCB
Mr. J. Augustin	— D/LEB
Mr. R. Bhalla	— C/FIN
Mr. J. Weich	— DD/HR-ADB
Mrs. N. Abdennebi	— C/EAP
Mrs. L.M. Comeau-Stuart	— C/POD
Mrs. K. Balram	— C/SEA
Mr. A. Opolot	— LEB
Mr. A. Philbin	— C/COM
Mr. M. Leitgab	— ADADB
Mr. A. Larcos	— ACC

Representatives to ICAO

Colombia

Cuba

Ethiopia

Greece

Indonesia

Morocco

Mozambique

Peru

Turkey

Subject No 7.4: Conditions of service

Review of the net base salaries of the President of the Council and Secretary General

1. With the First Vice-President of the Council in the Chair (Representation of Spain), the Council considered this subject on the basis of C-WP/14145 (Restricted), which was presented by the Director, Bureau of Administration and Services (D/ADB), and a related oral report from the Chairperson of the Finance Committee (FIC).
2. In introducing the item, the Chairperson of the Finance Committee (Representative of Mexico), indicated that at its meeting, the Finance Committee (FIC) had considered C WP/14145, which reported on a decision by the United Nations General Assembly (UNGA) to increase the net base/floor salary scale for Professional and higher categories, including the Under-Secretaries General level, by 0.19 per cent, while simultaneously consolidating the post adjustment for New York and other duty stations on a “no gain, no loss” basis, effective from 1 January 2014.
3. Since the Council had regularly accepted the decision of the United Nations General Assembly, the FIC had agreed with the recommendation that was presented in C-WP/14145, which proposed that, in the future, the salaries of the President of the Council and the Secretary General be automatically adjusted in tandem with changes to the net base/floor salary scale for the Professional and higher categories, which includes the Under-Secretary General level, as decided by the United Nations General Assembly.
4. In its discussions, the FIC had recalled that, as per C-DEC 198/3, an information paper on the status of the salaries and representation allowances of the President of the Council and the Secretary General was to be prepared by the Director of the Bureau of Administration and Services on a triennial basis. This paper would be circulated to Council Representatives under cover of a memorandum from the President of the Council, on the understanding that it would be tabled for discussion by the Council if so requested by any Representative.
5. The Representative of Japan took the opportunity to recall that the Council during its 201st Session, had requested the Secretary General to convey to the United Nations General Assembly and to the International Civil Service Commission (ICSC), the views of the ICAO Council that rising staff costs were having a considerable impact on the financial sustainability of the Organization and requesting the ICSC to study the impact of their recommendations on the budgets of United Nations system (C-DEC 201/1, paragraph 13 refers). The Representative urged that the Council continue to monitor this matter and that the issue of the review of the salaries of the President and the Secretary General should also be included in any related discussion by the Council when considering rising staff costs.
6. In response, the Director, Bureau of Administration and Services (D/ADB) confirmed that ICAO had indeed conveyed the views of the Council to both the United Nations General Assembly and to the International Civil Service Commission, and that the issue was currently being monitored. D/ADB indicated that it was intended to report further to the Council on this matter once more information was available on the outcome of any deliberations in this regard.
7. The Representative of the Dominican Republic welcomed the oral report of the Finance Committee and expressed his support for the recommendations that it had proposed on this issue.
8. In taking the action indicated in the executive summary of C-WP/14145 (Restricted), as recommended by the FIC, the Council:

- a) approved the revised net base salaries of the President of the Council and the Secretary General, effective 1 January 2014, as presented in paragraph 2.2 of C-WP/14145; and
 - b) decided that the salaries of the President of the Council and the Secretary General should be automatically adjusted in tandem with changes to the net base/floor salary scale of the Under-Secretaries-General, as decided by the United Nations General Assembly.
9. The Council adjourned at 1735 hours.

COUNCIL — 202ND SESSION

SUMMARY MINUTES OF THE SECOND MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 11 JUNE 2014, AT 1045 HOURS)

OPEN MEETING

*President of the Council: Dr. Olumuyiwa Benard Aliu

First Vice-President of the Council: Mr. V.M. Aguado, Representative of Spain

*Secretary: Mr. Raymond Benjamin, Secretary General

Acting Secretary: Dr. Fang Liu, Director, Bureau of Administration and Services

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	— Dr. M. Polkowska
Canada	— Mr. M. Allen	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. W.H. Celedón	Republic of Korea	— Mr. Choi, D.
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. Mahmoud	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. L. Mabaso
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. P.N. Sukul	United Arab Emirates	— Capt. A. Al Hamili
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Mr. T. Koda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Mr. M. Adan (Alt.)	United States	— Mr. J.L. Novak (Alt.)
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Dr. N. Luongo (Alt.)	— Argentina
Mr. D.A. Dueñas (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. A. Bardaro (Alt.)	— Italy
Ms. M. Furuata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. Kang, M. (Alt.)	— Republic of Korea
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates

**The Honourable*

*Beyon Luc-Adolphe Tiao,
Prime Minister and Head of
Government of Burkina Faso
and Delegation*

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Dr. Fang Liu	— D/ADB
Mr. J. Augustin	— D/LEB
*Mr. J. Weich	— DD/HR-ADB
*Mrs. N. Abdennebi	— C/EAP
*Ms. M. Weinstein	— LO
*Mr. M. Leitgab	— ADADB
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Colombia

Cuba

Ethiopia

Greece

Indonesia

Iran (Islamic Republic of)

Lebanon

Morocco

Mozambique

Peru

Turkey

Uganda

Airports Council International (ACI)

European Union (EU)

Subject No. 4: Appointment of the Secretary General

Draft communication to States on the appointment of the Secretary General

1. The Council had for consideration: C-WP/14144 presented by the President of the Council, to which was appended a draft State letter notifying Member States of the forthcoming appointment of the Secretary General for a three-year term and inviting nominations; and an oral report thereon by the Human Resources Committee (HRC), which had reviewed the paper during its First Meeting of the current session on 6 May 2014.
2. In its deliberations, the HRC had discussed an amendment of the draft State letter in relation to the required experience described in paragraph 3 thereof. It proposed to add the requirement for experience related to “strategic planning and performance management” in the third sentence, so that it would read as follows: “The candidate must also have ample experience in the management of large and complex organizations, including in the most recent standards of management, strategic planning, performance management and international governance.”
3. The HRC had also discussed aspects of the current selection practice for the post of Secretary General. One Member had suggested considering an external assessment for that post, in addition to the current practice, to better inform the appointment decision by the Council. Other Members had considered the current selection process, in which Council Members could directly interact with candidates in personal interviews, to be sufficiently robust.
4. The HRC recommended to the Council to approve the said draft State letter on the appointment of the Secretary General with its proposed revision.
5. The Secretary General drew attention to paragraph 1 of the Rules and Procedures for the appointment of the Secretary General (cf. Appendix C to Doc 7559 – *Rules of Procedure for the Council*, reproduced in Attachment A to the draft State letter), which stipulated that the appointment of the Secretary General was to take place approximately five months before the termination of the period for which the incumbent was appointed. On the basis of his experience, the Secretary General proposed that the transition period be shortened to approximately three months and that, consequently, the appointment of the Secretary General take place during the Committee phase of the Spring (May/June) Council Session. This would necessitate an amendment of the said Rules and Procedures.
6. Emphasizing that the current five-month transition period was too long, the Secretary General noted that it disrupted, to a certain extent, the work of the incumbent. In particular, it was necessary for the latter to avoid taking any decisions which might negatively impact on the work which his successor planned to undertake. As Representatives were aware, however, once the Secretary General-designate assumed his duties on 1 August, he would have very little time in which to coordinate with the Secretariat in the preparation of his response to the Charter Letter, which was to be presented to the Council in the Fall (October/November) session. In reiterating that a transition period of approximately three months would be ample, the Secretary General assured the Council that efficient use would be made thereof to provide his successor with all requisite information.
7. During the ensuing discussion, the Representatives of Mexico, the Russian Federation, Brazil, Venezuela (Bolivarian Republic of), Malaysia, Italy and the United Republic of Tanzania endorsed the HRC’s oral report and its proposed amendment to the draft State letter.
8. In so doing, the Representative of Mexico affirmed that the Committee’s suggested change enriched the contents of the draft State letter. Stressing the importance of having a smooth transition between the incoming and

outgoing Secretaries General which was in line with best management practices, he maintained that the current five-month transition period was more appropriate in view of the time required for the Secretary General-designate to leave his current employment and make the necessary arrangements to move to Montréal. A shorter transition period might be problematic, except in the case where the incoming Secretary General were a Representative on the Council or to ICAO or a retiree.

9. To address the concern expressed by the Secretary General, the Representative of Mexico suggested that the draft State letter be amended to indicate that the Secretary General-designate was invited to come to Montréal in June 2015 to commence the transition. At that time, he could be provided with an office and have informal consultations with, inter alia, the Bureau Directors and the Chief of the Finance Branch (C/FIN). The Representative of Mexico recalled that, in the past, the transition period had sometimes been insufficient and the incoming Secretary General had had difficulty starting to work immediately after assuming office. In underscoring the importance of having a process which facilitated a smooth transition, he observed that there already was a clear mechanism in place: the incumbent Secretary General remained in office until the end of his/her mandate.

10. The Representative of Mexico emphasized that it would be worthwhile to have the incumbent consult with the incoming Secretary General on important, complex issues, including the latter's selection of his cabinet. Reiterating that a change to the transition period would require an amendment of the Rules and Procedures for the appointment of the Secretary General set forth in Appendix C to Doc 7559, the Representative of Mexico averred that that would be inadvisable. While the Council had amended its Rules of Procedure previously, under different circumstances, it should avoid doing so to the greatest extent possible. The Representative of Mexico thus favoured retaining paragraph 1 of Appendix C in its present form, with the consequence that the appointment of the Secretary General would continue to take place in the Winter (February/March) session.

11. The Representative of the Russian Federation shared this view. He stressed that in considering the duration of the transition period, the Council should take into account the importance of the Office of Secretary General and the complex nature of the work to be performed, as well as the time required by the incoming Secretary General to leave his/her current employment and relocate to Montréal, which added a degree of uncertainty to his/her arrival date at ICAO for the start of the hand over. The Representative of the Russian Federation noted, in this context, that the incoming Secretary General would be able to have informal consultations not only with the Secretariat but also with Council Members during that period. In suggesting that the Secretary General-designate be given the opportunity to choose how to effect the transition, he underscored that he/she was the incumbent's successor, not a rival.

12. In endorsing the Secretary General's proposal to shorten the duration of the transition period to approximately three months, the Representative of Brazil emphasized that the Council should put its trust in the Secretary General's testimony, based on his personal experience, that five months was too long. He noted that in some large States with parliamentary democracies, such as the United Kingdom, Heads of Government assumed office the day after their election. In others, such as the United States and Brazil, they assumed office two months later. Assuming that the Secretary General-designate would already be knowledgeable about ICAO's work and its operations, the Representative of Brazil maintained that a three-month transition period would be sufficient.

13. The Representatives of Venezuela (Bolivarian Republic of), Italy, the United States and the United Kingdom concurred. Noting, from the third paragraph of the draft State letter, that candidates for the Office of Secretary General must have ample experience in the management of large and complex organizations such as ICAO, the Representative of Italy indicated that it was unclear why it was necessary to have a five-month transition period before the Secretary General-designate could assume his/her duties. He averred that it was not

beneficial for ICAO to have such a long transition period where there were two individuals running its operations. In stressing the need to take the Secretary General's perspective seriously, given that he had served the Organization so well over the course of the last six years, the Representative of the United States agreed that the proposed shorter time frame would be sufficient for the good reasons set out by the Representatives of Brazil and Italy. In likewise agreeing that a three-month time frame for the transition ought to be possible, the Representative of the United Kingdom indicated that he would support that change if the Council were able to reach agreement thereon during the present meeting. He suggested that, if the Council were unable to do so, then it return to the matter later in the current session on the basis of further information on the advantages and disadvantages of the proposed shorter transition period.

14. The Representative of Burkina Faso reiterated that the Council should draw on the Secretary General's experience and at least take his proposal into account while giving full respect to the views expressed by those Representatives who preferred maintaining the *status quo*.

15. The Representative of Spain underscored that it was necessary and opportune to have a minimum of a one-month overlap *in situ* to enable the incoming and outgoing Secretaries General to exchange views. Prior to the said overlap, there should be at least a three-month period to enable the Secretary General-designate to give notice to his/her current employer. He thus advocated a four-month transition period as a minimum. Recalling his personal experience in another international organization, the Representative of Spain noted that there was a minimum of five months between the date of appointment and the date of reporting for duty, which included a one-month overlap. That practice had worked very well for many years, both for the incoming and outgoing Chief Executive Officers (CEOs), and should be taken into consideration by the Council when weighing the advantages and disadvantages of a shorter transition period. The Representative of Spain nevertheless was of the view that there should be a minimum of four months for the transition period.

16. The Representative of Malaysia had no objection to the current Rules and Procedures for the appointment of the Secretary General, which were in accordance with the Chicago Convention and had been in place for some time. Furthermore, he had no opinion regarding the Secretary General's proposal to shorten the duration of the transition period. In seeking clarification regarding the second sentence of the fourth paragraph of the draft State letter, in which it was indicated that the Council had decided that "the Secretary General shall be appointed for a term of three years and that a Secretary General who has served for two terms shall not be appointed for a third term", the Representative of Malaysia averred that the latter phrase was open to interpretation. Noting that a term was three years, he queried if a Secretary General's mandate could be extended for two years.

17. In underscoring that the Secretary General could only serve a maximum of two terms in accordance with Operative Clause 1 of Assembly Resolution A38-21 (*Term limits for the Offices of the Secretary General and the President of the Council*), the Director of the Bureau of Administration and Services (D/ADB) asked the Representative for his suggested wording to reflect that more clearly in the draft State letter.

18. The Director of the Legal Affairs and External Relations Bureau (D/LEB) recalled that the decision taken by the Council on 9 June 2006 (178/9) to introduce a limit of two terms for the Office of the Secretary General had initially been reflected in Assembly Resolution A36-28 (*Term limits for the Offices of Secretary General and the President of the Council*), which had been superseded by the said Assembly Resolution A38-21. It was also reflected in Rule 12 of the *Rules of Procedure for the Council* (Doc 7559). In affirming that two terms was the maximum which a Secretary General could serve, he emphasized that it was clear from the Council's previous discussions and the background documentation, if not from paragraph 4 of the draft State letter.

19. In order to avoid a multiplicity of interpretations, the Representative of Malaysia suggested that the second sentence of paragraph 4 be amended to indicate that the Secretary General can serve up to a maximum of two terms with no possibility of extension. To an alternative proposal by D/ADB that it be revised to refer only to a maximum of two terms, the President of the Council suggested that the second sentence be changed to indicate that the Secretary General shall be appointed for a term of three years, renewable once subject to the Council's approval. He was nevertheless uncomfortable with drafting new text in the Council.

20. The President of the Council noted that both he and his predecessor had found the one-month transition period for the presidency to be insufficient. He considered that it had been too short even though, as the Representative of Nigeria, he had already been *in situ*. The President noted, in this regard, that it had taken some time for a new Representative to be appointed as his replacement and to join the Council. The previous President had also been dissatisfied with the duration of the transition period as he had had much Council-related work to do and yet had been obliged to find time to liaise with him as the incoming President. It would thus have been preferable to have a little longer transition period for the presidency. Observing, on the other hand, that the five-month transition period for the Office of the Secretary General was considered by the incumbent and some Representatives to be too long, the President of the Council indicated that it was therefore necessary to review both transition periods.

21. Referring to the suggestion by the Representative of Mexico, the President averred that mentioning the transition period in the draft State letter on the appointment of the Secretary General would not resolve the issue. As an alternative, he proposed that the letter of appointment to the Secretary General-designate invite the latter to come to ICAO at a suitable time in order to meet with the incumbent and start the transition.

22. The President observed, from the exchange of views, that the majority of Representatives who had taken the floor favoured a three-month transition period. There were thus two options for the way forward: either the Council accept the draft State letter, subject to the President's verification of the time for the interviews of the candidates and the appointment of the Secretary General on the basis of a three-month transition period; or it accept the draft State letter specifying that the appointment would take place during the 204th Session in February/March 2015. In both cases, the letter of appointment would invite the Secretary General-designate to come to ICAO at a suitable time to commence the transition.

23. The Representative of Germany observed that two different issues were being mixed together when they should be separate: the date of the appointment of the new Secretary General who would assume office on 1 August 2015; and the date when the Secretary General-designate would arrive at ICAO to effect the transition with the incumbent. He noted that the latter issue gave rise, in turn, to the question of the status of the Secretary General-designate during the transition, i.e. whether he/she was considered to be a national or an international civil servant, and the question of his/her remuneration. The Representative of Germany indicated that while governments would generally have no difficulty in continuing to pay the salary of a national civil servant while he/she was Secretary General-designate, it was unclear if they would do so for a national from private industry whom they had nominated. In stressing that ICAO would not remunerate two Secretaries General during the transition period, regardless of its length, he emphasized that it would only pay the salary of the incumbent for the duration of the latter's mandate.

24. The Representative of Germany underscored that the only issue on which the Council had to take a decision was when the new Secretary General would be appointed. In his view, that could be as early as possible, in order to give the Secretary General-designate sufficient time in which to make all the necessary arrangements. It would then be for the incumbent and the Secretary General-designate to decide when the latter should come to Montréal to commence the transition. The Representative of Germany maintained that it was entirely incorrect to predicate

the Council's decision regarding the date of its appointment of the Secretary General on the desired duration of the transition period.

25. In sharing this view, the Representative of Australia supported the second option suggested by the President of the Council, whereby the date for the appointment of the Secretary General would remain unchanged i.e. the 204th Session in February/March 2015, and the letter of appointment would invite the Secretary General-designate to come to ICAO and start the transition. While she did not have a particular view on what date that should be, she considered that it was the easiest option as it would provide the incoming Secretary General with the requisite time to make his/her arrangements. Noting that the current Secretary General considered that five months was too long for the transition, the Representative of Australia indicated that its duration could be negotiable.

26. While noting that paragraph 1 of Appendix C to the *Rules of Procedure for the Council* (Doc 7559) provided a certain degree of flexibility by indicating that the appointment of the Secretary General was to take place "approximately" five months before the termination of the incumbent's mandate, the Representative of the Russian Federation also considered that the appointment should continue to take place during the Winter (February/March) session in order to have a buffer in case problems arose involving the candidates for the Office of Secretary General. He underscored that paragraph 1 had been so worded for a good reason. Although it was the Council's prerogative to amend its Rules of Procedure, the Representative of the Russian Federation agreed with the Representative of Mexico and others that now was not the right time to make any changes thereto. He suggested that the Working Group on Governance and Efficiency (WGGE) discuss whether or not paragraph 1 of Appendix C should be amended in the future.

27. Agreeing with the Representative of Germany on the need to clearly separate the issue of the date of the appointment of the new Secretary General and the duration of the transition period, the Representative of South Africa indicated that they were both critical, for different reasons. Observing that the length of the transition period could vary depending on whether the incoming Secretary General was already serving at ICAO in a different capacity, such as Representative on the Council or to ICAO, or was an external candidate, he emphasized the need to discuss that issue further. The Representative of South Africa noted that it might be possible to make arrangements for the nominating State to remunerate the Secretary General-designate during the transition period in the case where the latter had previously been serving at ICAO. As it might not be feasible to make such arrangements for external candidates, the Council could not rule out the possibility that ICAO might have to remunerate both the incoming and outgoing Secretaries General during the transition period.

28. The Secretary General noted that he had raised the issue of the duration of the transition period out of two concerns. His first concern was that there be a transition period, for the sake of the Organization. The remuneration of the Secretary General-designate during that period was another matter. The Secretary General's second concern was that he did not wish to have to coordinate with the incoming Secretary General on every important issue for five months in advance of the latter's formal assumption of duties, including on policy issues on which he was already consulting the President of the Council. The duration of the transition period was not, however, a critical issue for the Secretary General, and he left it to the Council to take a decision thereon. He had simply wished to facilitate the Council's discussion on the appointment of his successor.

29. In supporting the President's summary, the Representative of the United Republic of Tanzania reiterated that it was necessary for the Council to decide on the time frame for the appointment of the new Secretary General. The date when the incoming Secretary General was to come to ICAO for the start of the transition could either be determined through the letter of appointment or, if necessary, referred to the WGGE for consideration and subsequent report to the Council.

30. The Representative of the United Kingdom agreed with the Representative of Germany that how the incoming and outgoing Secretaries General liaised to ensure a smooth transition was an issue that should be left entirely to them. It was not necessary for the Council to establish any rules therefor. Recalling that the Council would interview candidates for the Office of the Secretary General, he indicated that the latter could be asked how they envisaged making a smooth transition and their responses could be taken into account in the appointment process. If, on the other hand, it was considered necessary to consult the WGGE, then the Working Group should be requested to recommend either a three-month or a five-month transition period on the basis of their relative advantages and disadvantages. If it were necessary to reflect that uncertainty in the draft State letter, then it could be indicated that the appointment would take place between three and five months before the termination of the incumbent's mandate. That could be clarified following the Council's consideration of the WGGE's report.

31. In light of the discussion, the President of the Council suggested, and it was agreed, to request the WGGE to consider the following issues and present its recommendations thereon to the Council later in the current session: the time frame and/or date for the election of the Secretary General and the optimal duration of the transition period for incoming/outgoing Secretaries General, taking into account the views expressed by the Secretary General; and the optimal transition period for incoming/outgoing Presidents of the Council, taking into account the views expressed by the President, on the basis of his experience, that one month was insufficient.

32. The Council approved the said draft State letter contained in the Appendix to C-WP/14144, subject to:

- a) the third sentence of the third paragraph being amended by inserting the words “, strategic planning, performance management” after the word “management” to reflect that experience in those two areas was also required, as recommended by the HRC; and
- b) the addition, following the Council's consideration of the above-mentioned WGGE recommendations, of a reference to the time frame and/or date for the election of the Secretary General and to the duration of the transition period.

The Council agreed that, in compliance with paragraph 2 of the said Rules and Procedures for the appointment of the Secretary General (cf. Appendix C to Doc 7559), and as suggested by the President of the Council: the State letter be issued on 30 September 2014, ten months before the termination of the incumbent Secretary General's second term of office (on 31 July 2015); and that the deadline for the receipt of nominations by the President of the Council be 15 January 2015, so as to provide Member States with the requisite full three months in which to reply.

33. It was understood that, in accordance with paragraph 3 of the said Rules and Procedures, the President of the Council would circulate the names of candidates for the Office of Secretary General to all Member States as soon as they were received.

Welcome to the Prime Minister and Head of Government of Burkina Faso

34. On behalf of all Representatives, the President extended a warm welcome to the Honourable Beyon Luc-Adolphe Tiao, Prime Minister and Head of Government of Burkina Faso, who took a great interest in civil aviation, as evidenced by the significant development which had taken place in the aviation industry of his State.

35. The President recalled that the Council was the governing body of ICAO, aside from the triennial Assembly which elected States to be represented thereon. He underscored that for the past seventy years ICAO had been the leading forum for States and representatives of the aviation industry to meet to develop responses to the various challenges being faced. The results of the leadership role played by the ICAO Council were evident from the

development of civil aviation throughout the world. Civil aviation was now the preferred mode of transport, as well as the safest and most secure one. In 2014, the seventieth anniversary of the signing of the Chicago Convention, ICAO's constitutional instrument, would be celebrated and a host of activities was being organized in order to permanently acknowledge this milestone in the history of international civil aviation.

36. As aviation contributed to the economic development and social prosperity of the nations and peoples of the world, the work being done by the Council was of paramount importance. In acknowledgement thereof, it was a pleasure to have the Prime Minister and Head of Government of Burkina Faso share some words with the Representatives on the Council and the Representatives to ICAO who were present at the meeting.

37. At the suggestion of the Prime Minister and Head of Government of Burkina Faso, the Council first observed a minute of silence in memory of Dr. Assad Kotaite, the Council's President *Emeritus*, who had passed away on 27 February 2014. The Honourable Beyon Luc-Adolphe Tiao then addressed the Council. A translation of his speech is given below.

“Dignitaries, ladies and gentlemen,

“Allow me to express my warm thanks to the governments and the peoples of the City of Montréal, the Province of Québec and the State of Canada, for their legendary hospitality and on-going support for the delegations at ICAO Headquarters. My thanks also go to: the illustrious Council of ICAO; its President, Dr. Olumuyiwa Benard Aliu; the Secretary General, Mr. Raymond Benjamin; as well as to the national delegations of ICAO and the Secretariat. Thank you for welcoming me here this morning together with my delegation. I will seize this fortunate opportunity to convey to all of the members of the civil aviation community based in Montréal the friendly greetings and deep gratitude of His Excellency Blaise Compaoré, President of Burkina Faso and Head of State, as well as the appreciation of the people of our country, not just for your overwhelming support for the re-election of Burkina Faso, but also for the re-election of the seven other brethren African countries. We are also grateful for the appointment of two African Commissioners to the Air Navigation Commission (ANC) and the election by acclamation of the first African President of the Council of ICAO, Dr. Aliu. Through me, Burkina Faso expresses its hearty thanks and urges you to continue assisting us in our determination to fulfil this historic mandate for Africa.

“Ladies and gentlemen, distinguished guests,

“I do not doubt for one second that the African representatives to ICAO are working selflessly with everyone to honour the trust placed in them by the international community. For everyone in the international civil aviation community, it is fitting to recall your noble mission, in particular under Article 44 a) and d) of the Chicago Convention inviting you to ‘Insure the safe and orderly growth of international civil aviation throughout the world;’ and ‘Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;’. Let us never forget that this mission must be accomplished for reasons clearly set forth in the Preamble of the Convention: ‘...to create and preserve friendship and understanding among the nations and peoples of the world ... to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;’.

“Ladies and gentlemen, dear friends of ICAO,

“You face many complex challenges, and we the Heads and members of Governments are well aware of that. Your industry presently contributes over 58 million jobs worldwide with at least USD 2.4 trillion in wages accounting for roughly 3.4 per cent of world GNP. You help move 3.1 billion passengers. In 2012, you

carried 49.2 million tonnes of cargo valued at USD 6.4 trillion. In 2013, commercial aviation alone consumed USD 201 billion worth of jet fuel.

“Clearly, the impact of your work here in ICAO extends beyond the technical, environmental, tourism and economic fields to impact on social well-being. Indeed, by shortening the distances between the continents and the peoples of the world, your industry makes it possible for households in Alaska to enjoy roses freshly cut in Africa, not to mention life-saving medications that could not cross the oceans in time but by air.

“Your 2030 growth outlook is very reassuring. However, the growth of civil aviation has its challenges, not least of which are those relating to commercial space travel that you will be called on to manage sooner or later. It is therefore necessary, today, to begin to clearly identify all of the challenges arising from the development of your sector, so as to plan the best solutions. But as you well know, all of your work requires the achievement of consensus, which is the key to progress and sustainability in a multinational context. Dialogue and more dialogue toward an honourable outcome is the right approach! I urge you, therefore, to continue working hand-in-hand and listening to one another.

“On 7 December 2014, ICAO will celebrate 70 years of the Chicago Convention, 70 years of progress in international air transport. This important event requires that you exceed your own efforts to make civil aviation thrive for another 70 years and more. For its part, Burkina Faso will strive to build the necessary political support to advance your work. My State will always support consensus as the golden rule for cooperation and for the promotion of understanding, friendship and peace among the nations and peoples of the world.

“I remind you of the need for technical discussions which are open and constructive, but also friendly, mutually respectful and consensus-driven, and which have been key to the success of this Specialized Agency of the United Nations (UN) for seven decades.

“Ladies and gentlemen, dear friends of ICAO,

“I wish ICAO a well-deserved happy 70th birthday. Through me, Burkina Faso voices its support and renews its congratulations for your efforts toward reform and progress on certain burning issues such as measures to reduce CO₂ levels in the atmosphere and civil aviation security in the Sahel.

“Rest assured that Africa is more determined than ever to play its role on this honourable Council, and within all of the bodies of ICAO, to make international civil aviation stronger, ever more dynamic, prosperous and beneficial to all of the peoples of the world. I wish you every success in your work.

“Long live ICAO and international cooperation!”

38. In thanking the Prime Minister and Head of Government of Burkina Faso for his timely words of exhortation to the Council, the President indicated that very good note had been taken thereof.

39. The Representative of Burkina Faso later thanked Representatives for having agreed to have the Prime Minister and Head of Government of his State address the Council. Observing that ICAO, like the UN, was an institution which was based on the will of nations, he reiterated that many of the problems facing the international civil aviation community were linked to a lack of such political will. It was within the framework of according political will, and in view of reports highlighting the Organization’s importance, that certain Heads of Government gave themselves the task of visiting governing bodies such as the ICAO Council. It was for the Council to seize such opportunities to gain the support of visiting Heads of Government for its various decisions in order to achieve their desired results and enhance the Organization’s profile. The Representative of Burkina Faso

humbly urged Representatives to work together with the Secretariat on a protocol which would encourage many other Heads of Government to address the Council in future. For his part, he would not spare any efforts to support the Council's work at the highest level of his State.

40. Concurring that ICAO was based on the will of its Member States, the President emphasized that whenever the Council had the opportunity, it should interact with Heads of Government to promote the Organization's ideals and objectives and to strengthen the Council's leadership role in addressing the challenges placed before it. He reiterated the Council's appreciation that the Prime Minister and Head of Government of Burkina Faso had found the time to come to Montréal and address Representatives.

41. In the absence of the President of the Council and the Secretary General for protocol reasons, the First Vice-President of the Council, Mr. V.M. Aguado, the Representative of Spain, and the Director of the Bureau of Administration and Services (D/ADB), Dr. Fang Liu, presided over the Council's consideration of the next two items.

Subject No. 16: Legal work of the Organization
Subject No. 16.3: International air law conventions

**Report on the outcome of the review by ICAO of the limits of liability under the
Montréal Convention of 1999**

42. Tabled for the Council's consideration was C-WP/14148, in which the Secretary General presented the outcome of the second review carried out by ICAO, pursuant to Article 24 of the Montréal Convention of 1999, of the limits of liability of air carriers for damages in relation to the carriage of passengers, baggage and cargo set forth in that Convention. The review had concluded that the threshold stipulated therein for adjusting the Convention's limits of liability (10 per cent accumulated inflation rate for the five-year review period) had not been met for the present review cycle and that consequently the limits would, for the time being, remain at the same level as had been established during the first review, conducted by ICAO in 2009.

43. In expressing support for the proposed issuance of a State letter on the results of the said second review, the Representative of India enquired as to the number of Member States which had not yet become party to the Montréal Convention of 1999 and the reasons why they had not done so.

44. Noting that 84 of ICAO's 191 Member States were not yet party to the Convention, the Director of the Legal Affairs and External Relations Bureau (D/LEB) underscored that many efforts were being made by multiple entities and interested States to promote further ratification/accession. The Secretariat was unaware of the specific reasons for individual Member States not becoming party thereto. Recalling that the Montréal Convention of 1999 was one of the international air law instruments which was highlighted whenever ratification/accession issues were discussed with Member States, D/LEB indicated, on the basis of the feedback which had been received, that the reason therefor was not the level of the limits of liability; rather, it seemed to be the Member States' national priorities and legislative processes.

45. Responding to a question by the Representative of Germany, D/LEB clarified that the outcome of the second review would be taken into account in determining the accumulated inflation rate after the next review, to be conducted in five years' time. If it were above the 10 per cent threshold, then pursuant to Article 24, paragraph 1, of the Convention, the limits of liability would be duly revised upwards for all States Parties.

46. In then taking the action proposed in the executive summary of C-W/14148, the Council requested the Secretary General to issue a State letter notifying States Parties to the Montréal Convention of 1999 of the

outcome of the second review of the limits of liability and of the continued applicability of the current limits as set forth in paragraph 4.1 of the paper and reproduced below:

<i>Montréal Convention of 1999</i>	<i>Revised limit as of 30 December 2009</i>
Article 21	113 100 Special Drawing Rights
Article 22, paragraph 1	4 694 Special Drawing Rights
Article 22, paragraph 2	1 131 Special Drawing Rights
Article 22, paragraph 3	19 Special Drawing Rights

Report on the Diplomatic Conference on the draft Protocol to the Tokyo Convention of 1963 (Montréal, 26 March-4 April 2014)

47. This subject was documented for the Council's consideration in C-WP/14149 presented by the Secretary General. The Diplomatic Conference, convened under ICAO's auspices, had adopted, on 4 April 2014, the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (the Montréal Protocol of 2014), the text of which was available on the ICAO public website and the ICAO-Net under *Treaty Collection*. It was noted that the different language versions of the Protocol were still subject to verification by the Secretariat of the Conference and that States may propose linguistic editorial changes thereto until 4 July 2014.

48. In endorsing the paper and the proposed action, the Representative of Mexico affirmed that it was essential to update ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* to enable Member States to take more informed decisions and to further promote the expeditious signature and ratification or accession to the Protocol.

49. The Representative of the United States indicated that his State was disappointed that the Protocol did not, in its estimation, effectively modernize the Tokyo Convention of 1963 or take meaningful steps to address the issue of unruly/disruptive passengers. Most importantly, while the Protocol did refer specifically to In-flight Security Officers (IFSOs), it failed, in his State's estimation, to provide the latter with authorities appropriate to their role. In fact, the Protocol gave them less authority to respond to certain categories of incidents on board aircraft than ordinary passengers already had. Furthermore, the attempt to address jurisdictional issues raised by a few States resulted in language that would make implementation of the State of Landing jurisdiction over offenders difficult for many States. Thus neither of the two most important features of the Protocol was an improvement over the *status quo*, in the United States' estimation. Moreover, his State considered that the Protocol contained a number of problematic minor provisions. Accordingly, the United States had not signed the Protocol when it was opened for signature on 4 April 2014 and was unlikely to become a party thereto in the future. The United States did, however, support the Resolution adopted by the Diplomatic Conference on that day as set forth in the Final Act thereof urging that ICAO Circular 288 be updated.

50. The Representative of Australia recalled that the seriousness of the emerging issue of unruly/disruptive passengers had been re-confirmed to the Council during the previous day's informal briefing on the state of the industry. Mr. Paul Steele, the Corporate Secretary of the International Air Transport Association (IATA) had described it as a massive developing problem which jeopardized the safety of flight operations. She noted that the final text of the Protocol agreed at the Diplomatic Conference did take some important steps to modernize the Tokyo Convention of 1963. Nevertheless, Australia was carefully considering it in the light of its own

operational and policy experience and had not yet reached a final decision regarding becoming a party to the Protocol.

51. With regard to the substance of the outcomes of the Diplomatic Conference, Australia shared a number of the views expressed by the Representative of the United States. It also welcomed and supported the said Resolution urging the updating of ICAO Circular 288. However, Australia considered that the text of the Protocol contained some significant flaws. It placed unnecessary restrictions on the powers of the IFSOs and did not properly balance the need to protect international aviation safety. In that respect, the Protocol did not significantly advance the issue of addressing unruly/disruptive passenger behaviour in any meaningful way. Australia also had doubts, like the United States, as to whether the jurisdictional gap had been truly closed, as the current language might make it difficult for many States to effectively implement the State of Landing jurisdiction.

52. In conclusion, Australia considered that the Diplomatic Conference was a regrettable lost opportunity to comprehensively strengthen the international legal régime governing these important aviation matters, particularly since opportunities to address emerging issues through international air law instruments were few and far between. However, Australia did not oppose the actions proposed in the paper, including the Secretary General's promotion of States' ratification of the Protocol.

53. The Representatives of Norway, China, South Africa, Bolivia (Plurinational State of), Germany, Venezuela (Bolivarian Republic of) and Nigeria voiced support for the proposed action.

54. To a query by the Representative of Norway regarding paragraph 4.2 of the paper, the Director of the Legal Affairs and External Relations Bureau (D/LEB) observed that the issue of promoting ratification was applicable not only to the new Protocol but also to other air law instruments such as the General Risks Convention and Unlawful Interference Compensation Convention of 2009 and the Beijing Convention and Protocol of 2010 for which the number of ratifications was low. Underscoring that it was a perpetual problem, he recalled that the Council, the Assembly and the Legal Committee had examined the issue of ratification of international air law instruments in the 1990s and concluded that there were no legal methods to make a State become a party thereto. As a result of the deliberations administrative packages had been developed to promote ratification of the various instruments by setting out the main benefits to be derived therefrom, as well as by providing a model instrument of ratification/accession. While an administrative package had been developed for the new Protocol, LEB was awaiting the finalization of the latter's text before posting it on the Organization's relevant websites.

55. D/LEB clarified that, for the sake of brevity, paragraph 4.2 of the paper referred to only two means of promoting the ratification of international air law instruments: visits by the President of the Council and the Secretary General to Member States and the organization of regional legal seminars. Emphasizing that there were additional means, he cited, as an example, the provision of a brief to the President of the Council when the latter was receiving a visit from a high-ranking government official. Furthermore, whenever an official visited LEB attention was drawn to those international air law instruments to which his State was not a party. Thus every opportunity was taken to promote ratification.

56. D/LEB underscored that, while his Bureau did what it could within the scope of its resources, it relied on States to host regional legal seminars as it did not have a budgetary appropriation therefor. Recalling that, in the past, several States had offered to host such seminars, he noted that the Republic of Korea had kindly offered to host one in 2015. He indicated that, in addition, LEB was often requested to make presentations regarding the ratification of certain international air instruments at seminars organized by other Sections or Bureaux, such as the Aviation Security Branch (AVSEC) of the Air Transport Bureau (ATB).

57. The Representative of Portugal enquired whether it would be possible to enlist the support of IATA, which represented most of the world's airlines, in promoting the ratification of the Protocol. In underscoring the Protocol's importance to airlines, she indicated that the latter could encourage ratification by their respective governments. The Representative of Portugal recalled, from the said informal briefing, that IATA and other aviation industry associations were very committed to supporting ICAO in the implementation of its Strategic Objectives.

58. D/LEB indicated that, as a matter of principle, the Secretariat would be willing to work with any entity, including IATA, to promote ratification, if the Council agreed to the paper's proposed action in that regard. He noted, from a Press Release issued by IATA on 10 April 2014, that IATA was "calling on governments to ratify important changes to the Tokyo Convention of 1963". The Director General and Chief Executive Officer (CEO) of IATA was quoted therein as saying "This agreement is good news for everybody who flies – passengers and crew alike. The changes, along with the measures already being taken by airlines, will provide an effective deterrent for unacceptable behavior on board aircraft."

59. Responding to a query by the Representative of China, D/LEB noted that once the Council had agreed to the proposed updating of ICAO Circular 288, the wheels would be set in motion. While the circular was approved by, and published under the authority of, the Secretary General, LEB wished to be able to report to the Legal Committee at its next meeting (Montréal, 30 November - 4 December 2015) that its updating had been completed.

60. The Representative of South Africa affirmed that the Diplomatic Conference had been a great success as it had not only addressed the main issue but had even gone further and had highlighted other issues that needed to be addressed at their own time and pace. Those issues would be addressed at the right opportunity by all ICAO Member States, working together.

61. Expressing the opposite view, the Representative of Bolivia (Plurinational State of) averred that the apparent success of the Diplomatic Conference was a pyrrhic victory. He considered that it had not dealt with the issue which it had been intended to address, that of unruly/disruptive passenger behaviour, and that there had been a forced solution to project the image of a successful conference. In emphasizing the need to continue to work on that issue and identify the root causes of unruly/disruptive behaviour, the Representative of Bolivia (Plurinational State of) stressed that it was not due to passengers' delinquent tendencies; rather, it was attributable to the excessive delays and other stressful complications to which passengers were subjected and which could result in a change in their behaviour. Such causes had not been discussed during the Conference. He noted that the issue had become confused with the potential inclusion of provisions in Annex 17 – *Security* relating to IFSOs, inter alia.

62. The Representative of Germany observed that the Diplomatic Conference was different from previous ones in terms of how it had been held and had proceeded, and its outcome. He would not comment on the proceedings as those Representatives who had attended the Conference already knew the point that he would make. Noting that the German Delegation to the Conference considered that it had been convened prematurely, the Representative of Germany underscored that it had been apparent on the first day that there were differences of opinion on various issues to be solved and that it was highly unlikely that agreement would be reached thereon. Nevertheless, every effort had been made to do so. Germany was, however, among those States which did not view the Conference as a success.

63. Although he accepted the comment made by the Representative of South Africa, the Representative of Germany emphasized that the key question was how many States would become party to the Protocol. It had been apparent during the Conference, and was still apparent now, that there were a number of States, including Germany, which, for a variety of reasons, would have difficulty convincing their Governments to ratify or accede

to the Protocol. He recalled, in this regard, that from the very beginning one of the objectives in drafting the Protocol was to ensure that it received a level of support similar to that of the original Tokyo Convention of 1963, which was among the most universally-accepted international air law instruments. Agreeing with the Representative of Australia that the Conference was a lost opportunity, the Representative of Germany indicated that he was not overly satisfied with its outcome. While he could agree with the action proposed in the paper, including promotion of the ratification of the Protocol, he expressed doubt that the desired results would be achieved.

64. The First Vice-President of the Council indicated that a good lesson learned was that it was the Council's responsibility, in considering a proposal to convene a Conference, to assess the maturity of the subject matter, the timing of the Conference and the approach so as to avoid difficulties at a later stage.

65. The Representative of Venezuela (Bolivarian Republic of) shared the views expressed by the Representatives of Bolivia (Plurinational State of) and Germany regarding the outcome of the Diplomatic Conference. While agreeing to the action proposed in the paper, he suggested that ICAO also: undertake a study of the root causes of unruly/disruptive behaviour by some passengers, as proposed by the Representative of Bolivia (Plurinational State of); evaluate the need for additional training for flight crews to enable the latter to better deal with such behaviour; and, with the aim of harmonization, review other related international air law instruments and associated documents to determine if there were any overlap. He suggested that the last two items be addressed by the Legal Committee during its next meeting in November/December 2015. In agreeing that the Diplomatic Conference had been convened prematurely, the Representative of Venezuela (Bolivarian Republic of) observed that another lesson learned was the usefulness of holding regional meetings prior to a Diplomatic Conference.

66. Concurring, the First Vice-President of the Council underscored the importance of determining in advance the willingness of States to address the subject matter at a Diplomatic Conference.

67. D/LEB noted that possible causes of unruly/disruptive passenger behaviour were mentioned in Circular 288, as well as in the Report of the Rapporteur to the Special Sub-Committee of the Legal Committee for the Modernization of the Tokyo Convention including the Issue of Unruly Passengers (cf. LC/SC-MOT-WP/1), which had subsequently been presented to the 35th Session of the Legal Committee. He recalled that while there had been some discussions during the various preparatory meetings as to whether ICAO was the suitable body to examine what could be psychological reasons for unruly/disruptive passenger behaviour, the Organization had not been given that mandate. In indicating that his Bureau might not be in a position to determine the possible causes thereof, D/LEB observed that other Bureaux might be able to assist in that regard. The First Vice-President of the Council underscored that ICAO could rely on input from other organizations, such as IATA, in identifying the possible causes.

68. With reference to the other two actions proposed by the Representative of Venezuela (Bolivarian Republic of), D/LEB indicated that, if the Council were to request the Legal Committee to undertake them, then they could be subsumed under an existing item on its General Work Programme, namely "Acts or offences of concern to the international aviation community and not covered by existing air law instruments".

69. In emphasizing that the matter of unruly/disruptive passenger behaviour had been more or less settled from the legal point of view with the adoption of the Protocol, the Representative of Mexico agreed that it was now necessary to work on preventing such behaviour, as highlighted by, inter alia, the Representatives of Bolivia (Plurinational State of) and Venezuela (Bolivarian Republic of). Recalling that a comprehensive list of offences was contained in the Appendix to Circular 288, he stressed that in undertaking such work, it was essential to collaborate with the aviation industry, which was already addressing the issue of prevention.

70. Endorsing the statement made by the Representative of South Africa, the Representative of Nigeria failed to see how the Diplomatic Conference could be described as unsuccessful. He underscored that the Council, comprising thirty-six Representatives of Member States, could not overturn the decision reached by the 88 Member States which had participated at the Diplomatic Conference. The First Vice-President clarified that the Council was not in the process of changing what had already been agreed at the Conference.

71. While aware that the President of the Council and the Secretary General promoted the ratification of the various international air law instruments during, inter alia, their missions to Member States, the Council noted that, in order to promote the ratification of the Montréal Protocol of 2014, it might also be necessary to engage with relevant organizations, such as IATA, which were interested in the issue of unruly/disruptive passengers. The comments made during the discussion were noted as lessons to be learned by the Council in assessing the maturity of the subjects to be put forward to a Diplomatic Conference.

72. In then taking the action indicated in the executive summary of C-WP/14149, the Council instructed the Secretary General to:

- a) promote the ratification of the Montréal Protocol of 2014; and
- b) update ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* pursuant to the Resolution adopted by the Diplomatic Conference on 4 April 2014 and set forth in the Final Act thereof.

Any other business

Subject No. 50: Questions relating to the environment

Appointment of a new Member on the Committee on Aviation Environmental Protection (CAEP)

73. In the absence of comments by 2 May 2014 to the President of the Council's e-mail dated 8 April 2014, Mr. Alexandre Rodrigues Filizola has been appointed as the new CAEP Member from Brazil to replace Mr. Jorge Da Silveira with effect from 3 May 2014.

Subject No. 10: ICAO relations with the United Nations, the Specialized Agencies and other international organizations

Request from the European Union (EU) to participate as Observer in closed meetings of the Council on aviation security

74. In the absence of comments by 2 May 2014 to the President of the Council's e-mail dated 3 April 2014, Mr. Christopher Ross, Head of Office, Office of the European Union (EU) in Montréal, has been invited, in accordance with Rules 32 a) and 38 of the *Rules of Procedure for the Council* (Doc 7559), to participate as Observer on behalf of the EU during the current (202nd) 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**

75. In the absence of comments by 2 May 2014 to the President of the Council's e-mail dated 2 April 2014, Mr. Michael Rossell, Representative of ACI in Montréal, has been invited, in accordance with Rules 32 a) and 38 of the *Rules of Procedure for the Council* (Doc 7559), to participate as Observer on behalf of ACI during the current (202nd) Council's consideration, in closed session, of all items related to aviation safety and security.

Subject No. 50: Questions relating to the environment

ICAO Fuelling Aviation with Green Technology Seminar

76. Pursuant to his e-mail dated 25 April 2014, the President of the Council has approved the invitation of the organizations listed therein (with the exception of the Central American Bank for Economic Integration) to the ICAO *Fuelling Aviation with Green Technology Seminar* to be held in Montréal from 9 to 10 September 2014.

Council working papers presented for information

77. As the President of the Council has not received any requests to have the following information papers tabled for consideration, it is considered that the Council has noted the information provided therein:

- **C-WP/14171** — *Status of the ICAO workforce for 2013* – circulated under cover of PRES OBA/2298 dated 2 May 2014 with a deadline of 9 May 2014 for comments;
- **C-WP/14170** — *Financial situation of the Organization and level of the Working Capital Fund (WCF)* – circulated under cover of PRES OBA/2302 dated 13 May 2014 with a deadline of 20 May 2014 for comments.

78. The meeting adjourned at 1310 hours.

COUNCIL — 202ND SESSION

SUMMARY MINUTES OF THE SECOND MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 11 JUNE 2014, AT 1000 HOURS)

CLOSED MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Mr. Raymond Benjamin, 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	— Dr. M. Polkowska
Canada	— Mr. M. Allen	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. W.H. Celedón	Republic of Korea	— Mr. Choi, D.
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. Mahmoud	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. L. Mabaso
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. P.N. Sukul	United Arab Emirates	— Capt. A. Al Hamili
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Mr. T. Koda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Mr. M. Adan (Alt.)	United States	— Mr. J.L. Novak (Alt.)
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. D.A. Dueñas (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. A. Bardaro (Alt.)	— Italy
Ms. M. Furuhata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. Kang, M. (Alt.)	— Republic of Korea
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Mr. B. Djibo	— D/ATB
Mr. M. Elamiri	— DD/SMM
Mr. J. Marriott	— DD/ASF-ATB
Mr. S. Berti	— C/ASP
Mr. H. Defalque	— TO/OPS
Mr. A. Djojonegoro	— ASP
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Colombia

Cuba

Ethiopia

Greece

Indonesia

Iran (Islamic Republic of)

Lebanon

Morocco

Mozambique

Peru

Turkey

Uganda

Airports Council International (ACI)

European Union (EU)

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

**Review of the Report of the Twenty-fifth Meeting of the Aviation Security Panel
(AVSECP/25) (Montréal, 17-21 March 2014)**

1. The Council considered this subject on the basis of: C-WP/14147 Restricted, in which the Secretary General presented the recommendations of AVSECP/25, together with the Secretariat's comments; and oral reports thereon by the Committee on Unlawful Interference (UIC) and the Air Navigation Commission (ANC).
2. The UIC had reviewed the paper at its First Meeting of the current session on 7 May 2014. In its introduction thereof, the Secretariat had proposed that the following two action items be added to those in the executive summary: "b) approve the Secretariat taking the necessary action to carry out the recommendations of AVSECP/25;" and "e) approve the conduct of impact assessments for all proposals for new and/or amended Annex 17 SARPs."
3. The Committee had noted that the *Symposium on Innovation in Aviation Security*, referred to under paragraph 2.1 b) of the paper, would now take place as an ICAO event. In addition, the Secretariat had suggested that its comments under paragraph 5 with regard to the development of aviation security assistance performance indicators be amended to read "A proposal will be provided to Council by the Secretariat during its 203rd Session."
4. In response to queries regarding the financial implications of the Panel's recommendations, the Secretariat had given an assurance that implementation would be undertaken within existing resources. In light of the Panel's emphasis on further development of guidance material, the Committee had been informed that dissemination of an updated *Aviation Security Manual* (Doc 8973 Restricted) was anticipated by the end of the current year. The Committee had also noted that the Panel's input on the development of aviation security assistance performance indicators would be obtained through inter-sessional working arrangements.
5. The Secretariat had taken note of a number of views, including the assertion that ICAO should play a more active role in addressing the threat of man-portable air defense systems (MANPADS). The Committee had noted that some action items proposed by the Secretariat would require coordination, both internally and with relevant panels within the Air Transport Bureau (ATB) and the Air Navigation Bureau (ANB). The purpose of the Work Plan Sheet template provided in Appendix B to the paper had been clarified by the Secretariat, which had stressed its usefulness in increasing the transparency of the Panel's work.
6. In conclusion, the Committee recommended that the Council approve the action items in C-WP/14147 Restricted, as amended by the Secretariat's proposals.
7. The ANC had reviewed, on 8 May 2014, the AVSECP/25 Report, which outlined the discussions and presented the Panel's conclusions and recommendations for each of the six Agenda items.
8. Under Agenda Item 1 (Developments in aviation security since AVSECP/24), the Commission had urged a review of the scope of aviation security and specifically had supported the need to assess cyber threats to a broad scope of aviation activities by all perpetrators. It had strongly supported the on-going collaboration between the AVSECP and relevant technical panels of the ANC for that assessment and other security issues. The Commission was increasingly concerned about the growing number of laser attacks on aircraft, which called for mitigating measures. It had acknowledged the threats from low- or non-metal improvised explosive devices and from MANPADS.

9. Under Agenda Item 3 (Consideration of reports from working groups of the Aviation Security Panel), the Commission had supported the on-going collaboration between the Remotely Piloted Aircraft Systems Panel (RPASP) and the relevant AVSECP working groups to address the threats concerning those aircraft. It had also supported the work of the Joint Task Force of the AVSECP and the Dangerous Goods Panel (DGP) to propose guidance on dangerous goods training for security screeners.

10. The Commission had noted without further comment the part of the AVSECP/25 Report on Agenda Item 2 (*Symposium on Innovation in Aviation Security*); Agenda Item 4 [Universal Security Audit Programme (USAP)]; Agenda Item 5 [Implementation Support and Development – Security (ISD-SEC) Programme]; and Agenda item 6 (Other business).

11. The Representative of France recalled that, during the UIC's review of C-WP/14147 Restricted, his Delegation had indicated that the AVSECP/25 recommendation contained in paragraph 1.1 f) relating to Agenda Item 1 should be amended by replacing the term "criminalizing" with the term "penalizing" to read "States consider penalizing laser attacks on civil aviation, and that the Secretariat raise awareness of this issue among Member States through a State letter; and". This should also be taken into account in further proceedings, notably in integrating all of the issue's legal aspects. Expressing satisfaction that the UIC had discussed the threat posed by MANPADS, the Representative of France stressed the need for ICAO to continue to pay close attention to that issue and voiced support for all of the Organization's initiatives in that regard.

12. The Representative of Malaysia endorsed the additional action proposed by the Secretariat. In also supporting the review of the scope of aviation security and the assessment of cyber threats advocated by the ANC, he recalled that the latter had been broadly recommended by the representatives of industry who had taken part in the previous day's informal briefing on the state of the industry [the Airports Council International (ACI), the Civil Air Navigation Services Organisation (CANSO), the International Air Transport Association (IATA) and the International Coordinating Council of Aerospace Industries Associations (ICCAIA)].

13. Referring to paragraph 6.2 of the paper, the Representative of Malaysia expressed appreciation for the AVSECP's concern over the loss, on 8 March 2014, of Malaysian Airlines Flight 370 (MH 370). In noting the Panel's conclusion that travel document security issues represented a concern, he voiced full support for its recommendation that a proactive approach be taken involving close cooperation between that Panel and the Facilitation Panel (FALP) in order to find ways and means of mitigating that concern. The Representative of Malaysia cautioned that a similar incident could occur in many other States if sufficient care were not taken. He underscored that his State was proud to be a Member of ICAO's Public Key Directory (PKD), which claimed to have the most up-to-date biometric technology capable of detecting irregularities in travel documents based on the shared information contained in that database. Observing, however, that there unfortunately was a gap as some information from the International Criminal Police Organization (ICPO-INTERPOL) was not shared, the Representative of Malaysia emphasized the need for ICAO to seriously consider how to better work together with ICPO-INTERPOL to address the issue. He suggested, in this regard, that a gap analysis be carried out to determine how to integrate further in order to enhance the security of travel documents.

14. The Representative of Venezuela (Bolivarian Republic of) endorsed the AVSECP/25 recommendations. In averring that civil aviation authorities did not pay sufficient attention to the need for specialized training of relevant airport personnel to avoid discrimination during the facilitation/immigration process and that airline passengers suffered the consequences, he recalled that there had been a number of cases where their fundamental human rights had been violated. He himself had been a victim of racial discrimination on many occasions. While aware of the potential financial implications, the Representative of Venezuela (Bolivarian Republic of) reiterated the necessity of providing relevant airport personnel with specialized training to ensure that there was no

discrimination against airline passengers on the basis of nationality, ethnicity, race, gender or religion during the facilitation/immigration process.

15. Agreeing with the Representative of Malaysia that there was a considerable gap in global travel security, the Representative of Venezuela (Bolivarian Republic of) suggested that a State letter be sent by ICAO encouraging the timely notification to ICPO-INTERPOL of the loss or theft of travel documents.

16. Affirming that racial discrimination was a matter that no one would want to be part of aviation security and facilitation/immigration processes, the Deputy Director, Aviation Security and Facilitation (DD/ASF) indicated that, when reviewing relevant ICAO aviation security- and facilitation-related guidance material, the Secretariat would ensure that it is as robust as possible on discouraging discrimination on any basis and thus reinforce the Council's message.

17. Further to a request by the Representative of Malaysia, the Secretary General elaborated on the recent United Nations Counter-Terrorism Committee (UNCTC) Open Briefing (New York, N.Y., 25 April 2014), which he and the Secretary General of ICPO-INTERPOL, Mr. Ronald K. Noble, had been invited to attend. A copy of his comprehensive presentation on ICAO's efforts in the fields of traveller identification and travel document security was available on the Council website.

18. The Secretary General of ICPO-INTERPOL had underscored, in his presentation, that only nine States accounted together for 80 per cent of total checks conducted worldwide via his Organization's Lost and Stolen Travel Documents (SLTD) Database, which contained more than 40 million records. In inviting those States which had indicated that there was a gap in the global travel security system to use the SLTD Database when screening travel documents, he had emphasized that it could respond to queries in less than a second, or up to a few seconds based on local infrastructure. The Secretary General of ICPO-INTERPOL had also stressed that the lack of consultation of the SLTD Database was due to bureaucracy and not to any technical difficulties.

19. The Secretary General noted that, while the UNCTC Open Briefing had not produced any concrete results, he and the Secretary General of ICPO-INTERPOL had agreed to increase the dialogue between their respective organizations and to enhance the way in which the latter worked together.

20. Referring to the suggestion made by the Representative of Venezuela (Bolivarian Republic of), the Secretary General indicated that he could issue a State letter urging States to: not only implement paragraph 5) of the *Declaration on Aviation Security* attached to ICAO Assembly Resolution A38-15 (*Consolidated statement on continuing ICAO policies related to aviation security*) and promote the commitment to report on a regular basis lost and stolen travel documents to the SLTD Database; but also promote the regular consultation of that Database to prevent the use of such travel documents for acts of unlawful interference against civil aviation.

21. DD/ASF noted, in this context, that the FALP, at its upcoming Eighth Meeting in November 2014, would consider proposals for Standards and Recommended Practices (SARPs) for Amendment 25 to Annex 9 – *Facilitation* relating to the SLTD Database, inter alia. Responding to a query by the Representative of Venezuela (Bolivarian Republic of), he clarified that testing of the ICAO Aviation Security Point of Contact (PoC) Network was underway globally and was expected to be completed by the end of 2014.

22. To a further question by the Representative of Norway regarding the Secretariat's comments under paragraph 1.1, DD/ASF clarified the issue of penalizing laser attacks on civil aviation extended beyond his Branch's subject matter expertise to that of the Legal Affairs and External Relations Bureau (LEB) and the Air Navigation Bureau (ANB). He would ensure that there was sufficient coordination across the relevant fields before deciding whether to circulate a State letter on that issue.

23. Expressing surprise at the low level of consultation of the SLTD, the Representative of Spain encouraged cooperation between ICAO and ICPO-INTERPOL to increase it. He endorsed the proposed amendment to the AVSCEP/25 recommendation set forth in paragraph 1.1 f) of the paper. In also supporting the UIC's oral report, the Representative of Spain highlighted the importance of aviation security assistance performance indicators and emphasized that such indicators could be used in other Bureaux involved in the provision of assistance to States, such as the Technical Cooperation Bureau (TCB). In addition, the Representative of Spain endorsed the ANC's oral report, which placed emphasis on, inter alia, the issue of cyber threats, which was also a main concern of the aviation industry. He reiterated the need to make progress in addressing that issue.

24. While recognizing that all of the threats to the security of international civil aviation cited in the UIC's and ANC's oral reports were important and should be duly addressed by ICAO, the Representative of Italy underscored that its attention should be focused, to the maximum extent possible, on cyber threats and that the AVSECP should be directed to continue its work thereon.

25. The President of the Council noted, in this context, that IATA and the Association of European Airlines (AEA) were co-hosting a European Cyber Security Workshop for the aviation industry in Paris, France, on 8 July 2014.

26. The Representative of Brazil voiced satisfaction that ICAO was giving priority attention to the issue of aviation security, which was becoming increasingly topical and important.

27. Sharing the views expressed by the Representative of Venezuela (Bolivarian Republic of) regarding racial and other forms of discrimination, the Representative of the Russian Federation underscored that that issue should be reflected in the Secretary General's envisaged State letter. In then drawing attention to Assembly Resolution A38-16 (*Consolidated statement of continuing policies related to facilitation*), Appendix B, Operative Clause 11, which urged all States to join the PKD, he affirmed that the PKD was technically capable of dealing with the problem of stolen or lost travel documents.

28. With respect to laser attacks, the Representative of the Russian Federation recalled that a proposal to add laser illumination of aircraft to the list of acts of unlawful interference contained in Chapter 1. Definitions of Annex 17 — *Security* had been presented to AVSECP/25 for consideration in WP/17 Restricted (Revision No. 1), co-sponsored by: the International Federation of Air Line Pilots Associations (IFALPA); the International Federation of Air Traffic Controllers Associations (IFATCA); IATA; the European Organisation for the Safety of Air Navigation (EUROCONTROL); and the North Atlantic Treaty Organization (NATO) EUROCONTROL Air Traffic Management Security Coordinating Group (NEASCOG). He noted, from his conversations with pilots, that any type of interference during take-off and especially during landing was dangerous and posed a real threat to aviation safety. For that reason, the Representative of the Russian Federation supported the action proposed in C-WP/14147 Restricted, particularly with regard to laser attacks.

29. The Council noted the UIC's oral report, in particular: that the *Symposium on Innovation in Aviation Security* (Montréal, 21-23 October 2014) would now take place as an ICAO event instead of being planned and conducted in collaboration with IATA and ACI as originally envisaged; and that the Secretary General would present a proposal relating to aviation security assistance performance indicators to the Council for consideration during its next (203rd) session. It further noted that, once approved, those assistance performance indicators could be shared within the Secretariat, including with TCB which was among the Bureaux involved in the provision of assistance to States. The Council agreed to the Secretariat's proposed amendments to the action paragraph of C-WP/14147 Restricted as set forth in the UIC's oral report. It also agreed to the Secretariat's suggested

amendment to its comments under paragraph 5 of the paper, whereby the second sentence would be revised to read “A proposal will be provided to Council by the Secretariat during its 203rd Session”.

30. In addition, the Council noted the comments made by the ANC in its oral report regarding Agenda Item 1 (Developments in aviation security since AVSECP/24) and Agenda Item 3 (Consideration of reports from working groups of the Aviation Security Panel).

31. The Council further agreed that the AVSECP/25 recommendation set forth in paragraph 1.1 f) of the paper relating to Agenda Item 1 be amended by replacing the term “criminalizing” with the term “penalizing” to read “States consider penalizing laser attacks on civil aviation, and that the Secretariat raise awareness of this issue among Member States through a State letter; and”.

32. In then taking the action proposed by the Secretariat, as recommended by the UIC, the Council:

- a) subject to the changes recorded in paragraphs 29 and 31 above, approved the recommendations of AVSECP/25 presented in paragraphs 1 to 6 of C-WP/14147 Restricted, taking into account the Secretariat’s comments;
- b) approved the Secretariat taking the necessary action to carry out the said AVSECP/25 recommendations, as amended;
- c) endorsed the Action Plan to implement the three principles of international aviation security cooperation set forth in Appendix A to C-WP/14147 Restricted, which incorporated all input received from the Panel;
- d) approved the Work Plan Sheet (WPS) template contained in Appendix B to the said paper; and
- e) approved the conduct of impact assessments for all proposals for new and/or amended Annex 17 — *Security Standards and Recommended Practices* (SARPs).

33. The Council reconvened in open session at 1045 hours to consider the remaining items on its order of business.

COUNCIL — 202ND SESSION

SUMMARY MINUTES OF THE THIRD MEETING

(THE COUNCIL CHAMBER, MONDAY, 16 JUNE 2014, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Mr. Raymond Benjamin, 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.L. Vieira (Alt.)	Nigeria	— Mr. M. E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Dr. M. Polkowska
Canada	— Mr. M. Allen	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. W.H. Celedón	Republic of Korea	— Mr. Choi, D.
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. Mahmoud	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. L. Mabaso
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. P.N. Sukul	United Arab Emirates	— Mr. R.A. Al Kaabi (Alt.)
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Mr. T. Koda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Mr. M. Adan (Alt.)	United States	— Mr. J.L. Novak (Alt.)
Libya	— Mr. M. Sayeh Eltayf	Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Mr. F. Zizi	— President, ANC
Mr. M. Halidou	— Chair, AFI SC
Dr. N. Luongo (Alt.)	— Argentina
Mr. P. de Moraes Jardim (Alt.)	— Brazil
Mr. M. Delisle (Alt.)	— Canada
Mr. D.A. Dueñas (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Ms. M. Furuata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. Kang, M. (Alt.)	— Republic of Korea
Mr. A. Almoghraby (Alt.)	— Saudi Arabia

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Ms. N. Graham	— D/ANB
Dr. Fang Liu	— D/ADB
Mr. I. Galán	— D/TCB
Mr. J.V. Augustin	— D/LEB
Mr. J. Marriott	— DD/ASF-ATB
Mr. B. Verhaegen	— SELO
Ms. M. Weinstein	— LO
Ms. O. Bondareva	— LEB
Mr. A. Larcos	— ACC

*Part-time

Representatives to ICAO

Cuba
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Morocco
Mozambique
Peru
Turkey
Uganda

EU

Subject No. 16: Legal work of the organization

International interests in mobile equipment (aircraft equipment)

1. The Council reviewed C-WP/14150, in which the Secretary General provided information relating to the reappointment of the current Registrar of the International Registry for a third five-year term based on the recommendation of the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR); and second, a draft report of the Supervisory Authority to the Contracting States to the Cape Town Convention and Aircraft Protocol, on the discharge of its functions for the period 1 January 2010 to 31 December 2013.
2. In introducing the item, the Director, Legal Affairs and External Relations Bureau (D/LEB) explained that this item was being presented so as to obtain Council approval for the reappointment of the current Registrar of the International Registry for a third five-year term commencing 1 March 2016 and to delegate authority to the Secretariat to negotiate and conclude the contract with the Registrar. The paper also invited the Council to approve the draft report of the Supervisory Authority of the International Registry to the Contracting States of the Cape Town Convention and Protocol of 2001, as referred to in appendix A.
3. In outlining the contents of the paper, D/LEB indicated that paragraphs 1.1 and 1.2 set out the history of the selection and reappointment of the current Registrar. As explained in paragraph 1.3, the Council's action on the reappointment of the Registrar was being requested at this time so as to meet the deadlines set out in Article 38.4 of the current contract. In the event of the parties agreeing to renew the contract, the existing deadline would require the parties to commence consultations, at least 18 months prior to the expiry date, meaning that this would need to commence by 30 August 2014. Alternatively, it was explained that should the Council decide not to reappoint the current Registrar, this would also allow the timing necessary for the Organization to undertake a tender and selection process for a new Registrar, and subsequent conclusion of a contract.
4. It was noted that the Registrar had expressed a desire to be reappointed for a third term, for the reasons that were outlined in paragraph 1.5 of the paper. These reasons had also been submitted by the Registrar to the Commissioner of Experts of the Supervisory Authority (CESAIR), which in turn had expressed support for the reappointment of the Registrar for a third term for the reasons outlined in paragraph 1.6 of the paper.
5. D/LEB also drew attention to the fact that in accordance with Article 17 (2) (j) of the Cape Town Convention, the Supervisory Authority was required to periodically report to the Contracting States on the discharge of its obligations, a copy of which was contained in appendix A to the paper. It was noted that two such earlier reports were previously approved by the Council for the periods 1 March 2006 to 31 December 2007 and 1 January 2008 to 31 December 2009. The draft report that was being submitted for Council approval on this occasion was for the period 1 January 2010 to 31 December 2013. In this instance, the report summarized the functions, activities and costs of the Supervisory Authority and actions of CESAIR.
6. Given the presence of new Representatives since the election of the new Council at the 38th Session of the Assembly in November 2013, D/LEB also took the opportunity to provide additional clarification as to the role of CESAIR. In doing so, he outlined that when the Cape Town Instruments were being drawn up, ICAO had been invited to take over the function, or to adopt the role of the Supervisory Authority. Subsequently, at the inception of this process, the Council agreed to this and thereafter approved the rules of procedure for the Commission of Experts. It was noted that in the rule the definition of Supervisory Authority indicated that this was ICAO, as a whole, but in practice, only the high-level issues such as approval of reports, approval of regulations, appointments, or reappointment of the Registrar, have been brought to the Council, while the more day-to-day administrative activities have been undertaken by the Secretariat.

7. In relation to the costs of the Supervisory Authority, the Representative of Mexico observed that for some years there had appeared to be a downward trend so that over the course of a number of years, the cost had been declining. However, the Representative was concerned to note that as from 2012, the costs had appeared to show a significant increase.

8. The Representative of Norway wondered if CESAIR had considered other alternatives to the reappointment of the current Registrar, and if so, why a tender process could not therefore have been initiated. The Representative also questioned the basis for the evaluation of the costs of the Supervisory Authority since there did not appear to have been anything to compare those costs to, which would as a result throw into doubt any conclusions that were drawn as to the costs involved.

9. In relation to the overall monitoring of the Registry, the Representative of India wondered what monitoring mechanisms were currently in place to oversight the quality of the services that were meant to have been provided and if so what exactly was being monitored and by whom.

10. The Representative of Portugal observed that CESAIR had cited several reasons to support the reappointment of the current Registrar, including the efficiency, professionalism and dedication that had thus far been demonstrated in this capacity in meeting the requirements and expectations of users. In relation to the costs of the Supervisory Authority, the Representative noted that it would have been more useful if the Secretariat had provided a more detailed breakdown of the costs involved and details as to the specific services that were covered.

11. In response to the issue of costs involved, which had been raised in previous interventions by both the Representatives of Mexico and Portugal, the Director, Legal Affairs and External Relations Bureau (D/LEB), observed that as indicated in paragraph 5.1 of the Appendix to the paper, these costs can vary significantly from year to year. For example, in 2013, one of the reasons that had led to an increase in costs had related to the additional support staff that were employed to assist with the work of the Supervisory Authority. D.LEB noted that publication costs had also been higher in more recent periods, which was related to the significant increase in the number of State letters from the President.

12. Separately, increased costs had also resulted from the additional translation and editorial requirements for new editions of the Regulations and Procedures. Another factor for the increase in costs had related to the fact that the CESAIR meetings that took place in 2013, resulted in higher costs than for those in previous periods given that the meeting themselves were longer. It was recalled that the costs outlined had by necessity to include everything that represented a cost factor to ICAO, with the exception, D/LEB observed, of the costs involved in bringing CESAIR related-issues to the Council.

13. In relation to the issue of what had been the basis for the Supervisory Authority to conclude that the price was low in the absence of alternatives, D/LEB emphasized that it was important for the Council to take into account the advice that had been received from CESAIR in this regard, especially given that it was after all, the Advisory Board to the Council.

14. In relation to whether there were alternatives to the current Registrar, D/LEB indicated that this was unknown unless it was agreed to proceed to a tender process. However, in considering all options, D/LEB noted that the Council had before it a strong recommendation from CESAIR in favour of renewing the contract of the Registrar for a third term.

15. In general terms when giving consideration to the option of proceeding to a tender process, D/LEB observed that this was not currently captured in the relevant legal instruments and nor had there ever been any formal decisions in this regard. However, it was noted that the Legal Committee had been of the view that the possibility of tendering for a new Registrar was something that would be considered only as part of a mechanism in cases where the Registrar was perceived as being unable to fulfil the functions of the role in an adequate manner. The option to proceed to tender was not foreseen as something that would be initiated on a regular basis.

16. In relation to the issue of monitoring, D/LEB informed the Council that in the first instance, the Legal Affairs and External Relations Bureau undertook this role. Indeed, he noted that there existed specifically dedicated staff in the Secretariat who undertook duties in this regard. These staff members represented the focal point between ICAO and the Registrar so that when an issue arose, there existed the possibility of referring matters to CESAIR, which as the Advisory Board to the Council could always be consulted on such matters. D/LEB recalled that the members of CESAIR, which currently had a composition of 15, were all appointed by the Council, to advise the Council. Therefore, in terms of a monitoring mechanism, this represented a second level in terms of the role undertaken by CESAIR and the advice it provided. The third level of the monitoring mechanism was the Council itself, which always had the opportunity to deal with major items such as appointments, approval of rules of procedures for CESAIR, approval of relevant regulations for the Registry, and approval of reports, which are disseminated to the States.

17. The Representative of Saudi Arabia wondered how it was possible for the Registrar to have maintained a surplus of \$1 million, as indicated in paragraph 1.5 of the paper, when at the same time the costs associated with the performance of the functions had exceeded \$260,000 during 2013. The Representative also questioned the basis for approving the recommendation to offer a third five-year contract to the current Registrar when there was insufficient information available to the Council on other possible alternatives that could be considered for this role.

18. In response, the Director, Legal Affairs and External Relations Bureau (D/LEB), clarified that it would not be possible to know what alternatives existed to the current Registrar unless a tendering process was initiated. He observed that if the Council wished to do so, it always had the option to request CESAIR, which after all was the Advisory Board to the Council, whether it could propose alternatives that could be considered. D/LEB noted however, that unless an entity made a formal bid then it would be difficult to assess the available alternatives.

19. Separately, in relation to the costs that were outlined in paragraph 5.1 of the appendix to the paper, D/LEB clarified that these reflected the costs to ICAO and not the costs of the Registrar. The issue of the \$1 million surplus that was referred to in paragraph 1.5 of the paper, simply reflected the surplus of income over expenditure and therefore represented funds that would immediately be put back into the Registry system for software enhancements and development.

20. The President of the Council took the opportunity to remind Representatives that the process of selecting a Registrar had at its inception undergone a rigorous bidding process, which was something that needed to be borne in mind in the event that the Council wished to once again proceed in this direction.

21. In relation to the tender process, the Representative of Spain suggested that perhaps it was at this point in time, a little late to be considering embarking on a tender process. However, the Representative observed that it would be appropriate for the next time to begin considering alternatives much earlier in the timeline. In the documentation that was presented to the Council, there ought to be more detailed justification as to why there should be a bid or not. At the same time, the option for commencing a tender bid process should be available.

Nevertheless, for the time being, the Representative did not object to accepting the recommended action and thereby renewing the contract for the current Registrar.

22. Separately, the Representative noted that paragraph 1.5 of the paper referred to an independent customer satisfaction survey that had been undertaken in evaluating the work of the Registrar and referred to the fact that these surveys had been undertaken annually since 2007. In the context of considering the renewal of the contract for the current Registrar, the Representative observed that it would have been useful to have been provided with more information on these results as well as nature of these surveys.

23. The President reminded the Council that the decision before it was essentially whether to agree with the recommendation that had been presented, which was that the Council reappoint the current Registrar. If the decision was that the Council did not wish to accept this recommendation, then it would by extension necessitate the requirement for a tender process to be initiated.

24. In acknowledging his confidence in CESAIR and the high standard of work that it had carried out, the Representative of the Dominican Republic indicated his support for accepting the recommendation that CESAIR had presented to the Council, which was to reappoint the current Registrar. He recalled the old adage that “if it isn’t broken, then don’t fix it”, which he perceived to be highly relevant in this instance.

25. The Representative of Malaysia indicated his support for proceeding with the recommended action, which was to reappoint the current Registrar, although at the same time he wished to acknowledge the interventions that had been made by some Council Representatives who had sought further information on whether alternatives had been adequately considered. The Representative also suggested that in future when this item was presented to the Council, more information should be provided in relation to the customer satisfaction surveys that are undertaken as these would assist the Council in its deliberations on this matter.

26. In relation to a possible tender process, the Director, Legal Affairs and External Relations Bureau (D/LEB), indicated that if this were to be initiated, the process would essentially be similar to the one that had been undertaken when the Registrar had first been appointed. This would require detailing the required specifications, issue the tender with a closing date, and then proceed to making a selection, which would be reviewed by the Contracts Board, after which it would require the approval of the Secretary General and the Council.

27. In proposing that the Council should proceed to approve the reappointment of the current Registrar, the Representative of Mexico nevertheless emphasized that for the next time there should certainly be more information provided to the Council about the alternatives and the mechanics as well as timeline for a potential tender process. In this way the Council would have before it all the necessary information about the options that were available to it.

28. The Representative of Canada indicated that he had understood from the Canadian Member of CESAIR, that when it had considered this issue, there had been no objection raised to the reappointment of the current Registrar. On this basis, he too would accept the recommendation before the Council and proceed to approve the reappointment of the current Registrar. Nevertheless, the Representative agreed with the interventions of Norway and Saudi Arabia, in that on this occasion insufficient information had been presented to the Council on whether alternatives had been considered and what factors were involved in a potential tender process. In this context, the Representative observed that this related to a much broader issue concerning the general rules for contracts and procurement in the Organization. In this instance the Council was being asked to consider a third five-year term, which would mean that it would be fifteen years for the incumbent in this role at the conclusion of the third term. In the meantime, it was likely that the market may have changed considerably. On this basis,

the Representative observed that it therefore might be opportune for the Council to review the relevant rules and financial requirements governing renewable contracts.

29. The Representative of the Russian Federation indicated his support for approving the reappointment of the current Registrar. He noted that CESAIR, which represented the expert advisory group to the Council on this issue, had itself supported the reappointment of the Registrar.

30. In agreeing with the earlier interventions by Canada, Norway and Saudi Arabia, the Representative of Australia noted that if the proposed action that had been presented to the Council were approved, it would mean that the next conceivable opportunity to open a tender process would be in 2021. She observed that it was important for any Organization to review its own methodologies, taking account of emerging trends, and compare respective performances with comparable entities, which might wish to place a bid as part of a tender process. The Representative emphasized that if the time were available, then she would certainly support initiating a tender process. It would also be important in this context to review, and if necessary, to supplement existing rules concerning contracts and tender processes.

31. The Representative of the United Kingdom likewise expressed support for proceeding to a tender process if the time were available to do so. In this scenario it would be possible for the Council to return to this item at the next (203rd) Session so as to consider two alternative proposals: the first of which would be based on the recommendation presented in the current paper, while the second would outline the steps involved in proceeding with a tender process. The latter would outline the pros and cons of alternative approaches, including whether proceeding with a tender process was viable or not.

32. The President of the Council cautioned that initiating a tender process would be a lengthy affair and he was not convinced that the Council had sufficient time to do so in this instance. He noted that if the Council ultimately decided to reappoint the current Registrar, then it would need to commence consultations before 30 August this year, which threw into doubt any idea that this item could be reconsidered by the Council at the next (203rd) Session. The President also recalled the first time that a tender process was initiated in this regard and the length of time that was involved. There was also the question of making an assessment of the alternatives that were presented as part of a tender process and in this scenario the President was concerned that the Council did not have sufficient expertise to make that determination.

33. For his part, the Representative of Germany emphasized that one of the issues that needed to be borne in mind was that if the reappointment of the current Registrar was approved, it would be the third five-year contract and therefore effectively represent a fifteen-year continuation for the same entity. The danger was that this might then continue indefinitely since after fifteen years it would be unlikely that there would be an alternative entity interested in this role. Indeed, potential alternatives might think that any tender process was not genuine if the contract had gone to the same entity for the past fifteen years. On this basis, the Representative expressed support for initiating a tender process now as this might be the last opportunity for the Council to do so. Taking this course of action would also reinforce the principle of transparency, regardless of whether this related to costs, competition, or service provision.

34. In associating himself with the earlier interventions of the Dominican Republic and Mexico, the Representative of Venezuela (Bolivarian Republic of), expressed his support for reappointing the current Registrar.

35. The Representative of South Africa observed that there might be insufficient time to undertake a tender process especially if the Secretariat was expected to develop relevant rules and regulations, which would in any case need to be considered by the Council prior to a decision calling for a tender process. On the basis of

time constraints, the Representative urged the Council to approve the recommended action before it and reappoint the current Registrar.

36. Taking into account the time constraints, especially in light of the need to commence consultations with the current Registrar before 30 August this year in the event of a reappointment, the Representative of the United Republic of Tanzania likewise indicated his support for accepting the recommendation that had been presented to the Council and reappoint the current Registrar.

37. The Representative of Egypt associated himself with the preceding interventions from South Africa, Venezuela (Bolivarian Republic of), and United Republic of Tanzania, by expressing support for the reappointment of the current Registrar.

38. In response to the Representative of the United Kingdom, who sought clarification on the meaning of the text in paragraph 1.3 concerning consultations with the current Registrar before 30 August 2014, the Director, Legal Affairs and External Relations Bureau (D/LEB), explained that this provided that if ICAO decided to renew the contract of the current Registrar, then it would be necessary to commence negotiations on the contract before 30 August 2014. D/LEB acknowledged that this did not preclude a tender process and if the Council decided to proceed with such an option, then of course it was possible that the current Registrar would submit a bid as part of that process. However, if the Council decided against any tender process and decided instead to reappoint the current Registrar, then the provisions of the contract would oblige ICAO to commence negotiations on a new contract before the end of August.

39. The President of the Council took the opportunity to remind the Council that in light of the additional clarification that had been provided by the Director, Legal Affairs and External Relations Bureau in the preceding intervention, that any decision to proceed with a tender process would need to be taken by the Council at this (202nd) Session. There simply would be insufficient time if the decision was delayed until the next (203rd) Session.

40. In expressing support with proceeding with the reappointment, the Representative of Nigeria observed that failure to do so would be seen as the Council calling into question the authority of CESAIR, which he reminded the Council had been appointed precisely for the reason of providing advice and recommendations to the Council on such matters.

41. The Representative of Norway observed that in the countries he represented on the Council, it was unusual for a governing body to be debating whether or not to proceed to a tender process. Indeed, the requirement would more likely have been an obligation to do so. Nevertheless, he acknowledged that doing so on this occasion might create problems if the Council did not proceed with the reappointment of the current Registrar. The Representative observed that one of the difficulties that had been confronted by the Council in considering this item was that insufficient information had been provided in the relevant documentation, including on such key aspects such as information on the alternatives and the value of the contract under consideration.

42. At the conclusion of the debate on this item, and based on the action proposed in the executive summary of C-WP/14150, the Council:

- a) approved the reappointment of the current Registrar, Aviareto Ltd., for a third five-year term commencing 1 March 2016;
- b) delegated authority to the Secretariat to negotiate and conclude the contract with Aviareto

Ltd., on behalf of the Supervisory Authority of the International Registry; and

- c) approved the draft Report of the Supervisory Authority of the International Registry for the period 1 January 2010 to 31 December 2013 as contained in Appendix A to C-WP/14150.

43. It was also understood that in the future when the appointment/reappointment of the Registrar was being brought to the Council for consideration, the working paper would contain a more detailed analysis of options, including a potential tender process, along with details on any customer satisfaction surveys that may have been conducted in assessing the performance of the Registrar.

Subject No. 32.1: Headquarters premises

Progress report on pending issues identified by the Committee on Relations with the Host Country

44. The Council considered information paper C-WP/14167, in which the Secretary General summarized the progress made on pending issues identified by the Committee on Relations with the Host Country (RHCC) and the developments that had arisen since the previous discussion on this subject by the Council in the 201st Session (201/6). The Council also had before it a related oral report by the Vice-Chairperson of the RHCC.

45. In introducing this item, the Vice-Chairperson of the Committee on Relations with the Host Country (Representative of Singapore), indicated that at its most recent meeting, which he had chaired, the Committee had acknowledged the progress made on the pending issues and generally supported the contents of C-WP/14167, noting also with satisfaction that formal negotiations were scheduled to soon start between ICAO and the Government of Québec, with a view to agreeing on a text for a new Understanding (paragraph 2.1 of the paper). In this regard, the Secretariat had confirmed that, without prejudging the outcome of the negotiations, all concerns previously expressed by the RHCC had been duly conveyed to the provincial authorities during the preparatory talks held in Québec City on 13 March 2014. The Committee nevertheless noted that, unfortunately, the fees for health coverage under the Québec annual insurance premium program had recently increased.

46. During the Committee's consideration of the issues, the Representative of Canada had drawn attention to additional developments, more particularly, firstly, a meeting held on 15 May 2014, between himself, the Chairman of the RHCC, a senior official of the Government of Québec and the Secretariat, as well as a reception hosted by the Canadian, Italian and Turkish Delegations on 20 May 2014 to celebrate the First Anniversary of the Montréal Local Expatriate Spouse Association, and the launching of the "Canada for the Diplomatic Community" Guide. The Committee was further informed that from January 2014 to date, the liaison official for immigration matters in the Delegation of Canada had dealt with 69 requests, and Protocol Ottawa had dealt with 140 requests for accreditations relating to acceptances in 223 passports.

47. On the issue of work permits (paragraph 2.2), the Committee expressed support for both options proposed by the Secretariat and opined that Canada should advise on the expected time frame for providing the outcome of the various considerations of such options. In addition, it was felt that Canada should be requested to issue different social security numbers (not commencing with "9") for dependents of the diplomats belonging to the ICAO diplomatic community, and to further consider facilitative conditions for self-employment. The lack of recognition by Québec of foreign educational qualifications was also identified as a concern.

48. Regarding traffic offences (paragraph 2.4), it was noted that the said legal instruments governing the regime of immunities in Canada consist more particularly of the 1990 Headquarters Agreement between the International Civil Aviation Organization and the Government of Canada (Article 12 refers) and the 1961

Vienna Convention on Diplomatic Relations (Article 31 refers). It was agreed that the Montréal city authorities should further look at the situation of the CD parking used by non-authorized vehicles.

49. As regards banking facilities (paragraph 2.6), the Committee had requested the Secretariat to also enquire with the major bank offering such services, to ascertain the situation concerning access by Representatives to financial conditions equivalent to those in the VIP package currently enjoyed by the Secretariat.

50. With respect to UN pensions (paragraph 2.7), the Committee reported that Canada had raised two issues: whether this subject was indeed something for this Committee to pursue and whether the status of the subject was being accurately depicted. It was Canada's view that the matter did not fall within the remit of the RHCC, which had been established to provide a setting to facilitate and promote a dialogue between ICAO and Canada, with a view to solving a broad range of issues related to the delivery of privileges, immunities and courtesy services to Representatives. Moreover, Canada did not concur with the indication that it had not been possible to organize a meeting between the Secretariat and Canadian representatives to discuss the matter of UN pensions as the issue was raised directly with the Minister of Foreign Affairs on 3 March 2014. At that time Canada had indicated that international law did not prescribe an obligation to ensure freedom from income taxes of former international civil servants and it did not consider the matter in need of corrective action. In his capacity as Secretary of the Committee, the Director, Legal Affairs and External Relations Bureau (D/LEB) had explained that, in his view, the issue of taxation of UN pensions could be considered by the Committee if it so desires. It was noted that the Representative of Canada had offered to meet with the ICAO Staff Association to explain the position of Canada on this issue. While dialogue should be maintained, the Committee decided to acknowledge the statement made by the Representative of Canada.

51. The Alternate Representative of Brazil took the opportunity to thank the Representative of Singapore for delivering such a comprehensive oral report and for having undertaken this responsibility in the absence of the Representative of Brazil who is the Chairperson of the Committee on Relations with the Host Country (RHCC), but who was unable to be present at this meeting of the Council.

52. In response to the Representative of the United Republic of Tanzania, who sought further information on the status of the issue of dependents who are students and their status in study programmes being undertaken in Québec, the Director, Legal Affairs and External Relations Bureau (D/LEB), confirmed that the relevant authorities of the Québec administration were currently reviewing this matter in the context of an overall package, which was the subject of negotiation.

53. In welcoming the useful work that the RHCC had already carried out, the Representative of Italy noted that the ICAO diplomatic community now appeared to have in place a systemized and organised way to deal with the various issues requiring attention that affect the diplomatic community. In doing so, the Representative drew specific attention to three issues. The first concerned the issuance of work permits to spouses. He emphasized it was important that this be addressed since it contributed to the well-being of all the diplomatic community that was based in Québec.

54. The second issue concerned the situation of the Consul Officers. The situation affecting them had improved recently especially since Canada now grants diplomatic accreditation to the Consul Generals who happen to have been appointed as Permanent Representatives to ICAO as well. However, more work was required on this issue because this diplomatic accreditation was limited only to the Consul Generals and did not extend to their family members. This led to the odd arrangement whereby a Consul General held diplomatic accreditation but the family was covered by counsellor arrangements. Accordingly, there was a disparity of treatment that needed to be addressed.

55. Finally, in relation to the issue of UN pensions, the Representative agreed that this issue was not really something that should be dealt with in the context of this Committee's deliberations as there were other more appropriate channels through which to have such matters dealt with.

56. In relation to the issue of health coverage and associated costs, the Representative of Portugal noted that in the intervening period, a letter had been issued on 25 March 2014, from the Government of Quebec stating that the Ministry of Health and Social Services had approved an increase in the annual contributions, including an increase of \$1,200 with further increases to follow in subsequent years. The Secretariat undertook to keep the Council informed on this matter once further information became available.

57. The Representative of France thanked the Committee for all the work that had thus far been undertaken on behalf of the diplomatic community linked to ICAO. In this regard, he noted that several significant issues had been progressed. In relation to the issue of UN pensions however, the Representative agreed that this issue should not fall within the mandate of the Committee as this was not the appropriate venue for this to be dealt with.

58. The Representative of Mexico joined with Italy and France in thanking the Committee and the Government of Canada for their combined efforts in trying to resolve the range of issues that had been raised. The Representative suggested that in future reports from the Committee, consideration could be given to including timelines for the identified issues and providing information on when it was anticipated that each issue would be resolved. This would assist the Council in following the progress that was being made in relation to the specific issues under consideration.

59. In welcoming the positive and cooperative approach that had been taken by everyone involved in this process, the Representative of Canada thanked Council Representatives for the manner in which they had facilitated the work of the Committee.

60. Issues raised during consideration of this item were noted by the Council as requiring ongoing attention by the Relations with the Host Country Committee (RHCC) and for reporting on to the Council at subsequent sessions. However, it was agreed that the issue of exemption from taxes in Canada on UN pensions would no longer need to be addressed by the RHCC.

Subject No. 12.2: Plans for air navigation meetings

Review of the conclusions and recommendations of the Multidisciplinary Meeting Regarding Global Tracking

61. The Council considered C-WP/14177, in which the Secretary General presented the outcomes, conclusions and recommendations as a result of the special meeting on global flight tracking held in Montréal from 12 to 13 May 2014.

62. In introducing the item, the Director, Air Navigation Bureau (D/ANB), indicated that the previous day, 15 June 2014, marked the 100th day since Malaysia Airlines flight MH370 disappeared. The circumstances surrounding the disappearance of flight MH370 along with the previous incident in 2009 involving Air France flight AF447, had together both reiterated the need to improve global flight tracking capabilities in the near term.

63. Following the most recent occurrence, a special Multidisciplinary Meeting Regarding Global Tracking was hosted by ICAO in Montréal from 12 to 13 May 2014, to address both the near-term measures needed to implement flight tracking on a worldwide basis through voluntary actions taken by the industry, as well as the mid- and long-term measures to establish ICAO Standards. Participants at this special meeting included States represented on both the ICAO Council and Air Navigation Commission (ANC), as well as industry representatives. In addition, the Chairs of several ICAO Panels were present to participate in the deliberations. The meeting was attended by 207 participants from forty-four Member States and nineteen international organizations.

64. In advance of the meeting, IATA had agreed to initiate global tracking on a voluntary basis and, working under the framework of ICAO, to establish a Task Force to recommend the ways and means. The meeting then quickly reached consensus that aviation's near-term priority was to track airline flights, no matter what their global location or destination. The meeting also established a framework for future efforts on this subject for the medium and long term. The paper C-WP/14177 contained the conclusions and recommendations agreed to by the meeting. These recommendations indicate the actions that will be undertaken to address the near-term needs for flight tracking and which will require further consideration by the Council.

65. Since the meeting, the President of the ANC (P/ANC) and D/ANB hosted a separate preliminary meeting with the Chairpersons of the relevant Panels to agree on a way to work together with the IATA Task Force, and also to begin the parallel path to set international standards. As a result of this collaboration, agreement was reached on the establishment of an ICAO Ad hoc Working Group consisting of the Chairmen of the Air Traffic Management Requirements and Performance Panel (ATMRPP), ATM Operations Panel (ATMOPSP), the Operations Flight Ops Panel (OPSP), the Flight Recorder Panel (FLIRECP), and the Operational Data Link Panel (OPLINKP), as well as several Commissioners and experts from the Secretariat.

66. This near-term focus of the Ad hoc Working Group has been the development of a clear concept of operations (CONOPS) for flight tracking that would define the roles and responsibilities of all the actors in the system. D/ANB indicated that through the work of the Ad Hoc Working Group, a briefing of version 1 of the CONOPS was recently given to the IATA Task Force. In this context, D/ANB acknowledged the special work undertaken by Commissioner Declan Fitzpatrick (ABIS Group) and Mr. Mitch Fox, Chief, Flight Operations Section (C/OPS), for facilitating the effort and for completing this initial effort within such a short time frame.

67. In relation to the CONOPS, it was noted by D/ANB that this now provided an initial basis for the IATA Task Force to begin to evaluate technical options to initiate global tracking. At the same time, the Ad hoc Working Group will work with the Task Force and learn from the implementation challenges that need to be addressed in order to support the development of eventual global standards. It was anticipated that as a result of this work, the CONOPS would be revised by October 2014, with a view to subsequently presenting it the High-level Safety Conference. This would then provide a sound basis to begin the work required to develop the associated SARPs. It was noted that the IATA Task Force had met several times and their efforts were well under way with a report expected by 30 September 2014.

68. In relation to other search and rescue actions, D/ANB informed the Council that several of these would require further consideration. For near-term activities, the Multidisciplinary Meeting Regarding Global Tracking had also included a conclusion proposing that ICAO consider establishing a short-term joint ICAO/IATA advisory group to support the global tracking initiative. It was noted that this proposal would require consideration by the Council in due course and the Secretariat was currently working on this.

69. For the mid-term D/ANB indicated that progress on the SARPs for global tracking was dependent on progress related to the near-term voluntary implementation. The International Telecommunications Union (ITU)

has been working with ICAO to raise the profile of aviation spectrum needs, while COSPAS SARSAT was separately investigating improving the reliability and utility of emergency locator transmitters (ELTs).

70. For the long-term it was noted that during the week of 26 May, at the request of the Government of Malaysia, ITU had hosted a special meeting on the need for and development of international standards for the use of an “aviation cloud” for real time monitoring of flight data. It was as a result of this meeting that several long-term actions were identified including, the need to develop and validate an operational need for real-time monitoring of flight data and identify minimum requirements; the need to identify the concept of operations including communications requirements; work with ITU to determine necessary telecommunication standards including spectrum requirements; work with industry to estimate the associated cost implications and develop appropriate business models to ensure cost effectiveness; work with ITU to identify the necessary standards, policies and regulations that would need to be developed to meet this requirement, including studying requirements on the protection of flight data, information security, privacy, appropriate use of flight data and data ownership for the use of an “aviation cloud” for real-time monitoring of flight data; and the establishment and maintenance of a road map of events and decision-making meetings leading to implementation. Finally, D/ANB informed the Council that the Air Navigation Commission (ANC) would be considering including the identified long-term issues in the overall work programme at the appropriate time.

71. In welcoming the significant body of work that had been undertaken since the disappearance of flight MH370, the Representative of India wondered whether it might be possible for the Council to be presented with a schedule of timelines for the near-term initiatives that had been identified. The Representative indicated that should such a schedule be forthcoming by the time of the next (203rd) Session it would mean that the Council would be in a better position to evaluate all the initiatives and activities. Separately, the Representative also sought clarification on whether there was any possibility for the issues that had been identified as long-term to be reclassified as being more of a mid-term requirement. The Representative also requested any updates on the search for MH370 if such information were available from the Secretariat.

72. By way of clarification in response to the points raised by the Representative of India, the Director, Air Navigation Bureau (D/ANB), indicated that it would certainly be possible to provide the Council with more information in due course as to a potential schedule for taking action on the near-term activities. In this connection, it was expected that once the Ad hoc Working Group and the Task Force had met it would be possible to have more details on the timelines.

73. As to the long-term activities that had been identified, D/ANB explained that this was more problematic but she hoped to provide the Council with more information on these as well in due course. In doing so, D/ANB observed that the issues related to safety information was a significant part of the overall subject. The technology required might be easy but it would be the governance aspects that would raise the most difficult challenges. She hoped that the forthcoming High-level Safety Conference would facilitate discussions in this regard.

74. In relation to the search for MH370, D/ANB noted that at this stage the Secretariat did not have available to it any further information than that which had already been made available. She nevertheless explained that the ICAO Secretariat would continue to support the search mission and provide whatever assistance that might be required so as to facilitate this operation.

75. In relation to the disappearance of Malaysia Airlines flight MH370, the Representative of Australia informed the Council that her Government placed a high priority on continuing the coordination of the search for the wreckage of the aircraft. In doing so, she noted that the experience gained thus far from the search mission and the lessons learned, would undoubtedly be useful, both in the region and for the international

community. The Representative noted that it would be important for ICAO to act decisively and expeditiously, particularly with regard to the development of efficient, practical, and cost-effective systems, as well as in supporting SARPs and guidance material for global tracking, monitoring, alerting, and search and rescue, to ensure timely detection of non-normal aircraft operation so that aircraft disappearances such as in the case of MH370, could not be replicated.

76. The Representative welcomed the establishment of the IATA Task Force to develop the near-term options. She emphasized that Australia stood ready to continue to actively support the work of ICAO, in particular through the provision of search and rescue expertise for revising and further developing the CONOPS that was currently under preparation and which would support search and rescue recovery and accident investigation activities. The Representative noted that an assessment of all tracking and monitoring technology was appropriate and was something that should be undertaken beyond the COSPAS SARSAT channel. Indeed, she proposed that this should be considered as part of the development of the CONOPS and something that could be considered by the IATA Task Force.

77. Finally, while the Representative expressed some support for the foreshadowed work between the ITU and ICAO on the “aviation cloud” concept, she noted that this would be a complex issue, not just technically but also legally. The Representative therefore emphasized that the most important area of focus for both ITU and ICAO for the time being related to the protection and securing of the aviation spectrum, so that the technologies that need spectrum access can be assured of being able to do so. Australia was an early adapter of technology for surveillance and tracking so it would encourage other countries to make progress in these areas as well.

78. In delivering a presentation on the work of the ICAO Ad hoc Working Group, the President of the Air Navigation Commission (P/ANC), indicated that this body was working closely with the ICAO Task Force. The focus of the former was primarily on the development of the CONOPS and the related concepts and interactions, including the search and resource aspects. Meanwhile, the focus of the IATA Task Force was on issues related to tracking.

79. In relation to the CONOPS, P/ANC indicated that it was expected to be finalized by the end of September or beginning of October with a view to it being presented to the forthcoming High-level Safety Conference, which would represent the first step in the process of consideration being given to relevant SARPs or related provisions.

80. P/ANC reminded the Council that in relation to the disappearance of aircraft as had occurred with MH370, the focus was on an aircraft that went from a normal operation mode to potentially an accident. In all the various phases of such situations, depending where one was in the world, it was possible to obtain some information. In this context, what would be important is that the CONOPS envisage all possible scenarios and offer a clear understanding about the process to be followed. This was one reason why a multidisciplinary meeting was held because it was understood early on in this situation that it would require input and expertise from various perspectives and understandings.

81. It was emphasized by P/ANC that one of the most important phases in these scenarios was that which occurred between the alert and the accident, where time was of the essence and steps needed to be followed in an efficient manner. P/ANC reminded the Council that in undertaking search and rescue missions, which was of itself challenging enough, the first goal of the operation should always be to rescue people who had survived. It was not to find the flight recorder or the wreckage. This became important at the end of the process. It was therefore important not to lose sight of the human element to these situations.

82. Finally, in relation to emergency locator transmitters (ELTs), P/ANC informed the Council that further work would be necessary, in partnership with industry, to explore ways to improve the reliability and utility of the ELTs, particularly in the context of flight tracking during a distress event, such as had occurred in relation to MH370.

83. The Representative of Spain emphasized that the primary focus in these situations should always be the search for survivors and in that context the first few hours after the disappearance of an aircraft remain the most critical in terms of search and rescue operations, especially in terms of locating the accident site and in determining whether there were any survivors. Indeed, the Representative noted that in normal circumstances, most people could not be expected to survive for more than eight hours, although in especially harsh conditions, this timespan might be even shorter.

84. The Representative welcomed the leadership that ICAO had shown in taking certain initiatives to respond to the most recent event involving flight MH370, which of itself represented a transformative event for the aviation sector. He hoped that this event would not be seen as just another accident but would rather lead to substantial changes in aviation processes, including in the way accidents were investigated and how those investigations were conducted.

85. Regarding the near-term, mid-term, and long-term recommendations that were contained in the appendix to C-WP/14177, the Representative made a number of proposals. For instance, in relation to the concept of operations (CONOPS) that would be presented to the High-level Safety Conference, he suggested that an entity be identified that would have overall responsibility for this, whether it be the Council or the ANC. If it was to be the latter, the Representative suggested that it might be useful if the Council were briefed by the Commission before the CONOPS were presented to the Conference.

86. In relation to the resource implications arising from this work, the Representative wondered whether more funds could be allocated to undertake the activities that had been identified. With regard to the proposal that ICAO should strongly encourage States to regularly run practice exercises involving airline operation centres, air navigation service providers, and rescue coordination centres, the Representative noted that it would be important to determine whether guidance material existed for these exercises and what ICAO could practically do to help States conduct these exercises. In this context, the Representative suggested that stronger language be found for this proposal since to “encourage States” to do so may not prove sufficient. Indeed, it would be necessary to be more forceful in reminding States that they were obliged to undertake such exercises.

87. In relation to foreshadowed work by COSPAS-SARSAT on the issue of emergency locator transmitters (ELTs), the Representative noted that this would be critical because it would help in search and rescue missions. It was known that on many occasions, the ELTs had not functioned properly and therefore this would need to examine how reliable these systems actually were.

88. Finally, the Representative proposed that the action to be taken by the Council on this item as outlined in the Executive Summary of C-WP/14177, might need to be strengthened. He informed the President of the Council that he would seek to amend the proposed draft decision to strengthen the intended action that would be required.

89. In response to several of the issues raised by the Representative of Spain, the President of the Air Navigation Commission (P/ANC), confirmed that the Council would of course be briefed on the CONOPS before it was presented to the High-level Safety Conference and on that occasion the views of Representatives would be sought. Before doing so, the ANC would review the CONOPS with the aim of identifying the needs for various disciplinary provisions that would be required to be developed. This would include managing the

recognitions from the abnormal situation to the alert phase of any given scenario, including addressing such concepts as the basis for moving from an alert phase to a distress phase.

90. In relation to the foreshadowed work by COSPAS-SARSAT on emergency locator transmitters (ELTs), it was acknowledged by P/ANC that the latest event involving flight MH370 had clearly demonstrated that ELTs were not functioning as they ought to. It was possible that the next generation of ELTs might deliver a capacity to have signals triggered in-flight, either from the ground or from the flight, which would by itself constitute a flight tracking means, but this of course would require an overall assessment in the context of the COSPAS-SARSAT work. P/ANC also informed the Council that the IATA Task Force was currently evaluating and assessing multiple solutions that would be useful in the overall concept of operations (CONOPS).

91. By way of supplementing the information provided in the preceding intervention, the Director, Air Navigation Bureau (D/ANB), explained that in dealing with the issues arising, some of the challenges would be multidisciplinary in nature. This was one reason why the various Panels had participated in the Multidisciplinary Meeting since it afforded an opportunity to cut across several different boundaries and work together in addressing the issues. In this context, the ICAO Ad hoc Working Group also brought all the different disciplines together at the same time. The Panel Chairs also offered a unique perspective on operations that was simply not immediately available in either the Secretariat or in the Commission.

92. As for the CONOPS, D/ANB envisaged that this would of itself develop into guidance material for the implementation of a standard as it pertained to search and rescue. She recalled that this was one area that she had for some time been foreshadowing would require substantial work to be carried out. Finding additional resources for this work would remain an ongoing challenge but D/ANB remained hopeful that in undertaking the requisite work some States would assist the process by providing additional personnel resources for this specific purpose.

93. In relation to the “aviation cloud” concept, D/ANB noted that while this offered the allure of superseding a lot of current aircraft equipment, the work that would be required to elaborate on this particular activity was substantial and the challenges involved should not be underestimated. By its very nature, this particular area of work would remain a long-term proposition, albeit an important one, that ICAO was committed to pursuing. For the immediate term though, the focus of the Secretariat would be on the near-term recommendations that had been outlined in C-WP/14177.

94. The Representative of Malaysia expressed his appreciation to the ANC and the Secretariat for the work that had been initiated in this area especially given that much of it related to the disappearance of Malaysia Airlines flight MH370. He noted that the conclusions and recommendations to be adopted in the future would in fact benefit the global aviation community and in this regard he welcomed the items that had already been outlined as near-term, mid-term, and long-term in C-WP/14177. He also supported the work being carried out by the industry within the context of the IATA Task Force. It was especially positive that both IATA and ICAO were working together in this area to identify initiatives that could be undertaken.

95. In relation to search and rescue missions, the Representative observed that the lessons learned from the most recent situation would be invaluable and would need to be shared between States and with ICAO. He particularly expressed his delegation’s appreciation to all the other States that had been involved in the search for flight MH370 and he hoped that the information and insights gained from this effort would be used in the work that would be undertaken in the future. In particular, it would be important to ensure that ICAO was given the necessary resources to undertake the work that would be required.

96. In relation to the COSPAS-SARSAT initiative, the Representative identified this work on assessing the reliability of emergency locator transmitters (ELTs), as being of crucial importance in the mid-term. He noted that the failure of the signal in the case of flight MH370 had been a crucial factor. The whole issue of global tracking systems would therefore be important and he looked forward to the outcome of this proposed activity especially as the global tracking system should help to enhance the COSPAS-SARSAT system so that the same failures would not be encountered in any future comparable situations.

97. The Representative also expressed his appreciation to the Director, Air Navigation Bureau (D/ANB) for having travelled to Malaysia to attend a meeting of the International Telecommunications Union (ITU), and in collaboration with various stakeholders to explore ways to enhance the potential “aviation cloud” options with the aim of preventing such accidents happening in the future. The Representative reminded the Council that the ultimate aim of the future work in this area should be to ensure that these kinds of accidents would not occur in future. This is what the Council and the ANC should be striving for.

98. In relation to the disappearance of flight MH370, the Representative confirmed his Government’s commitment to continue the search mission until the aircraft was found. In referring to a statement from the Minister of Transport of Malaysia, it was noted that the loss of flight MH370 remained a painful wound in the hearts of all Malaysians and of all peoples around the world. The Government of Malaysia would not rest until flight MH370 was found and until the wreckage was recovered. The Government of Malaysia expressed its appreciation to Australia, China, the United States and many other countries in the Asian region for their assistance in the search mission. In relation to the current status of the search mission, the Representative was unable to provide the Council with additional information apart from that which had already been provided but he noted that the search mission had momentarily been placed on hold but would continue again in August. This would involve a tender process and the selection of a private contractor to continue the search operation.

99. The Representative of Nigeria welcomed the proposed recommendations that had been outlined in the appendix to C-WP/14177 but he suggested that consideration be given to moving the proposed recommendation of the COSPAS-SARSAT work on emergency locator transmitters (ELTs) from a mid-term to a near-term action. In doing so, the Representative observed that most States were heavily dependent on COSPAS-SARSAT for information relating to search and rescue missions. Therefore, it would be important to have this work undertaken before States undertook practice exercises involving rescue coordination centres since many of these were currently reliant on the existing mechanisms.

100. In response to a request from the Representative of Saudi Arabia who proposed that the Council should be regularly briefed on developments on this issue and what deadlines were currently envisaged in relation to the specific recommended actions, the Director, Air Navigation Bureau (D/ANB), indicated that it certainly would be possible to provide the Council with a mid-term report by the end of August 2014 on the progress that had been made on the various recommendations. In relation to any proposed deadlines however, D/ANB explained that many of the recommendations were requiring action by industry and therefore some flexibility would be required. For the Secretariat it was certainly intended to progress any work that was arising especially vis-à-vis possible standards and a clearer picture on this would become available once the work of the IATA Task Force was complete by the end of September. Thereafter, D/ANB envisaged that concrete proposals would be presented to the Council for consideration.

101. The Representative of Portugal expressed support for the work being carried out in the development of a concept of operations (CONOPS). She also indicated her support for strengthening the proposed action to be taken by the Council as had been outlined in the Executive Summary of C-WP/14177. Specifically, the text referring to request to the Secretary General to encourage States to support these efforts ought to be strengthened and include a reference to the need for States to share their experiences in regard to initiatives

being undertaken in search and rescue operations since this could contribute to the development of guidance for States.

102. In observing that there was a significant legislative challenge ahead, the Representative of Poland observed that some of the recommendations outlined in the appendix to C-WP/14177, carried implications vis-à-vis Annex 12. In this context, it was noted that currently there was no requirement for aircraft that fly over the high seas to be equipped with technology that would ensure they were better prepared than relying solely on emergency locator transmitters (ELTs) for detection in the water and on the surface. The Representative noted that Annex 12 did not currently provide information on ELTs and therefore recommendations concerning in-flight tracking in emergency situations were important especially given the current limitations of the existing COSPAS-SARSAT systems.

103. In response to a question from the Representative of the Russian Federation who wondered whether the issue of secondary locators would be included in the proposed concept of operations (CONOPS), and also whether the option existed for ICAO to work within the COSPAS-SARSAT channel to further develop flight data recorders (FDRs) in the context of search and rescue missions, the President of the Air Navigation Commission (P/ANC), confirmed that the proposed CONOPS would indeed cover this range of issues. This will include a review of various solutions in the context of the CONOPS.

104. P/ANC reminded the Council however, that in the context of assessing solutions, there remained a need to identify potentially inflammable sources on an aircraft and either eliminating or reducing this hazard. A range of related issues would be part of the development of the CONOPS, including issues related to the flight data recorder and ELTs. In this context, P/ANC noted that the Chairperson of the Flight Recorder Panel was a member of the Ad hoc Working Group, which meant that all potential solutions would have the benefit of the Panel's review before consideration were given to incorporating these into the CONOPS.

105. In relation to the issues raised by the Representative of Poland, P/ANC explained that it was envisaged that before any possible options were adopted, these would be trialed with the States. In relation to the ELTs, the problem was one of post-accident, where the ELT and the antenna were broken. This did not necessarily mean that it was not working in-flight. The work in this area would include an assessment of the whole sequence of events to identify what was lacking in terms of air traffic information, especially in remote areas where the capability to locate an aircraft might have been impaired.

106. By way of supplementing the information that the President of the Air Navigation Commission (P/ANC) had provided in response to the questions from the Representatives of Poland and the Russian Federation, the Director, Air Navigation Bureau (D/ANB), indicated that more time would be required to work through all the technical requirements of any recommendations. From her perspective, this offered an opportunity as was often the case in such situations. In her view, ELTs were these days more often than not considered to be a hindrance since they frequently did not function and it was certainly time to assess their ongoing applicability.

107. Likewise, it was certainly time to review the concept of operations that were applied in search and rescue missions given that these had been in existence for the past 50 years and in that same timeframe aircraft had changed significantly. Other technical issues such as leaving the transponder on or redesigning the aircraft to make sure the transponder stayed on, which in and of itself presented new issues, were also under consideration. However, time would be required to work through all the technical aspects of these issues but it was certainly the right time for this review to be taking place.

108. D/ANB reminded the Council that the focus for now would be on the near-term recommendations, which essentially aim to set in place global tracking systems and restore public confidence in aviation. In relation to an

additional emphasis on search and rescue guidance, D/ANB expressed some reluctance to start new work in this area until more information and insights were forthcoming, particularly vis-à-vis what had actually occurred in relation to flight MH370. She also noted that the Secretariat did not currently have sufficient expertise in this area and it would be imprudent to raise expectations in this regard at the present time.

109. Finally, D/ANB also noted that many of the solutions and options would in the first instance require a broader examination of modern aircraft and what the concept of operations might be. She emphasized that this work could not be rushed. The focus would remain on global tracking. The mid-term recommendations would also require more reflection and further analysis. D/ANB assured the Council though that subsequent briefings would outline preliminary milestones to be undertaken.

110. In relation to the resource implications arising from the work on these issues, the Secretary General reminded the Council that none of the envisaged work had been anticipated in the current work programme. However, this did not preclude action being taken by the Secretariat and indeed a number of specific actions had already been identified. He acknowledged that resources could be shifted from elsewhere but the question would be from which sources. In any case, there would be obvious repercussions from doing so.

111. The Secretary General also reminded the Council that in many of the issues arising from this subject, such as in relation to search and rescue, specific technical expertise was required, which was something that could not easily be built up in a short space of time. He acknowledged that important issues were raised from this item but it would be difficult for the Secretariat to respond adequately, comprehensively, and with the urgency that had been implied during the course of the Council's consideration of this item. He indicated that he would be in a better position to provide the Council with more information as to the resource implications once this item returned to the Council for consideration later this year.

112. At the conclusion of the debate on this item, and based on the action proposed in the executive summary of C-WP/14177, the Council:

- a) noted the conclusions of the meeting for the near term as shown in the appendix to C-WP/14177;
- b) approved the recommendations of the meeting for the near, medium and long terms as shown in the appendix to C-WP/14177;
- c) requested the Secretary General to encourage States to support this effort by sharing their experiences in regard to new initiatives being undertaken and, in particular, to test and verify their ability to respond to and coordinate in an integrated manner on abnormal flight behaviour scenarios; and
- d) requested the Secretariat to develop appropriate mechanisms and guidance material to support States in their coordination of search and rescue missions.

113. It was also understood that a report encompassing an interim update of the voluntary path for global flight tracking along with an initial plan for the development of SARPs would be presented during the 203rd Session of the Council.

Subject No. 14: Subjects relating to air navigation**Report of the AFI Plan Steering Committee**

114. In introducing this item, the Secretary General indicated that a number of events and meetings held in Dakar, Senegal, from 26 to 30 May 2014, led up to the Thirteenth Meeting of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) Steering Committee. These included the AFI Aviation Safety Symposium, held from 27 to 28 May 2014, which was attended by over 300 delegates from African States and international organizations, including the European Union, the Economic Community of West African States (ECOWAS), the Central African Economic and Monetary Community (CEMAC), the West African Economic and Monetary Union (UEMOA), Eurocontrol, the East African Community (EAC), the Agency for the Air Navigation Safety in Africa and Madagascar (ASECNA) as well as development partners. Through this successful event, African States were encouraged to maintain the momentum in improving safety and air navigation performance in Africa, an essential catalyst for economic development, as well as to implement the Abuja aviation safety targets. Aviation safety partners were also encouraged to motivate their development agencies to continue providing assistance and resources to improve safety and air navigation performance.

115. It was noted that a number of “by-invitation” sessions and bilateral meetings were conducted with States with Significant Safety Concerns (SSCs) or low effective implementation of the critical elements of a safety oversight system and aviation safety partners. These sessions were instrumental in coordinating assistance, re-engaging States to resolve their deficiencies and sharing of experiences to find practical solutions.

116. The Secretary General was pleased to inform the Council that during the course of the meeting of the AFI Plan Steering Committee, four major agreements were concluded. These included the Memorandum of Understanding among African and Malagasy Civil Aviation Authorities (AAMAC), Central African Economic and Monetary Community (CEMAC) and West African Economic and Monetary Union (UEMOA); the three Regional Safety Oversight Organizations (RSOOs) in West Africa, to coordinate their functions and in the long term establish one common RSOO; the AFPP agreement to which twenty States adhered to facilitate programme-based navigation implementation in the AFI Region; and finally, an assistance project involving France, Madagascar and ICAO aimed at enhancing the safety oversight capabilities of the Civil Aviation Administration of Madagascar.

117. On 28 May 2014, a half-day Aviation Security Meeting was convened to discuss a new initiative aimed at enhancing aviation security and facilitation in Africa. This event brought together 180 participants representing States, regional and international organizations and industry. The AFI SECFAL Initiative, developed by the Representative of Uganda to ICAO with the assistance of the African Group of Representatives to ICAO, was unanimously supported by States. As a next step, the Initiative will be presented for endorsement to the 24th African Civil Aviation Commission (AFCAC) Plenary Session to be held from 1 to 4 July 2014 in Dakar, Senegal which will be attended by the President of the Council. The Initiative is expected to significantly upgrade security and facilitation of civil aviation in Africa and to help in coordination efforts.

118. Finally, the Secretary General took the opportunity to express appreciation to the Representatives of China, Malaysia, Norway, and Republic of Korea, who participated in these events. He also noted the welcome participation of several high-level delegations, including from Singapore, United States, and Belgium, as well as the President of the Eurocontrol Provisional Council.

119. In delivering an oral report on this item, the Chairperson of the AFI Plan Steering Committee indicated that the Thirteenth Meeting of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa

(AFI Plan) Steering Committee was attended by 81 participants, including observers, as well as numerous Directors-General of Civil Aviation in Africa. The Chairperson also expressed his appreciation to the Representatives who attended this meeting in Dakar.

120. In noting that this represented the first time that Steering Committee had held such a meeting in Africa, the Chairperson welcomed the fact that the Committee had reviewed and adopted relevant outcomes of the successful AFI Aviation Safety Symposium. The Chairs of the Africa-Indian Ocean Regional Aviation Safety Group (RASG-AFI) and the AFI Planning and Implementation Regional Group (APIRG) had also been incorporated into the membership of the AFI Plan Steering Committee to foster the synergy of the AFI Plan with these regional groups.

121. The Steering Committee had reviewed the actions taken to implement the decisions of the previous meeting and the status of implementation of the 2014 work programme. Progress was noted on the establishment and strengthening of regional safety oversight organizations (RSOOs), in particular the Memorandum of Understanding concluded among African and Malagasy Civil Aviation Authorities (AAMAC), Central African Economic and Monetary Community (CEMAC) and West African Economic and Monetary Union (UEMOA) to coordinate their RSOO functions.

122. The meeting also recognized the incorporation of assistance to improve air navigation services in Africa. In this regard, the Chairperson recalled that the AFI Plan activities had been extended to air navigation services, aerodrome and also accident investigation. The establishment and progress of the AFI Flight Procedure Programme, with the participation of 20 States who signed during this period, was also noted.

123. In terms of results achieved, the Chairperson highlighted the training that had been provided and he noted that through the AFI Plan, more than 2200 people had attended the courses and workshops organized in the period from 2008 to 2013, in areas such as flight operations, airworthiness, licensing, aerodromes, safety management, safe transport of dangerous goods, and aviation medicine.

124. Regarding the progress made by some States in improving their effective implementation (EI) of a safety oversight system to 60 per cent, as a safety target and also as a target for the global aviation safety plan, the Chairperson noted that more than seventeen States were now above the 60 per cent threshold, which represented good progress. Other States were also expected to reach the 60 per cent threshold of EI by the end of 2014, subject to the results of ICAO Coordinated Validation Missions (ICVMs) and ROST missions by the Regional Offices scheduled in 2014.

125. The Chairperson informed the Council that the Steering Committee had reached a number of conclusions and recommendations, the most significant of which included incorporating the initiatives contained in the Collaborative Implementation Programme into the AFI Plan activities and work programme. It was also agreed to establish a coordination mechanism to select appropriate metrics and indicators in coordination with the APIRG and the RASG-AFI to monitor AFI air navigation services regional targets and report to the next AFI Plan Steering Committee meeting.

126. Regarding the African Union Commission and the African Civil Aviation Commission (AFCAC), the Chairperson informed the Council that they would conduct joint missions to those States with insufficient political will to address safety deficiencies. This would supplement the actions being taken by the President of the Council and the Secretary General whenever they have the occasion to speak to or to meet with Government Ministers or other high-level officials of relevant States.

127. Regarding training, the Chairperson noted that States were being encouraged to take advantage of the ICAO Training Subsidy Programme to enable attendance of nominated staff at relevant training courses. The objective of the programme was to assist Member States that were having difficulties in developing various safety oversight capabilities. ICAO would also continue to assist the Association of African Aviation Training Organizations (AATO) to help identify the needs of training in Africa and to report to the AFI Steering Committee.

128. In concluding his report, the Chairperson expressed the appreciation of the Steering Committee for all the support that had been provided to facilitate the meeting that had taken place in Dakar. It was hoped that annual meetings could take place in Africa in order to promote the AFI Plan and also to provide opportunities to emphasize the importance of safety implementation. It was noted that the next meeting of the Steering Committee would be held in Montreal, in November 2014.

129. In welcoming the reports from both the Secretary General and the Chairperson of the AFI Plan Steering Committee, the Representative of Burkina Faso took the opportunity to also express his appreciation to the donors and all Council Representatives who provide support in the implementation of the AFI Plan. In particular, he paid tribute to those Representatives who made the effort to attend the meeting in Dakar and demonstrate their support for the efforts of the Steering Committee, as well as to the high-level delegation from Singapore that had participated in the event.

130. In relation to the progress that had been made by some States in improving their effective implementation of a safety oversight system to 60 per cent or more, the Representative observed that this represented a remarkable achievement and testament to the good level of cooperation by everyone involved, including the States and the Secretariat. One of the foreshadowed options would now be to invite States to engage at a greater level with the Regional Offices, in order to help them integrate all efforts into the existing processes and not necessarily wait for the results of the ICAO Coordinated Validation Missions (ICVMs) before taking the necessary actions. The Representative expressed his full confidence that in due course even more States from Africa would seize the available opportunities and thus raise the standard of civil aviation in Africa.

131. In response to a question raised by the Representative of Portugal concerning the numbers of professional staff who had attended the available courses and workshops and whether they continued to be employed in the aviation sector, the Chairperson of the AFI Plan Steering Committee explained that regarding the ICAO Training Subsidy Programme, this was coordinated by the Regional Offices from which the States are notified of the programme. Regional Offices screen the applications received, sometimes in coordination with the appropriate Bureau at ICAO Headquarters. As for the training itself, the Chairperson confirmed that a database existed that contained relevant information on the participants and the agencies represented. Surveys have also been conducted, firstly to assess the needs in terms of training but also to ascertain what has occurred with those that had received training. For the most part, these individuals continued to work in the civil aviation sector although in some instances they had been promoted into higher-level positions in their agencies.

132. In supplementing the information given by the Chairperson of AFI Plan Steering Committee on this issue, the Secretary General took the opportunity to inform the Council that often when undertaking missions to such regions, he would make the point to the high-level government representatives that he was meeting with that it was important to ensure that the professional staff working in the government civil aviation sector receive adequate remuneration for their employment otherwise all the additional training would be lost if the relevant personnel moved onto other positions elsewhere due to the conditions of service.

133. The Representative of the United Republic of Tanzania welcomed the reports from the Secretary General and the Chairperson of the AFI Plan Steering Committee. In doing so he specifically drew attention to the value

in having held the meeting of the Steering Committee in Africa since this afforded a unique opportunity for a broader range of participants to attend. In particular, the Representative expressed his appreciation to the Secretary General for having taken this initiative and for his ongoing commitment to Africa. In this regard he cited as an example the number of missions that the Secretary General had undertaken to Africa.

134. The Representative observed that although the additional involvement of the African Union and the AFCAC would be welcome in working with countries with insufficient political will to address safety deficiencies, it would nevertheless remain important for both the President of the Council and the Secretary General to be at the forefront of these efforts. He noted that when the Secretary General had visited the United Republic of Tanzania, the impact of the mission had been noticeable given the range of people the Secretary General had met with.

135. In supporting an expansion of the AFI Plan, the Representative of France indicated the reports that had been presented today had helped to demonstrate how invaluable the initiative had proven to be and the resultant positive momentum. Ideally, this should enable the creation of projects that are in line with the Abuja safety targets. The Representative noted that it was in this context that France had worked closely with relevant partners concluding an agreement involving African and Malagasy Civil Aviation Authorities (AAMAC), among others, to formalize support for capacity-building. This helped to emphasize that projects need to be structured in such a way that countries will have autonomy or ownership to ensure their effectiveness. The Representative also took the opportunity to reiterate the support that France was providing to the AFPP initiative, which had clearly demonstrated success in the number of States that had already agreed to participate. This augured well for the future and for plans to potentially expand this programme.

136. In welcoming the progress that had been made in the AFI Plan, the Representative of Spain observed that the various initiatives were already having a positive impact in terms of effective implementation of a safety oversight system. In relation to the recommendation that ICAO establish a coordination mechanism to select appropriate metrics and indicators in coordination with the APIRG and the RASG-AFI to monitor AFI air navigation services regional targets, the Representative observed that this might carry with it global implications and not just regional. Likewise in relation to the recommendation to develop a stepped escalation process for those States that do not report sufficient effective progress to ICAO, the Representative noted that this too would not only serve the interests of Africa, but could be relevant for other regions as well.

137. The Representative of Egypt thanked the Secretary General for his vision in helping to bring the Steering Committee meeting to Dakar and for the positive results that had been delivered thus far and the Chairperson of the AFI Plan Steering Committee for his efforts and leadership in this regard. The Representative also thanked Morocco for that State's generous contribution in assisting with a specifically targeted French language training course, which had been referred to during the meeting in Dakar.

138. In thanking all those that had been involved in the AFI Plan Steering Committee in Dakar, the Representative of Cameroon noted that the preparatory work had been quite intensive and had required several months to bring the final meeting to its fruition. The event itself had helped to facilitate numerous others meetings and initiatives. The Representative also noted that it would be important to include the positive outcomes of the AFI projects in a State letter so as to raise levels of awareness of the positive outcomes of the initiatives.

139. In reference to the recommendation aimed at the development of a stepped escalation process for those States that do not report sufficient effective progress to ICAO, the Representative of Kenya suggested that as a complement to this activity, one option might be to involve the diplomatic missions based in Ottawa and New

York for the relevant States. He noted that this would help to add an extra layer of reminding States of the importance of fulfilling their mandates at the political level.

140. In concluding the discussion on this item, the President of the Council noted that the Regional Directors were often well aware of the needs and requirements of different States and specifically of the relevant issues in those States where there might be a lack of political will to deal with safety deficiencies. Therefore, it may not necessarily require a direct approach to the relevant diplomatic mission in Ottawa or New York, although he acknowledged that this would certainly be an option to consider if necessary.

141. In noting the oral report by the Chairperson of the AFI Plan Steering Committee, the Council then endorsed the conclusions and recommendations presented therein arising from the Thirteenth Meeting of the AFI Plan Steering Committee. It was also noted by the Council that the next meeting of the Steering Committee would take place in Montreal during November 2014, following which it was understood that there would be a subsequent report to the Council.

Any other business

Subject No. 41: Rules of procedure of the various representative bodies in ICAO

Review of the composition of the Standing Committees of the Council

142. Pursuant to Council's consideration of this item (C-DEC 202/1 refers) and the subsequent issuance of memorandum PRES OBA/2307 dated 9 June 2014, the President of the Council proposed, and the Council agreed, to an increase in the size of the Finance Committee from 17 to 20 members.

Subject No. 5: Election of Vice-Presidents of the Council

Subject No. 6.3: Election of Chairmen and Members of subsidiary bodies of the Council

Subject No. 46: Edward Warner Award

Elections by the Council

143. The Council agreed to waive Rule 26 b) of the Rules of Procedure for the Council (Doc 7559), whereby working papers are to be distributed to all Representatives at least five working days in advance of the meeting at which they are to be considered, to enable C-WP/14164 (Elections by the Council) to be tabled for consideration on Monday, 23 June 2014.

144. The Council adjourned at 1730 hours.

COUNCIL — 202ND SESSION

SUMMARY MINUTES OF THE FOURTH MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 18 JUNE 2014, AT 1030 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Mr. Raymond Benjamin, 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	— Dr. M. Polkowska
Canada	— Mr. M. Allen	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. W.H. Celedón	Republic of Korea	— Mr. Choi, D.
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. Mahmoud	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. L. Mabaso
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. P.N. Sukul	United Arab Emirates	— Capt. A. Al Hamili
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Mr. T. Koda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Mr. M. Adan (Alt.)	United States	— Mr. J.L. Novak (Alt.)
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. Delisle (Alt.)	— Canada
Mr. D.A. Dueñas (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. A. Bardaro (Alt.)	— Italy
Ms. M. Furuhata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. Kang, M. (Alt.)	— Republic of Korea
Mr. A. Korsakov (Alt.)	— Russian Federation

SECRETARIAT:

Mr. D. Azema	— DC/OSG
*Ms. N. Graham	— D/ANB
*Dr. Fang Liu	— D/ADB
*Mr. I. Galán	— D/TCB
*Mr. B. Djibo	— D/ATB
*Mr. J. Augustin	— D/LEB
*Mr. J. Marriott	— DD/ASF-ATB
*Mr. M. Elamiri	— DD/SMM
*Mr. H. Gourdjji	— DD/MO-ANB
*Mr. A. Quiroz	— C/ASA
*Mr. M. Hoummady	— GAT Manager
*Mr. M. Vreedenburgh	— C/IMP/SAF
*Mr. A. Opolot	— LEB
*Mr. M. Leitgab	— ADADB
*Mrs. D. Cooper	— PO/PW
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Ecuador
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Peru
Turkey
Uruguay

Airports Council International (ACI)
European Union (EU)

Subject No. 14.4: Air navigation meetings

Consolidated annual report on Planning and Implementation Regional Groups (PIRGs) and Regional Aviation Safety Groups (RASGs) – Results up to March 2014

1. The Council considered the above subject on the basis of C-WP/14154, jointly presented by the President of the Air Navigation Commission (ANC) and the Director of the Air Navigation Bureau (D/ANB). Appendix A to the paper contained a summary of the ANC's review of PIRGs' and RASGs' meeting reports conducted during the period March 2013 to March 2014. Appendix B set forth, in tabular form by region, Global Air Navigation Plan (GANP)/Global Aviation Safety Plan (GASP) regional implementation performance progress and status.

2. In introducing the paper, the President of the ANC underscored that PIRG and RASG reports were a vital source of information for the Commission on the progress of implementation of air navigation and safety plans at the regional level. Recalling that the ICAO Regional Directors had given a presentation to the Council on 12 June 2014 in preparation for the Council Retreat (Montebello, Québec, 13-14 June 2014), he underscored that the ANC would benefit from the presence of the relevant ICAO Regional Director during its discussion of individual PIRG and RASG reports. The President of the ANC noted that currently there was the possibility of remote participation of either the ICAO Regional Director or another appropriate regional officer in the Commission's review of such reports.

3. The Representative of Italy commended the actions being taken by the Secretariat to ensure a more integrated management of ICAO Standards and Recommended Practices (SARPs), which included: Annex amendments on a two-year cycle and an associated realistic schedule for notification, adoption and applicability of new SARPs and a communication strategy, plan and methods to raise awareness of new SARPs [cf. paragraph 4.2 b) and d) of the paper]. Underscoring that many SARPs had, in the past, been adopted without much prior consideration as to the potential difficulties that States might encounter in their implementation, he reiterated the need to assist States, wherever possible, in the implementation of new ICAO SARPs through a procedure which covered the period before, during and after their issuance.

4. The President of the ANC noted that the new integrated Air Navigation (AN) Work Programme, which had been presented to the Council during the informal briefing on 5 May 2014, identified the deliverables for new SARPs, with associated target dates. One such deliverable was guidance material to support State implementation, which was provided to States and the various Regional Offices and regional groups in a complete package. The President of the ANC emphasized that any implementation challenges raised in the PIRGs and RASGs reports were noted by the Commission, which would then make every effort to address them and thus facilitate the implementation process.

5. Drawing attention to paragraph 9 of Appendix A to the paper, the Representative of Venezuela (Bolivarian Republic of), enquired as to the actions taken by the ANC to address information or conclusions in PIRG and RASG reports that warranted action of a global nature. Referring to paragraph 10 thereof, he noted that there appeared to be some overlapping between the PIRGs' and RASGs' functions and queried what actions, if any, had been taken to address that issue and improve coordination between those two groups and thus prevent any unnecessary overlapping. The Representative of Venezuela (Bolivarian Republic of) also enquired as to measures taken by the Secretariat or the ANC to rectify the issue raised by the PIRGs of multiple use of the same 3- and 5-letter name codes for navigational aids and waypoints (cf. Appendix A, paragraph 19).

6. Noting that the Council was invited to comment on the new format of the consolidated annual report, the Representative of Venezuela (Bolivarian Republic of) suggested that the table in Appendix B, which currently provided information, by report item, on the measures/activities undertaken by each PIRG and RASG, be

expanded to include columns indicating the corresponding objectives, level of completion, performance indicators, impacts of the said activities/measures, as well as the challenges and problems facing the PIRGs and RASGs.

7. Responding to these queries, the President of the ANC clarified that when the ANC identified a safety issue from a PIRG or RASG report, the latter was recorded on a job card and entered in the integrated AN Work Programme. Thereafter the ANC, together with the Secretariat, determined how to address the issue. With regard to the issue of 3- and 5-letter name codes for navigational aids and waypoints, he noted that while a problem statement had been identified and work had been undertaken to address it, a solution had not yet been found.

8. Noting that Reduced Vertical Separation Minimum (RVSM) was one of the issues where the functions of the PIRGs and RASGs overlapped, the President of the ANC indicated that in some regions it was addressed by the PIRGs as it was considered that monitoring of RVSM implementation was required. In other regions, however, it was addressed by the RASGs as it was considered to be a safety issue. Expressing doubt that there was a perfect solution which should be imposed on the PIRGs and the RASGs, the President of the ANC underscored that such overlappings should at least be highlighted and efforts made to ensure that the actions taken by the two groups were not contradictory, especially as they had the same membership. Recalling that in some regions the PIRG and RASG meetings were held back-to-back, he emphasized that that enhanced coordination between the two groups.

9. Providing further clarifications, the Director of the Air Navigation Bureau (D/ANB) noted that the said communication strategy for new SARPs would commence at the end of the summer. As part of that strategy, the *ICAO Journal* would be used to raise awareness of the new SARPs. In addition, whenever a major release occurred, a series of events promoting the implementation of the new SARPs would take place in Montréal and in the regions.

10. Observing that the RASGs continued to mature, D/ANB indicated that she was not concerned about any overlapping of their functions with those of the PIRGs as it was being addressed in the affected regions. It was therefore not necessary for the Council to intercede. She recalled that the ICAO Regional Directors had indicated, during their pre-Council Retreat presentation on 12 June 2014, that the PIRGs and the RASGs were working well.

11. Noting that the Secretariat had been addressing the issue of 3- and 5-letter name codes for navigational aids and waypoints for the last five years, D/ANB underscored that it was collaborating with the ANC to ensure that there was a full understanding by all concerned of the work being done.

12. Indicating that she was hesitant to continue with, and expand, the comprehensive consolidated annual report, which was labour-intensive and time-consuming to produce, D/ANB underscored that the newly-launched regional performance dashboards provided Representatives with the implementation information they needed in real time. These dashboards could be enhanced over time to meet evolving requirements. D/ANB emphasized that every hour that was spent in preparing the consolidated annual report was an hour not spent promoting the implementation of air navigation and safety plans.

13. Replying to questions then raised by the Representative of Norway regarding paragraph 4.2 e) and f) of the paper, D/ANB clarified that the coordinated programme for assistance, which included guidance material, training, assistance missions, web tools and iKits, was for all States. In addition to that programme, targeted assistance, including focused training and iKits, was provided to groups of States having common deficiencies. Assistance to individual States was usually provided by means of technical cooperation projects. With regard to the financial implications of the measures/activities referred to in the paper, D/ANB underscored that they were being carried out with the existing budgetary resources. No additional funding was requested.

14. Referring to paragraph 8 of Appendix A to the paper, the Representative of Spain sought clarification regarding the ANC's recommendation that PIRGs (and, where appropriate, RASGs) provide regular status information on the implementation of ICAO SARPs and in particular those initiatives related to the Aviation System Block Upgrades (ASBUs). He noted that such information was already provided by the ICAO Regional Offices, as well as through the audits carried out under the Universal Safety Oversight Audit Programme (USOAP). Furthermore, such information was also extracted from States' completed notifications of compliance with, or differences from, Annexes. The Representative of Spain recalled, in this regard, that States were required to inform ICAO, before the Council-defined applicability date of Annex amendments, of the date(s) by which their Governments will have complied with the provisions of the whole Annex, including all amendments thereto or, if there was no intent to comply therewith, of the difference(s) that would exist.

15. The Representative of Spain also requested further information regarding two serious issues raised by the Africa-Indian Ocean Planning and Implementation Regional Group (APIRG) in its report and highlighted by the ANC, namely: non-achievement of the target level of safety for RVSM and the lack of corrective action; and missing flight plans (cf. Appendix A, paragraphs 17 and 18).

16. The President of the ANC clarified, with regard to paragraph 8, that it was a question of ownership, by the regional groups, of the process of providing regular information on the status of ICAO SARPs implementation. It was not necessary to create any new mechanism therefor. The regional groups should measure the progress made in implementing ICAO SARPs using the established metric and provide that information regularly to the Secretariat. The President of the ANC reiterated that such information would help determine necessary updates to the GANP, as well as to the Global Aviation Safety Plan (GASP) and the integrated AN Work Programme.

17. With respect to paragraph 17, the President of the ANC indicated that it was for the AFI region itself to solve the identified weakness in the monitoring of the safety level for RVSM. Solutions to that problem already existed and were being implemented in other regions. The problem of missing flight plans referred to in paragraph 18 could likewise be solved by the AFI region through the implementation of existing technologies. D/ANB noted, in this context, that APIRG had established a working group to address the said problem of flight plans that were lost in the system and had to be manually re-initiated. She clarified that the PIRG and RASG reports did not call for any action on the part of the Secretariat or the ANC. However, the ANC, in reviewing those reports, drew conclusions, which were reflected in its annual consolidated reports on PIRGs and RASGs. Responding to a point raised by the President of the Council, D/ANB confirmed that any specific PIRG or RASG recommendation directed to the Council was immediately brought to the latter's attention in a working paper.

18. Noting, from paragraph 10 of Appendix A, that the regional groups, in particular, the RASGs, had adopted different safety priorities, the Representative of Saudi Arabia averred that it was only natural as their respective regions had different priorities which reflected their specific safety situations. In further noting that the ANC had indicated that, in a large and diverse region, a RASG should determine the safety issues on a State-by-State basis, and that it should give due consideration to safety issues in the air traffic services (ATS) operational areas, he enquired as to what steps were being taken, throughout the various regions, to address those concerns. He emphasized that it was not merely a question of setting priorities.

19. The Representative of Singapore commended the impressive work being done by the PIRGs and RASGs. Indicating that he was heartened by the new regional performance dashboards, he noted that they provided, at a glance, an indication of the progress of implementation of air navigation and safety plans. They presented, however, only a snapshot in time and not the trend over a given period. The Representative of Singapore therefore suggested that the said dashboards be enhanced so as to be able to also provide information on trends, which was very valuable. The President of the Council confirmed that this modification would be made.

20. Referring to paragraph 4 of Appendix A to the paper, the Representative of Burkina Faso echoed the appreciation expressed by the ANC for the “work undertaken by PIRGs and RASGs and their proactive approach to the implementation and resolution of air navigation and safety matters”. He also welcomed the participation of the Chairpersons of the APIRG and the RASG-AFI in the recent Thirteenth Meeting of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) Steering Committee (Dakar, Senegal, 29-30 May 2014) and the resultant teamwork. Praising that approach, the Representative of Burkina Faso requested that whenever the opportunity arose, ICAO further promote the participation in the PIRGs and the RASGs of all stakeholders, including the aviation industry and some States which were currently not taking part therein. He underscored that the return on investment of those two regional groups was commendable, particularly in the AFI region.

21. In concurring that the participation of the aviation industry in the regional groups’ meetings was very useful, the President of the ANC noted that in paragraph 4.4 of the paper industry partners were “urged to collaborate with ICAO on, and contribute to, the implementation planning and assistance, including active participation in PIRGs and RASGs”. Recalling that the Commission had observed, from the various reports, that some small States had difficulty in participating in the PIRGs and RASGs, notably in RASG-EUR, the President of the ANC emphasized the need to create a downward and upward flow of information for those States.

22. Having completed its consideration of information paper C-WP/14154, the Council noted the outcomes of the PIRGs’ and RASGs’ activities, and the progress made in the implementation of air navigation and safety plans at the regional level, as described therein. It requested that future consolidated annual reports include an indication that action had been taken to implement the PIRGs’ and RASGs’ recommendations directed to States or to those bodies themselves whenever such action had been carried out. Other suggestions to enhance the new reporting format, as well as the regional performance dashboards, were noted by the President of the ANC and D/ANB.

New regional Air Navigation Plan (ANP) template and procedures for amendments

23. This subject was documented for the Council’s consideration in C-WP/14174, presented by the President of the Air Navigation Commission (ANC).

24. Responding to a query by the Representative of Saudi Arabia regarding the procedure for the approval of amendments to Volumes I and II of regional ANPs, the Chief of Implementation Planning and Support (Safety) (C/IMP/SAF) clarified that amendments to Volume I required approval by the Council, whereas amendments to Volume II required approval by regional agreement, with the involvement of the relevant Planning and Implementation Regional Group (PIRG). The President of the Council further indicated that Volume I amendments would not be presented to the Council for approval unless there were prior regional agreement thereon.

25. Averring that the paper should have indicated the changes to the existing 1998 procedure for the amendment of regional ANPs, the Representative of Singapore suggested that, in future, if there was a change to the revised procedure set forth in Appendix D to the paper, then that procedure should be named and referenced and the amendments should be shown in track changes and annotated. C/IMP/SAF confirmed that future amendments to the procedure would be so presented to the Council.

26. In then referring to paragraph 5.1 of Appendix D to the paper relating to the revised procedure for the amendment of Volume I of regional ANPs, the Representative of Singapore expressed uneasiness at the addition of the reference to “the relevant Planning and Implementation Regional Group (PIRG)” to enable PIRGs, in addition to any State or group of States, to initiate changes to Volume I. He underscored that Volume I contained stable elements of the regional ANPs, including, inter alia, the boundaries of flight information regions (FIRs) and

search and rescue regions (SRRs) and the assignment of responsibilities. The Representative of Singapore did not consider that PIRGs had been given the remit to propose amendments to such boundaries or responsibilities as they dealt with planning and implementation. Recalling, from the Council's earlier consideration of the consolidated annual report on PIRGs and Regional Aviation Safety Groups (RASGs) (C-WP/14154) that the PIRGs already had many responsibilities, he questioned if the Council wished to grant it this additional responsibility. The Representative of Singapore also questioned whether the PIRGs had the requisite experts to address amendments to Volume I. He noted, from his previous involvement in the Asia/Pacific Air Navigation Planning and Implementation Regional Group (APANPIRG), that the members were usually air traffic controllers or aeronautical engineers. The Representative of Singapore had no issue, however, with the rest of the procedure to amend Volume I, in particular, with proposed amendments being presented to the relevant PIRG for comments (cf. paragraph 5.2). He likewise had no difficulty with PIRGs initiating amendments to Volumes II and III of the regional ANPs.

27. In then drawing attention to the last sentence of paragraph 5.2 of Appendix D, which stated that "The views of the PIRG will be coordinated with the originating State and the proposed amendment will be updated via the ANP web-based platform", the Representative of Singapore averred that the Council would be bypassed when in fact its approval of Volume I amendments was required prior to their posting on the ANP web-based platform.

28. C/IMP/SAF recalled that when the PIRGs had taken over the functions of the previous regional air navigation meetings, they had been given the mandate, within their Council-approved terms of reference, to maintain regional ANPs up-to-date. Thus it was already within their remit to propose amendments to regional ANPs. Noting that the PIRGs were doing that in practice, C/IMP/SAF underscored that approximately one third of amendments to regional ANPs were proposed by the PIRGs, many of which were for Volume I. It was just a matter of consistency between the PIRGs' terms of reference and the procedure for the amendment of regional ANPs. He reiterated that no amendment proposal could be presented for consideration without the agreement of all of the affected parties, primarily the affected States. C/IMP/SAF emphasized that the reference to PIRGs as one of the initiators of amendments to Volume I of regional ANPs had been added to paragraph 5.1 of Appendix D to reflect their existing terms of reference and practice. He affirmed that that would not change the current procedure for amendment. The various stages in the procedure were to ensure that the proper process was followed and that all affected parties were in agreement before a proposal for amendment was even considered. C/IMP/SAF underscored that that included, inter alia, proposals to change FIR and SSR boundaries.

29. The Representative of Singapore noted that, in the past, when air ways had been part of Volume I of the regional ANPs, it had made sense for the PIRGs to propose amendments to Volume I. However, air ways were now being transferred to Volume II, leaving only stable plan elements in Volume I, some of which had political aspects. He therefore suggested that the reference to "the relevant Planning and Implementation Regional Group (PIRG)" be deleted from the first sentence of paragraph 5.1 of Appendix D.

30. Indicating that he had no objection, C/IMP/SAF underscored that the proposed deletion would have no real impact on the procedure for the amendment of Volume I as any State or "group of States" could propose an amendment and a "group of States" could be interpreted as encompassing PIRGs.

31. The Director of the Air Navigation Bureau (D/ANB) likewise had no objection. Responding to the concern expressed by the Representative of Singapore over the wording of the second sentence of paragraph 5.2, she suggested that it be amended to clarify that the Council's approval is required for proposed Volume I amendments.

32. Recalling that the procedure for the amendment of regional ANPs had been revised in 1998 in a bid to introduce flexibility into the planning process, the Representative of Spain underscored that it had since become

necessary to provide an even greater degree of flexibility therein. He thus appreciated the work done to make the regional ANPs a more useful planning instrument. In then referring to the tabular action plan for the further development/approval of the electronic ANP (eANP) set forth in paragraph 2.8.1 of the paper, the Representative of Spain sought clarification of the term “regional agreement” and the role played by PIRGs in such an agreement. He also stressed the need to clearly specify who was responsible for the development/approval of amendments to Volume III.

33. In supporting the proposal by the Representative of Singapore to amend paragraph 5.1 of Appendix D to the paper, the Representative of Spain underscored that the same change should be made to paragraph 5.1 of Appendix A (Part 0). He also supported the consequential change to paragraph 5.2 of Appendix D proposed by D/ANB, which would also apply to paragraph 5.2 of Appendix A (Part 0). In maintaining, however, that a “group of States” could comprise two or more States but not an entire PIRG as indicated by C/IMP/SAF, the Representative of Spain stressed that a proposed amendment to a regional ANP was supposed to be made in the interest of a State or group of States and not all PIRG Member States.

34. Observing that “regional agreement” was a recognized term that was used in other ICAO documents, C/IMP/SAF indicated that it entailed the agreement of all States within a given region, as well as the agreement of States outside that region which were users of the facilities and services provided within that region. Responding to the question raised regarding Volume III, he clarified that Parts 0 and 1 were standard and were coordinated within the Secretariat. It was only Part 2 which was developed, approved and amended by the PIRGs according to their respective priorities, with the support of the relevant ICAO Regional Office.

35. Commending the new ANP template, the Representative of Bolivia (Plurinational State of) affirmed that it would enhance the implementation of regional ANPs. In noting, with satisfaction, that iStars was being used as the basis for the development of the eANP web-based platform, he emphasized that it was a valuable tool in terms of collecting and comparing information. To a question then raised by the Representative, C/IMP/SAF confirmed that States, through their respective civil aviation authorities, had access to iStars.

36. While she would not object to a decision by the Council to remove the reference made in the first sentence of paragraph 5.1 of Appendix A (Part 0) and Appendix D, the Representative of Australia cautioned that in taking such a decision the Council might lose an opportunity for the PIRGs to independently inject reasoned and data-driven proposals to amend regional ANPs in the interests of the safety and efficiency of international air navigation as a whole. Noting that PIRGs should not be clouded by politics, she indicated that she would like to think that, on some occasions, their reasoning and rationale could rise above the politics of States, in the interests of aviation.

37. The President of the Council reiterated, in this regard, that the term “group of States” can be interpreted as encompassing PIRGs.

38. The Council then agreed to amend the revised procedure for the amendment of Volume I of regional ANPs set forth in Appendix A (Part 0) and Appendix D to the paper by: deleting the reference made in the first sentence of paragraph 5.1 of the procedure to “the relevant Planning and Implementation Regional Group (PIRG)”, on the understanding that the term “group of States” can be interpreted as encompassing PIRGs; and by clarifying in the second sentence of paragraph 5.2 that the Council’s approval is required for proposed Volume I amendments.

39. In taking the action recommended by the ANC in the executive summary of C-WP/14174, as amended by the President of the Council in light of the discussion, the Council:

- a) noted, with appreciation, the work done by the Secretariat and the ANC in the very important

matter of the development of the new regional ANP template and eANP web-based platform;

- b) subject to the above amendments, approved the new ANP templates for Volumes I, II and III and the associated procedures for amendment contained in Appendices A, B, C and D to the paper;
- c) agreed on the need for consequential amendments to existing ICAO documentation referring to regional ANPs to ensure harmonization; and
- d) agreed on the action plan for further development/approval of the new regional ANPs set forth in paragraph 2.8.1 of the paper.

Subject No. 12: Programme of ICAO meetings

**Proposal for the convening of a second High-level Safety Conference on Planning for
Global Aviation Safety Improvement**

40. Tabled for the Council's consideration was C-WP/14155 presented by the President of the Air Navigation Commission (ANC) on the need, Agenda, dates and administrative arrangements for a second High-level Safety Conference on Planning for Global Aviation Safety Improvement (HLSC 2015). The Council had approved such a Conference on a tentative basis, for planning and budgetary purposes, when it had previously considered the programme of meetings in the air navigation field for the years 2015 to 2017 (C-WP/13986; 199/7). It was noted that comments received from States and selected international organizations in response to State letter AN 8/13-14/02 dated 29 January 2014 on the need for the Conference in 2015, as well as on its global objectives and proposed outcomes, had been taken into account by the ANC and were reflected, as appropriate, in the draft Agenda and explanatory notes appended to the paper.

41. In introducing C-WP/14155, the President of the ANC noted that the Commission had also discussed its participation in the review of Secretariat papers to be presented to the Conference. Recognizing that there was currently no established procedure for such a review and that it was done on an ad hoc basis, he underscored that, as he had indicated earlier to the President of the Council, the ANC would appreciate having the opportunity to review the Secretariat's papers before they were issued.

42. The Representative of Mexico voiced support for the proposed convening of the HLSC in Montréal from 2 to 5 February 2015, at the level of Directors General of Civil Aviation (DGCAs) and strategic decision-makers, and for the draft Agenda, with explanatory notes, appended to the paper. He nevertheless requested clarification regarding the explanatory note for Topic 3.1: *Effective and Efficient Regional Collaboration*, in which it was indicated that the Conference's agreement would be sought on a strategy to further develop, inter alia, fund-raising capabilities in support of regional safety initiatives.

43. Drawing attention to Topic 2.1: *State Safety Programme*, the Representative of Mexico affirmed the importance of the Conference discussing strategies to make SSP training accessible to all relevant aviation professionals. Observing that SSP was an outstanding issue on the agenda of the international aviation community, he stressed the need to ensure that all States had a SSP which met ICAO's requirements. Noting that many SSP-related deficiencies existed, the Representative of Mexico suggested that the HLSC have an in-depth discussion on how to assist States in making their SSPs compliant with the Organization's requirements.

44. Referring to Topic 2.2: *Safety Information Protection (SIP)*, the Representative of Mexico noted that there were some States which could not, or would not, share safety information due to restrictions imposed by their

judiciaries. He emphasized that the HLSC should consider how to assist such States work around such restrictions, which impeded the desired free flow of safety information between the appropriate authorities.

45. The President of the ANC indicated that the focus of Topic 3.1 was on collaboration between ICAO, regional mechanisms and bodies and other stakeholders and the combination of available resources to better achieve regional safety targets. He recalled, in this context, the various initiatives in the African region which had been outlined during the Council's recent consideration (202/3) of the Report on the Thirteenth Meeting of the Comprehensive Regional Implementation Plan for Aviation Safety (AFI Plan) Steering Committee (Dakar, Senegal, 29-30 May 2014). Observing that both Topics 2.1 and 2.2 related to the maturity of safety management activities within States, the President of the ANC emphasized that the HLSC would first have to assess the situation, then set objectives and agree on what action should be taken to meet those objectives.

46. In providing additional clarification regarding Topic 3.1, the Director of the Air Navigation Bureau (D/ANB) noted that in the time leading up to the HLSC, discussions would take place between ICAO and key donors, such as the major industrialized States which comprised the G-8, regarding the funding of regional safety initiatives. The aim was to build momentum for the consideration of the topic at the Conference.

47. While agreeing that there was more work to do in the area of SSPs, D/ANB underscored that even when SSPs were put in place, they would not function properly unless the safety data were protected. She noted, however, that there was currently no consistency in States' legal procedures governing the protection of safety information, and that it was unlikely that global consistency would ever be achieved. ANB and the ANC had therefore been considering, for some time, the provision of indemnity for safety information at ICAO Headquarters and the Regional Offices. Such indemnity having been vetted by the Legal Affairs and External Relations Bureau (LEB), it was now necessary to develop a concept of operations therefor. Recalling that agreements had been concluded with various organizations to determine how such indemnity would work in practice, D/ANB indicated that proposals would be presented to the HLSC, which would be invited to decide whether or not they should be further studied.

48. Expressing doubt that there would be sufficient time in which to consolidate all of the initiatives for the protection of safety information into one proposal for presentation to the HLSC, the Representative of Spain enquired as to what was expected to be submitted to the Conference. Recalling that there was also an initiative underway for the global tracking of airline flights (cf. C-WP/14177; 202/3), and underscoring the desire of the international community to know what action was being taken in that regard, he also enquired as to the topic under which it would be considered by the HLSC. Emphasizing that there were other safety-related issues to be addressed, such as extreme weather events, which would probably be raised at the upcoming 2014 Meteorology (MET) Divisional Meeting (Montréal, 7-18 July 2014), the Representative of Spain also queried where they could be included in the HLSC's Agenda.

49. The President of the ANC clarified that the proposals regarding the protection of safety information which were currently under review by ANB and the ANC comprised the first part of what could be a complete package to be presented to the HLSC. The other parts of that package related to the evolution of Annex 19 – *Safety Management*, Annex 13 – *Aircraft Accident and Incident Investigation* and Annex 6 – *Operation of Aircraft*. In noting that the issues of global tracking of airline flights and extreme weather events could be considered under Theme 4: *Emerging Safety Issues*, the President of the ANC underscored that the latter was a placeholder for States to present their concerns regarding emerging safety issues. It was not desirable, however, to have a lengthy series of issues listed under that Theme. This was the same answer that had been given by the ANC with regard to the suggestion made by France, in its response to State letter AN 8/13-14/02 dated 29 January 2014, that a new Theme be added to the Conference's Agenda on extreme weather events and their increased occurrence.

50. In expressing support for the proposed convening of the HLSC, the Representative of the Russian Federation agreed with the President of the ANC that the Commission should review all of the Secretariat's papers to be presented to the Conference, although that would place an additional burden on the ANC. Averring that the Commission should have set the Agenda for the HLSC, he underscored that it was constantly considering which issues should be brought to the attention of the international aviation community. Recalling the points raised by the Representative of Spain, the Representative of the Russian Federation emphasized that the State letter inviting participation in the Conference and transmitting the Agenda should provide a detailed description of the topics to be considered, as well as of the envisaged two-day DGCA training course to be held prior to the Conference on 31 January and 1 February 2015 (cf. paragraph 2.1 of C-WP/14155). While he considered that the said training course would undoubtedly be useful, it was necessary to clarify its goals and scope.

51. In reiterating the Commission's high degree of interest in the HLSC, the President of the ANC underscored that it offered a good opportunity to discuss very important safety issues, as had been the case of the ICAO Twelfth Air Navigation Conference (AN-Conf/12) (Montréal, 19-30 November 2012). The ANC recognized, however, that the HLSC was not a Divisional meeting. The Commission did not wish to slow the approval process for the Secretariat's papers, and delay their issuance, thus reducing the amount of time available to States to consider them prior to the start of the Conference. Thus if it were agreed that the ANC review the said papers, then the Commission would only raise substantive issues with the Secretariat. The President of the ANC suggested that, in future, consideration should be given to the procedure for reviewing Secretariat papers to be presented to any high-level conferences, as well as to the procedure for drafting their agendas. He noted, in this context, that the ANC's participation in the preparation of the draft HLSC Agenda had been somewhat limited.

52. Recalling that, during the 38th Session of the Assembly, the Secretariat had been overwhelmed by the DGCA's demand for its safety workshops, D/ANB noted that it was organizing the said DGCA training course, with the support of the Singapore Aviation Academy (SAA). As requested by the DGCA themselves, the training course would be given on the margins of the HLSC. D/ANB underscored that other side events would also be held, such as: a meeting of the Regional Aviation Safety Groups (RASGs) and the Planning and Implementation Regional Groups (PIRGs), with the President of the Council and the ICAO Regional Directors in attendance; and a Partners meeting on safety, in which donors from around the world would take part. She recalled that partnerships had been discussed during the recent Council Retreat (Montebello, Québec, 13-14 June 2014).

53. The President of the Council noted that the ICAO Regional Directors had highlighted the importance of DGCA training courses at the said Retreat.

54. The Representative of Canada recalled that the Council had been previously informed that the HLSC would be an important forum for taking decisions on the new issue of the global tracking of airline flights. Although he appreciated that the Agenda had been prepared in a sufficiently general and flexible manner so as to enable that important issue to be considered under Theme 4: *Emerging Safety Issues*, he averred that it would benefit from greater specificity. The Representative of Canada underscored, in this regard, that the issue risked not having the profile it warranted as Theme 4 appeared at the end of the Agenda. This was particularly important from the point of view of public communications.

55. The Representative of Canada enquired whether it was possible to provide more transparency regarding those activities which would be held on the margins of the HLSC and, as planning proceeded, to have information thereon included in the State letter inviting participation in the Conference. He underscored, in this regard, that Delegates were often not aware of such side events until they had already taken place.

56. Concurring with the comments made by the Representatives of Spain and Canada regarding emerging issues, the President of the Council suggested, and the Council agreed, that the explanatory note for Theme 4: *Emerging Safety Issues* should be amended to make specific reference to the emerging issues of the global tracking of airline flights, coordination of search and rescue missions, and extreme weather events, among others.

57. The Council then took the action proposed in the executive summary of C-WP/14155 and:

- a) approved the convening of the second High-level Safety Conference on Planning for Global Aviation Safety Improvement (HLSC 2015) at ICAO Headquarters in Montréal from 2 to 5 February 2015, at the level of DGCA's and strategic decision-makers; and
- b) approved the draft Agenda with explanatory notes set forth in the Appendix to the paper, as amended in paragraph 56 above.

58. In addition, the Council requested that the State letter inviting participation in the Conference and transmitting the Agenda also provide detailed information on the various activities to be held on its margins, including the envisaged two-day DGCA's training course.

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

ANC Work Programme for the 197th Session

59. The Council had for review C-WP/14157, in which the Air Navigation Commission (ANC) presented the proposed Work Programme for its 197th Session for approval and its planned items for the Work Programmes for its 198th and 199th Sessions for information purposes. In his introduction of the paper, the President of the ANC highlighted the new format of the said sessional Work Programmes and noted that the Commission had requested that it be further modified to link the various items to the Aviation System Block Upgrades (ASBUs), as applicable.

60. Responding to a query by the newly-appointed Representative of Saudi Arabia, the President of the Council clarified that, in addition to the high-level ANC sessional Work Programme presented to the Council for approval, there was a new, detailed integrated Air Navigation (AN) Work Programme.

61. In elaborating thereon, the President of the ANC noted that the integrated AN Work Programme included problem statements with corresponding Work Programme items and associated deliverables, as well as information regarding guidance material delivery, roll-out and training and implementation, with target dates. It was accessible on the ANC's website and would, in due course, be consolidated into a database. The latter would be accessible to ANB, the ANC, the Council, Member States and other stakeholders. The President of the Council requested that a copy of the joint presentation on the integrated AN Work Programme made by the President of the ANC and the Director of the Air Navigation Bureau (D/ANB) during the informal briefing on 5 May 2014 be sent to the Representative of Saudi Arabia.

62. In then taking the action indicated in the executive summary of C-WP/14157, the Council approved the ANC's Work Programme for its 197th Session as set forth in Appendix A to the paper.

Subject No. 14.3.8: Aviation training

ICAO Civil Aviation Training Policy

63. Tabled for consideration was C-WP/14139 in which the Secretary General, pursuant to the Council's earlier decision (C-DEC 201/6), presented the *ICAO Civil Aviation Training Policy* which had been issued under his authority in Electronic Bulletin EB 2013/54 dated 15 October 2013. Information on recent developments and perspectives in the area of civil aviation training, including the establishment, on 1 January 2014, of the Global Aviation Training (GAT) Office under the Office of the Secretary General, was also provided in the paper.

64. The Representative of Mexico noted, from paragraph 2.2.1 of the paper, that the GAT comprised three units, the TRAINAIR *PLUS* Programme (TPP) unit, the Training Design and Development (TDD) unit, and the Training Assessments and Consultancy (TAC) unit, which were supported by a Quality Manager who was currently a long-term secondee from a Member State. He cautioned that whenever the Quality Manager was a secondee he should not be directly involved in financial and/or policy decision-making in order to avoid a possible conflict with ICAO's *Administrative Instructions on secondment*. Agreeing, the Secretary General assured the Representative that he would address his concern.

65. Referring to paragraph 2.2.6 a), the Representative of Mexico queried how the provision of assistance to States in the implementation of human resources development strategies pursuant to Assembly Resolution A38-12 (*Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation*), Appendix D (*Qualified and competent aviation personnel*), was related to the Next Generation of Aviation Professionals (NGAP) programme and other relevant projects carried out by the Technical Cooperation Bureau (TCB).

66. Observing that paragraph 2.2.6 b) referred to assistance to Member States in the harmonization of performance and competency levels in aviation jobs, the Representative of Mexico averred that it caused confusion as it implied that the GAT Office might be developing Standards and Recommended Practices (SARPs) concerning performance and competency levels in addition to selling training courses. He considered that that might lead to a conflict of interest. The Secretary General emphasized that the new Policy made no mention of the development of such SARPs by the GAT Office.

67. In offering clarification, the Representative of Mexico noted that the said harmonization of performance and competency levels was the basis for personnel licensing. He wished to highlight a potential conflict of interest on the part of the Organization in assisting Member States with such harmonization while also selling them training courses relating to human resources development strategies.

68. The Manager of the GAT Office noted that paragraph 2.2.6 b) was based on the associated practices set forth in Assembly Resolution A38-12, Appendix D. Emphasizing that training should be based on expected competencies, inter alia, he noted that, in due course, the NGAP Task Force would complete the development of competencies for Air Traffic Controllers and Air Traffic Safety Electronics Personnel and would present its proposed framework to the Air Navigation Commission (ANC) for consideration. The proposed framework would subsequently be presented to the Council for approval.

69. Underscoring that it was within the Council's mandate to approve the proposed *ICAO Civil Aviation Training Policy*, the Representative of Mexico suggested that the action proposed in the executive summary of the paper be amended by replacing the word "endorse" with the word "approve". The Secretary General supported this proposal.

70. The Representative of Mexico indicated that it was his understanding that, while the GAT Office was involved in the execution of training activities, other ICAO Bureaux were also involved, at several levels, in the planning, management and implementation of some of them, and that the Ancillary Revenue Generation Fund (ARGF) was involved in their promotion and marketing. He therefore suggested that future annual reports to the Council on the implementation of the new *ICAO Civil Aviation Training Policy* include detailed information on the execution of the training activities, as well as on the financial and human resources used therefor by the GAT Office, relevant Bureaux and the ARGF. The Secretary General agreed to this suggestion.

71. The Representative of Mexico further suggested that priority be given to the redeployment of current ICAO staff to the GAT Office when they had the necessary skills, and that a report on the filling of new positions in that Office be presented.

72. The Representative of Mexico then made a number of observations and suggestions regarding the new *ICAO Civil Aviation Training Policy* set forth in the Appendix to the paper. Drawing attention to the section *Implementation*, he suggested that the first paragraph be amended by adding, at the end, the phrase “and to report in advance to the Council on such associations, in order to get its approval”. In expressing reservations regarding such advance reporting on his discussions with United Nations organizations, international and regional organizations, educational institutions and industry regarding agreements for cooperation and partnerships, the Secretary General underscored that it would be very bureaucratic. It was, however, for the Council to decide.

73. In clarifying his proposal, the Representative of Mexico emphasized that he was not expecting that the Council would be provided in advance with a detailed list of entities which wished to enter into such agreements and partnerships with ICAO. However, as the good name of the Organization was at stake, the Council should at least give some general guidelines for entering into relevant agreements and partnerships. The Council should be informed of the action taken.

74. With regard to the definition of the term “Training” contained in the second paragraph of the section *Implementation*, the Representative of Mexico emphasized the need for caution in order to avoid confusion or misunderstanding with Annex 1 (*Personnel Licensing*) to the Chicago Convention. He also stressed the need for caution with regard to the definition of the term “Recognition” until it was understood how acknowledgements of compliance were adjusted to continuous monitoring programmes, particularly as indicated at the end of the second paragraph. Referring to the definition of the term “Standardized training courses”, the Representative of Mexico suggested that the words “recognized by ICAO” be added at the end. The Secretary General agreed to this amendment.

75. The Representative of Mexico further proposed that a new fourth paragraph be added that would read as follows: “All training activities that ICAO provides to officials of Member States contained in this policy statement, including those specified in the previous segment, shall be offered on the basis of cost recovery”. In supporting this suggestion, the Secretary General emphasized that TRAINAIR Centres were operated on the basis of cost recovery, not revenue generation.

76. With reference to sub-section 2 (*Recognition by ICAO of aviation training activities*) of the section *The Four Pillars*, the Representative of Mexico suggested that the fourth bullet be amended by adding, at the end, the words “through relevant ICAO audit programmes” so as to read “There is a risk analysis and a mitigation strategy for any significant risks identified for ICAO through relevant ICAO audit programmes.”. The Secretary General agreed to this change.

77. With regard to sub-section 4 (*Cooperation and Partnership Agreements*) thereof, the Representative of Mexico proposed that the second paragraph be amended by adding, after the word “agreements”, the phrase “once

approved by the Council” so that it would read “Cooperation and partnership agreements, once approved by the Council, shall be decided upon by the Secretary General ...”. This was in line with his earlier proposal that the Council approve, and not endorse, the *ICAO Civil Aviation Training Policy*. The Secretary General suggested that no decision be taken pending the Council’s consideration, during the next (203rd) session, of the draft *Policy for Interactions by ICAO with Third Parties*. The Representative of the Russian Federation endorsed this approach.

78. In conclusion, the Representative of Mexico recommended that the Spanish version of the Policy be aligned with the English version as there were some discrepancies, including under the section *Intellectual property and use of the ICAO’s name and emblem*. The Secretary General confirmed that the Spanish version would be verified and aligned, as necessary, with the English version.

79. Questioning whether the GAT Office would have sufficient resources to adequately perform all of Organization’s training activities, the Representative of India enquired as to its staffing. He also queried whether there were any funding sources additional to the ones listed in the section *Financial aspects* of the *ICAO Civil Aviation Training Policy*.

80. In emphasizing that it was not only the GAT Office which was carrying out the training activities, the Secretary General indicated that the various Bureaux were also involved therein. With regard to the funding of such activities, he clarified that the ARGF would be used to finance the design and development of training courses. The training activities would be conducted on a cost-recovery basis.

81. Welcoming the development and promulgation of the *ICAO Civil Aviation Training Policy*, the Representative of Australia affirmed that it was a very good first step. She was sure that, over time, the Policy would be improved. Recalling that endorsements was one of the more delicate issues that spilled over into training activities, the Representative of Australia noted that it had, to a large degree, been addressed in the said new Policy. Emphasizing that the quality assessment process was key to ICAO’s recognition of aviation training activities, she enquired whether the criteria for such recognition had been developed and suggested that they be included in the Policy as an appendix once they had been.

82. Noting that the said criteria were being developed and would be submitted, in due course, to the Council for approval, the Secretary General agreed that it would be worthwhile appending them to the *ICAO Civil Aviation Training Policy*. He recalled, in this context, that Electronic Bulletin EB 2014/22 dated 20 May 2014 announcing the launch of ICAO Regional Training Centres of Excellence set forth the selection criteria for such RTCEs.

83. In also welcoming the Policy, the Representative of Portugal commended its approach to matters related to the Strategic Objectives Safety and Air Navigation Capacity and Efficiency. With reference to its approach to matters related to the Strategic Objective Security and Facilitation, she stressed the importance of taking into account the specificities and special needs of aviation security training and suggested that reference thereto be made in the first paragraph of sub-section 1 (*TRAINAIR PLUS Programme*) of the section *The Four Pillars*. The Secretary General agreed to this proposal.

84. The Representative of Spain expressed appreciation for the comments and suggestions made by the Representative of Mexico, most of which had been accepted by the Secretary General. Drawing attention to sub-section 2 (*Recognition by ICAO of aviation training activities*) of the section *The Four Pillars*, he underscored that the recognition of training activities would have a large impact. The Representative of Spain therefore suggested that the second paragraph be amended to indicate that the said recognition would be valid for a period determined by the Secretary General, instead of by the ICAO aviation training unit, i.e. the GAT Office.

85. The Secretary General supported this proposed change. Responding to a query by the Representative of

Spain, he noted that the GAT Office comprised nine Professional staff and nine General Service staff. Its organizational chart would be posted on the GAT Office web page.

86. The Representative of Venezuela (Bolivarian Republic of) endorsed the suggestions made by the Representative of Mexico which had been agreed to by the Secretary General. Noting, from paragraph 2.1.2 b) and c) of the paper, that two of the principles governing ICAO's aviation training programme were that "the highest priority is placed on learning activities that support the implementation of SARPs" and that "cooperation with Member States and the industry is essential in the development of learning activities to support the implementation of SARPs", he enquired whether the GAT Office was represented on the Monitoring and Assistance Review Board (MARB), which assisted referred States in resolving their Significant Safety Concerns (SSCs) and their Significant Security Concerns (SSeCs). The Secretary General replied in the affirmative.

87. The Representative of the Russian Federation recalled that the current review of the *ICAO Civil Aviation Training Policy* was being undertaken as a result of the Council's consideration of the paper which his State had presented during the previous session on the ICAO policy formulation process (C-WP/14136; 201/6). While the *ICAO Civil Aviation Training Policy* had been issued under the Secretary General's authority by means of Electronic Bulletin EB 2013/54 dated 15 October 2013, it had subsequently been agreed that the said Policy fell under the Council's remit and that it would be presented for its consideration. The Representative of the Russian Federation fully supported the observations and proposals made by the Representative of Mexico, as well as the comments and/or suggestions made by the Representatives of Spain and Venezuela (Bolivarian Republic of). He suggested that the Policy be amended accordingly and circulated to Representatives for approval.

88. In reiterating his appreciation to the Russian Federation for having initiated this discussion, the Secretary General indicated that the Policy would be revised in accordance with his replies to the various proposals made.

89. The Representative of Italy reiterated the importance of establishing criteria for the recognition of aviation training activities. To a question then raised by the Representative, the Secretary General stressed that agreements for cooperation and partnership concluded between ICAO and business organizations would be restricted to the implementation of the Organization's Strategic Objectives. The agreements would not, however, be only on a cost-recovery basis if such business organizations were making a profit from the training activities which they were authorized thereunder to conduct.

90. In expressing appreciation to the Secretary General for having so readily accepted the suggestion made by the Representative of Portugal regarding aviation security training, the Representative of the United Kingdom emphasized that it was important that the new Policy be implemented in such a way as to allow the continuance of the existing work of, for example, Aviation Security Training Centres (ASTCs), which were delivering tangible benefits. While he considered that a little more thought was required regarding how to integrate such work within the civil aviation training structure, he was very supportive of ICAO's overall approach. The Representative of the United Kingdom affirmed that there were many benefits to be derived from the integration of the various training approaches.

91. The Representative of China suggested that the first paragraph of the Policy be amended to reflect the fundamental principle that ICAO training activities were not conducted for profit and were carried out on a cost-recovery basis. He averred that that would encourage States to participate in such activities. In commending the Policy's approach to the recognition by ICAO of aviation training activities, the Representative of China underscored that if that approach were properly implemented, it would enhance those activities. If, on the other hand, it were not properly implemented, then problems could arise. It was therefore necessary for any such recognition by ICAO to be granted through a process which was transparent, objective and fair. The Representative of China reiterated that if a training activity failed to respect the established requirements, then the

Organization should withdraw its recognition.

92. In drawing attention to the fourth bullet of the section *Financial aspects* of the Policy, the Representative of China averred that the text could give rise to problems as it indicated that surpluses arising from profit-generating activities would be contributed to the Regular Programme Budget. He maintained that the surpluses should instead be re-invested in training activities, which served to enhance ICAO's reputation.

93. Confirming that training activities were carried out on a cost-recovery basis, and not a revenue-generating basis, the Secretary General agreed that that should be more clearly reflected in the Policy. He also agreed with the comments made by the Representative of China regarding ICAO recognition of aviation training activities. With reference to surpluses from profit-generating activities, the Secretary General underscored that they would revert to the ARGF. Those surpluses would contribute to the Regular Programme Budget in the sense that the ARGF made a required annual contribution of CAD 5 082 000 to the latter. The Secretary General emphasized that such surpluses from profit-generating activities would, in the first instance, be reinvested in training courses. He suggested that the fourth bullet of the section *Financial aspects* be deleted if it caused confusion.

94. The Representative of Mexico underscored that if the ARGF was to be used to finance the design and development of training courses, then it was necessary to keep the associated costs as low as possible.

95. In expressing support for the new *ICAO Civil Aviation Training Policy*, the Representative of France affirmed that it was of the highest importance and was fully in line with the Organization's goal of capacity-building. Echoing the comments made by the Representative of the United Kingdom, he underscored that, in addition to making specific reference to aviation security training in the first paragraph of sub-section 1 (*TRAINAIR PLUS Programme*) of the section *The Four Pillars*, it was necessary to address the more general question of coordination between the network of ASTCs, which had proved its worth, and the *TRAINAIR PLUS Programme*. Emphasizing that that was an extremely important issue which should continue to receive the Council's full attention, the Representative of France stressed the need to preserve the successful ASTCs network.

96. In summarizing the discussion, the President of the Council noted that a number of proposals had been made to amend the *ICAO Civil Aviation Training Policy* and had been accepted by the Secretary General and approved by the Council. It was agreed that the Policy be revised accordingly and circulated to Representatives for approval. The Spanish version thereof would be reviewed and aligned with the English version at that time.

97. With regard to the proposal to amend the second paragraph of the Policy's fourth pillar, *Cooperation and Partnership Agreements*, it was further agreed to await the Council's consideration, during the next (203rd) session, of the draft *Policy for Interactions by ICAO with Third Parties*.

98. Note was taken of the proposal made by the Representative of Australia to include, as an appendix to the *ICAO Civil Aviation Training Policy*, the criteria for recognition by ICAO of aviation training activities once the latter had been developed and approved.

Subject No. 12: Programme of ICAO meetings

**Programme of meetings for 2015 and
tentative programme of meetings for 2016-2017-2018**

99. This subject was considered on the basis of: C-WP/14142, presented by the Secretary General; and an oral report thereon by the Working Group on Governance and Efficiency (WGGE), which had reviewed the paper during its Third Meeting of the current session on 5 June 2014. For that review, the the WGGE had met in its

expanded form by inviting the Chairpersons and Secretaries of the Committees of the Council.

100. Some Members of the WGGE had expressed reservations regarding the contents of paragraph 4.2 of C-WP/14142 concerning language services for meetings. The Working Group had noted that the papers on the subject of ICAO language services by the Secretary General (C-WP/14176) and certain States (C-WP/14175), to be discussed later in the current session, presented opportunities for further consideration of this matter by the Council. The WGGE had not proposed any changes to C-WP/14142.

101. In the absence of comments, the Council took the action proposed in the executive summary of C-WP/14142, as recommended by the WGGE, and:

- a) approved the programme of meetings for the year 2015 presented in Appendix A to the paper, taking into consideration that the dates for the convening of certain meetings will be decided at a later date; and
- b) approved, for planning purposes, the programmes of meetings for the years 2016, 2017 and 2018 presented in, respectively, Appendices B, C and D to the paper, taking into consideration that those schedules were subject to continuing review and that the schedules for the years 2017 and 2018 were subject to approval of the 2017-2018-2019 Budget of the Organization by the next ordinary session of the Assembly.

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

Appointment of Members of the Evaluation and Audit Advisory Committee (EAAC)

102. The Council considered the above subject on the basis of: C-WP/14158, presented by the Secretary General; and an oral report thereon by the Finance Committee (FIC). The paper reported on the eleven nominations to the EAAC for the three-year period 1 September 2014 to 31 August 2017 received in response to the letter sent by the President of the Council to States of current EAAC Members and to State letter 04/8-14/17 dated 17 March 2014, and presented the President's recommendation to appoint seven of the candidates. Although the Council had previously agreed (201/1) to reduce EAAC's current membership from seven to five, it was considered that that decision had been made in the context of reducing costs in the event that ICAO would need to finance Members' travel costs. However, as the travel costs of all but one of the candidates would be financed by their respective nominating State, and as the EAAC terms of reference specified that the Committee was to be composed of five to seven independent experts, with a quorum of three, it was now considered that a membership of seven would allow greater flexibility.

103. The FIC had considered C-WP/14158 during its Second Meeting of the current session on 16 May 2014. The Committee had supported the President's recommendation to appoint the seven candidates listed in paragraph 4.3 of the paper. However, in discussing paragraph 4.2, one FIC Member had noted that the rationale for reducing the EAAC's membership to five had been made in the context of not only reducing costs but also of improving the EAAC's effectiveness by creating a smaller group with a stronger commitment to attend the EAAC's meetings.

104. Given that the EAAC's terms of reference allowed for a membership of five to seven, and that the travel costs of all candidates would be borne by the nominating States, the FIC had recommended that the Council review and revise its previous decision to reduce the membership to five [cf. C-DEC 201/1, paragraph 18 b)]. It had also recommended that Members' attendance at EAAC meetings be monitored over the coming years and

reported to the Council, with a view to reconsidering the EAAC's composition again if attendance remained a problem.

105. During the Council's ensuing discussion, it was recalled that the Legal Affairs and External Relations Bureau (LEB) had given its opinion (200/3) that Jonathan Moor (United Kingdom) and Peter Maertens (Canada), two EAAC Members who had previously served one term on the Advisory Group on Evaluation and Audit (AGEA), were eligible for re-appointment for a second term on the EAAC. It was further recalled that Council had agreed (201/1) to the continuation of Jonathan Moor as the Chairperson of the EAAC based on the understanding that he would be re-nominated for that role.

106. Expressing appreciation to the Chairperson of the FIC for having specifically noted, in his oral report, the point which he had raised regarding the rationale for reducing the EAAC's membership, the Representative of the United Kingdom stated that he would not pursue the issue of reducing the size of Committees further as he might be swimming against the tide of opinion in the Council.

107. Indicating that the point raised by the Representative had been duly noted by the FIC and the Council, the President of the Council underscored that it was addressed by the FIC's proposed monitoring of attendance at EAAC meetings and reconsideration, by the Council, of the EAAC's composition if attendance continued to pose a problem.

108. In then taking the action recommended by the FIC in its oral report, as amended by the President of the Council in light of the discussion, the Council:

- a) rescinded its previous decision, set forth in paragraph 18 b) of C-DEC 201/1, whereby the EAAC's membership had been reduced from seven to five;
- b) appointed the following seven candidates to the EAAC for a period of three years commencing from 1 September 2014 as proposed by the President: Peter Maertens (Canada); Zhenghua Xu (China), Farizah Harman (Malaysia), Linda Makuleni (South Africa), Abdalrahman Bkheit Ali Bkheit (Sudan), Kurt Grueter (Switzerland) and Jonathan Moor (United Kingdom); and
- c) agreed to return to the issue of the EAAC's composition in one year's time if attendance at the Committee's meetings remained a problem.

109. It was the Council's expectation that the EAAC would retain Jonathan Moor as its Chairperson in view of the excellent work which he had done previously in that capacity.

Any other business

Subject No. 14: Subjects relating to air navigation

Flights over and in Iraqi territory

110. Note was taken of a request by the Representative of Germany that the Secretariat provide, either bilaterally or to the whole Council, an assessment of the safety and security of flights over and in Iraqi territory at the earliest convenient date.

Subject No. 50: Questions relating to the environment**Meetings of the Committee on Aviation Environmental Protection (CAEP)**

111. A proposal was made by the Representative of Portugal, and supported by the Representatives of the United Arab Emirates and India, to increase the duration of the Tenth Meeting of the Committee on Aviation Environmental Protection (CAEP/10), tentatively scheduled to take place in Montréal in February 2016, from eight to ten days in light of the topics to be discussed. This was noted by the Secretariat for further consideration, taking into account the availability of resources. It was understood that if it were not possible to increase the meeting's duration, then the CAEP might have to intensify its work in order to complete it within the originally planned eight-day timeframe.

112. A further proposal was made by the Representative of India that CAEP Steering Group meetings scheduled to take place between June 2014 and December 2015 be convened in Montréal so as to enable the Members of the Environment Advisory Group (EAG) to participate as observers. In light of the fact that the Council had already approved the programme of meetings for 2015 [cf. paragraph 101 a) above], it was agreed to defer further discussion of the proposal to later in the current session when other environmental issues would be considered.

113. The meeting adjourned at 1305 hours.

COUNCIL — 202ND SESSION

SUMMARY MINUTES OF THE FOURTH MEETING

(THE COUNCIL CHAMBER, WEDNESDAY, 18 JUNE 2014, AT 1000 HOURS)

CLOSED MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Mr. Raymond Benjamin, 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. de Moraes Jardim (Alt.)	Nigeria	— Mr. M.E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Cameroon	— Mr. E. Zoa Etundi	Poland	— Dr. M. Polkowska
Canada	— Mr. M. Allen	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. W.H. Celedón	Republic of Korea	— Mr. Choi, D.
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. Mahmoud	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. L. Mabaso
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. P.N. Sukul	United Arab Emirates	— Capt. A. Al Hamili
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Mr. T. Koda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Mr. M. Adan (Alt.)	United States	— Mr. J.L. Novak (Alt.)
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. Delisle (Alt.)	— Canada
Mr. D.A. Dueñas (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. A. Bardaro (Alt.)	— Italy
Ms. M. Furuhata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. Kang, M. (Alt.)	— Republic of Korea
Mr. A. Korsakov (Alt.)	— Russian Federation

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Ms. N. Graham	— D/ANB
Mr. B. Djibo	— D/ATB
Mr. M. Elamiri	— DD/SMM
Mr. J. Marriott	— DD/ASF-ATB
Mr. H. Gourджи	— DD/MO-ANB
Mr. A. Quiroz	— C/ASA
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Ecuador
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Peru
Turkey
Uruguay

Airports Council International (ACI)
European Union (EU)

Subject No. 14.5: Safety oversight
Subject No. 52.1: Universal Security Audit Programme

Progress report of the Monitoring and Assistance Review Board (MARB)

1. The Council had for consideration information paper C-WP/14146 Restricted, in which the Secretary General reported on the activities of the MARB since its eighth meeting on 20 January 2014 and the last progress report [C-WP/14099 Restricted; 201/5 (Closed)].
2. In providing updated information, the Secretary General noted that Sierra Leone had resolved its Significant Safety Concern (SSC) pertaining to the operational stages of mitigation aids and the implementation of mitigation measures. A technical assistance project was currently being developed by ICAO in coordination with Sierra Leone in order to address outstanding deficiencies and capacity issues. In addition, Sao Tome and Principe had been removed from the list of States referred to the MARB following its successful resolution of two SSCs. Its SSC relating to aircraft operations had been resolved through the implementation of mitigation measures, while its SSC relating to aerodromes and ground aids had been addressed through capacity-building. The Secretary General invited Representatives to consult the presentations made to the MARB during its last meeting on 2 May 2014, available on the Council website under “Periodic Reports”, for additional details on the specific monitoring and assistance activities taken. He recalled that a report on the Thirteenth Meeting of the Comprehensive Regional Implementation Plan for Aviation Safety (AFI Plan) Steering Committee (Dakar, Senegal, 29-30 May 2014) and preceding events and meetings, including the AFI Aviation Safety Symposium (Dakar Senegal, 27-28 May 2014), had been provided to the Council during its previous (202/3) meeting.
3. Noting that his State had been referred to the MARB due to a SSC relating to personnel licensing, the Observer from Lebanon clarified that the delay in rectifying that deficiency was attributable to the administrative difficulties encountered in recruiting the appropriate personnel. However, a decision had now been taken by his Government, in cooperation with the relevant ICAO Bureaux, to recruit specialists in personnel licensing. Furthermore, the necessary paperwork had been done to enable those specialists to commence their work, with the aim of having Lebanon removed from the MARB’s list.
4. In thanking the Observer from Lebanon for this additional information, the President of the Council requested that the details be provided to the Secretariat for presentation to, and consideration by, the MARB at its next meeting.
5. The Representative of the United Republic of Tanzania recalled, from the presentation by ICAO Regional Directors made on 12 June 2014, prior to the Council Retreat, the remarkable achievements of MARB-referred States, especially those in the African region, in resolving their SSCs and SSeCs. He recognized the many efforts being made to assist those States in the rectification of their deficiencies, including ICAO’s efforts through its Regional Offices, technical cooperation and/or technical assistance. Referring to paragraph 2.2.1 and the Appendix of the paper, he underscored that while Sierra Leone had been referred to the MARB on 2 May 2014 due to two SSCs, it had made excellent progress and had already succeeded in resolving one of them, as highlighted by the Secretary General.
6. Observing that several States nevertheless remained on the MARB’s list, the Representative of the United Republic of Tanzania emphasized that, in some cases, it was due to the fact that information on the action they were taking to resolve their SSCs and SSeCs was not being made available to ICAO. With reference to Angola, a State in his region, he recalled that its SSC had been discussed at a meeting with the Minister of Transport during the recent Diplomatic Conference on the draft Protocol to the Tokyo Convention of 1963 (Montréal, 26 March - 4 April 2014), as well as at regional civil aviation meetings. It was his understanding that Angola was making

excellent progress in implementing its corrective action plan and was requesting an ICAO Coordinated Validation Mission (ICVM) by the end of 2014.

7. Botswana, also a State in the Eastern and Southern African (ESAF) region, was progressing very well in rectifying its two SSCs and intended to resolve them at least by the end of the year. While Malawi, another State in his region, had experienced a change of government, it was trying to resolve its SSC but required some assistance.

8. In reiterating that efforts were being taken by several entities to ensure that MARB-referred States resolved their SSCs and SSeCs, the Representative of the United Republic of Tanzania cited those of the African Union (AU) and the African Civil Aviation Commission (AFCAC), which had been outlined in the said Report on the Thirteenth Meeting of the AFI Steering Committee. He highlighted the participation of certain MARB-referred States in various initiatives, such as the AFI Cooperative Inspectorate Scheme (AFI CIS). The Representative of the United Republic of Tanzania also noted that the ICAO Regional Offices were becoming more actively involved in assisting those States to which they were accredited in resolving their deficiencies. In further noting that the African Group on the Council (AFI Group) was engaging MARB-referred African States' diplomatic missions in the promotion of the rectification of their respective States' SSCs and SSeCs, he emphasized that it was very much in the forefront in assisting such States so that they would be removed from the Board's list.

9. Expressing appreciation to the Secretary General for all of the efforts made by ICAO to assist MARB-referred States, the Representative of Burkina Faso highlighted the importance of communication with such States, which was the reason for the progress being made in the rectification of SSCs and SSeCs by those States which were not facing major difficulties such as civil wars. He called upon the AFI Group to work with AFCAC and the Secretariat to ensure that the latter had the up-to-date contact information for the Directors General of Civil Aviation (DGCAs) of MARB-referred African States which was necessary for ICAO communications to have the desired effect. The Representative of Burkina Faso noted, in this regard, that although the Secretariat made every effort to communicate with the appropriate authorities, it was difficult to do so as there was a frequent changeover in DGCAs.

10. The Secretary General thanked the Representative of Burkina Faso for this kind offer of assistance from the AFI Group and AFCAC. Noting that a number of States which had resolved their SSCs and SSeCs had done so through the implementation of mitigation measures, such as the removal of Air Operator Certificates (AOCs), he indicated that it was now necessary to give consideration to capacity-building as that was what MARB-referred States required in terms of economic development.

11. The Representative of Spain joined the Representatives of the United Republic of Tanzania and Burkina Faso in expressing gratitude for ICAO's efforts and hailing the progress made by some MARB-referred States in resolving their SSCs and SSeCs. In stressing the importance of the provision by ICAO of technical assistance and technical cooperation in the rectification of such deficiencies, he proposed that future MARB progress reports provide more information regarding the situation in those States which were making minimal progress. This was noted by the Secretariat.

12. In recognizing ICAO's efforts to assist Sao Tome and Principe in the said successful rectification of its two SSCs, the Representative of Portugal envisaged that the Organization's efforts would continue, with the support of all, in order that more MARB-referred States would be removed from the Board's list.

13. The Council then noted the progress made by certain MARB-referred States in resolving their SSCs and SSeCs, on the understanding that the Secretariat would continue to work with other referred States in rectifying their deficiencies. It further noted that the AFI Group, together with AFCAC, would assist the Secretariat in its efforts to obtain up-to-date contact information for the DGCAs of MARB-referred States in the African region so

that ICAO communications would have the desired effect.

14. The Council reconvened in open session at 1030 hours to consider the remaining items on its order of business.

COUNCIL — 202ND SESSION

SUMMARY MINUTES OF THE FIFTH MEETING

(THE COUNCIL CHAMBER, FRIDAY, 20 JUNE 2014, AT 1000 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Mr. Raymond Benjamin, 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	— Dr. M. Polkowska
Canada	— Mr. M. Allen	Portugal	— Mrs. M.H. Faleiro T. de Almeida
Chile	— Mr. D. Dueñas (Alt.)	Republic of Korea	— Mr. Choi, D.
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. Mahmoud	Singapore	— Mr. T.C. Ng
France	— Mr. O. Caron	South Africa	— Mr. L. Mabaso
Germany	— Mr. U. Schwierczinski	Spain	— Mr. V.M. Aguado
India	— Mr. P.N. Sukul	United Arab Emirates	— Capt. A. Al Hamili
Italy	— Mr. E. Padula	United Kingdom	— Mr. M. Rodmell
Japan	— Mr. T. Koda	United Republic of Tanzania	— Mr. R.W. Bokango
Kenya	— Mr. M. Adan (Alt.)	United States	— Mr. J.L. Novak (Alt.)
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. C.M. Vallarino (Alt.)	— Argentina
Mr. D.A. Dueñas (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Mr. A. Bardaro (Alt.)	— Italy
Ms. M. Furuhata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mr. Kang, M. (Alt.)	— Republic of Korea

Mr. R. Squitieri,
External Auditor,
Corte dei Conti

SECRETARIAT:

Mr. D. Azema	— DC/OSG
*Ms. N. Graham	— D/ANB
*Dr. Fang Liu	— D/ADB
*Mr. B. Djibo	— D/ATB
*Mr. R. Bhalla	— C/FIN
*Mrs. J. Hupe	— DD/ENV-ATB
*Mr. J. Weich	— DD/HR-ADB
*Mr. O. Myard	— C/EAO
*Mr. J.Y. Cossette	— C/ASV
*Dr. T. Hasegawa	— C/RPM
*Dr. K. Rooney	— C/CSS
*Ms. L. Lim	— C/FSV
*Mr. A. Detchou	— C/FR
*Mrs. D. Rahmani	— S/DMO
*Mr. M. Leitgab	— ADADB
*Ms. L. McGuigan	— CSS
Miss S. Black	— Précis-writer

*Part-time

Representatives to ICAO

Afghanistan
Colombia
Cuba
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Morocco
Mozambique
Peru
Turkey
Uganda
Uruguay

Airports Council International (ACI)
European Union (EU)

Welcome to the President of Corte dei Conti, the new External Auditor of ICAO

1. The President of the Council welcomed Mr. Raffaele Squitieri, the President of Corte dei Conti of Italy, the new External Auditor of ICAO for the current triennium, who addressed the Council as follows:

“I wish to thank you very much for the kind welcome you have reserved for Corte dei Conti, the Italian Supreme Audit Institution, at this Session of the Council of the International Civil Aviation Organization (ICAO). Thank you also for giving me the opportunity, on this occasion, to take the floor very briefly.

“At the same time, I would like to extend our cordial thanks to the appraisal committee which, in the course of the evaluation of the important proposals, had considered worthy of attention the proposal of the Italian Supreme Audit Institution.

“My warm thanks are addressed also to the Secretary General of ICAO for the prompt and kind inclusion of Corte dei Conti Audit Group in the Organization, and for facilitating their first contacts with the relevant departments and officials, whose courtesy has been already noted.

“It is our wish to confirm to all of you the strong engagement and the keen spirit of service and cooperation with which Corte dei Conti, and specifically the Audit Group, intend to carry out this mandate on the basis of its sound expertise and its long experience in auditing activities, acquired at both the national and international levels.

“Finally, let me address our cordial greetings and our special thanks to the French Supreme Audit Institution, and to its President in particular, who have performed their audit mandate, over these years, with acknowledged appreciation and who have acted in the hand-over process in a harmonious and cooperative way.”.

Subject No. 18.8: Financial statements and reports of the External Auditor
Subject No. 18.8.1: Regular Programme funds
Subject No. 24.2: Assembly agenda and documentation

Financial statements and Reports of the External Auditor for the financial year 2013

2. The Council considered the above subject on the basis of: C-WP/14162 (with Addenda Nos. 1 and 2) presented by the Secretary General; and an oral report thereon by the Finance Committee (FIC), which had reviewed the paper at its Sixth Meeting of the current session on 9 June 2014. Addendum No. 1 to the paper contained, inter alia, the Opinion of the External Auditor and the Organization’s financial statements for 2013. Addendum No. 2 contained the Report of the External Auditor on the audit of the accounts of the Organization and the performance audits, as well as the Secretary General’s comments in response. These Addenda comprised parts of the document to be submitted to the Assembly on this subject.

3. During the FIC’s Sixth Meeting, Mr. M. Camoin of Cour des comptes of France had presented the External Auditor’s reports and informed the Committee that an unqualified opinion had been expressed on the Organization’s financial statements for 2013. He had highlighted that the audit report contained seventeen observations of which six were considered high risk, seven, medium risk and four, low risk.

4. Committee Members had noted, with satisfaction, the External Auditor’s unqualified opinion and had requested further details and explanations on a number of his recommendations, which had been provided by Mr. Camoin and the Secretariat. Mr. Camoin had stated that, based on the low level of thirteen open recommendations out of a total of 181 recommendations issued during last two triennia, ICAO’s performance was excellent in comparison with other United Nations (UN) organizations.

5. Following the explanations and clarifications given by Mr. Camoin and the Secretariat, the Committee had agreed to the proposed Action Plan to implement the External Auditor's recommendations contained in his report for the financial year 2013 (cf. Addendum No. 2 to C-WP/14162), to be reviewed by the Council later in the present meeting.
6. The FIC had welcomed Corte dei Conti of Italy, which had succeeded the Cour des comptes of France as the External Auditor of ICAO for the financial years 2014, 2015 and 2016.
7. In concluding its discussion, the Committee had recommended that the Council take the action indicated in the executive summary of C-WP/14162.
8. The Representative of Spain endorsed the FIC's oral report, as well as the proposed action. Drawing attention to paragraph 3.22 of Part I of the Report (cf. Addendum No. 1) relating to the Ancillary Revenue Generation Fund (ARGF), he enquired as to the criteria used by the External Auditor in determining whether the Fund's required annual contribution of CAD 5 082 000 to the Regular Programme Budget posed a low, medium or high risk to the Organization's finances. He was asking this question not only because the Council would be considering the ARGF's performance, financial projections and business plan later in the meeting on the basis of C-WP/14160, but also because the response would affect the new External Auditor's work plan for the 2014-2015-2016 triennium.
9. In responding on behalf of the External Auditor, who had been unable to attend this meeting, the Chief of the Finance Branch (C/FIN) noted that the ARGF's said financial contribution represented approximately 5 to 6 per cent of the Organization's total budget. As with any fund that was dependent upon market forces, there was an inherent risk. There were, however, ways in which ICAO could protect itself against the associated risk, one being the requirement, set forth in paragraph 6.2 of the *Policy on Revenue-generating Activities*, that the ARGF maintain an operational reserve equal to 25 per cent of its annual sales in case of an economic downturn. The ARGF's reserve was currently some CAD 4 000 000. C/FIN recalled that the ARGF had achieved a small net surplus in 2013.
10. In then taking the action proposed in the executive summary of C-WP/14162, as amended by the President of the Council in light of the discussion, the Council:
 - a) on the basis of the FIC's detailed examination of C-WP/14162, approved, for submission to the next ordinary session of the Assembly:
 - i) the financial reports for the year ended December 2013 presented in Addenda Nos. 1 and 2 to the paper; and
 - ii) the draft Assembly working paper and related draft Assembly resolution attached to the paper; and
 - b) expressed its appreciation to Cour des comptes of France for the work which it had done as External Auditor of ICAO for the past two triennia (2008-2013) and welcomed Corte dei Conti of Italy as the Organization's new External Auditor for the financial years 2014, 2015 and 2016.

Subject No. 18.1: Annual Budget

Subject No. 18.2: Transfers from one Major Programme of the Budget to another

Financial year 2013 — Report on the carry over

11. The Council had for consideration: information paper C-WP/14161, in which the Secretary General reported on the status of authorized appropriation of the Regular Budget for the financial year 2013, based on audited expenditures; and an oral report thereon by the Finance Committee (FIC).

12. During the FIC's review of the paper at its Second Meeting of the current session on 16 May 2014, the Secretariat had provided a detailed explanation of Table 1: Statement of Appropriations for the period ending 31 December 2013 of the paper and had provided clarifications to all of the questions raised. Two Committee Members had suggested that a portion of the carry over funds be utilized for language services, as the budget for that purpose had been significantly reduced in the current triennium. Another Committee Member had noted that a large transfer had been made during the year from the Strategic Objective Security to cover the other Strategic Objectives and supporting implementation strategies, and had suggested that an analysis might be useful to explain why the original security appropriation could not be spent.

13. The FIC had noted that, based on the audited expenditures for the year, the transfers of appropriations between Strategic Objectives and supporting implementation strategies and the carry over of appropriations of CAD 4 119 000 from 2013 to 2014 fell within the authority of the Secretary General pursuant to Financial Regulations 5.9 and 5.6 of *The ICAO Financial Regulations* (Doc 7515). As C-WP/14161 was an information paper, no action was required by the Council.

14. The Representative of Japan noted that he had been the FIC Member who had enquired as to the reason for the transfer, in 2013, of 16 per cent of the appropriation for the Strategic Objective Security to other Strategic Objectives and supporting implementation strategies. That transfer was almost the same as the one made in 2012, when 18 per cent of the appropriation for the Strategic Objective Security had been so transferred. The Secretariat had clarified that there had been a surplus of appropriation for security due to the voluntary contributions made to the Aviation Security (AVSEC) Fund. Taking into account this explanation, and recalling that two FIC Members had suggested that a portion of the carry over be utilized for language services, the Representative of Japan expressed concern that some portion of the voluntary contributions made to the AVSEC Fund, which donor States had intended to be used for the implementation of security-related strategies, might be diverted to language services. He did not, however, intend to pursue that matter, and did not oppose the Secretariat's flexible management of the Organization's financial resources. Furthermore, the Representative of Japan did not wish to discuss the provision of language services under this item, given that it would be considered later in the present meeting on the basis of C-WP/14175 and C-WP/14176. He did, however, wish to highlight his concern as the diversion of voluntary contributions made to the AVSEC Fund to non-security-related activities might ultimately discourage his Government from making voluntary contributions to that Fund in future. The Representative of Germany wholeheartedly supported these comments.

15. The Representative of Norway respected the Secretary General's full authority to utilize the carry over as he thought best. Observing, however, that the carry over consisted of unspent appropriations from the Regular Programme Budget approved by the Assembly, which reflected the latter's priorities, he enquired if the Secretariat respected those priorities in using the carry over of appropriations.

16. The Chief of the Finance Branch (C/FIN) clarified that, pursuant to ICAO's policy regarding the carry over of funds approved by the Council (187/9), the carry over was applied, to the maximum extent possible, to programme activities. It was not used for management and administrative purposes unless they were either

mission-critical or mandatory in nature.

17. The Council then noted information paper C-WP/14161, as well as the oral report thereon by the FIC. As the transfers of appropriations between Strategic Objectives and Supporting Implementation Strategies and the carry over of appropriations of CAD 4 119 000 from 2013 to 2014 fell within the authority of the Secretary General pursuant to Financial Regulations 5.9 and 5.6 of *The ICAO Financial Regulations* (Doc 7515), no approval thereof was required on the part of the Council. It was understood that the information contained in the said paper would be provided to the next ordinary session of the Assembly as required under the said Financial Regulation 5.9.

Subject No. 18.14: Other finance matters for consideration by Council

**Report on the performance of revenue-generating activities in 2013
with audited financial figures of the Ancillary Revenue Generation Fund (ARGF),
and the financial projections and business plan for 2014, 2015 and 2016**

18. The Council considered this subject on the basis of: C-WP/14160, presented by the Secretary General; and an oral report thereon by the Finance Committee (FIC).

19. After reviewing the paper in-depth during its Second Meeting of the current session on 16 May 2014, the Committee had noted that the ARGF performance for 2013 had resulted in a minor surplus and that the projections and business plan for the current triennium showed a surplus as well. However, during the FIC's discussion, some concerns had been raised and recommendations had been provided, as follows:

20. A concern had been expressed regarding the account item "Extra Contribution to RPB" in Appendices A and B to the paper. The Secretariat had explained that that account item reflected, in accordance with audit recommendations, the support provided by the ARGF to the Regular Programme Budget through the provision of resources for staff and non-staff expenses. The Committee had agreed that the terminology used for that account item was misleading and it had been suggested to rename it "Extra Contribution to the Regular Work Programmes".

21. The FIC had also requested that the Secretariat's future reports contain information on the resources provided from the Regular Programme Budget to ARGF activities and a greater breakdown of the tables to improve the transparency of the information.

22. A concern had also been raised about the use of the ARGF to regularize supernumerary posts in addition to the established posts, which were included in the Regular Programme Budget. The Committee had also requested information on the status of staff contracts funded by ARGF. The Secretariat had confirmed that contracts that were financed by ARGF funds were either fixed-term or temporary, based on the nature of the activities. In addition, project contracts were given to consultants where necessary.

23. One Member had expressed a concern over the inclusion of fundraising activities in the budget and business plan for 2015 and 2016. Clarification had been provided by the Secretariat that certain fundraising activities were covered in the *Policy on Revenue-generating Activities* and that the appropriateness of conducting these sensitive activities would be carefully studied prior to implementation. Examples of fundraising activities in other United Nations (UN) agencies had been provided as well. The Committee had requested the Secretariat to inform the Council in advance about its intentions regarding cooperation with third parties in order to ensure that safeguards would be in place.

24. Another concern had been raised with regard to implementing capacity-building activities through ARGF fundraising efforts. In that regard, the Secretariat had confirmed that the technical Bureaux would be responsible for the technical substance of those activities, and that the Bureau of Administration and Services (ADB) would provide logistical support, marketing, promotion, etc.
25. With regard to a concern over fee-based business utilizing the ICAO Public Key Directory (PKD) concept and infrastructure, the Secretariat had confirmed that further steps would be taken with caution. It had also been clarified by the Secretariat that investments had been made in the development of several new electronic products in 2013 and that those investments were expected to show a return starting in 2014, in view of the decline in publication sales as a major revenue source.
26. Given the emerging importance of electronic documents and distribution, the FIC had requested that an informal briefing of the Council on Digital Rights Management (DRM) be held during the next (203rd) session.
27. Noting the good efforts made by the Secretariat to generate a positive budget for the ARGF for the current triennium, the Committee had requested the Secretariat to continue its work to further reduce costs and to produce additional revenue in order to generate more surpluses to support the Regular Programme activities of the Organization.
28. The FIC had supported the paper and had recommended to the Council to endorse the budget and business plan for the ARGF for the year 2014 and, for planning purposes, for the years 2015 and 2016.
29. The Representative of the Russian Federation endorsed the FIC's oral report. Drawing attention to paragraph 2.2 of the paper, he maintained that the sale of ICAO publications and distribution and printing activities accounted for a greater portion of the ARGF's revenues than the amount indicated ("approximately half") and that that would probably continue to be the case in 2015. The Representative of the Russian Federation noted, in this context, that the majority of the ARGF's revenues in 2013 and in previous years had been derived from the sale of ICAO publications.
30. The Representative of Germany reiterated the concern which he had expressed in the FIC that private entities, by means of voluntary funding activities that served their particular interests, might call into question ICAO's impartiality and established priorities. He stressed that if the idea of fundraising activities were further explored, as indicated in paragraph 4.5.3 of the paper, then a mechanism should be put in place to ensure that the funds so raised were used to support the Organization's core activities. It was necessary to establish from the outset those core activities for which the funds would be raised. The Representative of Germany emphasized that the Council should, and must, be involved in this area.
31. Noting that the distinction between ARGF fundraising activities, which engaged private entities, among other stakeholders, and voluntary funds (e.g. the AFI Fund, the AVSEC Fund and the SAFE) which also engaged private entities, inter alia, was blurry, the Representative of Germany underscored the need to clarify the respective purpose and scope of activities of the *Policy on Revenue-generating Activities* and the *Policy on Establishment and Management of Voluntary Funds*.
32. Sharing these views, the Representative of Argentina reiterated the need for criteria for the financial participation of private entities in ICAO's work.
33. In taking note of the issue, the President of the Council suggested that, to remove any confusion, solicitations for voluntary contributions from private entities only be made under the *Policy on Establishment and Management of Voluntary Funds*.

34. The Representative of Spain observed, from the ARGF budget for 2014-2015-2016 set forth in Appendix B to the paper, that training and TRAINAIR PLUS combined constituted the third largest source of revenue for the ARGF for the coming triennium, consistent with the new *ICAO Civil Aviation Training Policy* which had been reviewed by the Council during its previous meeting (C-WP/14139; 202/4) and was being circulated, in revised form, for approval.

35. Responding to the points raised, the Director of the Bureau of Administration and Services (D/ADB) noted that the sale of ICAO publications constituted the main source of not only the ARGF's revenue but also of the ARGF's required annual contribution of CAD 5 082 000 to the Regular Programme Budget. She emphasized that any surplus arising from the increased generation of revenue through the implementation of the proposed ARGF's business plan would continue to be used to support programme activities, as well as the functioning of the Organization in all other areas which were in need of funding. D/ADB recalled, in this context, that in the previous triennium, the Secretary General had approved the use of ARGF funds to develop and implement a quality management system in the field of language services pursuant to Operative Clause 7 of Assembly Resolution A37-25 (*ICAO Policy on the language services*). It was D/ADB's understanding that, subject to the Council's guidance and the Secretary General's approval, and the availability of a sufficient ARGF surplus, the latter would be used to supplement the budgetary appropriation for the provision of language services.

36. In then taking the action proposed by the President of the Council on the basis of the FIC's oral report, the Council:

- a) endorsed the budget and business plan for the ARGF for the year 2014 and, for planning purposes, the budget and business plan for the years 2015 and 2016, contained in Appendices B and C to C-WP/14160, on the understanding that the account item "Extra Contribution to RPB" would be amended to read "Extra Contribution to the Regular Work Programmes"; and
- b) agreed that an informal briefing on the DRM system be given to Representatives during the next (203rd) session.

37. In addition, the Council noted that:

- future reports on the ARGF would contain information on the resources provided from the Regular Programme Budget to ARGF activities, as well as a greater breakdown of the tables to improve the transparency of the information;
- the Secretariat would inform the Council in advance about its intentions on cooperation with third parties in order to ensure that safeguards would be in place;
- contracts that were financed by ARGF funds were either fixed term or temporary, based on the nature of the activities, and that project contracts were given to consultants where necessary, as confirmed by the Secretariat;
- further steps regarding fee-based business utilizing the ICAO Public Key Directory (PKD) concept and infrastructure would be taken with caution, as also confirmed by the Secretariat; and
- it was expected that investments made in the development of several new electronic products in 2013 would show a return starting in 2014.

38. In further noting the good efforts made by the Secretariat to generate a positive budget for the ARGF for the current triennium, the Council requested the Secretariat to continue its work to further reduce costs and to

produce additional revenue in order to generate more surpluses to support Regular Programme activities of the Organization.

Subject No. 18.8: Financial statements and reports of the External Auditor

**Proposed Action Plan to implement recommendations of the External Auditor
which have been accepted by the Council**

39. The Council had for review: C-WP/14159 [with Corrigendum No. 1 (Arabic only)], in which the Secretary General presented the proposed Action Plan to implement the recommendations of the previous External Auditor of ICAO, Mr. Didier Migaud, Premier président of the Cour des comptes of France, contained in his Report for the financial year 2013 (cf. Addendum No. 2 to C-WP/14162); and an oral report thereon by the Finance Committee (FIC), which had considered the paper at its Third Meeting of the current session on 9 June 2014. The Committee had agreed with the Secretariat's proposed responses to the said External Auditor's recommendations.

40. In taking the action proposed in the executive summary of C-WP/14159, as recommended by the FIC, the Council approved the said Action Plan as set forth in Appendix A thereto.

Subject No. 11.5: Documentation policy and practices

**Review of ICAO language services
ICAO policy on language services**

41. The Council considered the above subjects concurrently on the basis of two papers: information paper C-WP/14176 presented by the Secretary General; and working paper C-WP/14175, presented by Chile, China, Mexico and the Russian Federation. In C-WP/14176, the Secretary General: highlighted the mandate for language services in ICAO; recalled the statutory requirements, the principle of multilingualism and relevant Assembly and Council decisions; set forth the various initiatives to optimize ICAO language services and improve efficiency in their delivery; and reviewed current practices.

42. In C-WP/14175 the said co-sponsors drew attention to the fact that, in their view, the provision of language services at ICAO was still a matter of deep concern to ICAO Member States despite the decisions adopted by ICAO Assemblies as embodied in Assembly Resolutions A22-29 (*Use of languages in the Air Navigation Commission*), A24-21 (*Publication and distribution of documentation*) and A37-25 (*ICAO Policy on the language services*). They highlighted the urgent need to align the Council's and the Secretariat's approach to language services with the provisions of the relevant Assembly Resolutions, in particular, Assembly Resolution A37-25. The co-sponsors addressed, inter alia: the impact of the deterioration in language services on ICAO's ability to meet the objectives of the Chicago Convention; the outsourcing of language services; the reduction in the provision of language services to certain categories of ICAO meetings and the decision to publish the *ICAO Journal* only in English; and the extrusion of non-English-speaking experts from the development of ICAO Standards and Recommended Practices (SARPs).

43. In introducing C-WP/14175 on behalf of the other three co-sponsors, the Representative of the Russian Federation underscored that it was aimed at future discussions of the Regular Budget for the next triennium. Observing that there was, nevertheless, a problem with the provision of language services during the current triennium arising from what the co-sponsors perceived to be an incorrect budget policy vis-à-vis such services, he expressed the hope that, with good cooperation from the Secretary General, that problem would be at least partially mitigated.

44. During the ensuing discussion, the Representatives of the Russian Federation, Mexico, Venezuela (Bolivarian Republic of), Saudi Arabia, Italy, the United Arab Emirates and Nicaragua expressed appreciation for the Secretary General's information paper outlining the decisions which had resulted in the current arrangements for the provision of language services. The Representatives of Saudi Arabia, Spain and the United Arab Emirates also thanked the co-sponsors of C-WP/14175 for presenting their proposals to enhance the provision of language services.

45. The Representative of Mexico, one of the co-sponsors of C-WP/14175, underscored that the said decisions had had negative consequences, not only for ICAO's various deliberative bodies but also for meeting participants, and reiterated the importance of reversing the deterioration in the provision of language services which had taken place over the past two, if not three, triennia. He recognized that that could not be done overnight and that the Secretary General suggested certain actions in the conclusion of his paper (cf. paragraph 6.1 of C-WP/14176). The co-sponsors' main concern was that the Secretary General, taking into account the actions proposed in paragraph 6.1 of their paper: do whatever was possible with the resources available to try to mitigate some of the said negative consequences during the current triennium; and consider the remainder when preparing the Regular Budget for the next triennium in order to reverse the said trend, which adversely impacted the Organization and, to a greater extent, its Member States.

46. The Representative of Japan noted that, if it were possible to discuss an ideal language services policy without having to consider financial restrictions, then he would feel no need to join in the discussion. However, the co-sponsors, in paragraph 6.1 f) of C-WP/14175, requested the Secretary General to "identify necessary financial resources in the current triennium in order to provide, as far as possible, interpretation services for Panel meetings and international symposiums at least". He therefore had no choice but to take the floor. Recalling that the Regular Budget of the Organization for the current 2014-2015-2016 triennium had been set and approved by the Assembly to comprise a zero nominal growth figure from the last triennium, the Representative of Japan underscored that, as the second largest contributor to the Regular Budget, his Government would strongly request that ICAO set a zero nominal growth budget for the next triennium as well in order to fulfil its responsibilities. He considered that that was the major contributors' common policy with regard to the Regular Budget.

47. The Representative of Japan emphasized that in this very severe financial situation, the Secretary General must deliberate on the priority of each element of the ICAO Work Programme. It should be recognized that it was impossible to request the Secretary General to pursue all propositions without Member States' having made adequate payments to the Regular Budget. As the Government of Japan could not afford to contribute beyond the zero nominal growth figure, it would not request the Secretary General to pursue all of the Organization's Work Programme; rather, it would request the Secretary General to prioritize the Work Programme and discard those elements which were old-fashioned or less important with a view to building a new and more significant Work Programme. The Representative of Japan indicated that, if the majority of Representatives hoped to strengthen the existing language services during the current triennium and/or the next triennium, then it was necessary to discuss which elements of the Work Programme or which Strategic Objectives should be abolished or where budgetary savings could be achieved in order to properly identify the necessary financial resources for language services. He therefore proposed the following two new actions, in addition to those proposed in paragraph 6.1 of C-WP/14175: that the Council request the Secretary General to: i) indicate to the Council the Strategic Objectives or supporting implementation strategies from which additional financial resources could be drawn, if he indeed wished to increase the appropriation for language services in the current triennium; and ii) present, during the next ICAO budget planning process, other funding methods for language services such as voluntary contributions if he could not fulfil the language services requirements under the Regular Budget's zero nominal growth figure.

48. Recognizing that the Organization's Regular Budget for the current triennium had become a strait-jacket, making it difficult to fulfil necessary functions, the Representative of Venezuela (Bolivarian Republic of)

congratulated the Language Sections which, despite limited resources, were doing an excellent job. He underscored that language services were an important element in the achievement of ICAO's Strategic Objectives, in particular, of the Strategic Objective Safety, where it was necessary for publications and meeting documentation to be issued in a timely manner in order to have the required effectiveness.

49. Referring to paragraph 6.1 e) of C-WP/14175, the Representative of Venezuela (Bolivarian Republic of) averred that it was not necessary to task the Working Group on Governance and Efficiency (WGGE) with considering and reporting to the Council on the need for an amendment to the *ICAO Publications Regulations* (Doc 7231/11) to provide an unconditional dissemination of ICAO publications in all the working languages of ICAO. The Council could instead request the Secretary General to do so, taking into consideration the issues raised in C-WP/14175.

50. The Representative of India requested the Secretary General to identify those actions proposed in paragraph 6.1 of C-WP/14175, as expanded to include the two actions suggested by the Representative of Japan, which he might find it difficult to accept. He considered that the actions indicated in sub-paragraphs d) and e) relating to tasking the WGGE with the development of a prioritization procedure for the translation of ICAO publications and documents in cases where it was not possible to comply with Operative Clause 1 of Assembly Resolution A24-21 and with considering and reporting on the need for an amendment to the *ICAO Publications Regulations* (Doc 7231/11) to provide an unconditional dissemination of ICAO publications in all the working languages of ICAO.

51. The President of the Council recalled that, prior to the approval of the Regular Budget for the current triennium, the WGGE had performed the work which the co-sponsors were proposing to task it with in paragraph 6.1 c), d) and e) of their paper. In accordance with the decision taken by the Council when reviewing the Report on publications for 2011 (C-WP/13839; 196/1), the WGGE had established a Subgroup on Language Services to study aspects related to ICAO's language services. The Subgroup had presented its recommendations to the WGGE for consideration. The Working Group had subsequently submitted twelve budget-neutral recommendations to the Council for review (C-WP/13897; 197/7). It was only thereafter that the Council had taken decisions which had impacted the current Regular Budget. Expressing concern about requesting the WGGE to undertake the same work that it had done in the last triennium, the President of the Council questioned if different results would be achieved. He left it to the Council to decide, however.

52. The Representative of the United States noted that his Government emphatically supported the comments made by the Representative of Japan, in particular that it was impossible to request the Secretary General to pursue all propositions without Member States' having made adequate payments to the Regular Budget. He underscored that ICAO had many priorities, an important one of which was language services. However, various agreements had been reached on the latter. Recalling that there had already been lengthy debates on language services, the Representative of the United States stressed that ICAO should not continue to be bogged down with that issue, which he considered would be the result of the current discussion of C-WP/14175.

53. Endorsing the intervention made by the President of the Council, the Representative of Burkina Faso emphasized the need for the Council to review its approach to language services. It had previously approached that issue in terms of reducing costs, the quality of service and the provision of language services at certain meetings, such as panel meetings. Considering the importance of language services for mutual understanding, it was essential to approach that issue in terms of real needs and the optimization, not reduction, of such services. The Council should consider all possible means of securing an adequate budgetary appropriation therefor; otherwise, it would be putting the Secretary General in a difficult position when the Council itself had given instructions as to what work was to be done. It was necessary for the Council to be realistic, as it was responsible for ensuring that ICAO's work went forward. Observing that the Council sometimes forgot how fundamental

language services were, the Representative of Burkina Faso maintained that it was not a question of lacking the requisite resources but rather of valuing language services properly and allocating the necessary resources thereto. He emphasized the need for Representatives to: stand together, with courage, and review the Council's approach to language services; and allocate the requisite resources to ensure that each of ICAO's official languages was served with due honour.

54. Concurring that language services were undoubtedly very important for all Member States, the Representative of Saudi Arabia underscored that translation, especially of ICAO's technical documents, was necessary for the implementation of ICAO's policies and SARPs. Noting, from paragraph 4.7 of C-WP/14176, that there had been delays in the translation of ICAO documents into Arabic and Chinese, although they had been official languages of the Organization for a long time, he stressed that failure to translate them into Arabic would create problems for Arabic-speaking Member States such as Saudi Arabia. In particular, their aviation professionals would be unable to do the necessary work to implement ICAO's policies and SARPs. Affirming that the actions proposed in paragraph 6.1 of C-WP/14175 warranted the Council's consideration, the Representative of Saudi Arabia emphasized that the long-standing problem of language services should be thoroughly discussed. While it had already been discussed at length, there was still room for improvement in ICAO's language policy. He therefore supported the review and enhancement of the performance of language services as proposed by the co-sponsors of C-WP/14175. Stressing that the quality of language services was of utmost importance and that outsourcing could not guarantee that quality, the Representative of Saudi Arabia underscored the need to strike a balance between outsourced and in-house translations. He emphasized that only the translation of those ICAO documents that were not of key importance should be outsourced.

55. The Representative of Italy shared most, if not all, of the positions, expressed by the Representative of Japan. While noting, with satisfaction, the statement made by the President of the Council, he underscored the need to further explore the possibility of using voluntary contributions for the provision of language services rather than overburdening an already overloaded Regular Budget. The Representative of Italy suggested that interested Member States second experts to assist in the translation of ICAO documents.

56. The Representative of the Russian Federation recalled, in this context, that the Assembly, in Operative Clause 10 of Assembly Resolution A37-25, "*Invites* those Member States who represent ICAO's working languages, if they so desire, to support ICAO through the establishment of officially recognized centres for translation of ICAO publications and by the secondment of competent staff to the ICAO Secretariat, including the Regional Offices, in order to reduce backlogs and support special events;". That Assembly Resolution had been adopted on the basis of a paper presented to the 37th Session of the Assembly by his State, together with Saudi Arabia, Tunisia, the United Arab Emirates and Venezuela (Bolivarian Republic of) (A37-WP/237). Affirming that it embodied the right approach, the Representative of the Russian Federation assured the Council that efforts continued to be made to thus support ICAO in the provision of its language services.

57. In providing clarifications in response to the points raised in C-WP/14175, the Secretary General reiterated that the paper had been prompted by discussions at the Twenty-fifth Meeting of the Aviation Security Panel (AVSECP) (Montréal, 17-21 March 2014) regarding the unavailability of interpretation services during all meetings as a result of the 7-meetings-a-week limitation for interpretation. He underscored that interpretation services had indeed been planned for all the scheduled meetings of the Panel (i.e. for 7 sittings). As it had been the first panel meeting of the current triennium, the Secretary of the AVSECP – and he apologized on his behalf – may have misled members of the Panel, as well as of the Council, that meetings could only be held without interpretation, when instead the Panel's agenda had been organized so that its work programme would be undertaken and completed within the 7-sittings-a-week limitation.

58. The Secretary General wished to again point out that the proposals to optimize language services resources presented in C-WP/13932 and approved by the Council (198/7) were based on the set of measures presented in the paper to enhance the efficiency of language services within the context of the Regular Budget for 2014-2015-2016, and that the 7-sittings-a-week limitation was an integral part of those measures. There was no doubt in his mind that when the Council had discussed the said budget, it had been crystal clear that the amount of money which was to be allocated to translation and interpretation services was limited and that the consequences would be the ones which had been indicated during that discussion and later endorsed. Referring to the proposals made by the Representative of Japan, the Secretary General underscored that if he wished to increase the appropriation for language services in the current triennium, then it would be necessary to transfer funds from other programmes. Noting that that was the Council's prerogative, he emphasized that he would comply with any change in the programmes' priorities approved by Representatives. For the moment, the Secretary General would abide by the priorities established in the Regular Budget approved by the Assembly.

59. The Secretary General was as fully convinced as Representatives of the importance of language services. He underscored, in this context, that full translation and interpretation services were provided to the Council, its Committees, the Air Navigation Commission (ANC), Category 1 meetings (Assembly Sessions and Diplomatic Conferences) and Category 2 meetings (Divisional Meetings, Regional Air Navigation Meetings and Conferences). In addition, the majority of publications were also available in all six official languages of ICAO. Budgetary restrictions had, however, necessitated the rationing of language services for Category 3 meetings (Panels, Committees and Groups). However, amendments to Annexes and Procedures for Air Navigation Services (PANS) discussed in those meetings were always translated (with the exception of contributions from observers or papers received from States after the deadline). While the respective reports were discussed during the meetings in English only, they were translated into all languages after the meetings. Only Category 4 meetings (Seminars and Symposia) were not covered by the Regular Budget. All costs relating to such meetings, including the cost of language services, must be covered by the entities organizing the meetings. The Secretary General was not saying that this was the optimal situation; rather, it was what would be done with the budgetary resources available. With regard to the limitation of seven meetings per week with no more than three consecutive meetings on any two successive days, he indicated that he was currently in discussion with the interpreters to find a way to optimize the services which they were rendering without, however, any additional resources being made available therefor. The Secretary General reiterated that he was acting in accordance with the priorities established in the approved Regular Budget for 2014-2015-2016.

60. Referring to paragraph 1.2 of C-WP/14175, in which it was indicated that AVSECP/25 had "decided not to convene meetings without interpretation", the Representative of Germany recalled that AVSECP was a Panel of the Council and that it was the Council which decided whether or not to convene Panel meetings and on the language régime for such meetings. No Panel had the right to decide, upon arrival at the meeting's venue, that it did not like the administrative arrangements and that it would therefore not convene. That was unacceptable. As indicated by the Secretary General, the Council had been fully aware that there were only seven sittings available per week for the AVSECP. The Secretary of the AVSECP had informed the Committee on Unlawful Interference (UIC) accordingly and it had been reaffirmed during the Council's consideration of the proposal to convene AVSECP/25 (C-WP/14066; 200/3). Averring that there had only been a lack of communication between the Secretary of the AVSECP and the Panel itself, the Representative of Germany emphasized that it should not trigger a debate on language services shortly after the latter had been discussed in the context of the Regular Budget for 2014-2015-2016 and after the endless discussions in the WGGE.

61. The Representative of Germany wholeheartedly supported the views expressed by the Representatives of Japan, the United States and Italy, particularly with regard to the setting of priorities in the Regular Budget for the next triennium. In underscoring that it was not only the Council but also the Assembly which had accepted a stringent Regular Budget for the 2014-2015-2016 triennium, he drew attention to Assembly Resolution A38-22

(*Budgets for 2014, 2015 and 2016*) and to the Regular Budget itself (Doc 10030). The Representative of Germany noted that paragraph 8 of the Council's Message on the said Regular Budget contained in Doc 10030 indicated that "In order to identify savings and efficiencies requested by the Council, the Secretary General examined and reviewed, among others, the following areas: ... e. language requirements." In addition, in paragraph 11 thereof, "The Council acknowledges that implementation of this budget includes several challenges: ... d. fulfilling language requirements despite reduction in resources." Furthermore, paragraph 23 of the Framework of the 2014-2015-2016 Budget indicated that "The Secretariat incorporated the following measures to meet the recommendations and decisions of the Council: • ICAO Journal published only in English starting from January 2013;". Moreover, the targets for the provision of language services were set forth in the Programme Narratives by Supporting Implementation Strategies, under Function: Language Services. Thus the 184 Member States attending the 38th Session of the Assembly in September/October 2013, in full knowledge of all the requirements for language services and all of the budgetary restrictions, had accepted the proposed Regular Budget for 2014-2015-2016 with those budgetary constraints. The Representative of Germany therefore saw no need whatsoever to continuously discuss, shortly after the Assembly, the need for language services.

62. Recalling, from the introductory comments by the Representative of the Russian Federation, that C-WP/14175 was more or less aimed at future budgetary requirements, the Representative of Germany noted that he could accept that a long time would be spent discussing language services during the consideration of the draft budget for the next triennium by the Council, the Finance Committee (FIC) and other relevant bodies. That was the right time to discuss the issue. The stage was, however, already set for the current triennium.

63. In supporting the two actions proposed by the Representative of Japan, the Representative of Germany disagreed, at this point in time, with the allocation of any surplus generated by the Ancillary Revenue Generation Fund (ARGF) to language services without prior knowledge of the programmes and activities which would have to be delayed due to the so-called budgetary restrictions. Germany still maintained the view that the overall Regular Budget was sufficient to carry out the programmes and activities established therein.

64. The Representative of Spain concurred with previous speakers that it was impossible to call into question the principle of multilingualism in an international organization of the UN system. At the same time, it was necessary for the Council to be realistic in addressing the issue of language services. He stressed that the key for the current triennium was to optimize the use of available resources, if possible. In expressing gratitude for the proposals made by the co-sponsors in C-WP/14175, the Representative of Spain agreed with the Representative of Germany that they could serve as a basis for future discussions of the Regular Budget for the next triennium. On that basis, and on the basis of the optimization of existing resources, he could accept the actions proposed in paragraph 6.1 of C-WP/14175, subject to the following two modifications: that in sub-paragraph e), the word "unconditional" be deleted so as to refer to the dissemination of ICAO publications in all the working languages of ICAO; and that in sub-paragraph i), the word "reduction" be replaced with the word "optimization" and the sentence be reworded to refer to a targeted policy aimed at the optimization of the percentage of outsourced translation and interpretation work taking, as a reference, the percentage of outsourced translation and interpretation of the UN. With regard to sub-paragraph e), the Representative of Spain averred that use of the word "unconditional" would limit the scope of the review of the *ICAO Publications Regulations* (Doc 7231/11). With respect to sub-paragraph i), he emphasized that the word "optimization" allowed for the possibility of a reduction in the percentage of outsourced translation and interpretation work, if such a reduction were deemed necessary.

65. Referring to paragraph 6.1 d) and e), the Representative of Argentina reiterated the need to prioritize the translation of ICAO publications and documents. In endorsing the above-mentioned proposed amendment to sub-paragraph e), he maintained that it was also necessary to have priorities in the dissemination of such ICAO publications and documents. The Representative of Argentina concurred with the comments made by the Representative of Venezuela (Bolivarian Republic of) with regard to safety-related publications, documents and

meetings. Reiterating that it was unnecessary to refer the issues raised in paragraph 6.1 c), d) and e) to the WGGE, he agreed that C-WP/14175 could be used as a basis for the upcoming discussions of the Regular Budget for the next triennium, subject to minor amendments to the said sub-paragraphs.

66. Concurring that no one contested the importance of multilingualism in ICAO as an international organization, the Representative of France underscored that multilingualism was an integral part of ICAO's very nature. He supported all of the comments made in that vein, as the richness and legitimacy of ICAO's decisions were derived from the diversity of expression. Recalling that his State, together with Burkina Faso, Cameroon, Canada, Egypt, Libya Morocco, Saudi Arabia, Ukraine and the United Arab Emirates, had presented a paper to the last Assembly (A38-WP/362) on preserving multilingualism at ICAO, the Representative of France underscored that an important point raised therein was that while budgetary constraints were real, they should not be used to justify a sacrifice in the Organization's capacity to implement multilingualism.

67. The Representative of France noted that, during the opening of AVSECP/25 on 17 March 2014, his State had expressed its serious concern that some of the Panel's plenary meetings would be convened without interpretation services and had emphasized that that was unsatisfactory. France had not, however, impeded the Panel's work: it had simply requested that its concern, which had been shared by many Panel members and observers, be recorded in the AVSECP/25 Report. Recalling the Council's various decisions regarding the Regular Budget for the current triennium, the Representative of France underscored the need to adjust its approach to language services in view of the difficulties encountered. He considered that the optimization of interpretation services referred to by the Secretary General should enable the Organization to fulfil its mandate to do better with its limited resources.

68. The Representative of France emphasized that when the time came to prepare the next triennial budget, it would be necessary to be especially vigilant regarding the issues of language services and multilingualism. Certain ideas had been expressed which should enable the Council to better optimize the Organization's budgetary resources and discussions would take place on the level of those resources. It was now important to get a good start to that budget planning process, keeping in mind that language services were an integral part of ICAO's activities and that voluntary contributions should therefore not be used to fund those services. Recalling the Secretary General's statement regarding the optimization of interpretation services, the Representative of France affirmed that if the Council made pragmatic adjustments to its approach to language services for the current triennium and worked on that issue for the next triennium, then it would be possible to move forward, for the benefit of the Organization.

69. Sharing the views expressed by the Representatives of Burkina Faso and Saudi Arabia, the Representative of the United Arab Emirates suggested that paragraph 6.1 i) of C-WP/14175 be amended to indicate that the best practices of other Specialized Agencies of the UN system would also be taken into account in preparing a targeted policy aimed at a reduction in the percentage of outsourced translation and interpretation work. In underscoring that technological means should also be used to increase the capacity of the Organization's language services, she noted that computer-assisted translation (CAT) should lighten the translators' workload.

70. Recalling that at the last meeting of the Air Transport Committee (ATC) the Secretariat had provided Members with information regarding the provision of language services for seminars and other such meetings, the Representative of Nicaragua underscored that the principle of multilingualism served not only to establish a framework for the equal rights and equal opportunities of States but also, in the case of ICAO, a UN Specialized Agency responsible for international civil aviation, to ensure proper and timely safety oversight. Her State continued to believe that maintaining ICAO's official languages was not an expense but rather an investment which contributed to the achievement of the Organization's Strategic Objectives. It therefore considered that language services should be accorded higher priority in the Regular Budget.

71. The Representative of Nicaragua then expressed concern regarding a contradiction between Article I of the *ICAO Publications Regulations* (Doc 7231/11), which indicated that “The principal purpose of ICAO publications is the systematic and prompt dissemination of information in concise form on the policies and activities of the Organization”, and Article VII, which indicated that the publications of the Organization were issued in the various ICAO official languages subject to, inter alia, the “availability of resources”. She emphasized that regulations should not, under any circumstances, limit or hinder the fulfilment of the Organization’s mandate as enshrined in the Chicago Convention and ICAO Assembly Resolutions.

72. Affirming that the Representative of Nicaragua had made a valid point, the Representative of Venezuela (Bolivarian Republic of) reiterated that the Secretary General should be requested to consider whether an amendment to the *ICAO Publications Regulations* (Doc 7231/11) was necessary to provide the dissemination of ICAO publications in all the working languages of ICAO.

73. The Representative of the United Kingdom endorsed the remarks made by various Representatives, both on the cultural, political and practical importance of multilingualism and on the importance of budgetary discipline. Those two principles brought the Council to the core of what it was trying to do and presented a bigger picture that he hoped it could look at. He referred to presenting a bigger picture as the Council had also been looking at a smaller picture of what might or might not have happened at AVSECP/25, which had prompted him to check his e-mails with the AVSECP Member nominated by the United Kingdom. Underscoring that those e-mails presented a different account of what might have transpired, the Representative of the United Kingdom expressed the hope that the Council could leave that particular episode behind as there was no agreement even as to the basic facts. He suggested that in looking ahead to other meetings of that kind, the Council concentrate on what could be done well, rather than on what might have been done badly or might have been suggested to have been done badly.

74. Recalling, from the introductory remarks made by the Representative of the Russian Federation, that C-WP/14175 really related to the next triennium, the Representative of the United Kingdom expressed concern about the timing of the proposals contained therein. As the President of the Council had indicated, it seemed odd to be referring matters to the WGGE so early into a triennium on the basis of decisions made for the longer term. He would far prefer that the Council give the Secretariat the opportunity during the current triennium to optimize the delivery of language services within the existing budget before it made any major decisions about the future. As the Representatives of Germany and France had stated, that whole question would need to be considered in some detail during the discussion of the Regular Budget for the next triennium. The Representative of the United Kingdom would prefer that the Council took any decisions on that basis at that time rather than during the present meeting. He emphasized, in this regard, the need to distribute, as efficiently as possible, the resources not just for language services but also for the use of Council Members’ time. The Representative of the United Kingdom reiterated that he would therefore prefer that the Council take the following approach: first give the Secretariat the opportunity to deliver the best possible language services within the existing budget during the current triennium; and then review the lessons learned therefrom and determine if it was necessary to do things differently or better when taking decisions on the Regular Budget for the next triennium.

75. Recalling that the Council had very recently approved (C-WP/14137; 201/7), as part of the restructuring of the Secretariat, the establishment of two new D-1 level posts that had not been provided for in the Regular Budget for the current triennium the Representative of the Russian Federation stressed the need to be consistent and to maintain budget discipline in all cases.

76. In then taking the action proposed in paragraph 6.1 of C-WP/14175, as amended by the President of the Council in light of the discussion, the Council:

- a) reaffirmed that multilingualism is one of the fundamental principles to achieve the goals of ICAO as a specialized UN Agency (cf. Operative Clause 1 of Assembly Resolution A37-25);
- b) recognized that language services are an integral part of any ICAO programme (cf. Operative Clause 3 of Assembly Resolution A37-25);
- c) noted the interest expressed by the co-sponsors of the said paper in having the WGGE: review C-DEC 198/7, paragraph 4, sub-paragraphs e) and g) in light of the provisions of the relevant Assembly Resolutions while taking into account the objectives of parity and quality in the provision of language services; and develop a prioritization procedure for the translation of ICAO publications and documents in cases where it was not possible to comply with Operative Clause 1 of Assembly Resolution A24-21;
- d) requested the Secretary General to:
 - i) consider, and report to the Council on, the need for an amendment to the *ICAO Publications Regulations* (Doc 7231/11) to provide the dissemination of ICAO publications in all the working languages of ICAO;
 - ii) optimize the use of financial resources in the current triennium in order to provide, as far as possible, interpretation services for Panel meetings at least; and
 - iii) present, during the next ICAO budget planning process, all of the proposed changes to the language services in a more transparent manner in order to avoid unexpected results in the future, and other funding sources for language services, including voluntary contributions; and
- e) noted that the Secretary General, as part of the said budget planning process, would review the demand for language services and the percentage of outsourced translation and interpretation taking into account the best practices of other Specialized Agencies of the UN system, with a view to optimizing such outsourcing.

Subject No. 11.3: Sales, pricing and agency arrangements

Subject No. 20.3: Production, distribution and sale of ICAO publications

Report on publications for 2013

77. The Council had for consideration: information paper C-WP/14163, in which the Secretary General reported on all publication activities for 2013, including translation for deliberative bodies, meetings and programme activities, saleable publications, distribution, printing, and electronic publishing; and an oral report thereon by the Finance Committee (FIC).

78. During its review of the report at its Second Meeting of the current session on 16 May 2014, the FIC had noted that it showed an increase in: translation demand and output; the number of saleable publications produced throughout the year; printing demand; and receipts from publications' sales and royalties. It also provided information related to the expenditures for the dispatch of publications to Member States and increased electronic publishing activities through the Internet.

79. The FIC had discussed the unavailability of resources to translate two manuals listed in paragraph 2.4 of the paper, the *Manual of Civil Aviation Medicine* (Doc 8984, 580 pages) and the *Manual of Aircraft Accident and Incident Investigation, Part III – Investigation* (Doc 9756, 530 pages). Clarifications had been provided by the Secretariat related to the high cost of translating those two manuals. It had further clarified that all publications submitted in 2013 had been processed according to existing administrative instructions and procedures established to implement Council decisions. A prioritization of publications was performed by the Secretariat according to the requirements of substantive Bureaux in order to optimize resources and ensure that documents were translated on time.

80. The FIC had noted that further cost reductions in the printshop had been implemented by the Secretariat. In the context of discussions on outsourcing of printing activities, the Committee had been informed of the progress made with regard to the paperless initiative, and the Secretariat had recalled that the outsourcing of printing activities would be considered once paperless conferences were attained. The Secretariat was prepared to assist the Council to take a decision to move ahead with the paperless environment in the Organization.

81. FIC Members had raised concerns over the decision to eliminate the free distribution of ICAO publications in paper format and its impact on Member States (cf. Electronic Bulletin EB 2013/20 dated 12 June 2013). While the Committee had expressed its support for electronic publications, it had requested the Secretariat to consider flexibility to provide printed publications, upon request. The Secretariat had agreed to provide printed publications to Member States without cost, upon request.

82. The FIC had confirmed that the sale of publications continued to be a significant source of revenue for the Organization. In this connection, the Committee had discussed the implementation of a Digital Rights Management (DRM) system, and the Secretariat had provided clarification on the issue of unauthorized access to ICAO publications. The Secretariat had further informed that the most suitable mechanism to access electronic documentation and to protect ICAO intellectual property would be considered in consultation with the Council. The review, in due course, of the *ICAO Publications Regulations* (Doc 7231/11) had also been discussed.

83. FIC Members had expressed concern over the high pricing of certain safety-related publications considered to be “top-selling”. The Secretariat had explained that the sale of publications related to safety and air navigation generated the majority of revenues in publication sales. Such revenue generated from publication sales was contributed to the Regular Programme Budget to support the Organization’s various activities, including programme activities relating to safety. The Committee had also discussed aspects of licensing and royalty activities.

84. Concerns had also been raised regarding the user friendliness and the search functionality of the ICAO-Net website, especially if ICAO was on the way to move toward a paperless environment in the Organization. The Secretariat had confirmed that continuous efforts would be made to improve the website and its functionalities.

85. In expressing appreciation for the FIC’s comprehensive oral report, the Representative of Malaysia voiced satisfaction that there had been an increase in the receipts from sales of ICAO publications and in royalties during 2013. He noted that that had been made possible by, inter alia, an increase in electronic publishing activities through the Internet. The Representative of Malaysia supported that paperless initiative, which directly assisted in the reduction of ICAO’s printshop activities and resources and associated costs. He suggested that the Council seriously consider outsourcing the Organization’s printing activities with a view to further reducing the printshop’s costs and freeing up and optimizing the use of its floor space.

86. The Representative of Malaysia supported the general idea of the implementation of a DRM system to enhance control of ICAO publications and associated revenue. He nonetheless shared the concern expressed by

some FIC Members about the legal issue of claims for the international protection of copyrights of the literary work derived jointly by ICAO Member States, which in his view belonged to those Member States. The Representative of Malaysia averred that such copyright protection worked against the interests of some Member States as it affected the affordability of ICAO documents and consequently posed a potential restriction on their accessibility. He underscored that the high pricing of certain of the Organization's "top-selling" publications negatively impacted the implementation of ICAO's Strategic Objectives relating to safety and security. Further work was necessary to redefine the issue of copyright protection and the associated high cost of ICAO publications which were supposed to be published on a cost-recovery basis.

87. In welcoming the Council's earlier decision [cf. paragraph 36 b) above] to have an informal briefing on the DRM system during the next (203rd) session, the Representative of Malaysia requested that further information be provided at that time regarding the total cost of implementing the DRM system versus the revenue expected to be derived therefrom to ensure that the Council was better informed regarding its optimized financial management i.e. return on investment.

88. The Council then noted information paper C-WP/14163, as well as the FIC's oral report thereon. It was understood that, pursuant to its earlier decision [cf. paragraph 76 d) i) above], the *ICAO Publications Regulations* (Doc 7231/11) would be reviewed by the Secretary General and that a report thereon would be presented for the Council's consideration in due course.

89. The Secretariat noted all of the issues raised in the FIC's oral report, as well as the above mentioned request of the Representative of Malaysia.

Subject No. 50: Questions relating to the environment

**Environmental protection – Recent developments in ICAO
Environmental protection – Recent developments in other United Nations bodies and
international organizations**

90. These two subjects were considered concurrently on the basis of two information papers presented by the Secretary General, C-WP/14151 and C-WP/14152. In C-WP/14151, the Secretary General reported on recent developments and future actions to be undertaken by ICAO on the key areas of work related to international aviation and climate change, namely States' Action Plans to reduce CO₂ emissions from international aviation, assistance to States and sustainable alternative fuels for aviation, and elaborated on the recent activities of the Committee on Aviation Environmental Protection (CAEP) and the upcoming ICAO *Fuelling Aviation with Green Technology* Seminar.

91. In C-WP/14152, the Secretary General reported on the recent activities in other United Nations (UN) bodies and international organizations related to international aviation and the environment, and future actions to be undertaken by ICAO in cooperation with those entities. He highlighted: ongoing negotiations under the United Nations Framework Convention on Climate Change (UNFCCC) process relating to an expected climate change agreement in 2015; ICAO's activities in support of Small Island Developing States (SIDS); ICAO's cooperation with the UN's Sustainable Energy for All (SE4ALL) global initiative regarding its participation therein; and ICAO's involvement in the upcoming UN Climate Summit, as well as in the recent Air Transport Action Group (ATAG) Summit.

92. In providing supplementary information regarding the recent UNFCCC meeting held in Bonn, Germany, from 4 to 15 June 2014, the Secretary General noted that it marked the first time in the UNFCCC's history that high-level ministerial events had been convened outside of the annual Conference of the Parties (COP) sessions.

He recalled that discussions had included the definition of main elements for the envisaged 2015 climate change agreement and opportunities for raising pre-2020 ambitions. ICAO's statement and submission to the Subsidiary Body for Scientific and Technical Advice (SBSTA) on recent developments relating to international aviation and climate change had been well-received. Pursuant to paragraph 30 of Assembly Resolution A38-18 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*), several Parties had reiterated their concern over the use of international aviation as a potential source for the mobilization of revenue for climate finance. Meetings had been held with the UNFCCC Secretariat in order to further cooperation on the development of methodologies for estimating the environmental benefits of aviation measures. ICAO had been invited to continue to provide updates to the UNFCCC process and will closely follow-up if, and how, issues related to international aviation will be incorporated into the envisaged 2015 climate change agreement.

93. Drawing attention to paragraph 2 of C-WP/14151, the Representative of Mexico commended ICAO's joint project with the Global Environment Facility (GEF) and the United Nations Development Programme (UNDP), and its joint project with the European Union (EU) aimed at providing further assistance to States and facilitating access to financing for the development and implementation of their Action Plans and other actions to reduce their aviation emissions. He suggested that the Council note with satisfaction those and other initiatives as described in that paragraph. The Representatives of India and the Russian Federation endorsed this proposal.

94. The Representative of Mexico expressed pleasure with the CAEP's achievements, especially those outlined in paragraph 4.2 of C-WP/14151. In commending the convening of the ICAO *Fuelling Aviation with Green Technology* Seminar, he affirmed that it would greatly contribute to more technological innovations and better practices which would enable further reductions in aviation emissions.

95. Referring to C-WP/14152, the Representative of Mexico reiterated that the upcoming UN Climate Summit would provide ICAO with a key opportunity to put aviation on the clean energy map and to promote the tools developed by ICAO to contribute to the UN's Climate Neutral Initiative.

96. Underscoring that it was necessary to address some of the elements of the work of the Environment Advisory Group (EAG) when providing assistance to States, the Representative of India emphasized that that should be taken into account in future discussions and substantive projects.

97. With reference to the proposal made by the Representative of India at the previous meeting (202/4) that CAEP Steering Group meetings scheduled to take place between June 2014 and December 2015 be convened in Montréal so as to enable the participation of EAG Members, the Secretary General recalled that the Council had already agreed that the next two meetings would take place in September 2014 and June 2015 in Indonesia and Singapore, respectively. It was difficult, at this late stage, to change the sites of those meetings as preparations were underway in the host States. The Secretary General suggested, as an alternative, that communication between the CAEP and the EAG be enhanced; and that an informal briefing be given to the Council on the CAEP's structure and working methods.

98. The Representative of the Russian Federation supported the comments made by the Representatives of Mexico and India regarding assistance to States. He requested more detailed information on the said two joint projects, as well as on the ICAO *Fuelling Aviation with Green Technology* Seminar and the UN Climate Summit. Referring to paragraph 4.3 of the paper on the said Summit, the Representative of the Russian Federation emphasized that, while his State supported action toward the environmental sustainability of international aviation, there were technical difficulties to be resolved.

99. In response, the Deputy Director, Environment (DD-ENV) noted that under the project with the GEF-UNDP, *Transforming the Global Aviation Sector: Emission Reduction from International Aviation*, guidance would be developed on how to obtain financing from green-funding, as well as on supporting mechanisms to implement measures to reduce aviation emissions. A pilot project would be undertaken regarding the implementation of a CO₂ reduction measure which could be replicated in other States. Whereas that joint project was global in nature, the joint project with the EU, *Capacity-building for CO₂ Mitigation from International Aviation*, was more specific. It was designed to assist fourteen States (two in the Caribbean and twelve in Africa) in not only developing their Action Plans but also in starting to implement some of the actions. The project would involve determining the sources of data, collecting the data and identifying those measures which would enable them to reduce their aviation emissions with a minimum of resources.

100. Elaborating on the upcoming ICAO *Fuelling Aviation with Green Technology* Seminar, DD/ENV indicated that it would provide, and promote the exchange of, information on the latest and most innovative technologies for use in the reduction of aviation emissions. The seminar would address issues such as aircraft recycling, next generation aircraft and clean energy for aviation. States, industry associations and organizations and other stakeholders were strongly encouraged to participate. As the seminar was a category 4 meeting, however, language services would not be provided.

101. In providing additional information regarding the UN Climate Summit, DD/ENV underscored that its objective was to boost the political will to move forward with environmental issues. Observing that one segment of the summit would focus on energy, she underscored that it would give ICAO the opportunity to showcase, together with ATAG and SE4ALL, the projects being undertaken to promote the development and deployment of sustainable alternative fuels for aviation pursuant to paragraph 6 of Assembly Resolution A38-18. This would include highlighting States' initiatives such as using sustainable biojet fuels on flights to New York to attend the summit. ICAO would also showcase the assistance being provided to States with the support of the aviation industry and through the said joint projects with the GEF-UNDP and the EU.

102. DD/ENV noted that ICAO was also assisting in the "greening" of the summit with a view to making it a carbon neutral event. In particular, it was promoting the use of the ICAO Carbon Emissions Calculator to estimate the air travel-related component of the CO₂ emissions generated by the summit and its participants, which would constitute approximately half of the total amount of CO₂ emissions produced. She encouraged all States attending the summit to highlight the efforts being made to ensure the future environmental sustainability of international civil aviation.

103. The Representative of the United States noted that his State highly encouraged all Member States to prepare or update their national Action Plans to reduce CO₂ emissions from international aviation and to submit them to ICAO by the end of June 2015 as called for in paragraph 12 of Assembly Resolution A38-18. The United States supported Member States' making their Action Plans publicly available in order to build partnerships and to support those Member States which had not yet submitted Action Plans. It was willing to work with Member States that might possibly need assistance in that regard. The United States had participated in ICAO's regional seminars on States' Action Plans held in Mexico City, Mexico from 1 to 4 April 2014, Yaoundé, Cameroon from 11 to 13 June 2014 and in Nairobi, Kenya from 16 to 18 June 2014, and considered that it was extremely important to attend such workshops and support other Member States.

104. Emphasizing that sustainable alternative jet fuels was a key element of his State's strategy to address the environmental and energy challenges facing aviation, the Representative of the United States noted that it was focused on leveraging resources and efforts for such jet fuels and had established strong partnerships with the private sector and international stakeholders and within American federal agencies.

105. The United States considered that work was progressing well on the new aircraft CO₂ standard and particulate matter (PM) standard for aircraft engines which were to be presented to the Tenth Meeting of the CAEP (CAEP/10) in 2016 with a view to making recommendations thereon to the Council. While understanding the attractiveness of the cost-savings to be effected by limiting the duration of CAEP/10 to eight days (cf. C-WP/14142, Appendix B; 202/4), the United States believed that that could potentially be counter-productive given the significant issues to be addressed. It recommended increasing the duration to ten days, if at all possible, as proposed earlier (202/4) by the Representative of Portugal and supported by the Representatives of the United Arab Emirates and India.

106. The Representative of Burkina Faso expressed appreciation for the dynamism with which ICAO was assisting States in the development and implementation of their Action Plans, especially those in Western Central Africa, where much work was being carried out by the Organization with the support of donors such as the United States, other States represented on the Council, and the EU. The Secretary General was making very efficient use of the resources available and the Action Plans were progressing very well. In expressing his State's willingness to support ICAO's efforts in that regard, the Representative of Burkina Faso underscored the importance of working together.

107. In welcoming the proposed informal briefing on the CAEP, the Representative of Spain reiterated the need for additional information thereon given that the Committee was a complex body which was always in motion. He cited, in this context, the immense size of some of its working groups, which had up to 100 experts. Noting, from paragraph 3.3 of C-WP/14151, that the Alternative Fuels Task Force (AFTF) was to propose a methodology for the assessment of full life-cycle emissions for the purpose of ICAO's environmental trends, assess the future production of alternative jet fuel and apply the life-cycle methodology to evaluate the associated emissions, he enquired as to when the results would be available as they would contribute to a better understanding of the need for market-based measures (MBMs). DD/ENV clarified that the said life-cycle methodology would be approved at CAEP/10 in 2016.

108. Recalling that the EAG's proceedings were broadcast using live-audio, the Representative of Argentina suggested that a similar procedure be used for broadcasting the CAEP Steering Group's proceedings during its next two meetings in Indonesia and Singapore so that EAG Members would be able to follow the discussions on the issues which they had referred to the CAEP. It would be necessary, however, to take into account the considerable time zone differences, which might render such broadcasting impractical.

109. Agreeing that the 12 to 13 hour time zone differences would make live-audio broadcasting difficult, the President of the Council suggested, as an alternative, that regular updates on how the CAEP Steering Group's discussions were progressing be provided to EAG Members and other Representatives on the Council.

110. The Council then noted information papers C-WP/14151 and C-WP/14152, as well as the supplementary information provided by the Secretary General. In so doing, the Council expressed satisfaction with the efforts being made to provide assistance to States and to facilitate access to financing for the development and implementation of States' Action Plans and other actions to reduce their aviation emissions as described in paragraph 2 of C-WP/14151.

111. In addition, to address the concerns raised previously (202/4) by the Representative of India, as well as the concerns expressed and comments made during the present discussion, the Council: directed that communication between the CAEP and the EAG be enhanced and that regular updates on the deliberations of the CAEP Steering Group meetings be provided to EAG Members and other Council Representatives; and that an informal briefing be given to Representatives during the next (203rd) session on the CAEP's structure and working methods, as well

as on the two assistance projects which were underway. A suggestion by the Representative of Spain that consideration be given in future to convening CAEP-related meetings more frequently in Montréal was noted.

Environment Advisory Group (EAG) – Progress report

112. This subject was documented for the Council's consideration in two papers presented by the Chairperson of the EAG: C-WP/14153, in which the Chairperson recommended certain actions in light of the Group's discussions during its first five meetings; and information paper C-WP/14179, in which the Chairperson provided a summary of those discussions to facilitate the Council's decision-making. Note was taken that the latter did not reflect that the EAG had reviewed, at a number of its meetings, the fundamental principles for a global market-based measure (MBM) scheme.

113. The Representative of Australia noted that her State welcomed the EAG's work and urged it to continue working constructively, with the direction and approval of the Council, to prepare the ground for a decision on a global MBM scheme in 2016. With regard to the actions proposed in the executive summary of C-WP/14153, notwithstanding the EAG's *caveat* that its proposed initial technical analyses on Strawman Version 1.1 set forth in Appendix A thereto was not an exhaustive list, Australia did support the technical analyses, to be delivered by the Committee on Aviation Environmental Protection (CAEP) in October 2014. Australia viewed it as an important first step to enable a better understanding of the implications of introducing a global MBM scheme and of the interactions between, and the implications of, the elements of the draft Strawman proposal. Australia also agreed that the CAEP co-rapporteurs should participate in future EAG meetings and consult, as required, with the Chairperson. In noting the proposal for the Secretariat to prepare a report on the advantages and disadvantages of a global fuel levy, Australia requested that the report not be finalized without input from all States, and not just those States involved in the EAG. Australia supported the proposed enhanced transparency of EAG activities. Noting that all recognized that this important work on MBMs was but one of the elements of the basket of measures to reduce aviation emissions, Australia encouraged the CAEP, in parallel to that work, to continue to progress as expeditiously as possible the development of the aircraft CO₂ standard, as well as its work on operational efficiencies.

114. The Representative of Saudi Arabia requested that the Council be provided with the results of the CAEP's various sub-groups, in particular, of its Alternative Fuels Task Force (AFTF), so that it would be aware of the potential impacts of alternative fuels for aviation on MBMs.

115. In endorsing the two reports and the comments made by the Representative of Australia, the Representative of Burkina Faso commended the efforts being made by the EAG Members, in particular, the EAG Chairperson, as well as by the Secretariat. He encouraged that the wisdom of unity prevail so that solutions would be found for the "gap-filler" global MBM scheme.

116. Five EAG Members then took the floor. In expressing satisfaction with the EAG's performance, the Representative of India commended the manner in which the Chairperson was directing its work. He enquired whether it would be possible for the EAG to interact directly with the CAEP rather than having the Council instruct the CAEP to carry out the studies required by the EAG. Reiterating a point which he had raised during the informal briefing on environmental issues held on 31 January 2014, the Representative of India requested that the list of initial technical analyses to be carried out by the CAEP on Strawman Version 1.1 (cf. Appendix A to C-WP/14153) be modified to include the provision of detailed information on those States whose CO₂ emissions were increasing faster than the global average growth rate. He was otherwise in complete agreement therewith. Recalling that when he had introduced the proposal by Brazil, China, India and the Russian Federation to establish the EAG (C-WP/14087; 200/4) he had emphasized that the implementation of any interim national or regional MBM scheme would be a disservice to the Council's work to develop a global MBM scheme, the Representative

of India reiterated that there should be no remnants of existing patchwork MBM schemes which would discourage the EAG process and the quest for a global MBM scheme.

117. In welcoming the EAG's reports, the Representative of the United States supported the Group's request for the CAEP to conduct technical analyses in order to inform the EAG's further work. He stressed the importance of recognizing that the said analyses were very detailed and technical and that the results were requested within a short timeframe, namely, by October 2014. The CAEP might therefore require some flexibility to recommend approaches to the technical analyses which would best meet the Council's request. The Representative of the United States also supported the EAG's requests for improved coordination between the EAG and the CAEP, including through the participation of relevant CAEP co-rapporteurs in future EAG meetings, and for making Strawman Version 1.1 and its later versions available to CAEP Members and Observers and experts working for relevant CAEP sub-groups. He thanked the Chairperson of the EAG and the Secretariat for their focussed work.

118. While expressing appreciation for the EAG's reports, the Representative of Argentina underscored that it would have been preferable for C-WP/14179 to have indicated that the fundamental principles for a global MBM scheme had been discussed at a number of EAG meetings. Maintaining that those principles could not be settled exclusively through a technical discussion, he averred that it would be difficult for the CAEP to undertake such a task. It was thus necessary for the Council to find a way of integrating the principles into the Strawman proposal. In repeating a suggestion which he had made to the Secretariat before the start of the meeting, the Representative of Argentina proposed that the technical teams of CAEP Member States engage with the Secretariat in the coming months in order to resolve any doubts they had regarding the global MBM scheme rather than leaving them to the MBM Global Aviation Dialogues (GLADs). This would enable capitals to make progress on the various versions of the Strawman and would enhance the GLADs' productivity.

119. The Representative of the Russian Federation endorsed the comments made by previous speakers. He highlighted that Appendix A to C-WP/14153 only made reference to Strawman Version 1.1, whereas the Assembly, in paragraph 19 a) of Assembly Resolution A38-18 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*), requested the Council to "finalize the work on the technical aspects, environmental and economic impacts and modalities of the possible options for a global MBM scheme". Noting that a global fuel levy for international aviation was one such possible option which was not included in Appendix A, the Representative of the Russian Federation emphasized the need to know its potential impacts. Recalling that the CAEP had already studied the issue, he enquired as to expected growth of aviation emissions once such a global fuel levy was in place and the associated cost to the aviation industry – two very important elements which should be taken into consideration. Referring to the comments made earlier by the Representative of Spain during the Council's discussion of C-WP/14151 and C-WP/14152 (cf. paragraph 107), the Representative of the Russian Federation stressed the need for the results of the assessment of the efficiency of biofuels for aviation to be made available as soon as possible.

120. Recalling that the Representative of Argentina had, the previous day, circulated by e-mail a very good analysis of the Strawman proposal, the Representative of the Russian Federation encouraged Council Members to take it into consideration. While he did not object to the Strawman approach, he had serious concerns as the proposal contained many contradictory elements which might hinder the achievement of a global agreement and thus the development and implementation of a global MBM scheme.

121. Noting that the European Union (EU) was considering a proposal to punish those EU Member States which had failed to report their aviation emissions for 2012, the Representative of the Russian Federation expressed concern that such action would not be conducive to the process which was currently being carried out intensively and successfully in ICAO. He suggested that the Council request the Secretary General to highlight that during his envisaged contacts with EU and the European Commission over the summer.

122. The Representative of Japan fully supported the action proposed in paragraphs a), b) and d) of the executive summary of C-WP/14153. While he did not oppose the task set forth in paragraph c) relating to a report by the Secretariat on the advantages and disadvantages of a global fuel levy for international aviation as it was a compromise which had been suggested by the Chairperson of the EAG, he noted, from paragraph 3.1 of C-WP/14179, that several EAG Members – and he believed that there had been many – had “expressed concern on the consideration of a levy, in terms of the consistency with past agreements and decisions by the Organization, uncertainty for a levy to achieve an intended environmental benefit, unresolved legal issues, political feasibility of collecting levies in an internationally consistent manner, and the practical challenge of distributing the collected revenue in a fair and transparent manner”. As the Representative of Japan had often commented, he might have to welcome a brand new option, if proposed. He considered, however, that to facilitate future discussions, past decisions and conclusions should not be reopened.

123. The Representative of Malaysia endorsed the action proposed in the executive summary of C-WP/14153. In underscoring the importance of the work being carried out by the EAG, which would have a strong economic impact on States and airline operators, he requested that non-EAG Member Council Representatives be provided with detailed information regarding Strawman Version 1.1 and future iterations thereof. The Representative of Malaysia noted, in this regard, that while he had attended some of the EAG’s meetings as an observer, the subject matter was very technical and difficult to fully understand.

124. In agreeing on the need to provide information to non-EAG Member Council Representatives on the details of the highly-technical issues being addressed in the Strawman proposal, the President of the Council recalled that the latter was an iterative approach approved by the Council (C-WP/14101, Appendix B; 201/3). Referring to the comments made by the Representative of the Russian Federation, he emphasized that no decision was now being taken regarding any of the options for a global MBM scheme.

125. In wholeheartedly supporting the views expressed by the Representative of Argentina, the Representative of Brazil underscored that the guiding principle of common but differentiated responsibilities (CBDR) was not incorporated in Strawman Version 1.1. Sharing the concerns voiced by the Representative of the Russian Federation, he expressed the hope that all contradictory elements of the current version would be resolved through the envisaged further work.

126. The President of the Council requested the Chairperson of the EAG and the Secretariat to take note of the comments made by the Representatives of Argentina and Brazil regarding, respectively, the absence of any mention of the EAG’s review of the fundamental principles for a global MBM scheme in C-WP/14179 and of any mention of CBDR in Strawman Version 1.1. The Council would await the EAG’s next report on its development of a global MBM for international aviation.

127. In then taking the action recommended in the executive summary of C-WP/14153, the Council:

- a) requested that, as a matter of priority, the initial technical analyses on Strawman Version 1.1 listed in Appendix A to the paper be undertaken by the CAEP by October 2014, recognizing that it is not an exhaustive list and that more technical analyses could be needed as the Strawman evolves at a later stage, and instructed CAEP and the Secretariat accordingly;
- b) agreed to the participation of relevant CAEP co-rapporteurs in future EAG meetings, and for them to consult the Chairperson of the EAG to seek clarifications on the Strawman, as well as to fine-tune the said technical analyses listed in Appendix A to the paper if deemed necessary with the approval of the President of the Council;

- c) requested the Secretariat to prepare a report on the advantages and disadvantages of a global fuel levy for international aviation, building upon the information on past ICAO work on environment-related levies and with inputs from States and the aviation industry, for consideration by the EAG; and
- d) agreed to enhance the transparency of the EAG's activities through making Strawman Version 1.1 and its later versions available to CAEP Members and observers and experts working for relevant CAEP sub-groups [e.g. Global Market-Based Measures Technical Task Force (GMTF) and the Modelling and Databases Group (MDG)].

128. With regard to paragraph 127 c) above, the Council requested that the report on a global fuel levy for international aviation not be finalized until all Representatives had been consulted.

129. The request by the Representative of Saudi Arabia that the Council be provided with the results of the work of the various CAEP sub-groups was noted, as was the request by the Representative of Malaysia that non-EAG Member Council Representatives be provided with detailed information regarding Strawman Version 1.1 and future iterations thereof. The President of the Council encouraged those Representatives who were not EAG Members to participate in the Group's meetings, as observers.

Subject No. 14.4.3: Panels

Report of ANC — Review of Addendum/Corrigendum No. 1 to the Report of the Twenty-fourth Meeting of the Dangerous Goods Panel (DGP/24)

130. The Council had for consideration C-WP/14178, in which the Air Navigation Commission reported on the results of its review of Addendum/Corrigendum No. 1 to the Report of the DGP/24 Meeting. The paper presented, for approval, amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284), which were aimed at prohibiting the transport of lithium metal batteries as cargo on passenger aircraft and addressing unintended consequences to the amendments agreed at DGP/24. It was noted that the references made to Addendum No. 2 in paragraphs 1.1 and 3.3 of C-WP/14178 should be deleted.

131. It was recalled that, at its previous session, the Council had taken action on relevant DGP/24 Recommendations on the basis of the ANC's recommendations (cf. C-WP/14106; 201/3). In particular, it had noted DGP Recommendation 5/1 relating to amendments to the lithium battery provisions in the said Technical Instructions on the understanding that the Panel would consider recommendations for further amendments thereto.

132. At the time of adjournment at 1300 hours, the paper had been introduced. The Council agreed to resume consideration of C-WP/14178 at its next meeting.

COUNCIL — 202ND SESSION

SUMMARY MINUTES OF THE SIXTH MEETING

(THE COUNCIL CHAMBER, MONDAY, 23 JUNE 2014, AT 1430 HOURS)

OPEN MEETING

President of the Council: Dr. Olumuyiwa Benard Aliu

Secretary: Mr. Raymond Benjamin, 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.L. Vieira (Alt.)	Nigeria	— Mr. M. E. Nwafor
Burkina Faso	— Mr. M. Dieguimde	Norway	— Mr. K.M. Skaar
Canada	— Mr. M. Allen	Poland	— Dr. M. Polkowska
Chile	— Mr. W.H. Celedón	Portugal	— Mrs. M.H. Faleiro T. de Almeida
China	— Mr. Tao Ma	Republic of Korea	— Mr. Choi, D.
Dominican Republic	— Mr. C.A. Veras Rosario	Russian Federation	— Mr. A.A. Novgorodov
Egypt	— Mr. A. Mahmoud	Saudi Arabia	— Mr. H.A. Abudaowd
France	— Mr. O. Caron	Singapore	— Mr. T.C. Ng
Germany	— Mr. U. Schwierczinski	South Africa	— Mr. L. Mabaso
India	— Mr. S. Dutta (TE)	Spain	— Mr. V.M. Aguado
Italy	— Mr. E. Padula	United Arab Emirates	— Capt. A. Al Hamili
Japan	— Mr. T. Koda	United Kingdom	— Mr. M. Rodmell
Kenya	— Mr. M. Adan (Alt.)	United Republic of Tanzania	— Mr. R.W. Bokango
Libya	— Mr. M. Sayeh Eltayf	United States	— Mr. J.L. Novak (Alt.)
		Venezuela (Bolivarian Republic of)	— Mr. D.A. Blanco Carrero

ALSO PRESENT:

Mr. F. Zizi	— President, ANC
Mr. D.A. Dueñas (Alt.)	— Chile
Mr. Chunyu Ding (Alt.)	— China
Mr. M. Millefert (Alt.)	— France
Ms. M. Furuhata (Alt.)	— Japan
Mrs. D. Valle Álvarez (Alt.)	— Mexico
Mrs. H. Jansson Saxe (Alt.)	— Norway
Mr. Kang, M. (Alt.)	— Republic of Korea
Mr. D.V. Subbotin (Alt.)	— Russian Federation
Mr. A. Almoghraby (Alt.)	— Saudi Arabia
Dr. A. Pinto (Alt.)	— United Rep. of Tanzania
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates
Mr. D. Behrens (Alt.)	— United States

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Ms. N. Graham	— D/ANB
Dr. Fang Liu	— D/ADB
Mr. I. Galán	— D/TCB
Mr. B. Djibo	— D/ATB
Mr. J.V. Augustin	— D/LEB
Mr. J. Marriott	— DD/ASF-ATB
Dr. K. Rooney	— C/DGS
Mr. A. Opolot	— LO
Mr. M. Leitgab	— ADADB
Ms. L. McGuigan	— CSS
Mr. A. Larcos	— ACC

Representatives to ICAO

Afghanistan
Cuba
Colombia
Ethiopia
Greece
Indonesia
Iran (Islamic Republic of)
Lebanon
Morocco
Peru
Turkey

EU

Subject No. 14.4.3: Panels

**Review of the Addendum/Corrigendum to the
Report of the Twenty-fourth Meeting of the Dangerous Goods Panel (DGP/24)**

1. The Council resumed (202/5) its consideration of this subject on the basis of C-WP/14178, which presented a report of the Air Navigation Commission (ANC) on the addendum/corrigendum to the report of the twenty-fourth meeting of the Dangerous Goods Panel (DGP/24). Amendments to the Technical Instructions, which had been developed by the DGP Working Group on Lithium Batteries were presented for Council approval. The amendments reflected the need for additional measures to mitigate risks presented by lithium metal batteries by forbidding their transport as cargo on passenger aircraft.
2. In expressing support for the proposed amendments to the Technical Instructions, the Representative of Mexico observed that the amendments represented a welcome step in reducing major risk especially with regard to the packaging for lithium metal batteries. In relation to the proposed action to be taken by the Council, the Representative stated that to merely “note the action taken...” might be insufficient, so he suggested that this wording be strengthened with consideration being given to adding the words: “request the Secretary General”, to implement the relevant recommendation 5.3 as a priority.
3. The Representative of Australia indicated that the debate on lithium metal batteries had been hotly contested and indeed had proven to be a sensitive safety issue, which had required a careful and balanced response by the Dangerous Goods Panel and the ANC. She noted that the remaining concern of any prohibition on lithium metal batteries is that it might force the issue to go “underground” whereby people would attempt to transport those batteries without declaring them as dangerous goods, so people and systems, particularly security screening systems, need to be rigorous to prevent this possibility.
4. The Representative was pleased to see the introduction of a Special Provision providing, in limited circumstances, for the shipment of lithium metal batteries. She noted that because this is an important concession, it is critical that the requirements are clear. Therefore, in relation to the first paragraph, in the special provisions that appeared on page B-2 of C-WP/14178, the Representative proposed that on the fifth line of the first paragraph, a full stop be placed after the word “consignment”, with the following sentence to commence with “Authorities issuing approvals in accordance with this special provision must provide a copy to the Chief of the Dangerous Goods Section...”. The purposes of this amendment would be to make it clear that it was the issuing authority that would provide the information to ICAO and not some other party in the supply chain. The Representative noted that this part of the special provision was important as it would assist future policy decisions and technical instructions on these matters to be underpinned by more solid evidence.
5. Australia looked forward to further work on this issue, to ensure that any restrictions on the carriage of such batteries were more meaningful and data driven, including in the area of packaging. The Representative observed that battery manufacturers in particular would have a significant role to play in this regard. In addition, she noted that there would also be a benefit if further work were carried out by the United Nations Committee of Experts on the Transport of Dangerous Goods, regarding the classification of lithium batteries, since at the moment there were only two broad categories of these batteries – lithium ion and lithium metal. In this connection, the Representative recalled that C-WP/14178 had noted that there are risks associated with only certain types of lithium metal batteries. Therefore, greater clarity in the classification system would help to facilitate future shipments of certain types of lithium metal batteries without the need of having to initiate a special approval process.

6. The President of the Air Navigation Commission (P/ANC), welcomed the amendment proposed by the Representative of Australia to the wording of the special provisions that appeared on page B-2 of the appendix, especially as it would help to clarify areas of responsibility in regard to ICAO obtaining the required data from the relevant authorities in each State.

7. By way of providing additional clarification in relation to the envisaged process in the application of the special provisions, the Chief, Dangerous Goods Section (C/DGS), explained that the issue of classification was dealt with by the United Nations via the Committee of Experts on the Transport of Dangerous Goods. This particular entity provided guidance for all modes of transport and ICAO worked closely with it in relation to requirements impacting civil aviation. Indeed, C/DGS indicated that there were a number of issues that were currently the subject of discussion between ICAO and the United Nations Committee in this regard.

8. In response to the Representative of Poland who questioned whether there was an inconsistency between the wording of paragraph 4.2 of C-WP/14178, which referred to allowing "...the transport of small lithium metal batteries as cargo on passenger aircraft...where no other forms of transport were available", and the proposed special provision on page B-2, which did not appear to refer to "other forms of transport", the President of the Air Navigation Commission (P/ANC) explained that the proposal was for there to be a ban with an approval process on a case-by-case basis for passenger aircraft. The condition for the approval would, on the basis of a case-by-case process, allow for 0.3 grams of lithium per cell with 50 cells per package.

9. By way of further elaboration on the same issue, the Chief, Dangerous Goods Section (C/DGS), indicated that ICAO was currently working on developing the extra details that would apply to both the packaging performance criteria and the extra risk constraints vis-à-vis the size limitations and packaging requirements, so that these could be reflected in the supplement to the Technical Instructions. It was intended that this would be presented to the ANC later this year, after which it would be presented to the Council so that the requirements would be in place by 1 January 2015.

10. In relation to the issue of the application of the provisions to different modes of transport, C/DGS indicated that it was difficult to determine the application if, for instance, there were cargo aircraft operating between a city pair. She cited the example of the Dublin-London route where there were certainly other modes of transport apart from air, including sea, road, and rail. Alternatively, in a country such as Australia, which was a large continent, the city-pair notion in this scenario was necessary, since the possibility of using passenger aircraft was a necessity. C/DGS noted though that in general terms, the application of the provisions would be on a case-by-case basis and would be up to individual States to determine whether to grant the approval and if so, what additional limitations might need to be contained within that approval.

11. In response to a question from the President of the Council concerning the need for any such provisions to take into account the impact on the industry and the practicality of implementing these provisions in circumstances where different States applied them in different ways, the Chief, Dangerous Goods Section (C/DGS), explained that industry had played an active role in the discussions at the Dangerous Goods Panel and in the development of the special provisions. One of the issues that had been the subject of these deliberations with industry had been the recognition that halon as the main element in fire suppression systems on passenger aircraft, was itself incapable of suppressing a fire involving lithium metal batteries, which was at the core of the need to consider a ban on their carriage.

12. Nevertheless, there had been general agreement that the continued transport of lithium metal batteries in small quantities could continue for all button cells, and that these could be transported on a case-by-case basis under an approval from the State of Origin and the State of the Operator, with the proviso that ICAO be notified. In instances where the quantities were larger however, or where there was a State of Transit that needed to be

informed, C/DGS explained that the exemption rule would be permitted. She reiterated that industry had been actively involved in these discussions and they had given every indication that it would be able to work with the proposals.

13. Further to a supplementary question from the President of the Council concerning the impact on the State of landing or destination, especially in instances where that particular State did not recognize a responsibility to apply the provisions as envisaged, the Chief, Dangerous Goods Section (C/DGS), explained that any State that wished to apply a stricter interpretation of the Technical Instructions, always retained the option of filing a State variation. She observed that indeed, many of the States represented on the Council do so. Ultimately, it would be up to a State, whether it be the State of Transit or the State of Destination, to make that determination. C/DGS noted that she had already been informed by two States of their intention to issue a State variation to the Technical Instructions in this regard.

14. The Representative of Canada expressed support for the amendment that had been proposed by the Representative of Australia, which would help to provide greater clarity on the onus of responsibility as to the provision of information by the State of Origin or the Operator.

15. In relation to the next steps to be undertaken in the process, the Representative of France wondered whether the proposed new measures were being offered as an interim solution only to deal with the issue or whether it was envisaged that this would stay in place on an indefinite basis. The Representative wished to know how the ANC was intending to proceed in this regard especially vis-à-vis the process as it pertained to the United Nations Committee of Experts on the Transport of Dangerous Goods. Separately, the Representative noted that the new provisions potentially could have economic and operational impacts that might make it difficult for States to implement. In the circumstances, he wondered to what extent States had been consulted on the proposed new provisions.

16. In response, the President of the Air Navigation Commission (P/ANC), explained that with regard to the next steps, one of the issues that the ANC intended to focus on was the management of the risk related to metal lithium batteries for passenger aircraft in the context of cargo, which remained to be adequately addressed. The ANC also intended to focus on the rules affecting the carriage of lithium batteries in passenger cabins. Indeed, it had already been determined as to the necessary work that would need to be undertaken in this regard.

17. P/ANC explained that one of the challenges would be to have sufficient data and specific information relating to the batteries, especially as their chemical composition was constantly changing and it would be difficult to gauge these effects over a short period of time. However, one of the positive outcomes from the adoption of the new special provisions would be that it would encourage battery manufacturers to provide more information and to cooperate with the aviation sector more effectively.

18. With regard to the matter of consultation with States, P/ANC explained that in most cases when the Council considered technical instructions that would apply in the aviation sector, the genesis for any proposals usually lay with changes that had previously been accepted by States, within the framework of the United Nations. Although consultation should also be part of a process such as this, it needed to be acknowledged that occasionally, the procedures required stakeholders to adhere to a different set of procedures and also in some instances there was simply insufficient time to undertake a full-scale consultation that would normally be part of the process.

19. In relation to the last part of the preceding intervention by the President of the Air Navigation Commission, the Representative of Germany expressed concern that a process had been undertaken in this instance whereby there had simply been insufficient consultation with States. He recalled that on past occasions

where there had been an inadequate consultation process with States, problems had been encountered in the implementation of a particular measure. Despite this, the Representative indicated that he would nevertheless be agreeing to approve the amendments that had been proposed. He observed that sometimes, as in this case, there was an obvious issue that needed to be addressed and to not take any action at all would merely lead to even greater problems arising.

20. The Representative also expressed concern as to whether the special provisions that were being proposed were genuinely able to be implemented. Specifically, he observed that the new measures might prove relatively easy to circumvent. In some respects it was also possible that the new provisions could lead to confusion for operators, their staff, and for passengers. He observed that if a survey were to be conducted at Montreal's Pierre Elliott Trudeau Airport, the vast majority of passengers and staff would be completely unaware as to the difference between lithium ion and lithium metal batteries, and what type of battery was in which piece of equipment. Therefore, the proposed provisions would simply add another layer of confusion for people wondering what was permissible in their checked baggage. This would be bound to create greater confusion especially when it came to such everyday items as wristwatches and cameras. In this context and given the potential implications for check-in passengers as well as for security screening at airports, the Representative urged ICAO to introduce greater clarity in such matters, especially in emphasizing the differences applicable to rechargeable batteries and lithium ion ones.

21. In response, the President of the Air Navigation Commission (P/ANC), explained that the ANC was still in the process of absorbing lessons learned particularly vis-à-vis the differences in batteries and the management of the implications arising from those differences. He observed that the new provisions would not apply to equipment in which the batteries were pre-packed as part of the equipment. This would help to reduce the burden for passengers having to work out whether or not a piece of equipment was affected. In relation to screening issues, P/ANC noted that there would be a need for additional training guidance material arising from the new provisions but that the ANC stood ready to work through all such requirements in a systematic way in the future to resolve any outstanding issues.

22. By way of additional elaboration on the issues raised by the Representative of Germany, the Chief Dangerous Goods Section (C/DGS), indicated that the prohibition that was being introduced with the new provisions would apply only to the transport of lithium metal batteries as cargo, on passenger aircraft. It would not apply to those batteries that were carried by passengers or crew, or anything that was accepted under a related section of the Technical Instructions.

23. With regard to some of the benefits that would accrue from the new provisions, C/DGS observed that in some existing aircraft, large quantities of these batteries were being transported. In some instances, this amounted to about 85 to 90 per cent of the volume of the cargo holds being taken up with batteries. What percentage of that was lithium metal as opposed to lithium ion was unknown, despite the best endeavours of ICAO to obtain this information from industry. Nevertheless, the fundamental point would remain that by removing such large quantities of batteries and putting them onto cargo aircraft, at the very least, would help to remove a potential fuel issue because it was known that lithium metal batteries pose a major hazard in any airplane fire scenario. Therefore, removing lithium metal batteries would instantly help to reduce the probability of having a catastrophic accident on-board.

24. With regard to packed-with and contained-in equipment, C/DGS explained that depending on the packaging in which lithium batteries are contained, sometimes if there was a problem in one battery or one cell for it to propagate easily to another. If it was packed-with or contained-in equipment, this could lead to either having a lesser number of batteries contained in the same volume of area and/or having additional packaging in connection with either the equipment itself or to provide additional protection. Again the aim would be to

reduce the probability of an accident occurring. C/DGS noted that the Dangerous Goods Panel was aware of this issue and that it may require further review. She emphasized that it was important to recognise that while batteries are a critical component, the new provisions that are being applied to them are nevertheless only the first component of a solution addressing a complex problem.

25. Finally, C/DGS noted that when discussing rechargeable versus non-rechargeable batteries, it was important for passengers to be aware that when referring to metal batteries, these are essentially non-rechargeable. However, it was known that it was possible to recharge a metal battery even if this required more time and added an extra layer of complexity, which was important for the purposes of being aware of the potential risks involved. There was only a low probability of this occurring with lithium metal batteries but it was nevertheless important to be aware of since in the absence of fire suppression options on-board a passenger aircraft, it could lead to catastrophic consequences.

26. The Representative of the United Kingdom welcomed the new provisions in that the aim was clearly to lessen the risk of the kind of catastrophic fire that could potentially occur. However, he observed that the new provisions could only be seen as a short-term solution because whenever a ban was introduced, as in this case for small, everyday items, it would be necessary to address the screening implications arising. He cited the example of passengers already seeking ways to circumvent bans for other items, which always has implications for the screening process. The Representative observed that this was one reason why such provisions could only ever be short-term since there was always a need to undertake a regular up-to-date risk assessment in order to determine whether identified items were genuinely harmful. In some cases, certain items today that were banned from aircraft could not be considered as genuinely harmful and yet they continue to be banned only because there did not appear to have been any politically acceptable way of lifting the relevant ban.

27. The Representative emphasized that by introducing such a ban, it would help to add pressure on the manufacturers to come up with alternative solutions, which might involve packaging, as the longer-term solution. However, ICAO should also accept an obligation to also consider alternative solutions and this should by necessity involve consultation with the States. Indeed, he suggested that one option to consider could be to hold a consultation process retrospectively with the States on the intended provisions, which themselves would be subject to a time limit or “sunset clause” that would result in them expiring on a given date in the future unless it was specifically reconfirmed otherwise following a period of consultation.

28. In response, the Chief, Dangerous Goods Section (C/DGS), explained that when the Technical Instructions were first conceived of and designed, which was during the early 1980s, there had been a recognition at that time that the instructions would need to have a multi-mode purpose. There was also a recognition that there would be an occasional need to have urgent items addressed from a safety viewpoint, which given the urgency, would by necessity reduce the amount of consultation that could be undertaken with States. She noted that this was one such instance.

29. In relation to the possibility of introducing a “sunset clause” or “statute of limitations”, C/DGS observed that from industry’s viewpoint it would be easier if there was certainty with the new provisions to be applied and with the procedures that needed to be introduced to effect the ban in place, as opposed to knowing that these would expire at some date in the future. She noted that industry was already initiating work on developing the packaging for batteries with the possibility of packaging performance criteria, which would be the best way forward in developing a safer way for the transport of these batteries.

30. In response to a question from the Representative of Spain concerning the work of the Dangerous Goods Panel and what could be expected from their work in terms of addressing the issue of packaging and the fire hazard potential, the President, Air Navigation Commission (P/ANC), explained that the aviation industry was

supportive of the measures that were being introduced. In that context, the next period would be important as it would help to assess the impact of the new measures.

31. By way of additional clarification on the same issue, the Chief, Dangerous Goods Section (C/DGS), indicated that it was important for the Council to recognize that the special provisions that were being introduced should not be seen as a temporary or interim measure. The work on packaging performance criteria remains ongoing and once complete was only intended to apply to small quantities of button-cells, such as those that contained 0.3 grams of lithium metal, and with no more than 50 cells in a package. It was intended that the outcome of this work would be presented to the Council at a future session.

32. C/DGS also explained that the ongoing problem of larger lithium metal batteries would however remain especially when taking into account that these batteries contain a high lithium metal content. She recalled that the International Coordinating Council of Aerospace Industries Association had recently stated the fire protection capabilities and certification of original equipment airframes and systems had been developed with the carriage of general cargo in mind and not merely the unique hazards associated with the carriage of dangerous goods, including lithium batteries. ICAO would therefore continue to work together with relevant partners in the form of a multidisciplinary group as well as with the Dangerous Goods Panel on the relevant issues in trying to develop possible solutions.

33. C/DGS also took the opportunity to remind the Council that this was a constantly evolving industry in which there were different chemistries and constantly evolving developments that were themselves reflected in the manufacturing processes. Therefore, attempting to have a one-packaging performance standard that would be applicable to all scenarios would represent quite a challenge. This process would require obtaining all the requisite information from industry and to work on it in considering the performance criteria for small button-cell batteries. She also noted that this was consistent with the specific requests received from industry so as to allow the transport of these items on passenger aircraft when it was of necessity.

34. In response to a question from the Representative of Saudi Arabia who wondered as to the extent of information to be shared with the State of Origin and the State of the Operator as well as the period in which ICAO should be notified of the transport of such items, the President of the Air Navigation Commission (P/ANC) recalled that the Dangerous Goods Panel had a considerable discussion on the difference between the concepts of a “ban with exemption” and “ban with approval”. The difference related to the practicality of applying these. For the present it is assumed that the State of Operator and the State of Origin would be responsible enough to take the right decision, especially if this was on a case-by-case basis. In relation to the time frame in which ICAO is to be informed of such occurrences, it was important to note that the purpose was not to enter into a process of approval but rather for ICAO to obtain sufficient data in order to initiate the requisite next steps. P/ANC recalled that presently there were many such shipments but ICAO was not currently privy to much of the information, which resulted in difficulties especially for the work of the Dangerous Goods Panel.

35. By way of supplementary information on the same issue, the Chief, Dangerous Goods Section (C/DGS), explained that she had not intended in one of her earlier interventions to convey the idea that the landing phase was the most dangerous part. She emphasized that it was not possible to determine with any great precision what part was more dangerous than another since this would depend on a variety of factors, including whether the batteries were damaged during handling prior to arrival at the airport or whether they were damaged while being loaded as cargo on-board the aircraft. In any given scenario it was necessary to consider whether a fire could be initiated by some other cargo, or whether by a short-circuit and/or electrical wiring. Whatever the case might be it was important to consider the fire hazard scenarios, and in this instance, the role that batteries as cargo might play. In this context, the new provisions provide for States that have any concerns, if they wish to

be notified of an approval, either coming through transit or as destination, to do so and to have the right to file a variation.

36. In relation to the time frame in which ICAO should be informed of the approval of shipment, C/DGS noted that this was currently not specified, but it could be if the Council so desired. She emphasized though that regardless of the timing, ICAO would not be involved in the actual approval process and its involvement at this stage was purely for information purposes.

37. In response to a suggestion from the President of the Council that it might be helpful for States if the provisions did indeed include a time frame in which ICAO was to be notified of such shipments, the President of the Air Navigation Commission (P/ANC), indicated that he would be pleased to incorporate an additional amendment that clearly specified that any related approvals of such shipments were to be notified to ICAO within three months.

38. At the conclusion of the consideration of this and with reference to the revised text of Special Provision A201, as outlined on page B-2 of C-WP/14178, it was agreed to insert a full stop after the word “consignment” on the fifth line (as it appears in the English language version). The first part of the following sentence after the word “consignment” would then be redrafted so as to now read: “Authorities issuing approvals in accordance with this special provision must provide a copy to the Chief of the Dangerous Goods Section within three months of issuance via email at DGS@icao.int, via facsimile at +1 514-954-6077 or via post...”.

39. Subject to the above-mentioned amendments and based on the action proposed in the executive summary of C-WP/14178, the Council:

- a) approved the amendments in Appendix A to the DGP/24 Report on agenda item 5 and the amendments in Addendum/Corrigendum No. 1 to the Report of the DGP/24 meeting as amended by the ANC and presented in Appendix B to C-WP/14178; and
- b) noted the action taken by the Air Navigation Commission with respect to Recommendation 5/3 as shown in Appendix A to C-WP/14178, and requested the Secretariat to take action in implementing this as a matter of priority.

Subject No. 5: Election of Vice-Presidents of the Council
Subject No. 6.3: Election of chairmen and members of subsidiary bodies of the Council
Subject No. 46: Edward Warner Award

Elections by the Council

40. The Council had for consideration C-WP/14164 presented by the President of the Council relating to: the election of the three Vice-Presidents of the Council, the Members and Alternates of the Joint Support, Finance, Unlawful Interference, Technical Cooperation and Human Resources Committees (JSC, FIC, UIC, TCC and HRC) and the Chairpersons of these Committees as well as of the Air Transport Committee (ATC); the noting of the composition of the Council Committee on Relations with the Host Country (RHCC), the appointment of whose members the Council had delegated to the President of the Council, and for the election of its Chairperson; and the election of the Members of the Edward Warner Award Committee.

41. In introducing this item, the President of the Council recalled that under cover of the President’s memorandum OBA/2307 dated 9 June 2014, he had invited Council Representatives to nominate the Standing

Committees on which they wished to serve as Members. Following informal consultations with Representatives, it had been decided to increase the size of the Finance Committee from 17 to 20 Members, which would result in a consequential amendment to the Rules of Procedure for the Standing Committees of the Council.

42. The Council agreed to suspend paragraph 3 of Appendix B and that part of paragraph 2 of Appendix E of the *Rules of Procedure for the Council* related to the elections taking place by secret ballot unless waived by unanimous decision of the Members represented at the meeting.

43. The Council also agreed to suspend that part of Rule 9 of the *Rules of Procedure for the Council*, which provides that the term of office of a Vice-President shall commence from the date of his election.

44. On nominations by the Representative of Mexico, seconded by the Representative of Burkina Faso, the Council elected the following Representatives as its Vice-Presidents for the period 2014-2015, with effect as from the 203rd Session of the Council, pursuant to Appendix B of its Rules of Procedure:

Mr. Alexey Anatolievich Novgorodov (Russian Federation)	First Vice-President
Mr. Carlos Antonio Veras Rosario (Dominican Republic)	Second Vice-President
Mr. Enrico Padula (Italy)	Third Vice-President

45. The Representative of Venezuela (Bolivarian Republic of) welcomed the nomination of the three new Vice-Presidents of the Council and expressed his full confidence in their ability to fulfil their responsibilities in their respective positions.

46. The President of the Council took the opportunity to congratulate the newly-appointed Vice-Presidents and to thank the outgoing Vice-Presidents of the Council for their assistance over the past twelve months.

47. Separately, the President of the Council recalled that the Working Group on Governance and Efficiency (WGGE) had met in an effort to resolve the issue of membership in the various Committees, following which the Council asked him to use his “good offices” to consult with Representatives with a view to resolving the issue of membership of the Standing Committees (C-DEC 202/1 refers). He indicated that C-WP/14164 reflected the results of these consultations, including the decision to increase the size of the Finance Committee.

48. The President noted that with the agreement of the Representatives, the disparity that had existed in relation to the composition of the membership of the Committees had now been reduced and accordingly, he thanked those Representatives for voluntarily agreeing to relinquish their positions for the coming year on some of the Committees in order to help accommodate the requests of other Representatives.

49. The Representative of Japan reiterated that although he accepted the decision in relation to the composition of the Standing Committees, he was nevertheless concerned that increasing the size of the Finance Committee from 17 to 20 was not something that should be done lightly. The Representative took the opportunity to emphasize that the Council should be careful about increasing the membership size of the Committees as any such decisions needed to take into account the need to maintain efficiency and effectiveness in the operation of the Committees.

50. The Representative of Venezuela (Bolivarian Republic of) expressed his appreciation to those Member States that had agreed to cede positions on the Standing Committees so as to accommodate Representatives from other Member States that had wished to serve in this capacity. He observed that the solution that had been arrived at might not be ideal but it was nevertheless a step in the right direction, which in the long-term would benefit the Council and the Organisation. The resultant increase in the size of the Finance Committee would

deliver a greater sense of stability and was the best outcome in terms of equity and in ensuring that certain States could participate as members on this Committee.

51. The Representative of Portugal also welcomed the outcome that had been negotiated by the President of the Council. She thanked in particular the President for the diplomacy and tact that he had displayed in reaching an accommodation with the Council in relation to the composition of the Committees. This represented a particularly good outcome for Council Representatives who represented Member States as part of a rotational grouping and who were not present on the Council on an ongoing basis.

52. Pursuant to Appendix E of the *Rules of Procedure for the Council*, and the special provisions of the *Rules of Procedure for Standing Committees of the Council*, the Council:

- a) elected the Members and Alternates of the Joint Support, Finance, Unlawful Interference, Technical Cooperation, and Human Resources Committees, as appearing in Appendix B of C-WP/14164, for the period 2014-2015, with effect as from the 203rd Session of the Council, subject to the insertion of Mr. André Reboucas (Brazil) as an additional Alternate of the FIC; and
- b) on nominations by the Representative of China, seconded by the Representative of Portugal, elected the following as Chairpersons of the Council's subsidiary bodies listed below for the period 2014-2015, with effect as from the 203rd Session of the Council:

ATC	Mr. Mohamed Sayeh Eltayf (Libya)
JSC	Mr. Mark Allen (Canada)
FIC	Ms. Kerryn Macaulay (Australia)
UIC	Mr. Mark Rodmell (United Kingdom)
TCC	Mr. David Alfonso Blanco Carrero [Venezuela (Bolivarian Republic of)]
HRC	Mr. Raphael W. Bokango (United Republic of Tanzania)

53. The Council also noted the composition of the Relations with the Host Country Committee (RHCC) for the period 2014-2015, as outlined in Appendix B of C-WP/14164, with effect as from the 203rd Session of the Council. In addition, and on the nomination by the Representative of China, the Council elected Mr. Moumouni Dieguimde (Burkina Faso) as its Chairperson for the period 2014-2015.

54. In addition, the Council elected four new Members of the Edward Warner Award Committee as outlined in Appendix D of C-WP/14164, to fill vacancies created as a result of seats that had been vacated.

55. Moreover, in relation to the Air Transport Committee (ATC), the Council appointed the following Members and Alternates to serve on this Committee:

Mr. Jeffrey Bollard (Australia) as Alternate to Ms. Kerryn Macaulay
Mr. Antonio Bardaro (Italy) as Member and Mr. Enrico Padula as his Alternate
Mr. Sangdo Kim (Republic of Korea) as Alternate to Mr. Donghwan Choi
Mr. Hazim A. Abudaowd (Saudi Arabia) as Member

Subject No. 13: Work programmes of the Council and its subsidiary bodies**Review of reports presented to the Council**

56. The Council considered this item on the basis of an oral report from the Chairperson of the Working Group on Governance and Efficiency (WGGE), which had considered recommendations made by the Secretary General on reports presented to the Council, as outlined in the appendix to the oral report.

57. In introducing the item, the Chairperson of the Working Group on Governance and Efficiency (Representative of China), indicated that at its meeting the Working Group on Governance and Efficiency (WGGE), considered the recommendations made by the Secretary General on reports to be presented to the Council set out in the Appendix to the Oral Report. The WGGE, while noting that the Organization was moving or had moved to an environment where much of its information was now available online, agreed in general with the recommendations made by the Secretary General that to discontinue some reports, reduce the frequency of reporting or to provide information to the Council in a different manner, would improve the efficiency of reporting to the Council.

58. In relation to the item concerning the “Secretary General’s End-of-term Report to the Council”, the WGGE considered that the information provided in that report was useful for the Council to have in steering the transition to the next Secretary General. In the circumstances, the WGGE agreed that a transition report to the next Secretary General would be preferable and considered that such a report should also be presented to the Council.

59. The WGGE therefore recommended to the Council that it adopt the modalities for presentation of reports to the Council as set out in the Appendix to the Oral Report, except for item 15, “Secretary General’s End-of-term Report to the Council”, which should be submitted as a transition report to the next Secretary General and presented to the Council as an information paper.

60. The Secretary General concurred with the views expressed by the WGGE and agreed that he would for the reasons outlined by the Chairperson, present an end-of-term report for the benefit of the Council and of his successor.

61. The Representative of Mexico observed that it might be better if the item “Environmental Protection – Recent developments in ICAO” were maintained as a report to the Council given the developments that have been occurring in ICAO in relation to environmental issues and also in relation to the Organization’s initiative to provide assistance and support to States in projects aimed at protecting the environment.

62. On the same matter, the Secretary General explained that in terms of information relating to assistance to States, this was more likely to be found in working papers that specifically relate to the subject of assistance and not necessarily as part of a working paper on the environment. Nevertheless, in relation to the question as to whether the item “Environmental Protection – Recent developments in ICAO” should continue as a report to the Council, the Secretary General agreed with the Representative of Mexico in light of the importance of the issues being covered.

63. In agreeing with the proposal to maintain “Environmental Protection – Recent developments in ICAO” as a report to the Council, the Representative of Portugal suggested that the item “Environmental Protection – Recent developments in other United Nations bodies and international organizations” should also be maintained as a report to the Council especially given the recent Assembly Resolution A38-18 (*Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*).

64. Separately, the Representative of Portugal suggested that the item “Recommendations of the Joint Support Committee related to items under the Danish and Icelandic Joint Financing Agreements reviewed during the [xx] Session” should also be maintained as a report to the Council since it concerned the approval of en route charges, a specific area that necessitated Council consideration at all times.

65. The Representative of Spain expressed his support for the view outlined in the preceding intervention from Portugal. He affirmed that his understanding of the issues covered by the Joint Support Committee (JSC) in relation to the Danish and Icelandic Joint Financing Agreements were of such importance that it would be better if this were maintained as a report to the Council. The Representative observed that even though the JSC sometimes did not have detailed comments to present when considering this item, it was nevertheless necessary for the Council to maintain a level of responsibility for decisions that impact airlines and the air navigation infrastructure for the North Atlantic.

66. The Representative of Venezuela (Bolivarian Republic of) wondered whether the use of the word “transition” in the title of the proposed report “Transition report to the next Secretary General” might not prove confusing if it was not immediately apparent as to the difference between a regular report and one that was transitional in nature. He observed that the terms to be used for such reports ought to be more precise especially since it related to the obligations and responsibilities of the Secretary General.

67. On the same issue, the President of the Council noted that the practice had been for the Council to provide the Secretary General with a Charter Letter that outlined the Council’s expectations of the outcomes to be delivered and areas of focus, on which the Secretary General would respond. In terms of the “Secretary General’s End-of-term Report to the Council”, the President agreed that changing this to “Transition report to the next Secretary General” might introduce some confusion especially since this report was aimed at providing useful information to the incoming Secretary General, when he or she assumed the role and would need to respond to the Charter Letter that was issued by the Council.

68. At the conclusion of its consideration of this item, the Council noted that the WGGE in its report had agreed with recommendations that to discontinue some reports, reduce the frequency of reporting or to provide information to the Council in a different manner, would improve the efficiency of reporting to the Council. It was further noted that in relation to *Report on Technical Cooperation Programme Development, AOSC Budget estimates and Update of the Budget for (current and next year)*, that the part of this report, which pertained to the financial and operational results, would be eliminated from the report that was to be presented to the Council in the session that occurred in October/November.

69. With reference to the following reports, the Council did not concur with the recommendation of the WGGE and instead decided that these should continue to be presented in the form of a Council working paper for consideration by the Council:

- *Environmental Protection – Recent developments in ICAO;*
- *Environmental Protection – Recent developments in other United Nations bodies and organizations;*
and
- *Recommendations of the Joint Support Committee related to items under the Danish and Icelandic Joint Financing Agreements reviewed during the [xx] Session.*

70. With reference to the *Secretary General’s End-of-term Report to the Council*, the Council agreed with the WGGE recommendation that it would be preferable to have this information presented as an information paper

to the Council. However, the Council decided that the current title of this paper should not be changed but instead should be retained as it currently is.

Subject No. 4: Appointment of the Secretary General

Appointment of the Secretary General

71. The Council resumed (202/2) its consideration of this subject on the basis of C-WP/14144, which was presented by the President of the Council, and a related oral report from the Chairperson of the Working Group on Governance and Efficiency (WGGE).

72. In introducing the item, the Chairperson of the Working Group on Governance and Efficiency (Representative of China), recalled that the Council at the second meeting of the current (202nd) Session, had requested the WGGE to consider the time frame and/or date for the election of the Secretary General and optimal duration of the transition period for incoming/outgoing Secretaries General and optimal transition period for incoming/outgoing Presidents of the Council.

73. Members of the WGGE had expressed different views on whether to keep the current time frame for the appointment of the Secretary General of approximately five months before the end of the term of the incumbent or to shorten it to three months but there was no clear majority on either option. There was a general feeling that both solutions offered pros and cons, and that either option would be acceptable. The WGGE therefore recommended that the President of the Council use his “good offices” to consider the matter and make a recommendation to the Council. There was a general consensus, in the WGGE that appropriate arrangements for the transition period for incoming/outgoing Secretaries General could be made between the incumbent and the Secretary General-designate although it was recognized that such arrangements should not prevent an incumbent Secretary General in any way from fulfilling his or her obligations until the end of his or her mandate.

74. Regarding the transition period for incoming/outgoing Presidents of the Council, the WGGE felt that more time should be allowed for the WGGE to obtain a fuller understanding of the issues to be addressed and consider the proposal solutions.

75. In elaborating further on the issues he had first raised during the second meeting of the current session of the Council (202/6 refers), the Secretary General explained that he had wished to highlight two distinct issues. The first related to the date by which a new Secretary General was appointed. In his view, the current five-month transition period was too long a period although he appreciated that this reflected the current wording in the rules of procedure of the Council. Nevertheless, his original point remained: that allowing for a five-month transition period between two persons, one of whom was newly appointed while the other one remained in charge, was too long a transition period.

76. The second issue related to a question of efficiency for the Organization, which is what the optimum time should be for the newly-appointed Secretary General to come to ICAO and to become familiar with the non-written files and other issues before assuming the office and role.

77. The Secretary General emphasized that these two issues should not be confused. The fundamental principle should be that as the incumbent Secretary General, he would be responsible until the end of his term, which is 1 August, but he would assist his successor for a short period of time before the newly-appointed Secretary General assumed the role. The Secretary General concluded that by definition the phrase “short period

of time”, did not mean five months and which in any case could not be the most efficient arrangement for the Organization.

78. The Representative of the Russian Federation observed that one of the important issues to keep in mind when discussing this item was the need to ensure that the timelines were consistent with the timing of when the Council would be in session. He observed that during the February/March session, was the period during which the Council would be required to reach a decision on an incoming Secretary General. This helped to explain why there was a five-month transition period, since the end of the term of any incumbent Secretary General was 1 August. However, if the Council wished to shorten the transition period by making the decision on an incoming Secretary General in the Council session that took place in June, this would result in a very short transition period. Indeed, the Representative noted that in the latter scenario, there might not be sufficient time for the Secretary General-designate to become familiar with all that was required before assuming the office. In the circumstances, the Representative reminded the Council that it always had an option, if it so chose, to amend the rules of procedure that applied to this issue.

79. The Representative of Mexico emphasized that it was important for the Council to ensure that the transition period between Secretaries General was smooth and that the lines of authority were clear at all times. He suggested that one option to deal with this issue would be to retain the current timeline in that the Council continued to make a decision on appointing a Secretary General-designate in the February-March session but that the letter of appointment included an invitation to the incoming Secretary General to be present at ICAO Headquarters no later than the end of July, which would mean a transition period of one month.

80. The President of the Council reminded Representatives that there were two distinct issues that needed to be considered on this item. The first related to the timing of the appointment and the resultant transition period. The timing should be such so as to allow a Secretary General-designate to disengage from his or her previous employment, move their family, and see to all the other administrative logistics associated with a move to a different country and city. In that context, the President was of the view that five months was a long period but sufficient for these circumstances. At the same time, this five-month period should not be seen as a transition period since it would not be in the interests of the Organization for a Secretary General-designate to be physically present at ICAO Headquarters at the same time as the incumbent Secretary General. The President observed that it would therefore be critical for the incumbent Secretary General and the Secretary General-designate to arrive at an appropriate arrangement for the transition between the two keeping in mind that the two individuals needed to cooperate during this period of time.

81. The President emphasized that the second issue that needed to be borne in mind was that nothing should prevent the incumbent Secretary General from fulfilling his obligations until the end of his term. In his view, the Letter of Appointment could emphasize these points so that whoever was appointed to the role should liaise with the incumbent Secretary General regarding any questions and clarifications that might be required in advance of taking up the new role. Depending on the personal circumstances of the Secretary General-designate, this liaison with the incumbent Secretary General could be as from June or July, but importantly it would be in consultation with the incumbent Secretary General. On the whole though, the President was of the view that two months should suffice for most individuals in these situations and anything more than three months would be too long a period.

82. In referring to the text of the fourth paragraph of the draft State letter to be issued, the Representative of Malaysia wondered whether the phrase “...the Council has decided that the Secretary General shall be appointed for a term of three years and that a Secretary General who has served for two terms shall not be appointed for a third term”, was open to differing interpretations since it might not be entirely clear in the situation of a Secretary General being granted an extension beyond the second term, whether this extension

would constitute another term in this context. Therefore, in order to avoid the possibility of any legal implications, the Representative suggested that this wording should be changed so as to clarify that any Secretary General could serve only up to a maximum of two terms, with no possibility of an extension. The Representative also recalled that he had first raised this issue in the Council during the second meeting of the current (202nd) Session.

83. The President of the Council explained that in the period since the Representative of Malaysia had first raised this issue during the second meeting of the current (202nd) Session, he had asked the Secretariat to consider all aspects of the issue, particularly as they related to any relevant Assembly Resolutions.

84. On the same matter, the Director, Bureau of Administration and Services (D/ADB), indicated that the point raised by the Representative of Malaysia referred to the wording to be used in the State letter in making it clear that there was no possibility of an extension being granted to any Secretary General who had reached the end of a second term. She observed that while the current wording stated "...the Council has decided that a Secretary General who has served for two terms shall not be appointed for a third term", should be sufficiently clear, it was up to the Council to decide on how it wished to have the text on this issue drafted.

85. The President of the Council recalled that there had been occasions in the history of ICAO where a Secretary General did not complete his second term and thereafter someone else was appointed to complete the second term. In this instance, it would be important to ensure that a Secretary General who had been appointed to finish the second term of a preceding Secretary General was not in turn prevented from serving two full terms. Therefore, he cautioned against making any quick decisions on the wording of the State letter for the time being and instead for the Council to take the time to consider all the modalities and potential circumstances that might arise where a Secretary General was unable to complete a term. The President expressed concern at the Council rushing a decision on this time and of redrafting the letter when it was possible that not all eventualities would be properly accounted for.

86. In clarifying his concerns, the Representative of Malaysia drew attention to the need to make sure that it was clear to everyone that a Secretary General could not serve more than two terms. Although the draft State letter stated that "...the Council has decided ... that a Secretary General who has served for two terms shall not be appointed for a third term", it was possible that this was open to interpretation. This was pertinent in instances where a Secretary General completed two terms but sought an extension for a year or two, which although not a third term in the strict meaning of that sense, would nevertheless represent an extension for an incumbent. Therefore, it was important to make it as clear as possible that a Secretary General could serve up to a maximum of two terms with no possibility of a third term or an extension in any circumstances. The Representative emphasized that his concern was to ensure that there could be no possibility of a legal dispute arising in the future if such a scenario were to arise.

87. While acknowledging the concern expressed by the Representative of Malaysia, the President of the Council nevertheless observed that in the given scenario it was important to note that any extension to be granted to an incumbent Secretary General could only occur with the full agreement of the Council. He noted that in addition it needed to be recognized that on occasion, an incumbent Secretary General might be unable to complete a term in which case a successor Secretary General would be appointed to complete the remainder of his predecessor's unfinished term. In this instance, it was important for the successor Secretary General to have the option to serve two complete full terms in his own right if he so wished and not to be restricted by the wording that might appear in the State letter vis-à-vis references or interpretations of what constituted a third term in this case.

88. Moreover, the President observed that this same wording had appeared in numerous State letters that had been issued on this item in the past and had until now never raised any difficulties in terms of the interpretation of what this part of the letter meant.

89. The Director, Legal Affairs and External Relations Bureau (D/LEB), noted that that Rule 12 of the *Rules of Procedure for the Council* was relevant to this issue in that it clearly stated that “A Secretary General who has served for two terms shall not be appointed for a third term”. This exact wording was reflected in the State letter to be issued and was the same wording that was adopted by the Council on 9 June 2006 (178/9), when introducing a limit of two terms for the Office of the Secretary General. This wording was also replicated in both the *Rules of Procedure for the Council* and in Assembly Resolution A36-28 (*Term limits for the Offices of the Secretary General and the President of the Council*).

90. In relation to Assembly Resolution A36-28, D/LEB explained that the third preambular paragraph referred to “a Secretary General who has served for two terms shall not be appointed for a third term”. However, in the first resolving clause of that same Assembly Resolution, it stated that the Assembly “notes the Council’s decision to introduce a limit of two terms for the office of Secretary General”, while elsewhere in that Resolution, it made it further clear that the understanding was that a Secretary General would complete two full terms.

91. D/LEB recalled that Assembly Resolution A36-28 had since been superseded by Assembly Resolution A38-21 (*Term limits for the Offices of the Secretary General and the President of the Council*), but that all the relevant parts, both in the preambular and in the resolving clauses remained the same. It was his understanding that it was never intended that the Secretary General could serve for more than two terms. However, in the case of a transition period between two Secretaries General, where an incumbent had not completed his second term, there would be a requirement for a specific Council decision to declare that any portion of a predecessor’s term would not count for the purposes of calculating the tenure of a successor Secretary General. While the possibility existed, D/LEB observed that it would only be in exceptional circumstances for a Council to grant an extension beyond two terms. Ultimately though the existing Assembly Resolution was clear in providing the necessary guidance on how this issue should be addressed.

92. The Representative of Germany emphasized that in the future when considering the appointment of the Secretary General, the Council might also wish to take the opportunity to review the current fixed schedule for the appointments of both the President of the Council and the Secretary General. In doing so, the Representative observed that one of the issues that had been raised in the course of this item had been the scenario that would apply in the event that a future Secretary General did not complete a term and the implications that would therefore arise for a successor Secretary General in terms of how that period would be counted if that particular individual then wished to complete two full terms of his own. The Representative observed that one way of overcoming this issue would be to commence the first term of any successor Secretary General at the time of his appointment even if this was at a point at which a predecessor had not completed the whole of his term. In this way the Council would not be bound by a predetermined schedule for the appointment of either the President or the Secretary General.

93. Further to an additional point of clarification raised by the Representative of Malaysia concerning the specific conditions that might apply in the scenario of granting an extension to an incumbent Secretary General, it was noted that this would be addressed separately by the Secretariat on a bilateral basis with the Representative.

94. Following the conclusion of its consideration of this item, the Council decided that:

the 203rd Session of the Council. It was noted that it may be necessary for this item to be referred to the Working Group on Governance and Efficiency prior to its presentation to the Council.

101. As per an e-mail message from the Director, Bureau of Administration and Services, dated 13 June 2013, the Council noted that the item “Review of candidates for the D-1 post of Deputy Director, Technical Cooperation Bureau (TCB)”, would be removed from the Work Programme of the Human Resources Committee, as this item was to be considered by the HRC in the course of the current session on Wednesday, 25 June 2014.

102. Subject to the above-mentioned changes, the Council approved the work programme for the 203rd Session as set forth in Appendix A to C-WP/14168. The Council also approved the work programmes for the 203rd Session of the Air Transport Committee (ATC), Joint Support Committee (JSC), Finance Committee (FIC), Committee on Unlawful Interference (UIC), Technical Cooperation Committee (TCC), and Human Resources Committee (HRC), as set forth in Appendices B, C, D, E, F, and G of C-WP/14168.

103. It was understood that a revised version of C-WP/14168 would be issued reflecting amendments made in accordance with the accepted recommendations of the WGGE and the Council’s deliberations, as well as any other consequential items that might need to be added subsequent to this current (202nd) Session. It was also noted that Council Representatives could at any time request the addition of any new items to the work programme of a session.

104. It was also understood that a Schedule of Meetings for the 203rd Session of the Council, which includes informal briefings, would be issued by the President of the Council in due course.

Any other business

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

Progress report of the Council Retreat Planning Group

105. The Council considered this item on the basis of an oral report from the Chairperson of the Council Retreat Planning Group (CRPG).

106. In introducing the item, the Chairperson of the Council Retreat Planning Group (Representative of Canada), indicated that the Council was informed at its 201st Session that an off-site Council Retreat would take place from 12 to 14 June 2014 with the theme of the Council’s leadership role in enhancing the efficiency and effectiveness of ICAO. The specific purpose of the Retreat was to deliver practical recommendations on ICAO’s ability to effectively assist and communicate with its Member States. The Retreat was also intended to offer an opportunity to help strengthen the relationships between Council Representatives and between the Council and the senior management team of the Secretariat in an informal setting, thus enhancing organizational effectiveness and building on the shared commitment to the ICAO mission.

107. To help coordinate and oversee the programme for the event, a Council Retreat Planning Group (CRPG) had been established comprising of the Representatives of Australia, Bolivia (Plurinational State of), Burkina Faso, Canada, Portugal, and the United Arab Emirates, along with the Representative of China in his capacity as Chairperson of the Working Group on Governance and Efficiency (WGGE). In the period since it was established in February 2014, the CRPG held numerous formal and informal meetings at which it was determined that the agenda of the Retreat should be structured so as to offer industry and regional perspectives,

following which there would be breakout sessions with a specific focus on two key sub-themes: *Optimizing ICAO's role in delivering assistance to States*, and *Optimizing ICAO's communication with States*.

108. The Council Retreat took place at Fairmont Le Château Montebello, Québec. There were more than 70 participants taking part, with 35 Member States on the Council being represented. In addition, there were numerous Representatives to ICAO in attendance, along with the leadership team of the Air Navigation Commission and the senior management team of the Secretariat, including Regional Directors. Discussions were led by an external facilitator and were supplemented by data collected from an electronic survey of both Council Representatives as well as the Secretariat. The survey results also provided practical recommendations that in some instances could be used as a basis for subsequent action by the Council.

109. The Chairperson observed that overall, the discussions that took place at the Council Retreat were robust in nature and the conclusions drawn from both breakout sessions provided a rich source of ideas that offer the potential to deliver tangible outcomes for strengthening assistance to and communication with States. He observed that the substance of these discussions were in the process of being elaborated on in greater detail and once this exercise was completed, it was intended that the CRPG would finalize a Council working paper for presentation to the Council at the next (203rd) Session. This working paper would clearly identify the specific and concrete recommendations that were put forward during the general discussions and which offer identifiable, deliverables for the Council and the Secretariat to take action on.

110. In general terms, it was agreed by those attending that the Retreat was a positive success in achieving the initial goals that had been set. The Chairperson explained that an additional survey of participants would soon be carried out to evaluate the exercise and to assess whether there would be sufficient benefit in conducting another Retreat in the future. In concluding his oral report, the Chairperson expressed his appreciation to both the President of the Council and the Secretary General for initiating the idea of a Retreat and for facilitating the necessary requirements to have made it possible.

111. For his part the President of the Council took the opportunity to thank the Chairperson of the Council Retreat Planning Group and all the other members of the Group for the excellent work that had been carried out. On behalf of the Council, the President also expressed appreciation for the attendance and active participation at the Retreat of the ANC leadership team and industry representatives. He noted that overall the Retreat represented a positive first step, in terms of having the opportunity to review the delivery of ICAO services to Member States.

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

70th Anniversary of the Chicago Convention

112. The President delivered an update on the initial preparations for marking the 70th anniversary of the signing of the Chicago Convention on 8 December 1944. It was understood that a draft programme had been developed, which envisages a range of events taking place in both Montréal and Chicago. The former will include a series of several related events in Montréal, while the latter will be centred on an extraordinary session of the Council to take place on 8 December 2014 in Chicago.

Subject No. 6.3: Election of Chairmen and Members of subsidiary bodies of the Council

Appointment of Members and Alternates on the Air Navigation Commission (ANC)

113. In the absence of comments by 13 June 2014 to the President of the Council's email dated 5 June 2014, Mr. Einar Örn Héðinsson, nominated by the Government of Finland, on behalf of the Governments of Denmark, Estonia, Finland, Iceland, Latvia, Norway and Sweden, was appointed as Alternate to Mr. Samuli Vuokila on the Air Navigation Commission with effect from 28 April 2014 and subsequently as a Member of the ANC with effect from 9 June 2014.

114. In the absence of comments by 13 June 2014 to the President of the Council's email dated 5 June 2014, Mr. Jeffrey Bollard, nominated by the Government of Australia, has been appointed as a new Member of the ANC replacing Mr. Andrew Tiede with effect from 23 June 2014.

115. In the absence of comments by 18 June 2014 to the President of the Council's email dated 11 June 2014, Ms. Kirsten L. Riensema, nominated by the Government of the United Kingdom, has been appointed as Alternate to Mr. Paul Fleming on the ANC with effect from 1 September 2014.

Subject No. 16: Legal work of the Organization

Appointment of a Member to the Commission of Experts of the Supervisory Authority of the International Registry (CESAIR)

116. In the absence of comments by 13 June 2014 to the President of the Council's memorandum PRES OBA/2310 dated 9 June 2014, South Africa has replaced its current nominee to CESAIR, Mr. Subashan Devkaran, with Mr. Mpho Lebogo.

Subject 15.4: Facilitation

Public Key Directory (PKD) Membership

117. In the absence of comments by 20 June 2014 to the President of the Council's email dated 11 June 2014, the PKD Board has:

- appointed Ms. Mingyang Luo, Deputy Director, Department of Consular Affairs, Ministry of Foreign Affairs (China) to replace Mr. Yang Peidong, effective March 2014 for a three-year term;
- appointed Mr. Ibrahim Bin Abdullah, Director of Security and Passport Division, Immigration Department (Malaysia) for a three-year term, effective September 2014; and,
- appointed Mr. Cor de Jonge, Project Manager PKI, Ministry of Security and Justice (Netherlands) for a three-year term, effective September 2014.

118. It was also noted that the Board has appointed Mr. Muktesh K. Pardeshi, Joint Secretary and Chief Passport Officer, Ministry of External Affairs (India), to replace Mr. Basant K. Gupta until April 2015.

Council working papers presented for information

119. As the President of the Council had not received any requests to have the following information papers tabled for consideration, it was considered that the Council had noted the information provided therein:

- **C-WP/14172** — *Report of the JIU for 2013 and Programme of Work for 2014*; and
- **C-WP/14173** — *Report of the JIU entitled “Review of long-term agreements in procurement in the United Nations system”*

These were circulated under cover of PRES OBA/2308 dated 26 May 2014 with a deadline of 13 June 2014 for comments.

120. As the President of the Council had not received any requests to have the following information paper tabled for consideration, it was considered that the Council had noted the information provided therein:

- **C-WP/14169** — *Report on activities during the recess*

This was circulated under cover of PRES OBA/2311 dated 6 June 2014 with a deadline of 13 June 2014 for comments.

Farewell to Council Representative

121. The Council bade farewell to Mr. Toshihiro Koda, the Representative of Japan.

Closing of the 202nd Session

122. In closing the Session, the President of the Council thanked Council Representatives for their cooperation in the course of the discussions on the numerous items that had been on the order of business.

123. The Council adjourned at 1700 hours.

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C-WP/14142

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C-WP/14144

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C-WP/14146 Restricted

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C-WP/14147 Restricted

Review of the Report of the Twenty-fifth Meeting of the Aviation Security Panel (AVSEC/25) (47)

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Consolidated annual report on global Planning and Implementation Regional Groups (PIRGs) and Regional Aviation Safety Groups (RASGs) - Results up to March 2014 (79)

C-WP/14155 Corrigendum No. 1 (Russian only) & Blue rider (Spanish only)

Proposal for the convening of a Second High-level Safety Conference on planning for global aviation safety improvement (85)

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C-WP/14158

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C-WP/14159 Corrigendum No. 1 (Arabic only)

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C-WP/14160

Report on the performance of revenue-generating activities in 2013 with audited financial figures of ARGF, and the financial projections and business plan for 2014, 2015 and 2016 (108)

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C-WP/14162 Addendum No. 1 & Addendum No. 2

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C-WP/14164

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C-WP/14171

Status of the ICAO workforce for 2013 (43)

C-WP/14172

Report of the Joint Inspection Unit (JIU) for 2013 and Programme of Work for 2014 (150)

C-WP/14173

Report of the Joint Inspection Unit (JIU) entitled “Review of long-term agreements in procurement in the United Nations system” (150)

C-WP/14174

New Regional Air Navigation Plan template and procedures for amendments (82)

C-WP/14175

ICAO policy on language services (111)

C-WP/14176

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