



C-DEC 225/1
2/2/22

COUNCIL — 225TH SESSION

FIRST MEETING

(VIRTUAL MEETING ON MONDAY, 31 JANUARY 2022, AT 1000 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Welcome to new Representatives

1. The Council warmly welcomed the newly appointed Representatives of the Dominican Republic (Mr. Julio de Jesús Peña Guzmán), Egypt (Mr. Sameh Ahmed Zaki Elhefny), Peru (Mr. Augusto Carlos Wilfredo Freyre Layzequilla), and Tunisia (Mr. Mohamed Imed Torjemane).

Report into the incident involving Ryanair Flight FR4978 in Belarus airspace on 23 May 2021

2. The Council considered this item on the basis of C-WP/15284, which presented the Final Report on the fact-finding investigation of the event involving Ryanair Flight FR4978 on 23 May 2021, as prepared by the ICAO Fact-Finding Investigation Team (FFIT).

3. Following consideration, the Council, by a majority decision:

- a) expressed its appreciation to the ICAO Fact Finding Investigation Team (FFIT) for the exhaustive analysis undertaken and the high quality of the report;
- b) expressed concern at the gaps in information provided by Belarus and the inconsistencies in the evidence provided to the FFIT in relation to crucial aspects of the factual reconstruction of the event;
- c) highlighted that the bomb threat against Ryanair Flight FR4978 on 23 May 2021, was deliberately false and consequently it had endangered the safety of an aircraft in flight;
- d) recalled that communicating false information which endangers the safety of an aircraft in flight is an offence under the *Convention for the Suppression of Unlawful Acts against the safety of Civil Aviation*, and in this connection, strongly condemned such practices;
- e) requested the FFIT to continue its work with a view to establishing the missing facts, including in connection with the ongoing criminal and other investigations, and to report any further findings to the Council as appropriate;
- f) called upon all Member States and other relevant stakeholders to continue to collaborate with the FFIT; and

- g) requested the President of the Council to forward the final report of the FFIT to the United Nations Secretary-General at an appropriate time once the report is completed, for information and any appropriate further action.

4. It was recorded that two Delegations expressed their strong objection in relation to this decision of the Council.

Request from the Government of the Republic of Belarus

5. The Council considered this item on the basis of C-WP/15285, which related to the request of the Government of the Republic of Belarus presented in accordance with Article 54 n) of the *Convention on International Civil Aviation* (“Chicago Convention”). The Council also had for consideration additional background information concerning specific legal aspects relevant to the request, as presented by the President of the Council in his non-paper of 21 January 2022.

6. Following consideration, the Council:

- a) recalled that under the preamble to the *Convention on International Civil Aviation* (Chicago Convention), all ICAO Member States had pledged their commitment to uphold and support the aims of the Convention, namely, the safe and orderly development of international civil aviation, as a means of fostering greater cooperation and understanding among Member States;
- b) took note of the request of the Government of the Republic of Belarus and the information it had presented in C-WP/15285;
- c) further took note of the applicable provisions of the Chicago Convention and related clarifications provided by the President of the Council in his non-paper of 21 January 2022; and
- d) requested the Secretariat to undertake an assessment of legal and procedural aspects within the context of the functions entrusted to the ICAO Council under Articles 54 j), 54 n), and 84 of the Chicago Convention, and to prepare that assessment taking into account the views expressed by Representatives at this meeting, on the understanding that this information would be presented for the Council to reconsider this item at a future meeting.

Convening of the 41st Session of the ICAO Assembly

7. The Council considered this item on the basis of C-WP/15282, which presented potential options identified by the Secretariat for the convening of the 41st Session of the ICAO Assembly, and provided additional related information with regard to voting options and accreditation. The Council also had for consideration an oral report thereon from the Committee on Governance (COG).

8. Following consideration, the Council:

- a) reiterated its preference for the 41st Session of the ICAO Assembly to be held in-person, in Montréal, and to this end, agreed to proceed on the basis of an in-person/hybrid event, while recognizing that in doing so, it would be important to ensure inclusiveness, such that all Member States wishing to attend the event have an

equal opportunity to do so on the same basis, be it in person, or in a hybrid modality, while prioritizing the health and safety of all those in attendance and the local community;

- b) in light of the decision in a) above, agreed that the session would take place in the Assembly Hall of the ICAO Headquarters building on the basis of a three-week schedule to be convened from 27 September to 14 October 2022, on the understanding that the provisional agenda might be further reviewed with the aim of reducing the number of items;
- c) expressed appreciation to the Government of Canada for its commitment to facilitating and supporting the arrangements for the Assembly, and in this connection, requested the Secretariat to continue to liaise closely with the Host State authorities in planning the upcoming Assembly Session, with a view to developing a clear and actionable plan, and possible alternative, contingency scenarios, while remaining abreast of the evolution of the COVID-19 pandemic, and to report to the Council on a regular basis on the progress of this work;
- d) affirmed that each Member State will be able to determine the size and composition of its delegation to the Assembly, while at the same time also agreeing that the numbers of delegates permitted in-person in the ICAO Headquarters building and meeting rooms during the session may be limited in order to facilitate compliance with social distancing requirements such that there would be a limitation of two delegates per Member State and one delegate per IGO/NGO in the meeting room at any one given time, on the understanding that this was consistent with similar measures instituted by other UN agencies for comparable events held over the course of the pandemic;
- e) underscored once more, the need to rationalize the number of working papers submitted to the Assembly, so as to increase the efficiency of the proceedings, and that working papers themselves should be action-oriented and concise to facilitate decision-making; and
- f) requested the Secretariat to prepare a State letter to inform Member States accordingly of this decision on the arrangements for the 41st Session of the ICAO Assembly, and to issue the supplementary State letter containing the administrative arrangements, including visa requirements, as soon as possible.

Election of the Third Vice-President of the Council

9. The Council considered this item on the basis of C-WP/15346, which related to the election of the Third Vice-President of the Council, a post that had become vacant due to the recent departure of the incumbent, Ms. Angie A. A. M. Elyazzy (Egypt).

10. For the purposes of electing the Third Vice-President, the Council agreed to suspend Rule 9 of the *Rules of Procedure for the Council* (Doc 7559), which provides that the term of office of a Vice-President shall extend for one year from the date of the election. The Council further 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* (Doc 7559) related to the elections taking place by secret ballot unless waived by unanimous decision of the Members represented at the meeting.

11. On the nomination of the Representative of Singapore, seconded by the Representative of Colombia, the Council elected Ms. Maria Saranti (Greece) as its Third Vice-President for the remainder of the 2021-2022 term, with immediate effect from the 225th Session, pursuant to Appendix B of its Rules of Procedure.

12. In electing the incoming Vice-President, the Council expressed its appreciation by acclamation to the out-going Third Vice-President, Ms. Angie A. A. M. Elyazzy (Egypt).

Any other business

Terrorist incident in the United Arab Emirates

13. The Representative of the United Arab Emirates delivered a statement concerning the recent terrorist incident of Monday, 17 January 2022, in proximity to Abu Dhabi International airport, which resulted in three civilian deaths and six other civilians injured. Following the statement, the Council:

- a) condemned in the strongest terms, the terrorist attack in Abu Dhabi, United Arab Emirates, on Monday, 17 January 2022;
- b) expressed solidarity with the peoples and Government of the United Arab Emirates, and conveyed its deepest sympathies and condolences to victims and their families, as well as wished a swift recovery to all those who had been injured;
- c) deplored the targeting of civil aviation infrastructure, in flagrant violation of international law, and the ongoing threat to international peace and security caused by such terrorist acts; and
- d) agreed that a press release should be prepared and issued informing of this decision of the Council.

Farewell to a Representative

14. The Council bade farewell to the Representative of the Dominican Republic (Mr. Carlos Veras Rosario).

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