



C-DEC 225/9
11/3/22

COUNCIL — 225TH SESSION

NINTH MEETING

(HYBRID MEETING ON WEDNESDAY, 9 MARCH 2022, AT 1000 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Annual report of the Investigative Entity on cases of misconduct handled on behalf of ICAO - 2021

1. The Council considered this item on the basis of C-WP/15331, which pursuant to paragraph 60 of Annex I to the *ICAO Service Code*, transmitted the report of the United Nations Office of Internal Oversight Services (OIOS) on all cases of misconduct handled by the UN OIOS on behalf of ICAO, for the period from January to December 2021. The Council also had for consideration an oral report thereon from the Committee on Governance (COG).

2. Following consideration, the Council:

- a) took note of the information provided by UN OIOS on the cases of misconduct it had handled on behalf of ICAO in 2021;
- b) welcomed confirmation that the Memorandum of Understanding between ICAO and UN OIOS had now been signed by UN OIOS, and expressed appreciation to both the Secretariat and to OIOS for their efforts in achieving this milestone; and
- c) expressed support for the ongoing work of UN OIOS undertaken on behalf of ICAO.

Annual report on actions taken in response to complaints of misconduct and retaliation – 2021

3. The Council considered this item on the basis of C-WP/15332, which pursuant to paragraph 90 i) of Annex I to the *ICAO Service Code*, presented the Secretary General's report on actions taken in response to complaints of misconduct and retaliation, for the period from January to December 2021. The Council also had for consideration an oral report thereon from the Committee on Governance (COG).

4. Following consideration, the Council:

- a) took note of the comprehensive information presented on actions taken in 2021 to address complaints of misconduct and retaliation, which reflected the significant progress achieved in the implementation of the revised ICAO Framework on Ethics, which is established as Annex I to the *ICAO Service Code*;

- b) expressed appreciation to the Secretary General for the actions taken, which have served to enhance the credibility of the revised ICAO Framework on Ethics, as well as contributing to an improvement in the morale of ICAO staff;
- c) requested the Secretariat to finalize the analysis of potential arrangements for providing information to complainants on the outcomes of cases of misconduct, taking into account the best practices from other United Nations agencies, which might also be considered for implementation by ICAO, and to present a report thereon at the next session; and
- d) took note of the observations of the Representative of South Africa in relation to potential conflicts of interest arising in the undertaking of the analysis referred to in the preceding sub-paragraph.

Draft ICAO Business Plan for 2023-2024-2025

5. The Council considered this item on the basis of C-WP/15287, which set forth the draft ICAO Business Plan for 2023-2024-2025. The Council also had for consideration an oral report thereon from the Air Navigation Commission (ANC), as well as an oral report presented jointly by the Finance Committee (FIC) and the Committee on Governance (COG).

6. Following consideration, the Council:

- a) took note, with appreciation, of the work undertaken by the Secretariat in developing the draft ICAO Business Plan for the next triennium, as presented in C-WP/15287, acknowledging that this document should be a living document and would serve as an important management and accountability tool;
- b) expressed appreciation for the efforts of the ANC on the prioritization exercise undertaken, and in this connection, recommended that the Secretariat continue with a similar exercise as a means of ensuring, as far as practicable, that all proposed activities are carried out according to clearly established and agreed upon priorities; and
- c) agreed to the recommendations and conclusions of both the ANC and FIC/COG as reflected in each of their oral reports, and in this connection, requested the Secretariat to continue to update the draft Business Plan for the next triennium, taking into account the comments and changes requested by the ANC and FIC/COG, with a view to presenting this next iteration of the draft Business Plan to the Council during the 226th Session.

Draft Assembly working paper – Amendment to the ICAO Financial Regulations

7. The Council considered this item on the basis of C-WP/15289, which presented a draft Assembly working paper proposing amendments to the *ICAO Financial Regulations* (Doc 7515). The Council also had for consideration an oral report thereon from the Finance Committee (FIC). In so doing, the Council agreed to waive Rule 26 b) of the *Rules of Procedure for the Council* (Doc 7559) pertaining to the timeline requirement for the issuance of oral reports, since in this case the oral report had been issued less than three working days in advance of the meeting.

8. Following consideration, the Council:

- a) agreed to the revisions proposed by the Finance Committee (FIC), as outlined in the Appendix to the FIC oral report, and in so doing, requested that the Secretariat reflect these changes to the proposed amendments to the *ICAO Financial Regulations* (Doc 7515/16), as presented in Appendix A to the draft Assembly working paper appended to C-WP/15289;
- b) further agreed, taking into account the conclusions reached by the FIC and upon further consideration, not to incorporate the proposed amendments to Financial Regulations 2.1, 2.2 and 9.5, that were initially requested as a result of previous decisions of the Council as outlined in C DEC 224/1; and
- c) approved the draft Assembly working paper containing the proposed amendments to the *ICAO Financial Regulations* and associated draft Resolution, for submission to the 41st Session of the Assembly, as attached to C-WP/15289, subject to the modifications agreed in sub-paragraph a), above, being reflected, and delegated authority to the President of the Council to thereafter approve the revised working paper on its behalf, for subsequent submission to the 41st Session of the Assembly.

Adoption of Amendment 29 to Annex 9 – Facilitation

9. The Council considered this item on the basis of C-WP/15323, which presented a proposal for Amendment 29 to Annex 9 — *Facilitation*, following consultation with States and industry. The Council also had for consideration an oral report thereon from the Air Transport Committee (ATC). In so doing, the Council agreed to waive Rule 26 b) of the Rules of Procedure for the Council (Doc 7559) pertaining to the timeline requirement for the issuance of oral reports, since in this case the oral report had been issued less than three working days in advance of the meeting.

10. The Council took note of the views expressed by the ATC in relation to the proposed Amendment 29, as reflected in the oral report.

11. In having reviewed the replies and substantive comments received from States and international organizations on the proposed amendment to Annex 9 and endorsing the Secretariat's responses thereto, along with the proposed course of action (Appendices A and B to C-WP/15323), as well as considering the associated impact assessments (Appendix D to C-WP/15323), the Council by 33 votes in favour, none against and no abstentions (three Representatives being absent):

- a) adopted, as Amendment 29 to Annex 9 — *Facilitation*, the amendments to definitions and to Standards and Recommended Practices (SARPs), including the Notes, as contained in Appendix C to the working paper, on the understanding that the language versions of the documentation would be aligned accordingly;
- b) approved the Draft Resolution of Adoption, as contained in Appendix F to the working paper;
- c) approved, as part of Amendment 29, the revised Foreword to Annex 9 — *Facilitation*, as contained in Appendix G to the working paper; and

- d) approved the proposed effectiveness date of 18 July 2022 and applicability date of 18 November 2022, as suitable for the implementation of Amendment 29 to Annex 9.

Any other business

Settlement of Differences: discontinuance of the proceedings against the Kingdom of Saudi Arabia in Application (A) – the State of Qatar and the Kingdom of Bahrain, the Kingdom of Saudi Arabia and the United Arab Emirates (2017)

12. The Council took note of the information presented by the President of the Council with respect to the discontinuance of the proceedings against the Kingdom of Saudi Arabia in Application (A), which had also been circulated in advance of the present meeting by means of PRES memorandum SS/3307, on 8 March 2022; and

13. In welcoming the positive developments on this matter, agreed to officially record the discontinuance of the proceedings against the Kingdom of Saudi Arabia in Application (A), in accordance with Article 17 (2) of the *Rules for the Settlement of Differences* (Doc 7782/2).

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