



C-DEC 228/1
15/3/23

COUNCIL — 228TH SESSION

FIRST MEETING

(COUNCIL CHAMBER, MONDAY, 13 MARCH 2023, AT 1430 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Opening of the Session

1. The Council took note of the information presented by the President of the Council in relation to the proceedings pertaining to the 228th Session. The Council also took note of the information concerning his attendance at relevant international meetings during the recess, it being understood that this information was also available on the ICAO public website.

Welcome to new Representatives

2. The Council warmly welcomed the newly-appointed Representatives of Japan (Mr. Takeshi Akamatsu) and the Republic of Korea (Mr. Jae Wan Lee), as well as the Alternate Representative of Canada, Chargé d’Affaires (Mr. Douglas Scott Proudfoot).

Item to be deferred to 229th Session

3. The Council agreed that the item “Amendments to the ICAO Service Code” would be deferred to the 229th Session.

Items to be presented for information

4. It was recalled that this was the first session in which a new streamlined approach was being implemented on a trial-basis, whereby certain items that were traditionally tabled for consideration in the Council would now be available for information purposes on the Council portal under the section “Items presented for information”. It was noted that notwithstanding this new procedure, Council Representatives could still request to table any of these items for consideration by the Council.

Election of the Third Vice-President of the Council

5. The Council considered this item on the basis of C-WP/15478, which related to the election of the Third Vice-President of the Council, a post that had become vacant due to the departure of the incumbent, Dr. Sangdo Kim (Republic of Korea).

6. 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.

7. On the nomination of the Representative of Iceland, seconded by the Representatives of Chile and Qatar, the Council elected Dr. Bader Al-Sagri (Saudi Arabia) as its Third Vice-President for the remainder of the 2022-2023 term, with immediate effect from the 228th Session, pursuant to Appendix B of its Rules of Procedure.

8. In electing the incoming Vice-President, the Council expressed its appreciation to the outgoing Third Vice-President, Dr. Sangdo Kim (Republic of Korea).

Review of differences to Annex 17 notified by States

9. The Council considered this item on the basis of C-WP/15470, which summarized information received from Member States in response to State letter AS 8/2.1-22/20, dated 17 March 2022 and Corrigendum of 19 April 2022, concerning the adoption of Amendment 18 to Annex 17 – *Aviation Security*. The Council also had for consideration an oral report thereon from the Aviation Security Committee (ASC).

10. Following consideration, the Council:

- a) took note of the compliance information and reported differences contained in Appendices A and B to C-WP/15470; and
- b) authorized the transmission of a State letter advising of the differences to Annex 17 notified by Member States, with reference to specific Annex provisions, without disclosing the details of the differences.

Cybersecurity activities

11. The Council considered this item on the basis of an oral report from the Aviation Security Committee (ASC), and endorsed the conclusions reached by the Committee, as follows:

- a) noted with concern the lack of sufficient funding in the regular budget for the high-priority work on aviation cybersecurity, also noting the shortage of available experts and the high level of remuneration expectations, and remarked that this is not a new or emerging issue since two budget cycles have passed;
- b) recognized the Secretariat's efforts in trying to cope with limited resources to continue the work on aviation cybersecurity and noted the importance of an integrated, One ICAO response to this priority;
- c) acknowledged the issues currently faced and thanked the Secretariat for its commitment to set up the Ad-Hoc Cybersecurity Coordinating Committee of the Council (AHCCC) through reallocation of tasks and temporary sharing of resources

between the Air Navigation and Air Transport Bureaux, showing flexibility and inter-Bureau cooperation;

- d) expressed appreciation to the Member States that had provided support on aviation cybersecurity, and encouraged others to offer any support they can provide to the work programme, including through remote support for dedicated tasks; and
- e) highlighted the importance of considering aviation cybersecurity in the ongoing work of the Small Group on Budget Sustainability.

12. The Council also reiterated the importance of the ongoing work in relation to the International Aviation Trust Framework, and requested the ANC to report to the Council in this regard at the next Session.

Annual Report of the Ethics Officer for 2022

13. The Council considered this item on the basis of C-WP/15474, which reported on the activities undertaken by the ICAO Ethics Officer during the period from 1 January to 31 December 2022. The Council also had for consideration an oral report thereon from the Committee on Governance (COG).

14. Following consideration, the Council:

- a) took note of the information contained in C-WP/15474, and while welcoming the valuable progress made over the reporting period, acknowledged that extensive work remained to be completed with respect to ethics, as outlined in the working paper;
- b) reaffirmed the importance of this function to the work of the Organization, and in doing so, requested that adequate resources be allocated to the Ethics Office, as appropriate, with a view to ensuring that the Ethics Office would be in a position to fulfill its mandate;
- c) invited the Secretary General to give due consideration to the recommendations outlined in paragraphs 4.3 and 4.4 of the annual report of the Ethics Officer;
- d) noted the discussions held in the Committee on Governance with respect to potentially amending the title of the position of Ethics Officer and agreed to defer a final decision in this regard until a later stage on the basis of a more in-depth analysis to be undertaken by the Secretariat; and
- e) agreed that in the context of the 2023 annual reports from both the Ethics Officer as well as the investigative entity, the Council should take the opportunity to review the efficiency and cost-effectiveness of the current arrangements pertaining to the outsourcing of the Organization's investigative function to the United Nations (UN) Office of Internal Oversight Services (OIOS).

Progress Report on the Implementation of the ICAO Policy on Interactions with External Parties

15. The Council considered this item on the basis of C-WP/15475 and Corrigendum No. 1, which reported on the activities undertaken by the Committee on Cooperation with External Parties (CCEP) since the last progress report was presented during the 225th Session (C-DEC 225/3). The Council also had for consideration an oral report thereon from the Committee on Governance (COG).

16. Following consideration, the Council:

- a) took note of the information presented in C-WP/15475 and Corrigendum No. 1, and in so doing, approved the actions outlined in paragraph 5.1 of the working paper; and
- b) requested the CCEP to present its annual report on activities relating to the implementation of the Policy, during the 231st Session, on the understanding that this would be subject to the outcome of the Council's deliberations concerning whether there was a continuing need for the CCEP, in the context of its consideration of C-WP/15462, at a subsequent meeting.

Progress Achieved by the Committee on Relations with the Host Country (RHCC)

17. The Council considered this item on the basis of an oral report presented by the Chairperson of the Committee on Relations with the Host Country (RHCC), as well as introductory remarks from the Representative of Canada.

18. Following consideration, the Council:

- a) took note of the information provided by the RHCC, including in relation to the status of issues under consideration by the Committee, as appended to the oral report, and in this connection, encouraged the Secretariat, host State authorities and members of the RHCC to continue to progress these matters;
- b) noted the concerns raised in relation to the timely issuance of Canadian entry visas, and in this connection, requested that the Secretariat conduct a survey of Resident National Delegations on their related experiences, while also urging the Secretariat to work with the Host State authorities to explore possible solutions to this long-standing issue; and
- c) took note of the ongoing challenges faced by the ICAO diplomatic community in obtaining access to family doctors in Québec, and recalling its previous decision in this regard (C-DEC 227/5, refers), requested the Secretariat to undertake a survey of Resident National Delegations, on the basis of the options identified by the Secretariat, including potential associated costs, with a view to resolving this issue effectively and expeditiously, and in this connection, further requested the Secretariat to explore possible solutions to ensure that all family members would be assigned to the same family doctor, to the extent practicable.

Procedure for inclusion in the *List of international organizations that may be invited to attend suitable ICAO meetings*

19. The Council considered this item on the basis of C-WP/15477, which pursuant to C-DEC 225/3, presented a revised written procedure for the assessment of requests from international organizations to be included in the *List of international organizations that may be invited to attend suitable*

ICAO meetings as an observer. The paper further submitted three international organizations to be considered for inclusion in said List. The Council also had for consideration an oral report thereon from the Committee on Governance (COG).

20. Following consideration, the Council:

- a) approved the revised written procedure presented in the Appendix to C-WP/15477, subject to the incorporation of the additional amendments proposed by the COG, as appended to its oral report, and as attached to the present decision; and
- b) approved the requests from the International Association of Aviation and Aerospace Education (ALICANTO), the International Council of Aeronautical Science (ICAS) and the International Port Community Systems Association (IPCSA) to be added to the *List of international organizations that may be invited to attend suitable ICAO meetings*, as observers.

Any other business

Council Observer Portal

21. Recalling its previous decision on the matter (C-DEC 227/6, sub-paragraph 8 g), refers), the Council noted the information presented by the President of the Council regarding the ongoing work of the Secretariat, in consultation with Council Observers, to establish an appropriate mechanism to ensure Observers' access to relevant Council information.

Severe Air Turbulence and the effects of Climate Change

22. In recalling that an *ANC Talk* had recently been convened on the subject of severe air turbulence and the effects of climate change, the Council noted that the President of the Air Navigation Commission would provide a report to the Council on this issue at an upcoming meeting of the current session.

Mahan Air Flight

23. In relation to the e-mail messages circulated by the President of the Council on 4 and 11 January 2023 regarding a Mahan Air Flight, the Council noted that additional information would be provided by the Secretary General in that regard during the next meeting of the Council, under Any other business, on Wednesday, 15 March 2023.

Request from Observers to participate in closed meetings of the Council

24. Pursuant to email notifications circulated by the President of the Council in December 2022 and January 2023, and in accordance with Rule 32 a) of the Rules of Procedure for the Council, it was noted that Ms. Delphine Micheaux Naudet (European Union); Mr. Michael Rossell and, in his absence Ms. Nathalie Herbelles, (ACI); Mr. Carlos Cirilo and, in his absence Ms. Michelle Bishop, (CANSO); Mr. Michael Comber (IATA); Mr. Andreas Meyer and, in his absence Mr. Kurt Edwards, (IBAC); Mr. Daniel Carnelly and, in his absence Ms. Nina Brooks, (ICCAIA); and Mr. Brian Shury and, in his absence, Mr. Sebastián Currás-Barrios, (IFALPA), had been invited to participate as Observers during the 228th Session of the Council's consideration in closed session, of items related to aviation safety and security, as appropriate.

Appointment of Alternates on the Air Navigation Commission (ANC)

25. It was noted that in the absence of comments by 23 January 2023, to the President of the Council's email dated 16 January 2023, Mr. Alain Vandenabeele, nominated by the Government of Austria, had been appointed to serve as Alternate to Mr. Albano Coutinho on the Air Navigation Commission, with effect from 12 January 2023.

26. It was also noted that in the absence of comments by 2 February 2023, to the President of the Council's email dated 26 January 2023, Mr. Markus Hubbert, nominated by the Government of Germany, had been appointed to serve as Alternate to Mr. Nabil Naoumi on the Air Navigation Commission, with effect from 25 January 2023.

27. Subsequent to the above, it was noted that in the absence of comments by 22 February 2023, to the President of the Council's email dated 15 February 2023, Mr. Markus Hubbert, nominated by the Government of Germany, had been appointed as a Member on the Air Navigation Commission, to succeed Mr. Nabil Naoumi, with effect from 17 February 2023.

Appointment of a Member of the Technical Advisory Body (TAB)

28. It was noted that in the absence of comments by 12 December 2022 to the President of the Council's email dated 1 December 2022, Ms. Karoliina Anttonen had been appointed to serve as Member from Sweden to the TAB, to replace Ms. Ulrika Raab, with effect from 13 December 2022.

Appointment of a Member and Observer to the Committee on Aviation Environmental Protection (CAEP)

29. It was noted that in the absence of comments by 8 December 2022 to the President of the Council's email dated 24 November 2022, Mr. Stewart D'Leon has been appointed as the Observer from IBAC to CAEP, replacing Mr. Bruce Parry, with effect from 9 December 2022.

30. It was also noted that subsequently in the absence of comments by 2 February 2023 to the President of the Council's email dated 19 January 2023, Capt. Claude Hurley had been appointed as the Observer from IBAC to CAEP, replacing Mr. Stewart D'Leon, with effect from 3 February 2023.

31. It was further noted that in the absence of comments by 23 February 2023 to the President of the Council's email dated 9 February 2023, Ms. Rebecca Udvardi had been appointed as the CAEP member from Australia, to replace Ms. Sarah Millard while on extended leave, with effect from 24 February 2023.

Extension of Membership of the Evaluation and Audit Advisory Committee (EAAC)

32. It was noted that in the absence of objection by 16 February 2023 to the President of the Council's email dated 9 February 2023, Mr. Damian Brewitt, Chairperson of the EAAC, along with the other two members of the committee, Ms. Colette Drinan and Mr. Richard Brisebois, had accepted an extension of their mandates on an exceptional basis for a further period of up to three years.

APPENDIX

AMENDMENTS PROPOSED BY THE COMMITTEE ON GOVERNANCE (COG) TO THE REVISED PROCEDURE FOR INCLUSION IN THE *LIST OF INTERNATIONAL ORGANIZATIONS THAT MAY BE INVITED TO ATTEND SUITABLE ICAO MEETINGS*

1. The *List of international organizations that may be invited to attend suitable ICAO meetings* (“the List”) is divided in four categories: United Nations (including UN Programmes and Regional Economic Commissions); Specialized Agencies; Other intergovernmental organizations; and Non-governmental organizations. Inclusion in the List does not grant automatic rights to attend ICAO meetings and *ad hoc* invitations are always required. If an international organization is not on the List and was not invited to a meeting, it could still request an invitation. A public (intergovernmental) or private (non-governmental) international organization not on the List may wish to submit a request to ICAO for inclusion therein. Requests from subsidiary or regional organizations of a global organization already on the List shall not be considered.
2. Any request for inclusion in the List is to be formally submitted by the Chief Executive Officer of the international organization concerned, with relevant information demonstrating compliance with the following criteria applicable to either intergovernmental or non-governmental international organizations.
3. To be considered, an intergovernmental organization shall:
 - a) have activities involving international civil aviation;
 - b) be set up by a convention, treaty or agreement to which the parties are States;
 - c) have a governing body composed of members designated by governments;
 - d) have income mainly coming from governmental contributions;
 - e) demonstrate the desirability of concluding formal agreements relating to cooperation with ICAO, consistent with applicable ICAO policies, principles and values;
 - f) have preferably two years of a history of cooperation with ICAO such as participation in ICAO meetings or activities; and
 - g) endeavour to grant to ICAO where appropriate reciprocal rights for representation at meetings and exchange of documentation.
4. To be considered, a non-governmental international organization shall:
 - a) have activities involving international civil aviation;
 - b) be international in its structure and scope of activity and have a wide and well established international representation with members or component branches or affiliated bodies in a sufficient number of States;

- c) ~~have permanent headquarters,~~ possess a governing ~~international~~ body ~~with permanent character~~ and have authorized representatives, systematic procedures and machinery for communicating with its membership in various countries;
- d) have ~~preferably a minimum of~~ two years of existence and be sufficiently representative of the field of interest in which it operates;
- e) identify its sources of funding (e.g. public funding, private funding, membership fees, income from events);
- f) have aims and objectives consistent with the ICAO principles and values as also laid down in the *Convention on International Civil Aviation*;
- g) have a recognized standing that renders its views on policy a matter of great interest to ICAO and its Member States;
- h) be concerned with matters covering a substantial portion of ICAO's field of activity and expected to make substantial contributions to ICAO's work;
- i) have ~~preferably a minimum of~~ two years of history of cooperation with ICAO such as participation in any ICAO meetings or activities; and
- j) ~~endeavour to grant to ICAO where appropriate~~ reciprocal rights for representation at meetings and exchange of documentation.

5. Upon receipt of a request for inclusion on the List, the Legal Affairs and External Relations Bureau (LEB) coordinates the review process. If the information contained in the request is found to be insufficient against the above-mentioned applicable criteria, the Secretariat, through LEB, shall seek additional details from the international organization. The review would also take into consideration potential reputational risks for ICAO.

6. The Bureaus/Offices concerned by the mandate and activities of the international organization will be consulted on the request. On the basis of the information received by LEB, possible independent research and the views expressed by the Bureau(s)/Office(s) concerned, an inter-office memorandum (IOM) with Secretariat recommendations will be addressed to the President of the Council for consideration. On the basis of the IOM from the Secretariat and any additional consultation as necessary, the President shall determine whether a particular request meets the applicable criteria and is comprehensive, solid and informative enough for submittal to the Council.

7. If the President considers, in view of the applicable criteria, that the request of an organization is premature or inappropriate for consideration, a letter will be sent by LEB to the Chief Executive Officer, advising so and informing, as appropriate, if the international organization is nevertheless welcomed to submit requests for attendance at ICAO meetings which are of specific interest to it, on an *ad hoc* basis, indicating the reasons for such interest as well as the potential benefits of this participation for ICAO.

8. If the President considers that the request meets the applicable criteria and wishes to respond favourably to it, a Council working paper presented by the President is prepared for the Council's

consideration, providing all the pertinent information on the international organization concerned along with the applicable criteria.

9. The List shall be updated upon Council's approval of the inclusion of the organization. If the Council does not approve the request, a letter will be sent by LEB to the Chief Executive Officer, to advise so and to confirm that the international organization is nevertheless welcomed to submit requests for attendance at ICAO meetings which are of specific interest to it, on an *ad hoc* basis, indicating the reasons for such interest as well as the potential benefits of this participation for ICAO.

10. The appropriateness of maintaining intergovernmental and non-governmental international organizations on the List shall should be regularly re-assessed ~~every three years~~ by the Council, on a non-discriminatory basis, in order to verify that the organizations continue to comply with the applicable criteria.

— END —