



C-DEC 228/9
3/4/23

COUNCIL — 228TH SESSION

NINTH MEETING

(COUNCIL CHAMBER, WEDNESDAY, 29 MARCH 2023, AT 1000 HOURS)

SUMMARY OF DECISIONS

CLOSED MEETING

Not available

OPEN MEETING

Enhancing the efficiency of the working methods of the Council and its subsidiary bodies: lessons learned

4. The Council considered this item on the basis of C-WP/15462 and Corrigendum No. 1, which pursuant to C-DEC 223/3, presented a review of the lessons learned and the assessment of the workload on the Secretariat resulting from the new structure of the Council and its Subsidiary Bodies.

5. Following consideration, the Council:

- a) acknowledged that the changes which had been recently introduced to the structure of the Subsidiary Bodies of the Council and to its working methods had made a positive impact in terms of enhancing the efficiency and effectiveness of the work of the Council;
- b) took note of the information contained in the working paper and the comments of the COG thereon, and with a view to continuing efforts to improve the efficiency of the Council and its subsidiary bodies, agreed that further deliberations would be required, including with respect to:
 - i. identifying options to facilitate greater focus on strategic-level issues and challenges facing the Organization and the international civil aviation sector and taking into account the reporting of activities by the Secretariat, as outlined in 4.3 and 4.5 of C-WP/15462;
 - ii. carrying out a review of the mandates of the Human Resources Committee (HRC), and the Committee on Cooperation with External Parties (CCEP);
 - iii. the establishment and application of an ICAO accountability framework;
 - iv. whether the principle of open membership should be extended to all Council Committees;
 - v. documentation management;
 - vi. the impact of the new working methods on multilingualism;

- vii. the input and functioning of the Council and Committee Small Groups, and the provision of administrative support for their activities;
 - viii. means to improve transparency and effectiveness in the exchange of information between the Secretariat and the Council, in a manner that would aim to complement existing mechanisms; and
- c) invited the Chairperson and Vice-Chairperson of the COG to undertake consultations with the members of the Council and the Secretary General, taking into account the issues identified in b), above, on the understanding that a summary report of the outcome of this consultation process would be presented to the Council in the context of the upcoming Council Off-site Strategy Meeting (COSM) for further consideration.

Council Off-site Strategy Meeting

6. The Council considered this item on the basis of an oral report from the President of the Council. The Council took note of the supplementary information provided by the President with respect to the theme and structure for the Council's discussions during the COSM, as well as the logistical and administrative arrangements. It was understood that additional details in this regard would be circulated to the Council via email, in due course.

Work Programmes of the Council and its Committees for the 229th Session

7. The Council considered this item on the basis of C-WP/15463, which presented the work programmes of the Council and its Committees for the 229th Session. The Council also had for consideration an oral report thereon from the Committee on Governance (COG).

8. Following consideration, the Council:

- a) approved the work programme of the Council and its Committees for the 229th Session, as contained in C-WP/15463, taking into consideration the comments of the COG in this regard, as well as the points raised over the course of the Council discussion, particularly with respect to CAAF/3 and LTAG;
- b) noted that in relation to the item "Report on the Assessment of Member States Needs and Expectations", as contained in Appendix G to the working paper, the ANC would be given an opportunity to provide its views thereon, as needed;
- c) also approved the list of proposed informal briefings, as provided in Appendix A to the COG oral report, as well as an additional briefing on the implications of COVID-19 for the aviation industry, with the understanding that some briefings would be scheduled during the week preceding the Committee phase, from 1 to 5 May 2023;
- d) took note of the proposed list of items to be shared for information purposes, as reflected in Appendix B to the COG oral report, and in so doing, recalled that Council Representatives retained the right to propose additional items for consideration by the Council or the Committees, as required; and
- e) noted that the decisions taken by the Council over the course of the current Session that affect the Work Programme for the 229th Session in terms of supplementary items, amendments to existing items, or deferrals of items, and that are not currently reflected, would be incorporated in a revised version of C-WP/15463, which would be issued in due course.

Any other business

Outcome of the informal Council meeting with Financial Institutions

9. The Council took note of the information presented by the President of the Council regarding the discussions held during the Council's informal meeting with financial institutions on aviation decarbonization, which was held on Tuesday, 28 March 2023, and on the next steps in this regard.

10. Following consideration, the Council:

- a) reaffirmed the importance of ICAO's continued and sustained engagement with financial institutions, private sector investors and fuel producers, and in this connection, recalled that high-level exchanges with private investors and fuel producers, respectively, would be held during the 229th Session of the Council;
- b) recalled Resolution A41-21, and in this context, underlined the need for ICAO to undertake efforts to initiate and facilitate public-private partnerships, with the intention that the outcomes of these exchanges could serve as inputs to the preparations leading to the CAAF/3 meeting in November 2023;
- c) also emphasised the importance for the Secretariat to continue this dialogue with the financial institutions with respect to ICAO technical cooperation programmes, in order to ensure alignment with numerous ICAO priorities, including the achievement of LTAG-related goals, as well as to continue the work on the feasibility study for the development and deployment of SAF; and
- d) invited the President of the Council to write to the Executive Heads of financial institutions, with a view to laying the foundation for strengthened cooperation, and maintaining the momentum for further dialogue with these institutions, in the future.

Evaluation and Audit Advisory Committee (EAAC) Revised Terms of Reference

11. The Council considered this matter on the basis of an oral update provided by the Chairperson of the Committee on Governance (COG), which pursuant to C-DEC 227/7, paragraph 3 f), reported on the Committee's further consideration of clause 5.3 of the revised EAAC Terms of Reference (TORs). The Council also noted the additional information provided by the Director, Legal Affairs and External Relations Bureau (D/LEB) in this regard.

12. In expressing its appreciation to the COG for having reflected further on the matter, the Council, agreed to amend clause 5.3 of the revised EAAC TORs, as proposed by the COG, as follows:

"5.3 ICAO will indemnify and hold members of the EAAC harmless from and against any claims, damages or losses suffered by them as a result of activities performed in the course of exercising their responsibilities, as long as those activities are performed in good faith and with due diligence and that ICAO is immediately informed of any situation in which such claims, damages or losses may arise."

Report of the Small Group on Innovation (SGI)

13. The Council took note of the oral update delivered on behalf of the Chairperson of the Small Group on Innovation (SGI), which provided an interim report on the progress made by the Small Group to date. It was understood that the Small Group would report further on its work to the Council, during the 229th Session.

Update regarding Mahan Air and flight diversion events

14. In accordance with C-DEC 228/2, paragraph 5, the Secretary General reported on the outcome of the Secretariat's analysis of the potential safety, security and legal implications of events such as the recent Mahan Air Flight en route from Teheran, Islamic Republic of Iran, to Dubai, United Arab Emirates on 26 December 2022. While noting the additional information provided in this regard, the Council expressed concern over such events, in which a commercial flight may be disrupted for any reason, and which in turn, may have a negative impact on aviation operations. In this connection, the Council requested the Secretariat to continue to monitor similar events, and to keep the Council apprised of developments, as may be necessary.

Update on gender equality

15. The Council took note of the information provided by the Chairperson of the Small Group on Gender, particularly with respect to ICAO State letter M 17.4 – 23/24, dated 23 March 2023 regarding the exchange of best practices on gender equality and the promotion of women in the global aviation sector, and in this regard, urged Member States to submit a reply at the earliest opportunity.

Consideration of an item by written procedure

16. It was noted that in the absence of comments by 27 March 2023, to the President of the Council's email dated 20 March 2023, it was considered that the Council had approved the proposed amendment to the *ICAO Vendor Sanction Policy*, as contained in C-WP/15481.

Space debris

17. The Council took note that information would be provided in this regard, in due course.

Appointment of an Alternate on the Air Navigation Commission (ANC)

18. It was noted that in the absence of comments by 29 March 2023, to the President of the Council's email dated 22 March 2023, Ms. Nicole Mikel-Brumfield, nominated by the Government of the United States, had been appointed to serve as Alternate to Mr. Donald Ward on the Air Navigation Commission, with effect from 21 March 2023.