



## 理事会—第 230 届会议

### 第四次会议

(2023 年 11 月 6 日，星期一，14 时 30 分，理事会会议厅)

### 决定摘要

### 公开会议

#### 修订创收活动政策

1. 理事会根据 C-WP/15507 号文件以及本次会议前通过电子邮件传发给所有代表的理事会主席提交的关于经修改的《创收活动的政策》第 3.1e) 段的更新提案（参见 C-DEC 230/3 号决定），恢复了其对这一项目的审议。

2. 经过审议，理事会同意了对第 3.1e) 段进行如下修订：

“3.1 创收活动须遵循以下原则：

[……]

e) 创收活动须以透明方式进行，并且符合上述第 3.1 (b) 段概述的原则。可以与成员国、国际组织、国家和国际非政府组织、私营部门和公众合作开展这些活动，同时完全遵守与外部各方进行互动的政策。涉及私营部门和公众的创收活动必须完全透明，接受理事会的监督和定期审查。”

3. 理事会注意到，根据治理委员会以及理事会在其审议过程中作出的修改，所商定的经修改的《创收活动的政策》的案文将载于理事会本项决定附录当中。

#### 关于在能力发展和实施局实施新的质量管理做法的提案

4. 理事会根据 C-WP/15504 号文件审议了这一项目，该文件介绍了一项关于针对能力发展和实施 (CDI) 局的新的质量管理做法的提案。理事会还审议了技术合作和实施支助委员会 (TCC) 对此的口头报告。

5. 经过审议，理事会：

a) 注意到了根据秘书长在其 2023 年 10 月 30 日的电子邮件中向理事会分发的秘书处针对技术合作和实施支助委员会在其口头报告第 7 段中强调的问题提供的补充说明；

- b) 表示承认秘书处将在 2023 年 11 月即本月处理国际标准化组织的审计，随后国际标准化组织的认证将在 2024 年全年有效；
- c) 根据上述 a) 段和 b) 段的澄清，原则上核准了 C-WP/15504 号文件所载拟议新的能力发展和实施质量管理体系（QMS）的做法；和
- d) 要求秘书处着手实施能力发展和实施质量管理体系进程的拟议过渡计划，对此的理解是，将提交对该进程成果和经验教训的分析以及关于拟议的新的质量管理体系的任何建议，供理事会在第 233 届会议期间审议。

### 召开法律委员会第 39 届会议

6. 理事会根据 C-WP/15527 号文件及其第 1 号更正审议了这一项目，该文件提出了关于召开法律委员会第 39 届会议的建议。

7. 经过审议，理事会：

- a) 批准了于 2024 年 6 月 25 日至 28 日在国际民航组织总部召开法律委员会第 39 届会议；
- b) 进一步批准了 C-WP/15527 号文件附录 A 所载的法律委员会第 39 届会议临时议程；
- c) 同意了邀请所有非缔约国以及 C-WP/15527 号文件附录 B 所列的国际组织出席法律委员会第 39 届会议；
- d) 忆及了与通过国际民航组织大会第 41 届会议汲取的经验教训有关的工作中出现的某些问题，可能需要法律委员会提供咨询建议，并将酌情予以适时通报；和
- e) 对法律委员会工作方案项目 6（研究与为国际空中航行服务提供支持的全球卫星系统和服务相关的国际法律问题）的工作在过去几年没有进展的这一事实表示了关切，并为此鼓励法律委员会审查以前就这一项目开展的工作，以期加快进展并审议各国可能提出的具体建议。

### 国际民航组织秘书处的内部司法

8. 理事会根据 C-WP/15528 号文件审议了这一项目，该文件提议本组织接受联合国争议法庭（UNDT）的管辖作为国际民航组织的一审司法。理事会还审议了治理委员会（COG）对此的口头报告。

9. 经过审议，理事会：

- a) 同意了接受联合国争议法庭（UNDT）的管辖作为国际民航组织对就业相关争议的一审司法机构，同时认识到这样做可能有助于增强工作人员对司法系统独立性的信心，以取代由内部管理的上诉委员会的现行系统；
- b) 根据上述 a) 段，要求秘书处完成相关的行政和财务安排，并为此请秘书处与国际民航组织工作人员协会协商，继续探索通过联合国工作人员法律援助办公室（OSLA）向国际民航组织工作人员提供获取法律代理的可能安排；

- c) 进一步要求秘书处在切实可行的情况下，同时虑及治理委员会在其口头报告中就此提出的建议，尽快向理事会提交所需的包括过渡安排在内的经修改的监管框架供其批准；和
- d) 请秘书处审议各种选项，使提交理事会的年度诉讼报告所载的信息更加详细，同时为所有个案保密。

#### **2024 年至 2026 年辅助创收基金（ARGF）的预算和运行计划**

10. 理事会根据 C-WP/15505 号文件审议了这一项目，该文件根据《创收活动的政策》介绍了 2024 年至 2026 年辅助创收基金（ARGF）的预算概算及相关的运行计划。理事会还审议了财务委员会（FIC）对此的口头报告。

11. 经过审议，理事会：

- a) 满意地注意到了 C-WP/15505 号文件所载的信息，并为此对辅助创收基金的良好执行情况，特别是对 2023 年辅助创收基金的当前和预计运行盈余表示了欢迎；和
  - b) 核准了 2024 年辅助创收基金的预算和运行计划，并为规划目的注意到了 2025 年和 2026 年的预算和运行计划。
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## APPENDIX

### REVISED POLICY ON REVENUE-GENERATING ACTIVITIES

#### POLICY ON REVENUE-GENERATING ACTIVITIES

##### PREAMBLE

The Regular Budget of ICAO is mainly financed by assessments from Member States. In order to ensure programme delivery, the generation of additional revenues is required to supplement the funding sources for the Regular Budget of the Organization.

Revenue-generating activities generate funds from the intellectual property of the Organization ~~in order to~~ and other activities supporting the Strategic Objectives and ICAO programmes.

#### 1. OBJECTIVES

1.1 The objectives of revenue-generating activities are, inter alia:

- a) Develop and promote products and services which protect and augment the intellectual property of the Organization ~~and or~~ which facilitate the implementation of Strategic Objectives of ICAO;
- b) Support unfunded activities in the ICAO Business Plan; and
- c) Identify and explore potential revenue-generating opportunities which invest in the aims and objectives of the Organization.

#### 2. SCOPE OF ACTIVITIES

2.1 Revenue-generating activities can be categorized into two types:

- a) Those activities and assets that are required in order to implement and add value to the Organization's Strategic Objectives or to sustain and ensure quality of Work Programme support (such as publications, training, symposia and seminar events, licensing and other forms of knowledge sharing); and
- b) Those activities that are related to maximizing the use of assets of the Organization, such as renting out conference facilities and unused space, or providing support services to other UN organizations.

2.2 Some activities mentioned in paragraph 2.1 above are conducted on a cost-recovery basis, including but not limited to the operation of the Commissariat, rental of office space to Delegations on the Council, provision of conference facilities and services to accredited resident National Delegations, and training activities provided to officials of Member States.

2.3 Revenue-generating activities beyond the scope of paragraph 2.1 shall ~~will~~ be presented to the Council for endorsement.

### 3. PRINCIPLES

3.1 Revenue-generating activities shall be governed by the following principles:

- a) Revenue-generating activities shall be consistent with ICAO Strategic Objectives and the regulatory role of ICAO; Bureaus and Regional Offices support sharing and growing intellectual property;
- b) Revenue-generating activities shall be pursued in accordance with ICAO Assembly resolutions and Council decisions. Revenue-generating activities shall comply with the ICAO Framework on Ethics, the *Policy on Interactions with External Parties*, relevant regulations, rules and policies as well as all applicable laws, and relevant host state agreements;
- c) ICAO personnel shall not receive any benefits for involvement in revenue-generating activities;
- d) The surplus from revenue-generating activities shall be used to supplement the Regular Budget of ICAO for an amount established ~~in the Regular Budget~~ by the Assembly;
- e) Revenue-generating activities shall be pursued in a transparent way and in accordance with the principles outlined in paragraph 3.1 b) above. They may be conducted in cooperation with Member States, international organizations, national and international non-governmental organizations, the private sector and general public, in full compliance with the *Policy on Interactions with External Parties*. Revenue-generating activities involving the private sector and general public shall be subject to full transparency, oversight and periodic review by the Council.”

### 4. GOVERNANCE

4.1 The Council shall approve the policy and its future amendments.

4.2 The Council shall provide general direction, guidance, monitoring and oversight to the Ancillary Revenue Generation Fund (ARGF).

4.3 The Secretary General shall establish and publish internal governance structures that ensure the efficient and effective management of the ARGF in the form of Administrative Instructions, Terms of Reference and Rules of Procedure consistent with the ICAO Accountability Framework to ensure adherence to principles described in paragraph 3.

### 5. RESPONSIBILITY

5.1 The Secretary General shall be responsible for directing the coordination of the overall business planning and revenue-generating activities across the Organization, as well as for monitoring performance and reporting results.

5.2 The Secretary General ensures compliance and facilitates oversight of the policy by the Council.

5.3 The Secretary General shall further develop procedures to implement this policy.

5.4 The Secretary General may delegate such of the Secretary General's functions and powers under the policy as the Secretary General may consider necessary or advisable for the efficient discharge of responsibilities.

## 6. FINANCIAL ASPECTS

6.1 The ARGF was established by the ICAO Council for the purpose of centrally managing and reporting income earned and related expenditures from self-financing and revenue-generating activities.

6.2 Financial data related to the ARGF shall be segregated, analyzed and reported separately.

6.3 An operational reserve from ARGF revenues shall be set at 25 per cent of the three-year average gross revenues of the ARGF.

6.4 In the event of a deficit at the end of a financial year, the deficit shall be funded by the accumulated ARGF surplus, or, if not sufficient, by the ARGF operational reserve.

6.5 In the event of a surplus above the amount established in the Regular Budget, the Secretary General may allocate an amount up to twenty percent of the established amount ~~resources~~ for unfunded ICAO Business Plan priority activities or activities to further enhance revenue generation and report on such allocations to the Council.

## 7. OVERSIGHT

7.1 In compliance with Financial Regulation 7.3 c), ARGF budgetary estimates, showing income, expenditure and estimated transfers to finance the Regular Budget shall be approved by the Council on a triennial basis. Thereafter, an annual budget and operating plan for the ARGF shall be presented to the Council. Any decrease in revenue or increase in costs for the year in excess of 10 per cent over the amount approved by the Assembly, or previously approved by the Council, shall be presented to the Council for review and endorsement. ~~An annual budget and operating plan for the ARGF shall be presented to the Council for review and endorsement.~~

7.2 Financial results shall be reported periodically to the Council in a transparent and timely manner no less than quarterly by activity and no less than annually for key performance indicators as set out in the annual Operating Plan.

7.3 The financial results of the ARGF shall be subject to ~~audited annually as part of ICAO's~~ external audit as part of the annual external audit of ICAO's financial statements, and periodical internal audits, as appropriate.

8. COMING INTO EFFECT AND AMENDMENT

8.1 This policy ~~may be amended from time to time and~~ shall come into effect upon approval by the Council.

8.2 This policy may be amended from time to time, with any such amendments being subject to approval by the Council.

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