



C-DEC 232/3
13/06/24

COUNCIL — 232ND SESSION

THIRD MEETING

(COUNCIL CHAMBER, MONDAY, 10 JUNE 2024, 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 232nd 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.

Condolences

2. The Council expressed its sincere condolences to the government and peoples of the Islamic Republic of Iran on the recent passing away of the country's President, His Excellency, Mr. Seyyed Ebrahim Raisi.

Amendments to the calendar of meetings for the 232nd Session

3. On the basis of the President memorandum SS/3607 Revision No. 5, dated 7 June 2024, the Council took note of the following amendments to the calendar of meetings for the current session:

- a meeting of the Climate and Environment Committee (CEC) would be convened on Tuesday, 11 June 2024 in the afternoon;
- the informal briefing relating to the 2026 to 2028 ICAO Business Plan had been re-scheduled from Wednesday, 12 June to Wednesday, 19 June 2024;
- a Council tour of the Air Transat facilities would take place on Thursday, 13 June 2024 in the morning;
- a meeting of the Air Transport Committee would be convened on Monday, 17 June 2024 in the morning; and
- the first oral hearings in the matter relating to the Settlement of Differences: Australia and the Kingdom of the Netherlands and the Russian Federation (2022), would be held all day on Tuesday, 18 June 2024 and Thursday, 20 June 2024.

Amendments to the work programme of the Council for the 232nd Session

4. On the basis of a proposal by the President of the Council, and in addition to the amendments circulated from the President of the Council by e-mail, dated 30 April 2024, the Council agreed

to further amend its work programme for the current session, as set forth in Appendix A to C-WP/15539 Revision No. 1, as follows:

- Add the working paper, *Report of the ICF Steering Group* (C-WP/15603);
- Add an oral update from the Representative of Austria pertaining to recent episodes of clear air turbulence (CAT);
- Add an oral update from the Representative of France relating to GNSS interference;
- Add an item to be presented by the Representative of the Republic of Korea pertaining to recent occurrences of GNSS interference on the Korean Peninsula, which would be considered during the closed meeting that is scheduled on Friday, 14 June 2024;
- Amend the working paper *ICAO Accountability Framework*, to an Oral Report from the Chairperson of the Small Group on the Accountability Framework;

5. It was also noted that oral updates on the work of the Small Group on Gender, the outcomes of the Council Offsite Strategy Meeting (COSM) and status of activities relating to Landlocked Developing Countries (LLDCs) would be presented to the Council under Any Other Business.

Report on the outcome of the Fourth review by ICAO of the limits of liability under the Montréal Convention of 1999

6. The Council considered this item on the basis of C-WP/15594, which presented the outcome of the fourth review of the limits of liability of air carriers for damages arising in the course of the carriage of passengers, baggage and cargo carried out by ICAO pursuant to Article 24 of the Montreal Convention 1999.

7. Following consideration, the Council:

- a) took note of the information presented in C-WP/15594, noting in particular that the review had concluded that the threshold set out in the Convention for adjusting the limits of liability had been exceeded for this review cycle, and that an upward revision of the limits would be required, as a result;
- b) further noted that a State letter would be issued to inform States Parties of the adjusted limits, it being understood that the said revisions shall become effective for all States Parties six months following the notification, unless within three months after the said notification a majority of States Parties had registered with ICAO their disapproval; and
- c) also noted that the Council would be advised of the outcome of the above-mentioned State letter notification procedure in due course.

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

8. The Council considered this item on the basis of C-WP/15595, which submitted the requests of four international organizations, Airport Services Association (ASA), Air Transport Action Group (ATAG), International Forum for Aviation Research (IFAR) and Banjul Accord Group Accident Investigation Agency (BAGAIA), to be considered for inclusion in the *List of international organizations that may be invited to attend suitable ICAO meetings* (the List). The paper also proposed an alternative mechanism for approving future similar such requests. The Council also had for consideration an oral report thereon from the Committee on Governance (COG).

9. Following consideration, the Council:

- a) approved the requests from ASA, ATAG, IFAR and BAGAIA to be added to the *List of international organizations that may be invited to attend suitable ICAO meetings*, as observers; and
- b) recalled its previous decision establishing the criteria and procedure for the purpose of assessing such requests (C-DEC 228/1, refers), and agreed that henceforth, any future such requests would be submitted for Council approval under the written procedure, as contained in Appendix J of the *Rules of Procedure for the Council* (Doc 7559/11), when deemed appropriate by the President of the Council, and further agreed that a review of the implementation of the procedure for consideration of requests for inclusion on the List would be undertaken by the Council in due course.

Human Resource Management in ICAO - Guiding Principles

10. The Council considered this item on the basis of C-WP/15592, which presented the guiding principles for Human Resource Management practices within the Organization, consistent with the ICAO People First strategy and other ongoing reforms in this area. The Council also had for consideration an oral report thereon from the Committee on Governance (COG).

11. Following consideration, the Council:

- a) took note of the information contained in C-WP/15592, and in doing so, approved the high-level guiding principles for human resources management, on the understanding that recruitment would be included among the said principles, considering its importance as a key element of the ICAO People First Strategy; and
- b) further requested that the Secretariat keep the Council apprised of the implementation of the activities under the ICAO People First Strategy, and to that effect, requested that an Action Plan in this regard be presented to the Council, during the 233rd Session.

Funding of the After-Service Health Insurance (ASHI) liability

12. The Council considered this item on the basis of C-WP/15581, which provided an update on the status of ASHI liability, and put forward a proposal to progressively fund the ASHI liability, in order to mitigate the significant impact on the future financial position and cash flows of the Organization. The Council also had for consideration an oral report (Revision No. 1) thereon from the Finance Committee (FIC).

13. Following consideration, the Council:

- a) took note of the information contained in C-WP/15581, including in particular, the status of ASHI liability and the experience of other United Nations organizations in this respect;
- b) approved Option A, to prorate the Organization's contribution for retirees' premium annual payments between the Regular Budget, ARGF and AOSC, on the understanding that the funds for secondees, Junior Professional Officers (JPOs) and voluntary contributions would be excluded, with this decision to take effect retroactively from the date of 1 January 2024;
- c) agreed to Option B, to adopt a surcharge calculated at 4 per cent on payroll costs as a base for positions financed by the AOSC and ARGF, on the understanding that the

funds received for secondees, Junior Professional Officers (JPOs) and voluntary contributions would be excluded, with the effective date of 1 January 2025;

- d) agreed to Option C for the purpose of the Council's consideration of other occasional funding allocations to the Revolving Fund in the future, once the cash surplus, unutilized appropriations, or excess of miscellaneous income become available; and
- e) requested the Secretariat to report to the Council periodically on the status of the Revolving Fund, in order to ensure that appropriate actions may be taken by the Council, as necessary.

Revision of Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services*

14. The Council considered this item on the basis of C-WP/15585, which presented the proposed revisions to Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services*. The Council also had for consideration an oral report thereon from the Air Transport Committee (ATC).

15. Following consideration, the Council:

- a) approved the proposed revisions to Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services*, subject to the inclusion of the modifications proposed by the ATC to Section 1, paragraph 2 as attached to its oral report, as well as the additional amendments agreed by the Council over the course of its deliberations with respect to Section 1, paragraph 3, as reproduced in the Appendix to the current decision; and
- b) noted that the revised Doc 9082 would be published in due course, as the Tenth Edition.

Recommendations of the Committee on Joint Support of Air Navigation Services related to items under the Danish and Icelandic Joint Financing Agreements reviewed during the 232nd Session

16. The Council considered this item on the basis of C-WP/15589, which presented the recommendations of the Joint Support Committee (JSC) on items under the Danish and Icelandic Joint Financing Agreements.

17. Following consideration, the Council:

- a) approved the actions recommended by the JSC, as outlined in the Executive Summaries of JS-WP/2159, JS-WP/2160, JS-WP/2161 and JS-WP/2162; and
- b) noted that the JSC had deferred its consideration of the proposal involving the exchange of a Non-Directional Beacon (NDB) at Myggenæs at the Faroe Islands (JS-WP/2158, refers) to the 233rd Session, pending the availability of additional data.

Selection of the External Auditor of ICAO for the Financial Years 2026, 2027 and 2028

18. The Council considered this item on the basis of C-WP/15579, concerning the process for the selection and appointment of the External Auditor of ICAO for the years 2026, 2027 and 2028. The Council also had for consideration an oral report thereon from the Finance Committee (FIC).

19. Following consideration, the Council:

- a) approved the State letter contained in Appendix A to C-WP/15579, subject to the inclusion of the modifications proposed by the FIC regarding the threshold to be met

by the candidates in order to advance in the selection process, as indicated in paragraph 6 of the FIC oral report;

- b) agreed to establish a Working Group of Council Representatives, comprised of up to five Members, for the review of nominations as outlined in the Terms of Reference set forth in Appendix B to the working paper; and
- c) in connection with b), above, further agreed to delegate authority for establishing said Working Group to the President of the Council, who, in consultation with the Chairperson of the FIC and others as appropriate, would determine its composition after the deadline for the submission and receipt of nominations, taking into account the need to exclude Council Representatives from Member States that had submitted nominations, as well as the need to respect the principles of equitable geographical representation and gender equality.

Financial Year 2023 – Report on the Carry-Over

20. The Council considered this item on the basis of C-WP/15580, which provided the status of authorized appropriation of the Regular Budget for the financial year 2023, and a summary report on the use of the Operational Reserve as at December 2023, the status of the Transformational Objective (TO) budget, and a funding proposal to cover underfunded Priority Focus Areas (PFAs), including TO projects. The Council also had for consideration an oral report (Revision No. 1) thereon from the Finance Committee (FIC).

21. Following consideration, the Council:

- a) took note of the status of authorized appropriation of the Regular Budget and the Operational Reserve Utilization as at 31 December 2023;
- b) welcomed the efforts by the Secretariat to improve the financial management of the Regular Budget, as demonstrated by the reduction in the amount of unutilized appropriations from the 2023 Regular Budget, as compared to previous years;
- c) approved the transfer of CAD 4.6 million from the Regular Budget Fund and CAD 5.0 million from the AOSC Fund to the Operational Reserve, as well as the transfer of the unutilized balance of CAD 0.4 million from previous special projects within the Operational Reserve, to be used to cover unfunded PFA-related projects over the next three years from 2024-2026, and in that connection, requested the Secretariat to report the status of utilization of the Operational Reserve to the Council, on a regular basis;
- d) pursuant to the decision taken in c), above, also approved an increase of the Secretary General's authority to transfer the Regular Budget appropriations from Strategic Objectives or Supporting Strategies to the Transformational Objective, on an exceptional basis, of up to an additional CAD 6.0 million for 2024 and 2025, while noting that the Secretary General would continue to prioritize core items contained in the 2023 - 2025 Business Plan, which were to be delivered per the Resolutions and decisions adopted by the 41st Session of the ICAO Assembly;
- e) requested the Secretariat to keep the Council regularly apprised of the transfer of Regular Budget appropriations to the Transformational Objective and other unfunded PFA-related projects during the next three years from 2024-2026, including information relating to the projects and activities to which these funds were being allocated;

- f) agreed that urgent consideration was needed by the Small Group on Budget Sustainability to identify potential innovative and sustainable solutions in order to support the Organization's future funding needs with respect to the Priority Focus Areas during the 2026 - 2028 triennium, as applicable, including the use of the AOSC surplus, or other surpluses, as appropriate; and
- g) acknowledged that the provisions agreed to above would not apply to voluntary contributions from Member States which had been earmarked toward specific projects and activities, unless said Member States consented to the transfer or re-allocation of these funds for another purpose.

Review of the Global Aviation Security Plan (GASeP)

22. The Council considered this item on the basis of C-WP/15584 and Blue Rider No. 1, which presented the Second Edition of Doc 10118, *ICAO Global Aviation Security Plan*. The Council also had for consideration an oral report thereon from the Aviation Security Committee (ASC).

23. Following consideration, the Council:

- a) approved the Second Edition of the *ICAO Global Aviation Security Plan* (Doc 10118) as presented in the Appendix to C-WP/15584;
- b) requested the Secretariat to continue to explore opportunities to strengthen the provision of implementation support, either through existing programmes and tools, or through new initiatives, in order to assist Member States address their different challenges, in order to meet the goal of full and effective implementation of aviation security Standards; and
- c) requested the Secretariat to issue a press release informing Member States and the public of the issuance of the Second Edition of the *ICAO Global Aviation Security Plan* (Doc 10118), given the significance of the document.

Any other business

Request from Observers to participate in closed meetings of the Council

24. It was noted that in the absence of comments to emails circulated by the President of the Council in April 2024, and in accordance with Rule 32 a) of the *Rules of Procedure for the Council*, the Council had agreed to invite Ms. Delphine Micheaux Naudet (European Union) to participate as Observer during the 232nd Session of the Council's consideration of all items in closed session; Ms. Nathalie Herbelles (ACI); Mr. Carlos Cirilo and, in his absence Ms. Michelle Bishop, (CANSO); Mr. Michael Comber (IATA); Mr. Daniel Carnelly and, in his absence Ms. Nina Brooks, (ICCAIA); and Mr. Brian Shury and, in his absence Mr. Sebastián Currás-Barrios, (IFALPA), to participate as Observers during the 232nd Session of the Council's consideration in closed session, of items related to aviation safety and security, as appropriate.

Appointment of a Member on the Air Navigation Commission (ANC)

25. It was noted that in the absence of comments by 11 April 2024, to the President of the Council's email dated 4 April 2024, Mr. Hiroki Tokunaga, nominated by the Government of Japan, had been appointed as Member on the Air Navigation Commission to succeed Mr. Naoki Amitani, with effect from 11 April 2024.

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

26. It was noted that in the absence of comments by 28 May 2024 to the President of the Council's email dated 13 May 2024, Mr. Maneesh Kumar had been appointed as the CAEP member for India, to replace Mr. Rohit Thakur, with effect from 29 May 2024.

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APPENDIX

APPROVED AMENDMENTS TO DOC 9082, *ICAO'S POLICIES ON CHARGES FOR AIRPORTS AND AIR NAVIGATION SERVICES*

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SECTION I. GENERAL

Council

1. The Council strongly encourages States to apply the following policies regarding charges for airports and air navigation services.

Scope and proliferation of charges

2. It is recommended that States:

- i) Permit the imposition of charges only for services and functions which are provided for, directly related to, or ultimately beneficial for, civil aviation operations; and
- ii) Refrain from imposing charges which discriminate against international civil aviation in relation to other modes of international transport.

3. States shall consider the legal obligations under Article 15 of the Chicago Convention, such that:

- i) every airport in a contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions to the aircraft of all the other contracting States. The like uniform conditions shall apply to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation;
- ii) any charges that may be imposed or permitted to be imposed by a contracting State for the use of such airports and air navigation facilities by the aircraft of any other contracting State shall not be higher,
 - a) as to aircraft not engaged in scheduled international air services, than those that would be paid by its national aircraft of the same class engaged in similar operations; and
 - b) as to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services;
- iii) all such charges shall be published and communicated to the International Civil Aviation Organization, provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon.

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