



C-DEC 233/6  
6/11/24

## COUNCIL — 233RD SESSION

### SIXTH MEETING

(COUNCIL CHAMBER, MONDAY, 4 NOVEMBER 2024 AT 1430 HOURS)

## SUMMARY OF DECISIONS

### OPEN MEETING

#### Report on the 39th Session of the Legal Committee

1. The Council considered this item on the basis of C-WP/15639, which presented a summary report on the 39th Session of the Legal Committee held in Montréal from 25 to 28 June 2024.
2. Following consideration, the Council:
  - a) took note of the information presented in C-WP/15639 in relation to the 39th Session of the Legal Committee;
  - b) approved the revised General Work Programme of the Legal Committee as set out in paragraph 4.1 of C-WP/15639, and agreed that with respect to the item relating to “international air carriage and data protection laws”, the Legal Committee is invited to establish a group, whose membership would include experts from the Facilitation Panel (FALP), to study the interaction between international carriage by air and data protection laws with a view to proposing ways to facilitate understanding and awareness among Member States and advancing the work in this area, taking into consideration that the matter goes beyond the air transport sector and that the establishment of data protection laws and policies remain within the responsibilities of States;
  - c) took note that not all activities proposed under the General Work Programme of the Legal Committee could be supported under the approved Regular Budget of the Organization and would be subject to prioritization or voluntary contributions;
  - d) approved the revised *Rules for the Settlement of Differences* as contained in Appendix A to C-WP/15639, and in doing so, recalled that in accordance with Article 33 of said Rules, these amendments would not apply to any cases pending before the Council, except with the agreement of the Parties;
  - e) in connection to its decision in d) above, and consistent with Article 34 of the revised *Rules for the Settlement of Differences*, took note of the proposed list of subjects that could potentially be addressed by practice directions or guidelines regarding procedural matters which may be considered for adoption by the Council, as

necessary, in the context of its application of said Rules, as contained in Appendix B to C-WP/15639; and

- f) noted that in due course, the Secretary General, following consultations with the Chairperson of the Legal Committee and the President of the Council, would present a proposal regarding the convening of the 40th Session of the Legal Committee, for the Council's consideration and approval.

### **Review of the recommendations of the Fourteenth Air Navigation Conference (AN-Conf/14)**

3. The Council considered this item on the basis of C-WP/15616, which outlined the work of the Fourteenth Air Navigation Conference (AN-Conf/14) and presented the results of the Air Navigation Commission's review of the AN-Conf/14 recommendations.

4. Following consideration, the Council:

- a) approved the follow-up actions proposed with respect to those recommendations requiring Council action, as contained in Appendix A to C-WP/15616;
- b) took note of the follow-up actions to be undertaken by the Air Navigation Commission, under delegated authority, on the remaining recommendations as contained in Appendix A to C-WP/15616;
- c) agreed that further consideration should be given to the resource implications of implementing all the recommendations arising from AN-Conf/14 in the context of the ongoing deliberations concerning the development of the 2026-2028 Business Plan and Budget, and on that basis, requested that the Secretariat take into consideration the recommendations of the ANC on the prioritization of the anticipated work arising from AN-Conf/14, as contained in Appendix B of C-WP/15616; and
- d) took note of the comments expressed highlighting the need for ICAO to work in a collaborative manner with other UN entities, including the UN Office of Outer Space Affairs, in addressing, AN-Conf/14 recommendations on the safe integration of space transport operations into the airspace system and higher airspace operations, and the importance of also pursuing work already underway on GNSS interference, airspace optimization and global plans.

### **Proposal for the conceptualization and deployment of the Standardization Roadmap**

5. The Council considered this item on the basis of C-WP/15618, which presented a proposal from the Air Navigation Commission (ANC) for the conceptualization of the Standardization Roadmap.

6. Following consideration, the Council:

- a) endorsed the proposed concept for the ICAO Standardization Roadmap, as contained in the Appendix to C-WP/15618;
- b) took note of the next steps to be undertaken by the ANC to implement the concept of the Roadmap, and in that regard, agreed that the ANC would first apply the concept to those aircraft and engine technologies identified in the work associated with the Long-

Term Aspiration Goal (LTAG), with the methodology developed for this purpose to then also be applied to other aspects of the LTAG work, consistent with the decision taken by the Council during the 229th Session (C-DEC 229/5, refers) regarding the development and scope of the first iteration of the Standardization Roadmap;

- c) requested that the ANC continue to improve and refine the concept for the Standardization Roadmap and its associated processes, as needed, taking into consideration the comments of the Council in this regard, as well as the lessons learned, and experience gained in its application; and
- d) noted that the ANC, following consultation with the Small Group on Innovation, would present a report on the deployment of the Standardization Roadmap, including any lessons learned and resulting improvements, to the Council for further consideration, during the 234th Session.

### **Review of the Ad Hoc Cybersecurity Coordination Committee (AHCCC) Second Meeting**

7. The Council considered this item on the basis of C-WP/15620, which presented the outcome of the Second Meeting of the Ad Hoc Cybersecurity Coordination Committee (AHCCC/2) which was convened from 29 to 31 May 2024, as well as an oral report from the President of the Council regarding membership of the Committee. The Council also had for consideration oral reports thereon from the Air Navigation Commission (ANC) and jointly, from the Air Transport and Aviation Security Committees (ATC/ASC).

8. Following consideration, the Council:

- a) noted, with appreciation, the significant efforts made by the AHCCC to advance the progress of its work, including through the convening of intersessional meetings, and in that connection, recognized that continued collaboration and engagement with members of the relevant panels was needed to better identify those cybersecurity and information security activities under their purview that would require the Committee's attention;
- b) further noted that the AHCCC would continue its work to develop a comprehensive Aviation Cybersecurity Roadmap, based on the input received from the Panels and expert groups, and in doing so, suggested that any recommendations arising from the Fourteenth Air Navigation Conference (AN-Conf/14) of relevance to the work of the AHCCC should be taken into account in the ongoing work of the Committee;
- c) took note of the progress made by the Cybersecurity Panel (CYSECP) to advance the work on the gap analysis on the applicability of Standards and Recommended Practices (SARPs) to aviation cybersecurity, and the potential implications of this study for the ICAO Annexes, and in that connection, invited the AHCCC to take into consideration the recommendations of the ANC in this regard;
- d) approved the convening of the Third Meeting of AHCCC (AHCCC/3) from 23 to 25 April 2025, to be held in a hybrid format, in English only, based on the proposed agenda presented in Appendix A of C-WP/15620;
- e) took note of the information presented by the President of the Council regarding the membership of the AHCCC, as contained in his oral report, and in that respect agreed:

- i. pursuant to paragraph 2.1.1 of the AHCCC *Rules of Procedure* (Doc 10208), to appoint Mr. Mahmoud Sani Ben Tukur (Representative of Nigeria), serving as the member of the ASC on the AHCCC, as the Chairperson of the AHCCC for a period of one year starting from his nomination;
  - ii. pursuant to paragraph 1.1.1 of the *Rules of Procedure* (Doc 10208), to appoint Mr. Christian Schleifer (Representative of Austria), to serve as the member designated by the ATC on the AHCCC; and
  - iii. to delegate authority to the President of the Council to appoint members of the Committee, taking into consideration the need for equitable geographic representation and gender balance; and
- f) encouraged Members of the AHCCC to participate in future meetings in-person.

**Review of the Report of the Thirty-fifth Meeting of the Aviation Security Panel (AVSECP/35) and the organization and agenda for the Thirty-sixth Meeting of the Aviation Security Panel (AVSECP/36)**

9. The Council considered this item on the basis of C-WP/15621, which reported on the outcome of the Thirty-fifth Meeting of the Aviation Security Panel (AVSECP/35), which was convened from 22 to 26 April 2024. The Council also had for consideration oral reports thereon from the Air Navigation Commission (ANC) and the Aviation Security Committee (ASC).

10. Following consideration, the Council:

- a) took note of the information presented in C-WP/15621, including in particular, with respect to the work undertaken by the Panel to ensure that up-to-date guidance material was available, and the efforts made to transform the Global Aviation Security Plan (GASeP) into a strategic document on global aviation security;
- b) approved the key recommendations arising from the AVSECP/35, as summarized in C-WP/15621, and contained in the Yellow Cover Report;
- c) noted the ongoing coordination between the AVSECP and the Dangerous Goods Panel (DGP) regarding the impact the proposed amendments to Annex 18 – *Dangerous Goods* could have on aviation security operations, with a view to identifying solutions that suit the DGP's needs, while avoiding any detrimental impact on the security of civil aviation operations;
- d) further noted that the CYSECP was currently conducting an aviation cybersecurity risk assessment, which could have implications on the classification of cybersecurity-related risks identified by the AVSECP, as presented at Appendix A of C-WP/15621;
- e) approved the convening of AVSECP/36, in a hybrid format from 7 to 11 April 2024, based on the proposed agenda presented in Appendix B to C-WP/15621, and emphasized the importance of in-person participation by Panel Members;
- f) also approved the list of organizations to be invited as Observers to AVSECP/36, as contained in Appendix C; and

- g) in recognizing the potential operational efficiencies to be gained from the restructuring of ICAO's aviation security training programme, requested the Secretariat to continue to develop a transition plan for the incorporation of the Aviation Security Training Centre (ASTC) network into the TRAINAIR Plus Programme, including an impact assessment to be developed in consultation with the AVSECP and the ASTC network, in order to ensure that this transition remains aligned with the objectives of the *No Country Left Behind* initiative, and it being understood that a progress report would be presented in this regard during the 234th Session.

**Review of the Report of the Third Meeting of the Cybersecurity Panel (CYSECP/3) and the organization and agenda for the Fourth Meeting of the Cybersecurity Panel (CYSECP/4)**

11. The Council considered this item on the basis of C-WP/15622, which reported on the outcome of the Third Meeting of the Cybersecurity Panel (CYSECP/3), which was held on 3, 4 and 6 June 2024. The Council also had for consideration oral reports thereon from the Air Navigation Commission (ANC) and the Aviation Security Committee (ASC).

12. Following consideration, the Council:

- a) approved the key recommendations arising from CYSECP/3, as summarized in C-WP/15622, and contained in the Yellow Cover Report, and in doing so, highlighted with appreciation, the work undertaken by the Panel to develop the guidance documents, *ICAO Global Cyber Risk Considerations* (Doc 10209) and the *ICAO Aviation Cybersecurity Glossary of Terms*, which represented a key milestone toward achieving a harmonized approach to cybersecurity;
- b) also approved the convening of CYSECP/4, in a hybrid format from 2 to 6 June 2025, based on the proposed draft agenda presented in Appendix A to C-WP/15622, it being understood that to the extent possible, future meetings of the CYSECP should be scheduled in advance of the AHCCC to allow the AHCCC to consider the relevant outcomes and recommendations arising from the CYSECP, in the context of its work; and
- c) took note of the CYSECP's efforts to coordinate its activities with other relevant Panels and expert groups, including through the establishment of a Joint Task Force composed of CYSECP and Trust Framework Panel members, as well as through active collaboration with the Ad Hoc Cybersecurity Coordination Committee (AHCCC), and encouraged the CYSECP to continue to pursue its engagement with the other Panels and expert groups in this regard.

**ICAO Security Week 2024 – High-level Ministerial Segment**

13. The Council considered this item on the basis of C-WP/15623, which pursuant to C-DEC 232/5, presented a revised draft Ministerial Declaration to be adopted at the conclusion of the High-level Ministerial segment, which was to be held on 11 December 2024, in Muscat, Oman, during ICAO Security Week. The Council also had for consideration an oral report thereon from the Aviation Security Committee (ASC).

14. Following consideration, the Council:

- a) took note of the information presented in C-WP/15623, including the outcome of the State letter consultation with Member States, and the resulting amendments to the draft Declaration, as contained in C-WP/15623; and
- b) approved the draft Ministerial Declaration, as amended by the ASC and appended to its oral report, and subject to the additional modification agreed by the Council in relation to operative clause o), it being understood that the following a final editorial review, the draft Declaration would be circulated to the Council and published on the event website, accordingly.

**Any other business**

**Farewell to a Council Representative**

15. The Council bade farewell to the Representative of Chile (Ms. Viviana Iturriaga).

— END —