



C-DEC 233/7
8/11/24

COUNCIL — 233RD SESSION

SEVENTH MEETING

(COUNCIL CHAMBER, TUESDAY, 5 NOVEMBER 2024 AT 1430 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Adoption of Amendment 30 to Annex 9 – *Facilitation*

1. The Council considered this item on the basis of C-WP/15624 Revision No. 1, which presented a proposal for Amendment 30 to Annex 9 – *Facilitation*. The Council also had for consideration an oral report thereon from the Air Transport Committee (ATC).

2. Following consideration, the Council, by 34 votes in favour, no votes against, and no abstentions (2 Representatives being absent):

- a) took note of the summary of replies received in response to State letter EC 6/3-24/67, as contained in Appendix A to C-WP/15624 Revision No. 1;
- b) also took note of the comments received from States regarding the proposed Amendment 30, as well as the Secretariat's proposed course of action in response thereto, as presented in Appendix B to C-WP/15624 Revision No. 1;
- c) adopted, as Amendment 30 to Annex 9 — *Facilitation*, the amendments to definitions and to Standards and Recommended Practices (SARPs), as contained in Appendix C to C-WP/15624 Revision No. 1;
- d) took note of the impact assessments presented in Appendix D to C-WP/15624 Revision No. 1;
- e) approved the Draft Resolution of Adoption as contained in Appendix F to C-WP/15624 Revision No. 1;
- f) approved, as part of Amendment 30, the revised Foreword to Annex 9 — *Facilitation*, as contained in Appendix G to C-WP/15624 Revision No. 1; and
- g) agreed that an effective date of 10 March 2025 and proposed applicability date of 11 July 2025 would be suitable for Amendment 30 to Annex 9.

Preliminary review of Amendments to Annex 9 and Annex 17

3. The Council considered this item on the basis of an oral report presented by the Secretary General, which presented a proposal for introducing a preliminary review process for Amendments to Annex 9 – *Facilitation* and Annex 17 – *Aviation Security*, which are submitted to the Council through the Air Transport Committee (ATC) and the Aviation Security Committee (ASC), respectively.

4. Following consideration, the Council:

- a) took note of the information presented by the Secretary General in his oral report;
- b) agreed to adopt the proposed process for conducting a preliminary review of Amendments to Annex 9 – *Facilitation* and Annex 17 – *Aviation Security*, on the understanding that the process would continue to be refined and improved as needed, taking into account any lessons learned from its implementation;
- c) consistent with the agreed preliminary review process, invited the ATC and ASC to each establish their respective small groups, taking into consideration the need to ensure equitable geographical representation and gender balance, to be tasked with the pre-review of proposed amendments to Annex 9 and Annex 17, and reporting their findings and recommendations to the Committees, accordingly; and
- d) invited the Committees to include members of the ANC within the respective small groups, in order to contribute their expertise to the pre-review process, and in that connection, recommended that the ANC provide periodic briefings to the small groups on procedures and best practices to be applied to the process for the adoption of Annex amendments.

Status of Arrangements for the 2025 ICAO Facilitation Conference (FALC 2025)

5. The Council considered this item on the basis of C-WP/15625, which presented the status of arrangements for the 2025 ICAO Facilitation Conference (FALC 2025), to be convened from 14 to 17 April 2025 in Doha, Qatar. The Council also had for consideration an oral report thereon from the Air Transport Committee (ATC).

6. Following consideration, the Council:

- a) approved the draft provisional Agenda and the draft Ministerial Declaration, as revised by the ATC and contained in Appendices A and B, respectively, to its oral report, and subject to the additional modification agreed by the Council over the course of its deliberations, to amend Agenda Item 6 to replace the terms “illegal migration” with “irregular migration”, and in that respect, agreed that these documents be circulated to Member States via State letter, for further consultation; and
- b) requested that the Secretariat prepare a consolidated version of the draft Declaration taking into account the outcomes of the State letter consultation process, to be presented for further consideration by the Council during the 234th Session.

ANC Work Programme for the 228th Session

7. The Council considered this item on the basis of C-WP/15619, which presented the proposed work programme for the 228th Session of the Air Navigation Commission (ANC).

8. Following consideration, the Council:
- a) approved the proposed ANC work programme for its 228th Session, including the amendments proposed thereto as reflected in paragraph 1 of C-WP/15619, and the Session's opening and closing dates of 20 January and 4 April 2025, respectively, with a recess from 17 February to 7 March 2025; and
 - b) took note of the planned items for the 229th Sessions and 230th Sessions, as outlined in Appendices B and C of the working paper, respectively.

Report on Global Navigation Satellite System (GNSS) Radio Frequency Interference

9. The Council considered this item on the basis of an oral report from the ANC, which pursuant to C-DEC 232/8, provided information related to the ongoing situation caused by GNSS Radio Frequency Interference (RFI), and the progress of ICAO's ongoing activities in this area, particularly with respect to mitigation measures aimed at reducing the likelihood and impact of GNSS interference on aviation operations.

10. Following consideration, the Council:
- a) reiterated its serious concerns regarding the impact of GNSS interference on the safety and security of air navigation systems, particularly as such occurrences are expected to increase, posing an ever-growing safety hazard to global flight operations;
 - b) took note of the information presented in the oral report, and welcomed the efforts being undertaken by ICAO to raise Member States' awareness of the impact of GNSS RFI and enhance their readiness to identify issues and implement mitigation measures, through, *inter alia*, the convening of regional workshops and Symposia, and the development of guidance and standardized implementation package "iPack", and in this connection, recognized that the development of more effective mechanisms for reporting occurrences of GNSS RFI, particularly at the regional level, would be helpful in addressing the risks posed by such interference;
 - c) encouraged ICAO, together with Member States, other United Nations bodies, and industry stakeholders to continue to collaborate and work collectively to develop harmonized and complementary approaches, in order to strengthen the air transport system's resilience to counter the global threat posed by GNSS interference to aviation safety;
 - d) invited the Secretary General to consider issuing a joint State letter, together with the International Telecommunications Union (ITU) to remind Member States of the need to fully comply with their obligations under the relevant international legislative frameworks;
 - e) also invited the Secretary General to send a letter to the United Nations Secretary-General in order to communicate the concerns of the Council on this subject;
 - f) requested the Secretariat to undertake an analysis of whether GNSS RFI could constitute an act of unlawful interference against international air transport, in the

context of the relevant international legislation, and to report the outcome of this analysis to the Council, through the Aviation Security Committees, at a future Session;

- g) recalling the information presented to the Council during the informal briefing of 4 November 2024 on this subject, further requested that the Secretariat circulate the report of the OPSGROUP, as referred to during the briefing, to Member States for their information and awareness; and
- h) requested that the Secretariat keep the Council closely apprised of further developments in this regard, for further action, as may be required.

GNSS Interference on the Korean Peninsula

11. The Council considered this item on the basis of an oral report from the President of the Council, which provided an update on the matter since it was last reported to the Council during the 232nd Session (C-DEC 232/5, refers).

12. Following consideration, the Council:

- a) took note of the information contained in the oral report, including in particular, that the President of the Council met with the Director General of the National Aviation Administration of the Democratic People's Republic of Korea (DPRK), during which he reiterated the Council's grave concern on the reoccurrence of GNSS interference incidents and called on the DPRK to ensure its full compliance with its obligations under the *Convention on International Civil Aviation*;
- b) further noted, with regret, that the DPRK had yet to respond to either the letter sent from the ICAO Secretary General on 12 July 2024, or to the comments conveyed by the President of the Council in his meeting with the Director General of the National Aviation Administration;
- c) requested that the Council continue to be apprised of developments in this regard, on the understanding that in the absence of any indication of cooperation or responses from the DPRK, the Council could give further consideration to informing the Assembly accordingly.

Concept Note for the Sixth Meeting of the Industry Consultative Forum (ICF/6)

13. The Council considered this item on the basis of C-WP/15641, which presented an update on the status of preparations for the sixth meeting of the ICAO Industry Consultative Forum (ICF/6), including a concept note on the scope, objectives, format and expected outcomes for the event.

14. Following consideration, the Council:

- a) invited the SGICF to undertake the necessary actions to organize ICF/6, which is expected to perform a high-level scan of the horizon for challenges and transformational trends that could affect the future of air transport, in line with the concept note contained in the Appendix to C-WP/15641, and taking into account the additional modifications agreed by the Council over the course of its deliberations in relation to paragraphs 2.1, 2.2 and 4.1 of the concept note;
- b) noted that the event was scheduled to take place from 28 to 29 April 2025;

- c) recommended that future sessions of the ICF should aim to foster more interactive exchanges with the industry, including with respect to the recently adopted ICAO Strategic Plan 2026 – 2050, and in that connection, invited the SGICF to explore opportunities to engage with the industry on this subject; and
- d) acknowledged that the report on the work undertaken by the Organization to implement ICAO Assembly Resolution A40-27, to be presented to the 42nd Session of the Assembly, would offer an opportunity to highlight the efforts made to balance the subjects explored by the ICF vis-à-vis the work of the Organization and identify lessons learned from this initiative, as well as to consider the possible evolution of the ICF moving forward.

Review of the ICAO Policy on Interactions with External Parties

15. The Council considered this item on the basis of C-WP/15611, which pursuant to C-DEC 232/11, presented the final version of the revised ICAO *Policy on Interactions with External Parties*. The Council also had for consideration an oral report thereon from the Committee on Governance (COG).

16. Following consideration, the Council:

- a) approved the revised ICAO *Policy on Interactions with External Parties*, as appended to C-WP/15611, and subject to the additional modifications proposed by the COG as indicated in paragraph 5 of its oral report; and
- b) requested that the Secretariat consider organizing an informal briefing on the implementation of the revised Policy, including the associated Administrative Instructions, at a future Session.

Any other business

Proposed Revisions to Article 8, International Shipping and Air Transport, of the United Nations Model Double Taxation Convention between Developed and Developing Countries

17. The Council commenced its consideration of this item on the basis of an oral update presented by the Secretary General.

18. Following consideration, the Council:

- a) took note of the information presented by the Secretary General regarding the recent decision of the UN Committee of Experts on International Cooperation on Tax Matters to amend Article 8, International Shipping and Air Transport of the *UN Model Double Taxation Convention between Developed and Developing Countries*, in order to allow for source-based taxation of income from both international air transport and shipping, in addition to residence-based taxation which has been the exclusive model applied to international air transport to date;
- b) requested that the Secretariat circulate the report considered by the 29th Session of the Committee of Experts on International Cooperation in Tax Matters, which contains the proposal to amend Article 8 of the aforementioned Model Convention, for the Council's further information and consideration; and

- c) agreed to postpone finalizing its decision on this matter, on the understanding that a proposal would be circulated by the Secretary General in this regard, for further consideration by the Council at a subsequent meeting.

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