



FAL/12-WP/103
29/3/04

FACILITATION (FAL) DIVISION — TWELFTH SESSION

Cairo, Egypt, 22 March to 2 April 2004

**DRAFT REPORT OF COMMITTEE 1
ON AGENDA ITEM 6**

The attached draft report on Agenda Item 6 is presented for approval by Committee 1 for submission to the Plenary.

Agenda Item 6: International Health Regulations (IHRs)

6.1 The following working papers were presented under this Agenda Item: WP/32 (Secretariat), WP/33 (Secretariat), WP/18 (Secretariat), WP/29 (Secretariat), WP/61 (United States), WP/67 (China and Singapore), WP/85 (IATA), WP/69 (ITF), WP/70 (ITF) AND WP/88 (ACI). There were also three Information Papers: IP/6 (Disinsection of aircraft, presented by the Secretariat); IP/29 (Contact tracing after a possible exposure to a disease of public health significance aboard an aircraft, presented by the United States) and IP/34 (Non-pesticidal disinsection of aircraft, presented by the United States).

6.1.1 In WP/32 the Secretariat outlined both in general and in specific terms recent work conducted by ICAO in developing measures to prevent the spread of contagious disease by air carriage. This included ICAO's collaborating efforts with the World Health Organization and several Contracting States. The paper outlined eight protective measures examined during its work on the evaluation of five international airports and outlined its observations. The Division was also apprised of four major activities that are currently being assessed in association with WTO, IATA and ACI and invited to agree that these activities should be carried out. Furthermore, the Division was invited to recommend that the anti-SARS protective measures and draft contingency plan to be developed be published in ICAO guidance material.

6.1.2 In the discussions that ensued some Delegations were of the view that WP/32 should be discussed together with WP/85. Accordingly, the Division considered both papers together. With regard to WP/85 the Division agreed that the Passenger Locator Card (PLC) suggested by IATA and the model format appended to the paper was a proactive initiative. However, concerns were raised by some Delegations that the PLC will involve issues pertaining to cost, privacy of the data subject, use and storage of information and other legal issues. The Division encouraged IATA, in cooperation with other relevant Organizations, to improve on the card, making it more simple and user friendly. The final work of IATA will be submitted to the Air Transport Committee of ICAO for further consideration.

6.1.3 With regard to WP/32 the Division was of the view that the activities suggested should be encouraged and continued further. However, it was made clear that the development of a standard framework for the harmonized contingency plan in para 5.1 b) should not be the responsibility of the airport operator but that of the State concerned. The Division further noted that the suggestion made by one State, i.e. that the eight Recommended anti-SARS protective measures developed under the auspices of ICAO should be addressed under Part 7 of Doc. 9137 (*Airport Services Manual*). It was, however, agreed that these measures should be published in ICAO guidance material on facilitation.

6.1.4 In WP/61 the United States presented a conceptual view of the advantages of non-pesticidal disinsection of aircraft featuring a technique using an air curtain and invited the Division to consider the adoption of a new standard for inclusion in Annex 9. Most Delegations were of the view that consideration of this proposal should be on the basis that it should be a Recommended Practice and not a Standard. The Division considered proposed text in this regard as contained in Flimsy No. 5 which provided that Contracting States shall allow, subject to their national regulations and approval by the World Health Organization, alternative approaches to aircraft disinsection that have been shown to be at least as efficacious as those methods and treatments for chemical disinsection that have been approved by the World Health Organization. The Division was of the view that gist of the suggested text was already adequately covered in Standard 2.24 and decided that the existing provision would suffice with minor revisions.

6.1.5 After some discussion the Division agreed to revise Standard 2.24 as follows:

Recommendation A/ —

When disinsection is required a Contracting State shall authorize or accept only those methods and insecticides, **whether chemical or non-chemical**, which are recommended by the World Health Organization

Note:- This provision does not preclude the trial and testing of other methods for ultimate approval by the World Health Organization.

6.1.6 In WP/67 China and Singapore presented the Division with work carried out to prevent the spread of SARS via air travel and drew attention to the need to provide guidance to Contracting States to deal with future outbreaks of infectious disease, including SARS. In this regard ICAO was invited to take the lead in work connected to the development of regulatory policy.

6.1.7 There was general support by the Division to these requests and the Division agreed that ICAO should take the lead in developing guidance material in close cooperation with relevant bodies such as ACI, IATA and WHO, in developing an anti-infectious disease protective measures and the guidelines for implementation of a harmonized contingency-phased response plan for airports to prevent the spread of infectious diseases via air travel. In doing so, ICAO will take into consideration both WPs/32 and 67 closely.

6.1.8 In considering WPs/ 69 and 70 and revisions thereto proposed in Flimsy No. 6, presented by ITF, the Division noted that both papers proposed text for B-type Recommendations. With regard to WP/70 the Division was of the view that the content was of a highly technical nature which bore no direct linkage to facilitation. It was, therefore, agreed that WP/70 would be referred to the Council of ICAO with a request that the Council refer it for consideration to the Air Navigation Commission.

6.1.9 With regard to WP/69 the Division adopted the following Recommendations:

Recommendation B/ —

States are strongly encouraged to implement the Standards on aircraft disinsection contained within Annex 9, in particular to limit the requirement for disinsection to aircraft operations which pose a threat (2.22) and to review their requirements and modify them on the basis of a demonstrable need (2.23).

Recommendation B/XX —

ICAO is invited to assume a leadership role, working with Contracting States, WHO and other stakeholders including ITF, in clarifying the intent of current aircraft disinsection Standards, and develop guidance material that is specific and appropriate to commercial aircraft, to minimize exposure to pesticides in the cabin and cockpit.

Recommendation B/XXX —

ICAO is encouraged to urgently coordinate with Contracting States and WHO to evaluate and document assessments of the efficacy, practicability and cost-effectiveness of alternatives to the currently endorsed chemical methods of disinsection, and, where appropriate, approval.

6.1.10 In WP/88 presented by ACI the attention of the Division was drawn to the correlation between airports and the revision of WHO International Health Regulations (IHR). The paper contended that airport operators should not be expected to implement anti-infectious disease protective measures on their own. In this regard, ACI was available to work with both WHO and ICAO to produce coordinated and agreed guidelines. The paper alluded to WP/33 of the Secretariat and invited the Division to adopt the general principles therein for a harmonized contingency plan for airports, with a phased response.

6.1.11 The Division agreed that airport operators should not be called upon to bear responsibility solely for anti-infectious disease protective measures and that public health should be viewed in the same vein as public safety and security.

6.1.12 The Division considered WP/18 presented by the Secretariat on the legal responsibility of States and airlines in preventing the spread of communicable diseases. The paper outlined action taken by ICAO in response to the outbreak of Severe Acute Respiratory Syndrome (SARS) and commented upon responsibility which devolves upon States under the Convention on International Civil Aviation and on airlines under general principles of common law.

6.1.13 The Division was of the view that this paper should be considered under the heading of due diligence of States and airlines in preventing the spread of communicable diseases rather than under legal aspects of responsibility. The Division observed that airlines should ensure that transportation is accomplished in a safe, healthy and sanitary manner for all passengers and crew members. Furthermore, the services and facilities offered by the airline should not only include clean air in the cabin, but also proper equipment, clean cabins and well-stocked laboratories, medical kits and properly trained crew to assist passengers.

6.1.14 The Division agreed to refer this subject to the Council of ICAO with a request that the Legal Committee review the legal aspects involved. The FAL Panel should consider the facilitation aspects with a view to including relevant material in the FAL Manual.

6.1.15 In WP/33 the Secretariat offered information on a harmonized contingency phase plan for airports containing guidelines intended to assist airports in the event of a possible resurgence of SARS and another outbreak of a communicable disease which is a threat to public health.

6.1.16 There was wide support for the idea of a harmonized contingency plan to cover all instances of communicable disease. The Division observed that the paper afforded States adequate flexibility to tailor their contingency plans to cover the threat of any communicable disease.

6.1.17 The Division agreed that responsibility for the planning and implementation of such a plan did not devolve on the airports authorities. Although initial work may be done by such authorities and relevant Committees, ultimate responsibility lay on the States for the implementation of such plans.

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