



FAL/12-WP/117  
31/3/04

**FACILITATION (FAL) DIVISION — TWELFTH SESSION**

**Cairo, Egypt, 22 March to 2 April 2004**

**REPORT OF COMMITTEE 1 TO THE PLENARY  
ON AGENDA ITEM 6**

**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). The World Health Organization (WHO) made a presentation on its work pertaining to public health, with particular focus on infectious diseases. The Division noted the useful work carried out by WHO in this regard.

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 WHO, 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. The Division encouraged IATA, in cooperation with other relevant Organizations, to improve on the card, making it more simple and user friendly. Recognizing the time-sensitiveness of this issue the final work of IATA will be submitted as early as possible to the Air Transport Committee of ICAO for further consideration, approval and implementation.

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 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 suggested that ICAO's work in this regard should be based on lessons learned and/or methodology for preventive measures and proactive procedures to deal with contagious diseases. However, it was 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 the gist of the suggested text was already adequately covered in Standard 2.24 and decided that the existing provision would suffice as amended in the following paragraph.

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, **whether chemical or non-chemical**, and/or insecticides, 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, to record the approval of such alternatives.

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 alone should not be called upon to bear responsibility 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 With regard to WP/33, the Division agreed that the model harmonized contingency phased response plan presented therein was useful and appropriate and should be developed further. It was suggested that the triggers for the implementation of such a plan could also include the notification of a suspect case of contagious, infectious disease on board on inbound aircraft.

6.1.17 It was clarified that the primary responsibility for a contingency plan rested with the public health authorities, although the airport management would play a significant coordinating role in implementing the plan.

6.1.18 It was also clarified that the application of the eight anti-SARS measures, mentioned in paras 5.2.1 b) and 5.2.2 b), would pertain only in the event of a resurgence of SARS. Measures to be taken in the event of an outbreak of another contagious disease would be determined by WHO.

6.1.19 It was agreed that the model outline should be published in ICAO guidance material. Possible inclusion in the *Airport Planning Manual* would be investigated. In the meantime a dedicated circular may be published.

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