



A35-WP/1
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28/11/03

INTERNATIONAL CIVIL AVIATION ORGANIZATION

ASSEMBLY - 35TH SESSION

PROVISIONAL AGENDA

PLENARY MEETINGS

Item 1: Opening of the Session by the President of the Council

Item 2: Statements by delegations of Contracting States and of Observers

Statements by delegations will take place at the Plenary meetings during the first two days of the Assembly and should be no longer than five minutes per delegation so that the Commissions can start working on the third day. Statements could be either communicated to the Secretariat for distribution to all delegations or made orally and should focus on high-level policy issues.

Item 3: Establishment of the Executive and Credentials Committees

The *Standing Rules of Procedure of the Assembly* provide, among other things, that the Assembly shall establish an Executive Committee (Rule 14) with the functions described in Rule 15, and a Credentials Committee (Rule 6).

Item 4: Election of the President and Vice-Presidents of the Assembly

Rules 8 and 9 of the *Standing Rules of Procedure of the Assembly* provide that the Assembly shall elect a President and four Vice-Presidents.

Item 5: Adoption of the Agenda

Rule 10 of the *Standing Rules of Procedure of the Assembly* provides that the Provisional Agenda prepared by the Council for a session shall be communicated to Contracting States so as to reach them at least 90 days before the opening of the session. Rule 12 of the *Standing Rules* provides that the Provisional Agenda prepared by the Council, together with any additional items that the United Nations may request or that any Contracting State may propose for inclusion in the Agenda, shall be submitted to the Assembly for approval as soon as possible after the opening of the Session.

Item 5.1: Reference of agenda items to the Executive Committee and Commissions and directives concerning coordination of action by those bodies

The Plenary will refer the items of the Agenda to the Executive Committee and the four Commissions. Under Rule 15 (d) of the *Standing Rules of Procedure of the Assembly*, the Executive Committee may also refer items of the Agenda or parts of such items to Commissions. The Plenary or the Executive Committee will, if required, issue directives or terms of reference when referring items or parts of them to the Commissions.

PLENARY MEETINGS (Contd.)**Item 6: Establishment of Commissions, Co-ordinating Committee and election of Chairmen of Commissions**

Under Rule 14, the Assembly has to establish an Administrative Commission. It is anticipated that the Assembly shall also establish three other Commissions, namely, the Technical, Economic and Legal Commissions. A Co-ordinating Committee should also be established. Commissions may, as necessary, establish working groups to deal with specific subjects.

Item 7: Annual Reports of the Council to the Assembly for 2001, 2002 and 2003

The Annual Reports of the Council are those covering the years 2001 (Doc 9786), 2002 (Doc 9814) and 2003 (Doc 9826). A supplementary Report will be issued by the time the Assembly convenes to cover the major events in ICAO during the first six months of 2004. The Council may also present to the Assembly separate reports on certain subjects which require more detailed explanations than those generally included in the Annual Reports and which are not covered by other items of the Agenda. (Some of these separate reports are mentioned in the footnote on page 3). All Annual Reports will be referred as a whole to the Executive Committee, and parts of the Annual Reports and any other reports will be referred to the Commissions in accordance with their fields of competence.

Item 8: Programme Budget for 2005, 2006 and 2007

The proposed Programme Budget for the triennium 2005-2007 will be referred as a whole to the Administrative Commission with those parts of interest or concern to the other Commissions.

Item 9: Assembly resolutions to be consolidated or to be declared no longer in force and their reference to the Executive Committee and Commissions

As has been done since the 16th Session, the Council will present to the Assembly proposals for consolidation of some resolutions in force and for declaring as no longer in force those that have been superseded by subsequent action of the Assembly or on which action has been completed.

Item 10: Election of Contracting States to be represented on the Council

For this item documentation will be presented to the Assembly setting forth the voting procedure for the election of the Council, the precedents of the elections in previous years and other relevant information. Reference will also be made to Assembly Resolution A4-1 specifying the obligations of Council Member States.

Item 11: Reports by Commissions and Committees of the Assembly and action thereon

These reports are the final reports of the Committees and Commissions on each item, together with the draft resolutions presented for adoption by the Assembly.

EXECUTIVE COMMITTEE¹

Item 12: Discharge by Contracting States of their financial obligations to the Organization

Item 12.1: Report on arrangements to settle contributions in arrears

Item 12.2: Action to be taken in the case of Contracting States failing to discharge their financial obligations to the Organization

The Council will present a report which will permit consideration of the situation of States that have accumulated considerable indebtedness and of the arrangements that may have been concluded to liquidate their arrears. Assembly Resolutions A21-10 and A31-26, Clause 3, refer to this matter.

Item 13: Technical cooperation

Item 13.1: Activities and policy on technical cooperation provided under the United Nations Development Programme (UNDP) and through Trust Fund (TF) arrangements during the period 2001 - 2003

The Council will present a historical report on the activities of the Technical Co-operation Bureau over the last 20 years. The information will include a comparison between income and expenditures, as well as the Technical Cooperation Programme's size by type of funds. The paper will also contain a report on technical cooperation activities during the period 2001 to 2003.

Item 13.2: Transition to a new policy on technical cooperation

The Council will present a report on the state of follow-up action on Assembly Resolution A33-21. It will provide an update on the progressive implementation of the core staff concept and the progressive integration of the Technical Co-operation Bureau into the Organization's structure, and will propose to update the new policy on technical cooperation as well as the utilization of ICAO's Objectives Implementation Funding Mechanism (OIFM). The paper will also present a consolidated resolution regarding all technical cooperation activities and programmes.

¹ The Executive Committee will also consider the Annual Reports of the Council to the Assembly for 2001, 2002 and 2003 referred to it by the Plenary under Item 7.

Also under Item 7 the Committee will consider any separate reports referred by the Plenary, such as reports on: Compliance with and implementation of the principle of equitable geographical representation in posts of the Secretariat of ICAO (Assembly Resolution A24-20); recruitment and status of women in ICAO; and ICAO's relationship with the regional civil aviation bodies (Assembly Resolution A27-17).

EXECUTIVE COMMITTEE (Contd.)**Item 14: Aviation security****Item 14.1: Developments since the 33rd Session of the Assembly**

The Council will report on action taken in response to Assembly Resolution A33-1, including the outcome of the High-level, Ministerial Conference on Aviation Security in February 2002 and the adoption of the Aviation Security Plan of Action in June 2002 and its subsequent implementation. In light of this and of significant developments in the field of aviation security since the 33rd Session of the Assembly, the Council will present proposals for carrying forward the Plan of Action into the 2005-2007 triennium and for updating the *Consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference* (Assembly Resolution A33-2).

Item 14.2: Universal Security Audit Programme (USAP)

Pursuant to Assembly Resolution A33-1, the Council will present a report on the establishment of the ICAO Universal Security Audit Programme (USAP), including programme achievements, management and operation of the programme, Annex 17-related audits completed, a preliminary analysis of the initial audits, and the expected progression of USAP in the 2005-2007 triennium.

Item 15: Environmental protection

The Council will present reports on activities with regard to: a) aircraft noise, including the development of guidance to assist States in implementing the concept of the balanced approach to noise management; and b) limiting or reducing the environmental impact of aircraft engine emissions, including the results of work on both technical solutions and market-based measures. In this context, the Council will present proposals for updating the *Consolidated statement of continuing ICAO policies and practices related to environmental protection* (Assembly Resolution A33-7).

Item 16: Improvement of safety oversight**Item 16.1: Progress report on the implementation of the ICAO Universal Safety Oversight Audit Programme (USOAP)**

Pursuant to Assembly Resolution A33-8, the Council will present a report on the implementation of the ICAO USOAP, addressing historical background and information on the overall management and operation of the programme; audits and audit follow-up missions completed in respect of Annexes 1, 6 and 8; main results of the audits and audit follow-up missions on the basis of information extracted from the Audit Findings and Differences Database; corrective actions taken by States and update on the status of implementation of Standards and Recommended Practices (SARPs) and the critical elements of a safety oversight system. The Council will also present a report on the expansion of the programme to Annexes 11, 13 and 14 and initial results of audits conducted in the expansion areas.

EXECUTIVE COMMITTEE (Contd.)

Item 16: Improvement of safety oversight (Contd.)

Item 16.2: Transition to a systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)

The Council will present a proposal for the ICAO Universal Safety Oversight Audit Programme to implement a systems approach in the conduct of safety oversight audits starting in 2005. The experience gained from the conduct of audits on an Annex-by-Annex basis has shown that SARPs contained in the various Annexes are interdependent and essentially designed to enhance aviation safety. However, the Annex-by-Annex approach does not enable ICAO to examine the effectiveness of a State's safety oversight system as a whole. A safety oversight audit programme using a systems approach for audits, while addressing the implementation by States of all safety-related provisions, would assess the capability of each Contracting State to establish and maintain an effective safety oversight system.

Item 17: Enhancement of ICAO Standards

The Council will present a report on ways of further enhancing ICAO Standards. The report will build on the experience gained from the implementation of Assembly Resolution A33-14, Appendix A and will address, in particular, the extension of the concept of separating core Standards and Recommended Practices (SARPs) and detailed technical specifications. Pursuant to Assembly Resolution A33-3, the report will also address ways of shortening the process for the approval and adoption of SARPs considered of key importance for safety and security to civil aviation. Further, the Council will present proposals for the improvement of the development and adoption process of SARPs in general.

Item 18: International Financial Facility for Aviation Safety (IFFAS)

As required in Clause 7 of Assembly Resolution A33-10, the Council will report on activities of IFFAS, including performance assessment and audited financial statements.

Item 19: Health and well-being of passengers and crews

The Council will report on work undertaken to develop possible measures to protect the health and well-being of passengers and crews and to minimize the medical risks associated with long-range air travel.

Item 20: Increasing the effectiveness of ICAO

The Council will present a report on implementation of Assembly Resolutions A31-2, A32-1 and A33-3 which includes: updating of the Strategic Action Plan; more clear and precise identification of programmes; priorities and performance indicators; evolution of innovative funding sources and budgeting; and work undertaken by the Office for Programmes Evaluation, Audit, and Management Review.

Item 21: Assembly resolutions to be consolidated or to be declared no longer in force

See note regarding Item 9.

TECHNICAL COMMISSION²**Item 22: Development of an up-to-date consolidated statement of ICAO continuing policies related to air navigation**

In accordance with Assembly Resolution A15-9, the Assembly is expected to adopt a revised consolidated statement of continuing policies and practices related to air navigation, up to date as of the end of the 35th Session. The revised consolidated statement will be based on the statement in Assembly Resolution A33-14.

Item 23: Consolidated statement of continuing ICAO policies and practices related to communications, navigation, and surveillance/air traffic management (CNS/ATM) systems

In accordance with Resolution A33-15, the Assembly is expected to adopt at each ordinary session of the Assembly, for which a Technical Commission is established, a consolidated statement of continuing ICAO policies and practices related to CNS/ATM. The revised consolidated statement will be based on the statement in Assembly Resolution A33-15.

Item 24: ICAO Global Aviation Safety Plan (GASP)

Pursuant to Assembly Resolution A33-16, a progress report will be presented on the ICAO Global Aviation Safety Plan (GASP). Under this agenda item, reports will also be presented on:

Item 24.1: Protection of sources and free flow of safety information

Existing ICAO provisions address the protection of accident and incident records and flight data analysis programmes. There are, however, other sources of safety information, based upon the voluntary exchange and free flow of safety data in programmes, such as the Aviation Safety Action Partnership (ASAP), Line Operations Safety Audits (LOSA) and similar emerging industry programmes. The information from such programmes, which add to the safety information obtained from accident and incident records and flight data analysis programmes, may presently lack adequate protection in existing ICAO provisions. An Assembly resolution will be proposed which will address the issue of judicial proceedings stemming from accidents and incidents, the use of safety data for judicial proceedings and the protection of all relevant safety information sources.

² The Technical Commission will also consider those parts of the Annual Reports of the Council for 2001, 2002 and 2003 and the Programme Budget for 2005, 2006 and 2007 referred to it by the Plenary under Items 7 and 8. The Technical Commission will also consider any separate reports referred to it by the Plenary or Executive Committee in cases where a specific input is required.

TECHNICAL COMMISSION (Contd.)

Item 24: ICAO Global Aviation Safety Plan (GASP) (Contd.)

Item 24.2: Progress of the ICAO programme for the prevention of controlled flight into terrain (CFIT)

A progress report will be presented covering the main items of the programme and will include: a review of the statistics and the position with respect to the target established at the 31st Session of the Assembly; a review of SARPs and procedures introduced since the 33rd Session of the Assembly, including those which will become applicable on 25 November 2004; a review of the work in progress; a review of CFIT prevention, training and education material currently available; and a proposal for an Assembly resolution to focus on the continuation of the CFIT prevention efforts, building upon Assembly Resolutions A31-9 and A33-16.

Item 24.3: Flight safety enhancement programme

A report will be presented on the main elements of the programme, covering a review of the available technical guidance material to assist States in remedying deficiencies identified through USOAP; a review of the actions taken to assist States; and a proposal for an Assembly resolution focussing on a sustained effort to provide assistance to States as necessary, building upon Assembly Resolutions A33-9 and A33-16.

Item 25: A global design code for aircraft

A progress report will be presented reflecting the action taken by ICAO on the implementation of Assembly Resolution A33-11 and proposing future action.

Item 26: Assembly resolutions to be consolidated or to be declared no longer in force

See note regarding Item 9.

ECONOMIC COMMISSION³**Item 27: Regulation of international air transport services, and outcome of the fifth Worldwide Air Transport Conference**

The Council will report on developments in the economic regulation of air carriers, including the outcome of the Worldwide Air Transport Conference: Challenges and Opportunities of Liberalization (ATConf/5) held from 24 to 28 March 2003.

Item 28: Regulation and organization of airports and air navigation services

The Council will report on developments in the economic regulation of and organizational arrangements for air transport infrastructure, including commercialization, cost allocation of the Global Navigation Satellite System (GNSS), and multilateral arrangements in the field of air navigation services (including organizational and economic aspects of the “single sky” concept and application of the joint financing concept under Chapter XV of the *Convention on International Civil Aviation*).

Item 29: Facilitation

The Council will report on developments including the outcome of the Twelfth Session of the Facilitation Division (FAL/12) (22 March to 2 April 2004); international cooperation to protect the security and integrity of passports and other travel documents, with a focus on the deployment of biometrics and new applications of advanced technologies; and further progress made in implementing Assembly Resolution A33-18 on preventing the introduction of invasive alien species.

Item 30: Other air transport issues

The Council will report on issues including evaluation of the economic contribution of civil aviation; forecasting, planning and cost/benefit for the Planning and Implementation Regional Groups (PIRGs) (including economic aspects of CNS/ATM); and the continuing evolution of the Organization’s Integrated Statistical Database (ISDB).

Item 31: Development of an up-to-date consolidated statement of continuing ICAO policies in the air transport field

The Council will present proposals for updating the *Consolidated statement of continuing ICAO policies in the air transport field* (Assembly Resolution A33-19).

Item 32: Assembly resolutions to be consolidated or to be declared no longer in force

See note regarding Item 9.

³ The Economic Commission will also consider those parts of the Annual Reports of the Council for 2001, 2002 and 2003 and the Programme Budget for 2005, 2006 and 2007 referred to it by the Plenary under Items 7 and 8. The Economic Commission will also consider any separate reports referred to it by the Plenary or Executive Committee in cases where a specific input is required.

LEGAL COMMISSION⁴

Item 33: International interests in mobile equipment (aircraft equipment)

The Council will present a report on the status of work of the Organization in accordance with Resolution No. 2 of the Diplomatic Conference to Adopt a Mobile Equipment Convention and an Aircraft Protocol held at Cape Town from 29 October to 16 November 2001.

In this regard, it is recalled that the Preparatory Commission for the Establishment of the International Registry acts under the guidance and supervision of the Council, and that ICAO was invited to accept the functions of Supervisory Authority of the International Registry upon the entry into force of the Convention and the Protocol.

Item 34: Progress report on the modernization of the Rome Convention of 1952

The Council will present a report on the progress of work in relation to the item in the Work Programme of the Legal Committee entitled *Consideration of the Modernization of the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, signed at Rome on 7 October 1952*.

Item 35: Assistance in the field of aviation war risk insurance

The Council will present a report on the status of work of the Organization on this subject, pursuant to Assembly Resolution A33-20.

Item 36: Report on the establishment of a legal framework with regard to CNS/ATM systems including GNSS

The Council will present a report on the results of the work of the Secretariat Study Group on Legal Aspects of CNS/ATM Systems, in relation to the first item in the Work Programme of the Legal Committee entitled *Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), of the establishment of a legal framework*.

Item 37: Work Programme of the Organization in the legal field

The Council will present a report on the progress of implementation of other items on the General Work Programme of the Legal Committee not covered by the items above (including unruly/disruptive passengers; review of the question of the ratification of international air law instruments; and the United Nations Convention on the Law of the Sea), and will present recommendations for the future Work Programme of the Organization in the legal field.

The Council will also present a draft resolution for adoption by the Assembly, which will deal with the interpretation of Article IV of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*

Item 38: Assembly resolutions to be consolidated or to be declared no longer in force

See note regarding Item 9.

⁴ The Legal Commission will also consider those parts of the Annual Reports of the Council for 2001, 2002 and 2003 and the Programme Budget for 2005, 2006 and 2007 referred to it by the Plenary under Items 7 and 8. The Legal Commission will also consider any separate reports referred to it by the Plenary or Executive Committee in cases where a specific input is required.

ADMINISTRATIVE COMMISSION⁵**Item 39: Budgets****Item 39.1: Programme Budget - 2005, 2006, 2007**

Article 49 e) of the Convention stipulates that the Assembly votes annual budgets and determines the financial arrangements of the Organization. Under this provision, the Council will submit the ICAO Programme Budget for 2005, 2006 and 2007, as well as, if required, estimates for supplementary appropriations.

Item 39.2: Technical Cooperation Administrative and Operational Services Costs (AOSC)

The Council will submit the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Cooperation Programme.

Item 40: Apportionment of expenses of ICAO among Contracting States**Item 40.1: Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention**

In accordance with Financial Regulations 6.9 and 7.5, the Council has taken action on the assessment of Saint Kitts and Nevis. The Council will also act on the assessment of any other State that may adhere to the Convention before the opening of the 35th Session of the Assembly. The Council action will be reported to the Assembly for approval.

Item 40.2: Arrears of contributions of the former Socialist Federal Republic of Yugoslavia

The Council will inform the Assembly regarding the arrears of contributions due from the former Socialist Federal Republic of Yugoslavia pertaining to the years 1990, 1991 and 1992.

Item 40.3: Assessments to the General Fund for 2005, 2006 and 2007

This item is governed by Assembly Resolution A21-33, Clause 3 as amended by Assembly Resolutions A23-24 and A31-20.

⁵ The Administrative Commission will also consider those parts of the Annual Reports of the Council for 2001, 2002 and 2003 and the Programme Budget for 2005, 2006 and 2007 referred to it by the Plenary under Items 7 and 8. The Administrative Commission will also consider any separate reports referred to it by the Plenary or Executive Committee in cases where a specific input is required.

ADMINISTRATIVE COMMISSION (Contd.)

Item 41: Financial Questions

Item 41.1: Financial aspects of the question of contributions in arrears

In accordance with Financial Regulation 6.8 and Assembly Resolution A31-26, the Council will report on the result of actions undertaken to encourage the payment of contributions in arrears and of the suspension, as of 1 January 1998, of the voting power in the Assembly and the Council for those Contracting States that have failed to discharge their financial obligations to the Organization. The application of Assembly Resolution A21-10 and Clause 3 of Assembly Resolution A31-26 will be examined and revised resolutions presented for approval.

Item 41.2: Incentive schemes for settlement of long-outstanding arrears

The Assembly will be informed of the actions taken in accordance with Assembly Resolution A33-27, Resolving Clause 1.

The application of Assembly Resolution A33-27, Resolving Clause 2, will be reviewed.

In accordance with Assembly Resolution A33-27, Resolving Clause 3, payments from Contracting States with arrears of three full years or more are being retained in a separate account to finance expenditures on aviation security activities, and new and unforeseen projects related to aviation safety and/or projects related to the enhancement of efficient delivery of ICAO programmes, such action being under Council's control. The 34th Session (Extraordinary) of the Assembly agreed to the specific application of the accumulated balance in the account, and reaffirmed that the Council would report on the action taken to the next ordinary session of the Assembly and would submit the matter for review. The Council will report on actions taken and make any recommendations deemed appropriate in this regard.

In accordance with Assembly Resolution A33-27, Resolving Clause 4, the Council will report on the effects of incentive schemes on payment of arrears by States, as well as other measures which may be considered.

Item 41.3: Report on the Working Capital Fund

In accordance with Assembly Resolution A33-28, the Council will report on the position of the Working Capital Fund.

Item 41.4: Distribution of cash surplus

In accordance with Financial Regulation 6.2, the Council will report on the disposition of cash surplus.

ADMINISTRATIVE COMMISSION (Contd.)

Item 42: Review of expenditures, approval of accounts and examination of Audit Reports for the financial years 2001, 2002 and 2003

This item will include the Audit Reports and Statement of Accounts for each of the financial years and in respect of the Organization, including Joint Financing funds, United Nations Development Programme funds, Trust Funds, Civil Aviation Purchasing Service funds and other funds administered by ICAO, as well as reports dealing with transfers from one Major Programme to another, supplementary appropriations and *ex-gratia* payments, if any.

Item 43: Appointment of External Auditor

In accordance with Financial Regulation 13.1, the Council will present a report on the appointment of the External Auditor.

Item 44: Report on the Use of the Information and Communication Technology (ICT) Fund

In accordance with Resolution A33-24, Resolving Clause 6, the Council will report on the use of the Information and Communication Technology (ICT) Fund.

Item 45: Assembly resolutions to be consolidated or to be declared no longer in force

See note regarding Item 9.

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