

PROVISIONAL EDITION  
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# RESOLUTIONS

ADOPTED BY THE ASSEMBLY



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INTERNATIONAL CIVIL AVIATION ORGANIZATION



**RESOLUTIONS ADOPTED AT THE 40TH SESSION OF THE ASSEMBLY**

**PROVISIONAL EDITION**

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## RESOLUTIONS ADOPTED AT THE 40TH SESSION OF THE ASSEMBLY

### PROVISIONAL EDITION

#### **A40-1: ICAO global planning for safety and air navigation**

*Whereas* ICAO strives to achieve the goal of a safe and orderly development of civil aviation through cooperation among Member States and other stakeholders;

*Whereas* to realize this goal, the Organization has established Strategic Objectives, including objectives for safety and for capacity and efficiency;

*Recognizing* the importance of global frameworks to support the Strategic Objectives of ICAO;

*Recognizing* the importance of effective implementation of regional and national plans and initiatives based on the global frameworks;

*Recognizing* that further progress in improving the global safety, capacity and efficiency of civil aviation is best achieved through a cooperative, collaborative and coordinated approach in partnership with all stakeholders under the leadership of ICAO; and

*Noting* the approval by the Council of the third edition of the Global Aviation Safety Plan (GASP) and of the sixth edition of the Global Air Navigation Plan (GANP);

*The Assembly:*

1. *Endorses* the third edition of the Global Aviation Safety Plan (GASP) and the sixth edition of the Global Air Navigation Plan (GANP) as the global strategic directions for safety and air navigation, respectively;
2. *Resolves* that ICAO shall implement and keep current the GASP and the GANP to support the relevant Strategic Objectives of the Organization, while ensuring necessary stability;
3. *Resolves* that these global plans shall be implemented and kept current in close cooperation and coordination with all concerned stakeholders;
4. *Resolves* that these global plans shall provide the frameworks in which regional, subregional and national plans will be developed and implemented, thus ensuring consistency, harmonization and coordination of efforts aimed at improving international civil aviation safety, capacity and efficiency;
5. *Urges* Member States to develop sustainable solutions to fully exercise their safety oversight and air navigation responsibilities which can be achieved by sharing resources, utilizing internal and/or external resources, such as regional and subregional organizations and the expertise of other States;

6. *Urges* Member States to demonstrate the political will necessary for taking remedial actions to address safety and air navigation deficiencies, including those identified by Universal Safety Oversight Audit Programme (USOAP), through the GASP, the GANP and the ICAO regional planning process;
7. *Urges* Member States, the industry and financing institutions to provide the needed support for the coordinated implementation of the GASP and GANP, avoiding duplication of efforts;
8. *Calls upon* States and invites other stakeholders to cooperate in the development and implementation of regional, subregional and national plans based on the frameworks of the GASP and GANP;
9. *Instructs* the Secretary General to promote, make available and effectively communicate the GASP and the GANP; and
10. *Declares* that this resolution supersedes Resolution A39-12 on ICAO global planning for safety and air navigation.

## **APPENDIX A**

### **Global Aviation Safety Plan (GASP)**

*Reaffirming* that the primary objective of the Organization continues to be the improvement of safety and an associated reduction in the number of accidents and related fatalities within the international civil aviation system;

*Recognizing* that safety is a responsibility involving ICAO, Member States and all other stakeholders;

*Recognizing* the safety benefits that can be drawn from partnerships between States and industry;

*Recognizing* that the High-level Safety Conference (2010) reaffirmed the need for the ICAO safety framework to continuously evolve to ensure its sustained effectiveness and efficiency in the changing regulatory, economic and technical environment;

*Noting* that the expected increase in international civil aviation traffic will result in an increasing number of aircraft accidents unless the accident rate is reduced;

*Recognizing* the need to maintain the public's confidence in air transport by providing access to relevant safety information;

*Recognizing* that a proactive approach in which a strategy is established to set priorities, targets and indicators to manage safety risks is of paramount importance to the achievement of further improvements in aviation safety;

*Recognizing* that regional aviation safety groups have been implemented by ICAO, taking into account the needs of the various regions and building on the already existing structures and forms of cooperation;

*Noting* the intent to apply the safety management principles in the GASP to enhance safety by focusing action where it is most needed;

*Noting* the development of the global aviation safety roadmap, as an action plan to assist the aviation community in implementing the safety initiatives presented in the GASP, through a structured, common frame of reference for all relevant stakeholders; and

*Noting* the need to assist Member States in implementing safety management principles and mitigate risks on identified operational issues;

*The Assembly:*

1. *Stresses* the need for continuous improvement of aviation safety through a reduction in the number of accidents and related fatalities in air transport operations in all parts of the world, particularly in States where safety records are significantly worse than the worldwide average;
2. *Stresses* that limited resources of the international aviation community should be used strategically to support States or regions whose safety oversight maturity is not at an acceptable level;
3. *Urges* Member States to implement national aviation safety plans consistent with the GASP to continually reduce fatalities and the risk of fatalities;
4. *Urges* Member States, regional safety oversight organizations (RSOOs), regional aviation safety groups (RASGs) and international organizations concerned to work with all stakeholders to implement regional aviation safety plans consistent with the GASP to continually reduce fatalities and the risk of fatalities;
5. *Urges* States to fully exercise safety oversight of their operators in full compliance with applicable Standards and Recommended Practices (SARPs), and assure themselves that every foreign operators flying into their territory receives adequate oversight from its own State and take appropriate action when necessary to preserve safety; and
6. *Encourages* ICAO to continue the development of the global aviation safety roadmap, as required.

## **APPENDIX B**

### **Global Air Navigation Plan (GANP)**

*Whereas* the enhancement of the safety, capacity and efficiency of aviation operations is a key element of the ICAO Strategic Objectives;

*Having adopted* Resolution A40-4, a consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation;

*Recognizing* the importance of GANP as an operational strategy and part of the basket of measures to achieve ICAO's global aspirational goals on CO<sub>2</sub> emissions; and

*Recognizing* that many States and regions are developing new air navigation plans for their own air navigation modernization;

*The Assembly:*

1. *Instructs* the Council to use the guidance in the Global Air Navigation Plan (GANP) to develop and prioritize the technical work programme of ICAO in the field of air navigation;
2. *Urges* the Council to provide States with a standardization roadmap, as announced in the GANP, as a basis for the work programme of ICAO;
3. *Calls upon* States, planning and implementation regional groups (PIRGs), and the aviation industry to utilize the guidance provided in the GANP for planning and implementation activities which establish priorities, targets and indicators consistent with globally-harmonized objectives, taking into account operational needs;
4. *Calls upon* States to take into consideration the GANP guidelines for the implementation of operational improvements as part of their national strategy to reduce the environmental impact, including CO<sub>2</sub> emissions, from international aviation;
5. *Calls upon* States, PIRGs, and the aviation industry to provide timely information to ICAO, and to each other, regarding the implementation status of the GANP, including the lessons learned from the implementation of its provisions;
6. *Invites* PIRGs to use ICAO standardized tools or adequate regional tools to monitor and, in collaboration with ICAO, analyse the implementation status of air navigation systems;
7. *Instructs* the Council to publish the results of the analysis on the regional performance dashboards and in an annual global air navigation report including, as a minimum, the key implementation priorities and accrued environmental benefits associated with the implementation of the operational improvements outlined in the ASBU framework;
8. *Urges* States that are developing new air navigation plans, for their own air navigation modernization, to coordinate with ICAO and align their plans so as to ensure regional and global compatibility and harmonization; and
9. *Instructs* the Council to continue developing the GANP, keeping it current with evolving technology and operational requirements.

**A40-2: Protection of accident and incident investigation records**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Whereas* it is essential that cognizance be taken that it is not the purpose of the investigation of accidents and incidents to apportion blame or liability;

*Recognizing* that it is essential that all relevant information be made available to the accident ~~investigators~~ investigation authorities to facilitate the establishment of the causes and/or contributing factors of accidents and incidents in order to enable preventative action to be taken;



*Recognizing* that the prevention of accidents is essential to safeguard the continued confidence in air transport;

*Recognizing* that public attention will continue to focus on States' investigative actions, including calls for access to accident and incident records;

*Recognizing* that the protection of certain accident and incident records from purposes other than accident or incident investigation is essential to ensure the continued availability of all relevant information to accident investigation authorities in future investigations;

*Recognizing* that the use of information, derived from accident investigations, for disciplinary, civil, administrative and criminal proceedings is generally not a means to maintain or improve aviation safety;

*Recognizing* that the measures taken so far to ensure the protection of certain accident and incident records may not be sufficient, and noting the issuance by ICAO of new and enhanced provisions for the protection of accident and incident investigation records in Annex 13 — *Aircraft Accident and Incident Investigation*;

*Recognizing* the need to incorporate into national laws the protection of accident and incident investigation records listed in Annex 13 in order to ensure that the determination of the competent authorities designated by Member States has legal standing and to facilitate the administration of the balancing test by such authorities;

*Considering* that a balance needs to be struck between the need for the protection of accident and incident investigation records and the need for their disclosure or use, and that protection is not aimed at preventing the administration of justice; and

*Mindful* that the accident investigation authorities can only afford protection to certain investigation records that are under their custody or control;

*The Assembly:*

1. *Calls* on Member States to reaffirm their commitment to protect accident and incident investigation records in compliance with Annex 13;

1.2. *Urges* Member States to examine and if necessary adjust their laws, regulations and policies to protect accident and incident investigation records in compliance with paragraph 5.12 and Appendix 2 to Annex 13, in order to mitigate impediments to accident and incident investigations, and to ensure continued availability of all relevant information to accident investigation authorities; and

3. *Declares* that this resolution supersedes Resolution A38-3.

**A40-3: Protection of safety data and safety information collected for maintaining or improving safety and of flight recorder recordings in normal operations**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Recognizing* the importance of the free communication of safety information amongst the stakeholders of the aviation system;

*Recalling* that Annex 19 — *Safety Management* accords protection to safety data and safety information collected for maintaining or improving safety and their related sources;

*Recognizing* that the protection of safety data, safety information and related sources is essential to ensure their continued availability since the use of safety data and safety information for purposes other than maintaining or improving safety may inhibit the future availability of such data and information, with a significant adverse effect on safety;

*Considering* that a balance needs to be struck between the need for the protection of safety data, safety information and related sources to maintain or improve aviation safety and the need for the proper administration of justice;

*Noting* that the flight recorder recordings and their transcripts were introduced to support accident and incident investigations;

*Whereas* Annex 6 — *Operation of Aircraft* provides for protection of flight recorder recordings or transcripts in normal operations;

*Mindful* of the importance of protecting the flight recorder recordings or transcripts in normal operations, outside of Annex 13-type investigations;

*Concerned* that safety data, safety information and flight recorder recordings or transcripts in normal operations may be used for purposes other than those for which they were collected, including disciplinary, civil, administrative and criminal proceedings;

*Noting* that a reporting environment where employees and operational personnel may trust that their actions or omissions that are commensurate with their training and experience will not be punished is fundamental to safety reporting; and

*Recognizing* that technological advances may expand the type of recordings, safety data and safety information that can be captured by safety reporting systems and flight recorders;

*The Assembly:*

1. *Calls* on Member States to reaffirm their commitment to protect safety data and safety information collected for maintaining or improving safety and their related sources;
2. *Urges* Member States to accord protection to the flight recorder recordings or transcripts in normal operations, outside of Annex 13-type investigations;
3. *Urges* all Member States to continue to examine their existing legislation and adjust as necessary, or enact laws, regulations and policies to protect safety data, safety information and related sources, and the flight recorder recordings or transcripts in normal operations;
4. *Directs* the Secretary General to continue to provide support to States in implementing the protective frameworks in Annexes 6 and 19; and
5. *Declares* that this resolution supersedes Resolution A38-4.

**A40-4: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation**

*Whereas* in Resolution A15-9 the Assembly resolved to adopt in each session for which a Technical Commission is established a consolidated statement of continuing policies related specifically to air navigation up to date as at the end of that session;

*Whereas* a statement of continuing policies and associated practices related specifically to air navigation as they existed at the end of the 38th Session of the Assembly was adopted by the Assembly in Resolution - A38-12, Appendices A to O inclusive;

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A38-12, Appendices A to O inclusive, and has amended the statement to reflect the decisions taken during the 40th Session;

*Whereas* a policy or associated practice that requires continued application for a period of more than three years should be regarded as a continuing policy or associated practice; and

*Whereas* material which is contained in regulatory or readily available authoritative ICAO documents, such as Annexes, Global Plans, rules of procedures and directives to air navigation meetings should normally be excluded from the consolidated statements, including, in particular, ~~to~~ the associated practices;

*The Assembly:*

1. *Resolves* that:
  - a) the appendices attached to this resolution constitute the consolidated statement of continuing air navigation policies and associated practices of ICAO as they exist at the close of the 40th Session of the Assembly; and
  - b) the practices associated with the individual policies in the appendices constitute guidance intended to facilitate and ensure implementation of the respective policies.
2. *Requests* the Council to keep the consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation under review and advise the Assembly when changes are required to the statement; and
3. *Declares* that this resolution supersedes Resolutions A38-12 with its appendices and A15-9.

**APPENDIX A**

**Air navigation meetings of worldwide scope**

*Whereas* the holding of worldwide air navigation meetings is an important function of ICAO and entails substantial expenditures of effort and money by the Member States and ICAO; and

*Whereas* it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden upon the Member States or ICAO;

*The Assembly resolves that:*

1. meetings, convened by the Council, in which all Member States may participate on an equal basis shall be the principal means of progressing the resolution of problems of worldwide import, including the development of amendments to the Annexes, Global Plans and other basic documents in the air navigation field;
2. such meetings shall be convened only when justified by the number and importance of the problems to be dealt with and when there is the likelihood of constructive action on them; meetings convened on this basis may also be requested to conduct exploratory discussions on matters not mature for definite action;
3. the organization of such meetings shall be arranged so that they are best suited to carry out the assigned task and to provide proper coordination among the technical specialities involved; and
4. unless necessitated by extraordinary circumstances, not more than two such meetings shall be convened in a calendar year, and successive meetings dealing extensively with the same technical specialty shall be separated by at least twelve months.

#### **Associated practices**

1. Before deciding to refer a matter to a worldwide meeting, the Council should consider whether correspondence with States or use of machinery such as panels or air navigation study groups could dispose of it or facilitate subsequent action on it by a future meeting.
2. The agenda should be sufficiently explicit to define the task to be performed and to indicate the types of specialized expertise that will be needed at the meeting. In an agenda including more than one technical specialty the types of expertise called for should be kept to the minimum compatible with efficiency.
3. To facilitate the participation of all Member States, the Council should so plan the meeting programme as to keep to the minimum, consistent with efficiency, the demands upon the time of States' technical officials.
4. The planned duration of a meeting should allow adequate time for completion of the agenda, study of the report as drafted in the working languages of the meeting and approval of the report. Following the meeting, the Secretariat should make any necessary minor editorial amendments and typographical corrections to the meeting report.
5. The approved agenda and the main supporting documentation should be dispatched, normally by air, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation; other documentation should be dispatched as soon as possible.

## **APPENDIX B**

### **Panels of the Air Navigation Commission (ANC)**

*Whereas* panels of the Air Navigation Commission have proved a valuable medium for advancing the solution of specialized technical problems; and

*Whereas* it is necessary to ensure that maximum benefit is obtained from Air Navigation Commission panels without imposing any undue burden upon the Member States or ICAO;

*The Assembly resolves that:*

1. the Air Navigation Commission shall establish panels if necessary to advance the solution of specialized technical problems which cannot be solved adequately or expeditiously by the Air Navigation Commission through other established facilities;
2. the Air Navigation Commission shall ensure that the terms of reference and the work programmes of panels shall support the ICAO Strategic Objectives, be clear and concise with timelines and shall be adhered to;
3. the Air Navigation Commission shall review periodically the progress of panels and shall terminate panels as soon as the activities assigned to them have been accomplished. A panel shall be allowed to continue in existence only if its continuation is considered justified by the Air Navigation Commission; and
4. panel activity shall support a performance-based approach to SARPs development to the extent possible.

### **Associated practice**

Reports should be clearly presented as the advice of a group of experts to the Air Navigation Commission so that they cannot be construed as representing the views of Member States.

## **APPENDIX C**

### **Certificates of airworthiness, certificates of competency and licences of flight crews**

*Whereas* Article 33 of the Convention does not explicitly define the purposes for which recognition is to be accorded to certificates and licences;

*Whereas* several interpretations exist as to whether or not there is any obligation on Member States to recognize certificates and licences issued or rendered valid by other Member States pending the coming into force of SARPs applicable to the aircraft or flight crew involved; and

*Whereas* with respect to certain categories of aircraft or flight crew licences, it may be many years before SARPs come into force or it may be found most practicable not to adopt SARPs for some categories or flight crew licences;

*The Assembly resolves that:*

1. certificates of airworthiness and certificates of competency and licences of the flight crew of an aircraft issued or rendered valid by the Member State in which the aircraft is registered shall be recognized as valid by other Member States for the purpose of flight over their territories, including landings and take-offs, subject to the provisions of Articles 32 (b) and 33 of the Convention; and
2. pending the coming into force of international Standards respecting particular categories of aircraft or flight crew, and certificates issued or rendered valid, under national regulations, by the Member State in which the aircraft is registered shall be recognized by other Member States for the purpose of flight over their territories, including landings and take-offs.

## **APPENDIX D**

### **Qualified and Competent Aviation Personnel**

*Whereas* the satisfactory implementation of SARPs and PANS is contingent upon having qualified and competent personnel;

*Whereas* difficulties are being experienced by Member States in these matters due to a lack of qualified personnel to support the existing and future air transportation system;

*Whereas* special effort is required to support Member States in meeting their human resource needs; and

*Whereas* learning activities conducted by ICAO are an effective means of promoting a common understanding and the uniform application of SARPs and PANS;

*The Assembly resolves that:*

1. ICAO shall assist Member States in achieving and maintaining competency of aviation personnel through the ICAO Aviation Training Programme;
2. the ICAO Aviation Training Programme shall be governed by the following principles:
  - a) qualification of aviation professionals is the responsibility of Member States;
  - b) the highest priority is placed on learning activities that support the implementation of SARPs;
  - c) cooperation with Member States and industry is essential to develop and implement learning activities to support the implementation of SARPs; and
  - d) priority shall be placed on cultivating the next generation of aviation professionals.
3. ICAO advises operators of training facilities but does not participate in the operation of such facilities; and
4. Member States assist each other to optimize access to learning activities for their aviation professionals.

### **Associated practices**

1. The Council should assist Member States to harmonize aviation professionals' levels of competency. These efforts should be based on:
  - a) data analysis to determine priorities and needs;
  - b) identified training needs for the implementation of ICAO provisions; and
  - c) a competency-based approach.

## **APPENDIX E**

### **Formulation and Implementation of Regional Plans including Regional Supplementary Procedures**

*Whereas* the Council establishes Regional Plans setting forth the facilities, services and Regional Supplementary Procedures to be provided or employed by Member States pursuant to Article 28 of the Convention;

*Whereas* the Regional Plans require amendment from time to time to reflect the changing needs of international civil aviation;

*Whereas* ICAO has established an approach to planning of facilities and services that centres on the Global ATM Operational Concept and the Global Air Navigation Plan; and

*Whereas* any serious deficiencies in the implementation of Regional Plans may affect the safety, regularity and efficiency of international air operations and, therefore, should be eliminated as quickly as practicable;

*The Assembly resolves that:*

1. Regional Plans shall be revised when it becomes apparent that they are no longer consistent with current and foreseen requirements of international civil aviation;
2. when the nature of a required change permits, the associated amendment of the Regional Plan shall be undertaken by correspondence between ICAO and Member States and International Organizations concerned; and
3. when amendment proposals are associated with the services and facilities provided by States and such amendment proposals:
  - a) do not represent changes to the requirements set by the Council in the Regional Plans;
  - b) do not conflict with established ICAO policy; and
  - c) do not involve issues which cannot be resolved at the regional level;

the Council may delegate authority for processing and promulgating such amendments to the regional level.

4. Regional Air Navigation (RAN) meetings, although important instruments in the determination of the facilities and services, shall be convened only to address issues which cannot be adequately addressed through the planning and implementation regional groups (PIRGs);
5. priority shall be given in the implementation programmes of Member States to the provision, and continuing operation of those facilities and services, the lack of which would likely have an adverse effect on international air operations;
6. the identification and investigation of and action by ICAO on significant deficiencies in the implementation of Regional Plans shall be carried out in the minimum practicable time; and
7. Planning and implementation regional groups (PIRGs), using a project management approach, shall identify problems and shortcomings in Regional Plans and in the implementation thereof, along with suggested remedial measures.

#### **Associated practices**

1. The Council should ensure that the structure and format of Regional Plans is aligned with the Global Air Navigation Plan and is in support of a performance-based approach to planning.
2. In assessing the urgency of any revision of the Regional Plans the Council should take into account the time needed by Member States to arrange for the provision of any necessary additional facilities and services.
3. The Council should ensure that implementation dates in Regional Plans involving the procurement of new types of equipment are realistically related to the ready availability of suitable equipment.
4. The Council should ensure that web-based regional plans are developed, with supporting planning tools, in order to improve efficiency and expedite the amendment cycle.
5. The Council should use the planning and implementation regional groups (PIRGs) it has established throughout the regions to assist in keeping up to date the Regional Plans and any complementary documents.

### **APPENDIX F**

#### **Regional air navigation (RAN) meetings**

*Whereas* RAN meetings are important instruments in the determination of the facilities and services the Member States are expected to provide pursuant to Article 28 of the Convention;

*Whereas* these meetings entail substantial expenditures of effort and money by Member States and ICAO;

*Whereas* it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden on Member States or ICAO; and

*Considering* that regional air navigation planning is normally accomplished by Planning and Implementation Regional Groups (PIRGs);

*The Assembly resolves that:*



1. RAN meetings shall be convened only to address issues which cannot be adequately addressed through PIRGs;
2. the convening of such meetings and their agenda shall be based on the existence or expectation of specific shortcomings in the Regional Plans of the respective areas;
3. the geographical area to be considered, account being taken of the existing and planned international air transport and international general aviation operations, the technical fields to be dealt with and the languages to be used shall be decided for each such meeting;
4. the organization best suited to deal with the agenda and to ensure effective coordination among the components of the meeting shall be used for each such meeting; and
5. meetings of limited technical and/or geographical scope shall be convened when specific problems, particularly those requiring urgent solution, need to be dealt with or when convening them will reduce the frequency with which full scale RAN meetings must be held.

#### **Associated practices**

1. The Council should endeavour to hold RAN meetings at sites within the areas concerned and should encourage the Member States within those areas to serve as host, either individually or jointly.
2. The approved agenda and the main supporting documentation should be made available, by electronic means, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation.
3. The Council should ensure that adequate guidance is made available to RAN meetings on operational and technical matters relevant to their agenda.
4. Each participating Member State should inform itself, in advance of a meeting, on the plans of its air transport operators and its international general aviation for future operations and, similarly, on the expected traffic by other aircraft on its registry and on the overall requirements of these various categories of aviation for facilities and services.
5. The Council, taking into account the requirement to improve still further existing safety levels, should foster the establishment, for and by RAN meetings, of up-to-date planning criteria which would aim to ensure that Regional Plans satisfy the operational requirements and are economically justified.
6. The Council should develop and maintain specific and detailed directives for consideration of implementation matters at RAN meetings.

#### **APPENDIX G**

##### **Delimitation of air traffic services (ATS) airspaces**

*Whereas* Annex 11 to the Convention requires a Member State to determine those portions of airspace over its territory within which air traffic services will be provided and, thereafter, to arrange for such services to be established and provided;

*Whereas* Annex 11 to the Convention also makes provision for a Member State to delegate its responsibility for providing air traffic services over its territory to another State by mutual agreement;

*Whereas* cooperative efforts between Member States could lead to more efficient air traffic management;

*Whereas* both the delegating and the providing State can reserve the right to terminate any such agreement at any time; and

*Whereas* Annex 11 to the Convention prescribes that those portions of the airspace over the high seas where air traffic services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council usually on the advice of regional air navigation meetings;

*The Assembly resolves*, with reference to regional air navigation plans, that:

1. the limits of ATS airspaces, whether over States' territories or over the high seas, shall be established on the basis of technical and operational considerations with the aim of ensuring safety and optimizing efficiency and economy for both providers and users of the services;
2. established ATS airspaces should not be segmented for reasons other than technical, operational, safety and efficiency considerations;
3. if any ATS airspaces need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned, taking into account the need for cost-effective introduction and operation of CNS/ATM systems, and more efficient airspace management, in particular, in the upper airspace;
4. the providing State in implementing air traffic services within airspace over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;
5. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the safety and regularity of the air traffic operating in the airspace concerned;

and, furthermore, *declares* that:

6. any Member State which delegates to another State the responsibility for providing air traffic services within airspace over its territory does so without derogation of its sovereignty; and
7. the approval by the Council of regional air navigation agreements relating to the provision by a State of air traffic services within airspace over the high seas does not imply recognition of sovereignty of that State over the airspace concerned.

### **Associated practices**

1. Member States should seek the most efficient and economic delineation of ATS airspaces, the optimum location of points for transfer of responsibility and the most efficient coordination procedures in cooperation with the other States concerned and with ICAO.
2. Member States should consider, as necessary, establishing jointly a single air traffic services provider to be responsible for the provision of air traffic services within ATS airspace extending over the territories of two or more States or over the high seas.
3. The Council should encourage States providing air traffic services over the high seas to enter, as far as is practicable, into agreements with appropriate States providing air traffic services in adjacent airspaces, so that, in the event the required air traffic services over the high seas cannot be provided, contingency plans, which may require temporary modifications of ATS airspace limits, will be available to be put into effect with the approval of the ICAO Council until the original services are restored.

## **APPENDIX H**

### **Provision of search and rescue services**

*Whereas* in accordance with Article 25 of the Convention each Member State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable and to collaborate in coordinated measures which may be recommended from time to time pursuant to the Convention;

*Whereas* Annex 12 to the Convention contains specifications relating to the establishment and provision of search and rescue services within the territories of Member States as well as within areas over the high seas;

*Whereas* Annex 12 to the Convention specifies that those portions of the high seas where search and rescue services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council usually on the advice of regional air navigation meetings;

*Whereas* Annex 12 to the Convention recommends that search and rescue regions should, insofar as practicable, be coincident with corresponding flight information regions and, with respect to those areas over the high seas, maritime search and rescue regions;

*Whereas* Article 69 of the Convention specifies that, if the Council is of the opinion that the air navigation services of a Member State are not reasonably adequate for the safe operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose; and

*Whereas* the air navigation services referred to in Article 69 of the Convention include, inter alia, search and rescue services;

*The Assembly resolves that:*

1. search and rescue regions, whether over States' territories or, in accordance with regional air navigation agreement, over an area greater than a State's sovereign airspace or over the high seas, shall be delimited on the basis of technical and operational considerations, including the desirability of coincident flight

information regions, search and rescue regions, and, with respect to areas over the high seas, maritime search and rescue regions, with the aim of ensuring safety, and optimizing efficiency with the least overall cost;

2. States shall ensure the closest practicable cooperation between maritime and aeronautical search and rescue services where they serve the same area and, where practical, establish joint rescue coordination centres to coordinate aeronautical and maritime search and rescue operations;

3. if any search and rescue regions need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned;

4. the providing State in implementing search and rescue services over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;

5. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the provision of search and rescue services in the area concerned;

6. remedies to any inadequacies in the provision of efficient search and rescue services, including over the high seas, should be sought through negotiations with States which may be able to give operational or financial assistance in search and rescue operations, with a view to concluding agreements to that effect;

and, furthermore, *declares* that:

7. any Member State which delegates to another State the responsibility for providing search and rescue services within its territory does so without derogation of its sovereignty; and

8. the approval by Council of regional air navigation agreements relating to the provision by a State of search and rescue services within areas over the high seas does not imply recognition of sovereignty of that State over the area concerned.

#### **Associated practices**

1. Member States should, in cooperation with other States and ICAO, seek the most efficient delineation of search and rescue regions and consider, as necessary, pooling available resources or establishing jointly a single search and rescue organization to be responsible for the provision of search and rescue services within areas extending over the territories of two or more States or over the high seas.

2. The Council should encourage States whose air coverage of the search and rescue regions for which they are responsible cannot be ensured because of a lack of adequate facilities, to request assistance from other States to remedy the situation and to negotiate agreements with appropriate States regarding the assistance to be provided during search and rescue operations.

## APPENDIX I

### Coordination and cooperation of civil and military air traffic

*Whereas* the airspace is a resource common to both civil and military aviation, and given that many air navigation facilities and services are provided and used by both civil and military aviation;

*Whereas* the Preamble of the *Convention on International Civil Aviation* stipulates that signatories thereto had “agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically”;

*Whereas* Article 3 a) of the Convention states that “This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft” and Article 3 d) requires that “contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft”;

*Recognizing* that growing civil air traffic and mission-oriented military air traffic would benefit greatly from a more flexible use of airspace used for military purposes and that satisfactory solutions to the problem of cooperative access to airspace have not evolved in all areas;

*Whereas* the flexible use of airspace by both civil and military air traffic may be regarded as the ultimate goal, improvement in civil/military coordination and cooperation offers an immediate approach towards more effective airspace management; and

*Recalling* that the ICAO Global ATM Operational Concept states that all airspace should be a usable resource, any restriction on the use of any particular volume of airspace should be considered transitory, and all airspace should be managed flexibly;

*The Assembly resolves that:*

1. the common use by civil and military aviation of airspace and of certain facilities and services shall be arranged so as to ensure the safety, regularity and efficiency of civil aviation as well as to ensure the requirements of military air traffic are met;
2. the regulations and procedures established by Member States to govern the operation of their state aircraft over the high seas shall ensure that these operations do not compromise the safety, regularity and efficiency of international civil air traffic and that, to the extent practicable, these operations comply with the rules of the air in Annex 2;
3. the Secretary General shall provide guidance on best practices for civil/military coordination and cooperation;
4. Member States may include, when appropriate, representatives of military authorities in their delegations to ICAO meetings; and
5. ICAO serves as an international forum that plays a role in facilitating improved civil/military cooperation, collaboration and the sharing of best practices, and to provide the necessary follow-up activities that build on the success of the Global Air Traffic Management Forum on Civil/Military Cooperation (2009) with the support of civil/military partners.

### **Associated practices**

1. Member States should as necessary initiate or improve the coordination and cooperation between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.
2. When establishing the regulations and procedures mentioned in Resolving Clause 2, the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question.
3. The Council should ensure that the matter of civil and military coordination and cooperation in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings, in accordance with Resolving Clauses 3, 4 and 5 above.

## **APPENDIX J**

### **The provision of adequate aerodromes**

*Whereas* major improvements to the physical characteristics of aerodromes are required at many locations;

*Whereas* in certain cases these improvements will involve considerable outlay and it would be inadvisable to plan such work without taking into account future developments;

*Whereas* States and aerodrome authorities will continue to need to know the general trends in aerodrome requirements which succeeding generations of aircraft will most likely produce;

*Whereas* many serious problems can be avoided if the operating requirements of new aircraft are such as to permit them to operate economically without further demands on the physical characteristics of aerodromes;

*Whereas* the operation of aerodromes has many advantages, environmental considerations have imposed limitations upon the operation of aircraft at some locations. In view of the capacity problems currently experienced globally, account should be taken of the introduction into service of newer quieter aircraft;

*Whereas* there is a growing trend for aerodromes to be operated by autonomous entities, the obligation of States to ensure safe aerodrome facilities and services remains unaffected; and

*Whereas* aerodrome certification is an essential means to ensure aerodrome safety and enhance efficiency, and that the results of the ICAO Universal Safety Oversight Audit Programme (USOAP) audits suggest that the level of implementation of aerodrome certification, including safety management systems (SMS), is not yet optimal;

*The Assembly resolves that:*

1. the technical requirements for aerodromes shall be kept under review by ICAO;
2. there is a need for future generations of aircraft to be designed so that they are capable of being operated efficiently, and with the least possible environmental disturbance, from aerodromes used for the operation of present-day aircraft;

3. States should take necessary measures, including the allocation of adequate resources, to improve the level of implementation of aerodrome certification, including SMS at aerodromes; and
4. States should place greater emphasis on the management of aerodrome operations, with runway safety given a high priority.

#### **Associated practices**

1. In the light of the results of the continuing review mentioned in Resolving Clause 1 above, the Council, taking into account the requirement to improve still further existing safety levels and efficiency, should:
  - a) develop additional guidance material on future developments;
  - b) develop procedures for the management of aerodrome operations; and
  - c) keep Member States informed of developments.
2. The Council should continue to draw the attention of aircraft manufacturers and operators to the policy expressed in Resolving Clause 2.

#### **APPENDIX K**

##### **Adequate conditions of employment for aviation ground personnel**

*Whereas* conditions of employment that do not correspond to the qualifications and responsibilities of aviation ground services personnel constitute a major cause of difficulty in recruiting suitably qualified personnel and retaining them after completion of the training; and

*Whereas* this difficulty is impeding the satisfactory implementation of Regional Plans, SARPs and PANS;

*The Assembly resolves* that States should take the necessary steps to ensure that conditions of employment for personnel in the aviation ground services should be commensurate with the qualifications required and the responsibility carried by them.

#### **APPENDIX L**

##### **Participation by States in the technical work of ICAO**

*Whereas* the technical contributions of Member States are essential to attain satisfactory progress in the technical work of ICAO;

*Whereas* difficulties are from time to time experienced in obtaining prompt and adequate contributions from Member States to the technical work of ICAO; and

*Whereas* it is necessary to ensure that maximum benefit is obtained from this participation without imposing an undue burden on Member States and ICAO;

*The Assembly resolves* that there is a need for effective technical contributions from Member States to the technical work of ICAO.

### **Associated practices**

1. The Council should encourage effective participation by Member States in the technical work of ICAO, paying due regard to the need to minimize the cost to ICAO and Member States of such participation.
2. Insofar as each may find it practicable, Member States should:
  - a) assist, by correspondence, in advancing ICAO technical projects;
  - b) attend ICAO meetings and participate actively in pre-meeting preparations, particularly by presenting advance documentation containing either specific proposals relative to items of the agenda or their views on documentation submitted to them;
  - c) participate in ICAO panel activities and ensure that their nominees are suitably qualified and are able to contribute effectively to the panel work;
  - d) undertake specialized studies as requested by ICAO; and
  - e) assist ICAO in its technical work through any other means the Council may devise.

## **APPENDIX M**

### **The Headquarters' and Regional Offices' technical Secretariat**

*Whereas* there is a continuing need to provide effective assistance to Member States in the implementation of Regional Plans, SARPs, PANS and SUPPs;

*Whereas* it is important that the technical Secretariat of Headquarters and the Regional Offices is effectively used to provide assistance to Member States in their implementation problems; and

*Whereas* it is important that, for the proper execution of their tasks, the members of the technical Secretariat of Headquarters and the Regional Offices are enabled to maintain their technical proficiency and are kept adequately informed of the latest developments in their particular fields;

*The Assembly resolves* that:

1. the resources of the Headquarters' and Regional Offices' technical Secretariat shall be effectively deployed to provide optimum assistance to Member States with their problems relating to continuous monitoring activities, the implementation of Regional Plans, SARPs, PANS and SUPPs; and
2. the members of the Headquarters' and Regional Offices' technical Secretariat shall be enabled to maintain their technical proficiency and to keep adequately informed on the latest technical developments.



### **Associated practices**

1. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to carry out frequent visits of adequate duration when such visits are necessary or are requested by Member States to assist them with their implementation problems.
2. To the maximum practicable extent, temporary assignment of specialized personnel from one Regional Office to another and from Headquarters to the Regional Offices should take place when temporary reinforcement in the Regional Offices is required.
3. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to keep adequately up to date in their particular fields by, inter alia, attendance at selected technical meetings, visits to research and development organizations, witnessing trial applications, and evaluation of new equipment and techniques. However, such visits should not be allowed to take priority over the primary function of the Secretariat to serve ICAO and its several deliberative bodies. Furthermore, the travelling on such visits should be integrated as far as possible with travel necessary for the performance of other ICAO duties.

### **APPENDIX N**

#### **Cooperation among Member States in investigations of aircraft accidents**

*Whereas* it is incumbent on the State in which an accident occurs to institute an inquiry into the circumstances of the accident in conformity with Article 26 of the Convention;

*Whereas* owing to the growing sophistication and complexity of modern aircraft, the conduct of an accident investigation may require participation by experts from many specialized technical and operational fields and access to specially equipped facilities for investigation;

*Whereas* many Member States do not have such specialized technical and operational expertise and appropriate facilities;

*Whereas* it is essential for flight safety and accident prevention that accidents be thoroughly investigated and reported and that the effectiveness of the investigations should not be unduly hampered by considerations of cost;

*Whereas* the costs of salvage and investigation of major aircraft accidents may place a heavy financial burden on the resources of the State where the accident occurred; and

*Mindful* of the publication of the ICAO *Manual on Regional Accident and Incident Investigation Organization* (Doc 9946);

*The Assembly resolves* to recommend that Member States cooperate in the investigation of aircraft accidents, especially accidents in which the investigation requires highly specialized experts and facilities and that to this end Member States and regional accident and incident investigation organizations (RAIOs), to the extent possible, inter alia:

- a) provide, on request by other Member States, expert assistance and facilities for the investigation of major aircraft accidents; and

- b) afford opportunity to Member States seeking investigation experience to attend investigations of aircraft accidents, in the interest of developing and furthering investigation expertise.

### **Associated practices**

1. Member States are encouraged to support the convening of regional accident investigation workshops with a view to exchanging information on each State's investigation legislation and procedures, on the sharing of knowledge and expertise in investigation management and techniques, on the availability of experts and facilities and on practices in dealing with encountered accident investigation difficulties.
2. Member States should be encouraged to facilitate the participation of investigators of accident investigation authorities as observers in investigations in other States for training purposes and orientation visits.
3. Member States and RAIOS are encouraged to assess their needs and capabilities in the field of aircraft accident investigation and prevention with a view to developing training curricula for basic accident investigation and prevention courses. The use of regional training centres for such courses should be fully explored as well as the incorporation of the TRAINAIR PLUS methodology which provides for internationally standardized and competency-based training.
4. Member States are encouraged to refer to the model Memorandum of Understanding (MOU) developed by ICAO in 2007 for use by States to encourage mutual cooperation during the investigation of aircraft accidents and serious incidents. The model MOU is available on the ICAO public website.
5. Member States are encouraged to consider, as necessary, the ICAO *Manual on Regional Accident and Incident Investigation Organization* (Doc 9946) which provides guidance on how to establish and manage a regional accident and incident investigation system within a region or subregion.

## **APPENDIX O**

### **Human performance**

*Whereas* the aims and objectives of ICAO as laid down by the Chicago Convention provide for fostering the development of international air transport “. . . so as to . . . promote safety of flight in international air navigation”;

*Whereas* it is recognized that human performance, as influenced by physiological and cognitive capabilities and constraints, contributes significantly to the overall safety performance of the aviation system;

*Whereas* it is recognized that the safety and efficiency benefits associated with new technologies, systems and procedures can only be realized when they are designed to enhance the performance of the individuals who use them; and

*Whereas* it is recognized that implementation of the future aviation systems will result in changes in roles for aviation professionals requiring work across multi-disciplinary teams to support collaborative decision-making;

*The Assembly resolves that:*

1. Member States ensure the integration of human performance considerations in the planning, design, and implementation of new technologies, systems and processes as part of a safety management approach;
2. Member States promote and facilitate the integration of human performance elements within competency-based training programmes throughout the career of a professional; and
3. Member States include strategies which promote safe, consistent, efficient and effective operational performance of the individual and across teams of individuals to address safety priorities.

#### **A40-5: Regional implementation support mechanisms**

*Whereas* ICAO strives to achieve the goal of a safe and orderly development of civil aviation through cooperation among Member States and other stakeholders;

*Whereas further progress in improving the global safety, capacity and efficiency of civil aviation is best achieved under the leadership of ICAO through a cooperative, collaborative and coordinated regional approach in partnership with all stakeholders;*

*Recognizing* that planning and implementation regional groups (PIRGs) serve as regional cooperative forums that determine regional priorities, and develop and maintain the regional air navigation plans, and associated work programmes, based on the *Global Air Navigation Plan* (GANP, Doc 9750) and relevant ICAO provisions;

*Recognizing* that regional aviation safety groups (RASGs) serve as regional cooperative forums that determine regional priorities, and develop and maintain the regional aviation safety plans, and associated work programmes, based on the *Global Aviation Safety Plan* (GASP, Doc 10004) and relevant ICAO provisions, integrating global, regional, sub-regional, national and industry efforts for the continued enhancement of aviation safety worldwide;

*Recognizing* that regular PIRG and RASG meetings have the effect of coalescing and recording regional progress on planning and implementation;

*The Assembly:*

1. *Notes* the revised and harmonized Terms of Reference of the PIRGs and RASGs to further support the implementation and update of the GANP and GASP;
2. *Resolves* that ICAO shall support the PIRGs and RASGs in addressing the relevant Strategic Objectives of the Organization;
3. *Urges* Member States, regional and international organizations, service providers and industry to participate in the work of the PIRGs and RASGs, and their respective contributory bodies, to, inter alia, ensure the continuous and coherent development and implementation of regional air navigation and regional aviation safety plans;

4. *Urges* Member States to demonstrate the political will necessary for taking remedial actions to address safety concerns, and air navigation deficiencies identified through the ICAO regional planning process;
5. *Urges* Member States, regional and international organizations, service providers and industry to serve as partners in PIRGs and RASGs, and to recognize that their joint commitment is fundamental for success in improving implementation of regional plans and safety worldwide;
6. *Instructs* the Council to review the implementation challenges experienced in the regions, as reported by PIRGs and RASGs, and report to the Assembly, as necessary, on actions taken to further improve the regional planning and implementation mechanisms; and
7. *Instructs* the Council to ensure that PIRGs and RASGs report on an annual basis implementation progress as well as challenges experienced.

**A40-6: Regional cooperation and assistance to resolve safety deficiencies, establishing priorities and setting measurable targets**

*Whereas* a primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Whereas* ensuring the safety of international civil aviation is also the responsibility of Member States both collectively and individually;

*Whereas* in accordance with Article 37 of the *Convention on International Civil Aviation* each Member State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards, procedures and organization in relation to aircraft, personnel, airports, airways and auxiliary services in all matters in which uniformity will facilitate and improve air navigation;

*Whereas* the improvement of the safety of international civil aviation on a worldwide basis requires the active collaboration of all stakeholders;

*Whereas* the Convention and its Annexes provide the legal and operational framework for Member States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Member States implement the SARPs as far as practicable and adequately perform safety oversight;

*Whereas* the results of the audits and ICAO Coordinated Validation Missions (ICVMs) conducted under the Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP-CMA) indicate that several Member States have not yet been able to establish a satisfactory national safety oversight system and some Member States have been identified as having significant safety concerns (SSCs);

*Whereas* ICAO plays a leadership role in facilitating the implementation of SARPs and the rectification of safety-related deficiencies by coordinating support and harnessing resources among aviation safety partners;

*Recognizing* that the ICAO Plans of Action developed for individual Member States serve as platforms to provide, in coordination with other stakeholders, direct assistance and guidance to those States in resolving their SSCs as well as addressing low effective implementation (EI) of critical elements;

*Whereas* ICAO has a Policy on Regional Cooperation which is committed to render assistance, advice and any other form of support, to the extent possible, in the technical and policy aspects of international civil aviation to Member States in carrying out their responsibilities pertaining to the *Convention on International Civil Aviation* and ICAO Strategic Objectives, inter alia by promoting regional cooperation through close partnerships with regional organizations and regional civil aviation bodies;

*Recognizing* that not all Member States have the requisite human, technical and financial resources to adequately perform safety oversight;

*Recognizing* that the establishment of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations (RSOOs), has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and harmonization on a larger scale resulting from the collaboration among Member States in establishing and operating a common safety oversight system;

*Recalling* that Member States are responsible for implementing ICAO Standards and may, in this respect, decide on a voluntary basis to delegate certain functions to RSOOs, and that, when applicable, the word “States” should be read to include RSOOs;

*Recalling* that the Thirteenth Air Navigation Conference (AN-Conf/13) (2018) recommended that ICAO continue developing GASOS to strengthen RSOOs and to improve their effectiveness and efficiency in supporting States, while addressing the liability, governance and cost-benefit analysis issues and other concerns raised by the Conference;

*Acknowledging* the recognition given in Annex 19 to RSOOs and their role in discharging delegated State safety management functions on behalf of States;

*Recognizing* that groups of Member States may decide to establish regional aviation systems, the legal basis of which may be an international Treaty and would encompass common rules and oversight applicable in the participating States;

*Recognizing* that the assistance available to Member States experiencing difficulties in correcting deficiencies identified through the safety oversight audits, particularly with priority given to those States with SSCs, would be greatly enhanced by coordination amongst all Member States, ICAO and other concerned parties in civil aviation operations; and

*Recognizing* that established regional aviation safety groups (RASGs) have the objective of establishing objectives, priorities and indicators and the setting of measurable targets to address safety-related deficiencies in each region while ensuring consistency of action and coordination of efforts;

*The Assembly:*

1. *Directs* the Council, in partnership with all aviation safety partners, to implement a comprehensive assistance programme that will help Member States to correct deficiencies identified through USOAP-CMA, with priority given to the resolution of SSCs;

2. *Directs* the Council to promote the concepts of regional cooperation, including the strengthening of RSOOs and RASGs, as well as the establishment of objectives, priorities and indicators and the setting of measurable targets to address SSCs and safety-related deficiencies;

3. *Directs* the Council to take the appropriate actions to ensure that the specificities of a regional aviation system established by a group of Member States are recognized and integrated in the ICAO framework;
4. *Directs* the Council to support the implementation and further development of the Global Aviation Safety Oversight System (GASOS) regarding the necessary measures to strengthen, assess and support RSOOs or RAIOS to assist their Member States in accomplishing certain safety oversight, accident and incident investigation and safety management functions and activities, while ensuring those States maintain their obligations and responsibilities under the Chicago Convention;
5. *Directs* the Council to continue to partner with Member States, industry and other aviation safety partners for coordinating and facilitating the provision of financial and technical assistance to States and subregional and regional safety and safety oversight bodies, including RSOOs and RASGs, in order to enhance safety and strengthen safety oversight capabilities;
6. *Directs* the Council to continue the analysis of relevant safety-critical information for determining effective means of providing assistance to States and subregional and regional safety and safety oversight bodies, including RSOOs and RASGs;
7. *Directs* the Secretary General to continue to foster coordination and cooperation between ICAO, RASGs, RSOOs and other organizations with aviation safety-related activities in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;
8. *Urges* Member States to give the highest priority to the resolution of SSCs in order to ensure that there are no immediate safety risks to international civil aviation and that the minimum requirements established by the Standards set forth in the ICAO Annexes are met;
9. *Urges* Member States to utilize the Flight Procedures Programme, where available, for PBN implementation and, additionally, to provide assistance (financial or otherwise) to ensure continuity and sustainability;
10. *Urges* Member States to develop and further strengthen regional and subregional cooperation in order to promote the highest degree of aviation safety;
11. *Calls* upon all Member States and relevant aviation safety partners, wherever possible, to assist requesting States with financial and technical resources to ensure the immediate resolution of identified SSCs and the longer-term sustainability of the State safety oversight system;
12. *Encourages* Member States to establish partnerships with other States, industry, financial institutions and other aviation safety partners to strengthen safety oversight capabilities, in order to better discharge State responsibilities and foster a safer international civil aviation system;
13. *Encourages* Member States to foster the creation of regional or subregional partnerships to collaborate in the development of solutions to common problems to build State safety oversight capability, and to participate in, or provide tangible support for, the strengthening and furtherance of subregional and regional aviation safety and safety oversight bodies, including RSOOs;

14. *Requests* the Secretary General to play a leading role in coordinating efforts to assist States to resolve SSCs through the development of ICAO Plans of Action and/or specific project proposals and to assist States to obtain the necessary financial resources to fund such assistance projects;
15. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the comprehensive assistance programme; and
16. *Declares* that this resolution supersedes Resolution A39-14.

#### **A40-7: New entrants**

*Whereas* the Preamble of the Convention on International Civil Aviation stipulates that signatories thereto had “agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically”;

*Whereas* Annex 11 to the Convention requires a Member State to determine those portions of airspace over its territory within which air traffic services will be provided and, thereafter, to arrange for such services to be established and provided;

*Recognizing* that, for the purposes of this Resolution, the term “New Entrants” refers to higher airspace and unmanned aircraft system (UAS) traffic management (UTM) operations;

*Recognizing* that there is an increasing need to facilitate, within a global, harmonized framework, operations by New Entrants and that there is a large disparity in performance in the types of vehicle expected to comprise this new airspace user group;

*Recognizing* that ICAO provisions may need to be amended or expanded in order to support operations by New Entrants;

*Recognizing* that significant progress has been made concerning the facilitation of operations by New Entrants through regional and State initiatives; and

*Recalling* that the ICAO Global ATM Operational Concept states that all airspace should be a usable resource, any restriction on the use of any particular volume of airspace should be considered transitory, and all airspace should be managed flexibly;

*The Assembly:*

1. *Directs* ICAO to review Standards and Recommended Practices (SARPs) relating to, inter alia, the rules of the air, air traffic services, certification, licencing, liability and the environment, for amendment or expansion as necessary, to facilitate the operation of New Entrants within a global, harmonized framework, taking into account regional frameworks and practices;
2. *Calls on* Member States to arrange their regulations and procedures governing the operation of New Entrants as well as the common use by all airspace users of certain facilities and services so as to facilitate the integration of these operations, while not compromising safety and security, duly addressing environmental

implications, and, where necessary, ensuring that these new operations comply with the rules of the air in Annex 2 — *Rules of the Air*;

3. *Calls on* Member States to ensure that the common use by all users of airspace and certain facilities and services does not disproportionately affect the regularity, environmental protection and efficiency of civil and military operations; and

4. *Recognizes* ICAO's role as an international forum to facilitate improved cooperation, collaboration and the sharing of best practices in support of regional initiatives, and to undertake the necessary follow-up activities that build on those initiatives by encouraging increased dialogue between States, New Entrants, existing aviation stakeholders and the space community.

#### **A40-8: Global provisions for design, certification and operations of water aerodromes**

*Recognizing* that Assembly Resolution A39-25 directed the Secretary General to consider the special needs and characteristics of Least Developed Countries (LDCs), Land Locked Countries (LLDCs) and Small Island Developing States (SIDS), identified within the framework of the United Nations, in the coordination, prioritization, facilitation and implementation of assistance programmes aimed at enhancing their air transport systems;

*Recognizing* the need to support States with global provisions related to areas only accessible by seaplane operations in order to improve safety and encourage a strong civil aviation sector that can promote and sustain social and economic progress through responsible tourism, for example, which is a primary economic driver;

*Considering* the need to promulgate global provisions specifically related to the design, certification and operations of water aerodromes for seaplane operations so as to meet the needs of all Member States for safe, regular, efficient and economical air transport;

*The Assembly:*

*Requests* the Council, within the current allotted budget, and as a matter of priority, to review existing SARPs related to aerodromes and to develop specific Standards and Recommended Practices in the appropriate Annexes to the Convention in order to address the design, certification, management, safety and reporting requirements for water aerodromes operations.

#### **A40-9: Consolidated statement of continuing ICAO policies in the air transport field**

*Whereas* the *Convention on International Civil Aviation* establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly, regular, efficient, economical, harmonious and sustainable manner and it is therefore one of the purposes of ICAO to support principles and arrangements in order that international air transport services may be established on the basis of equality of opportunity, sound and economic operation, mutual respect of the rights of States and taking into account the general interest;

*Whereas* air transport is of fundamental importance to the sustainable development of the economies of States by promoting and facilitating tourism and trade;



*Whereas* it is increasingly difficult, particularly for developing countries, to secure the necessary resources required to optimize the opportunities and meet the challenges inherent in the development of air transport, and to keep pace with the challenges posed by demands on air transport;

*Whereas* the Organization prepares guidance, studies and statistics on the development of air transport for Member States on a continuing basis and these should be kept current, focused and relevant and should be disseminated to Member States through the most effective means;

*Whereas* Member States are required to provide accurate and factual statistical data and other information in order that the Organization may prepare relevant guidance and studies;

*Whereas* the Organization is moving toward management by objective with more focus on implementation of air transport policies and associated guidance in line with the *No Country Left Behind* (NCLB) initiative, rather than considering setting standards under this Strategic Objective;

*Whereas* guidance developed by the Organization, and action taken by the Organization in implementing its Strategic Objective – *Economic Development of Air Transport*, should assist Member States in developing policies and practices that facilitate the globalization, commercialization and liberalization, as well as the creation of a favourable environment for the sustainable development of, international air transport; and

*Whereas* it is important for Member States to participate in the work of the Organization in the air transport field;

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies in the air transport field, as these policies exist at the close of the 40th Session of the Assembly:

Appendix A — Economic regulation of international air transport

Appendix B — Taxation

Appendix C — Airports and air navigation services economics

Appendix D — Aviation data and statistics

Appendix E — Forecasting, planning and economic analyses

2. *Urges* Member States to have regard to these policies and their continuing elaboration by the Council and by the Secretary General in the relevant ICAO documents;

3. *Urges* Member States to make every effort to fulfil their obligations, arising from the Convention and Assembly resolutions, to support the work of the Organization in the air transport field, and, in particular, to provide complete and prompt statistical and other information requested by the Organization for its air transport work;

4. *Urges* Member States in their regulatory functions to have regard to the policies and guidance material developed by ICAO on economic regulation of international air transport, such as those contained in Doc 9587, *Policy and Guidance Material on Economic Regulation of International Air Transport*;

5. *Requests* the Council to attach particular importance to financing challenges of aviation infrastructure and capacity development, commensurate with the level of predicted traffic growth, especially in developing countries;
6. *Requests* the Council, when it considers it of benefit to the work on any air transport issue, to consult expert representatives from Member States by the most appropriate means, including the establishment of panels or Secretariat study groups of such qualified experts, who would meet or work by correspondence and subsequently report to the Air Transport Committee in accordance with Doc 9482, *Directives for Panels of the Air Transport Committee and the Committee on Unlawful Interference*;
7. *Requests* the Council to convene Conferences or Divisional meetings, in which all Member States may participate, as the principal means of progressing the resolution of issues of worldwide importance in the air transport field, when such meetings are justified by the number and importance of the issues to be dealt with and where there is the likelihood of constructive action upon them;
8. *Requests* the Council and the Secretary General to disseminate and promote ICAO's air transport policies and associated guidance to and amongst Member States;
9. *Requests* the Council and the Secretary General to take necessary action to implement Assembly resolutions and decisions concerning the Organization's air transport activities, and to monitor and assist the implementation by States of ICAO's policies in the air transport field;
10. *Requests* the Council to keep the consolidated statement of ICAO's air transport policies under review and advise the Assembly when changes are required to the statement;
11. *Requests* the Council to keep ICAO's policies and guidance material in the air transport field current and responsive to changes and the needs of Member States while preserving the core principles on which they are based; and
12. *Declares* that this resolution supersedes Resolution A39-15.

## **APPENDIX A**

### **Economic regulation of international air transport**

#### **Section I. Basic principles and long-term vision**

*Whereas* the basic principles of sovereignty, fair and equal opportunity, non-discrimination, interdependence, harmonization and cooperation set out in the Convention have served international air transport well and continue to provide the basis for and contribute to its future development;

*Whereas* multilateralism to liberalize international air transport, especially the exchange of commercial rights, including traffic rights, on a multilateral basis to the greatest possible extent continues to be an objective of the Organization;

*Whereas* within the framework of the Convention, Member States have many differing regulatory goals and policies but share a fundamental objective of participation through reliable and sustained involvement in the international air transport system;

*Whereas* there is a need to adapt to the changing regulatory and operating environment in the air transport field and the Organization has accordingly developed policy guidance for the regulation of international air transport, including model clauses and template air services agreements;

*Whereas* there is need to build further understanding of the challenges and benefits associated with market access liberalization, both in terms of passenger and cargo services;

*Whereas* the provision of regular and reliable air transport services is of fundamental importance to the development of the economies of States, especially the developing States, including those dependent on tourism;

*Whereas* the Organization has adopted the long-term vision for international air transport liberalization which states: *We, the Member States of the International Civil Aviation Organization, resolve to actively pursue the continuous liberalization of international air transport to the benefit of all stakeholders and the economy at large. We will be guided by the need to ensure respect for the highest levels of safety and security and the principle of fair and equal opportunity for all States and their stakeholders;*

*Whereas* the compliance of Member States with provisions of the Convention and the universal adherence to the *International Air Services Transit Agreement (IASTA)*, the *Convention for the Unification of Certain Rules for International Carriage by Air (Montréal Convention of 1999)*, the *Convention on International Interests in Mobile Equipment (Cape Town Convention)* and its Protocol on Matters Specific to Aircraft Equipment and other ICAO instruments governing international air transport can facilitate and contribute to the achievement of the objectives of the Organization; and

*Whereas* consumer interest should be given due regard in the development of national or regional policies and regulations of international air transport;

*The Assembly:*

1. *Urges* all Member States to give regard to, and apply, the *ICAO Long-term Vision for International Air Transport Liberalization* in policy-making and regulatory practices;
2. *Encourages* Member States to pursue liberalization of market access at a pace and in a manner appropriate to needs and circumstances, giving due regard to the interests of all stakeholders, the changing business environment and infrastructure requirements, as well as to the principles pertaining to safeguard measures designed to ensure the sustained and effective participation of all States, including the principle of giving special consideration to the interests and needs of developing countries;
3. *Urges* Member States to avoid adopting unilateral and extraterritorial measures that may affect the orderly, sustainable and harmonious development of international air transport and to ensure that domestic policies and legislation are not applied to international air transport without taking due account of its special characteristics;
4. *Urges* Member States that have not yet become parties to the *IASTA*, the *Montréal Convention of 1999*, the *Cape Town Convention* and its Protocol and other ICAO instruments governing international air transport to give urgent consideration to so doing;

5. *Urges* all Member States to register all agreements and arrangements relating to international civil aviation with ICAO in accordance with Article 83 of the Convention and the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*, to enhance transparency;
6. *Urges* Member States to keep the Council fully informed of serious problems arising from the application of air services agreements or arrangements and of any significant developments in the liberalization process;
7. *Urges* Member States to give due regard to the distinct features of air cargo services when exchanging market access rights in the framework of air service agreements and grant appropriate rights and operational flexibility so as to promote the development of air cargo services, including those enabling e-commerce;
8. *Urges* Member States, in dealing with the issues related to slot allocation and night flight restrictions, to give due consideration to the needs and concerns of other States and make every effort to resolve any concerns through consultation between the parties concerned, in a transparent and non-discriminatory manner, and to respect and follow the ICAO Balanced Approach principle in regulatory action on aircraft noise management at airports;
9. *Urges* Member States and concerned stakeholders to give regard to, and apply, the ICAO high-level, non-binding, non-prescriptive core principles on consumer protection in policy-making and regulatory and operational practices, including in case of massive disruptions impacting aviation, and to keep ICAO informed of the experiences gained or issues encountered in their application;
10. *Requests* the Council to strongly support the exchange of views and good practices on the application of the ICAO core principles on consumer protection as this effort could help encourage compatibility among national or regional regimes, taking into account the needs of States for flexibility given their social, political and economic characteristics;
11. *Encourages* Member States to continue to make use of and benefit from the ICAO Air Services Negotiation (ICAN) facility, which facilitates and improves the efficiency of their air services negotiations and consultations;
12. *Requests* the Council to undertake further work to build a better understanding of the benefits and challenges of liberalization and barriers to opening market access, so that further consideration could be given to the development of a multilateral approach at the appropriate time;
13. *Requests* the Council to continue to enhance dialogue and exchange of information with Member States and industry, taking into account the goals of the *ICAO Long-term Vision for International Air Transport Liberalization*, concerning the past experience and achievements of States, including existing liberalization agreements concluded at bilateral, regional and multilateral levels, as well as the applicability and relevance of the existing multilateral air law treaties, and the various proposals presented during the Sixth Worldwide Air Transport Conference (ATConf/6);
14. *Requests* the Council to continue to cooperate with regional and subregional bodies in the examination and development of measures of cooperation, including liberalized arrangements, and the results of these measures, in order to see whether similar or other measures should at the appropriate time be recommended to Member States for application on a wider basis; and

15. *Requests* the Council to continue the comparative and analytical study of the policies and practices of Member States in the regulation of international air transport, including the provisions of air services agreements, and to share such information with Member States.

## **Section II. Air carrier ownership and control**

*Whereas* the strict application of the criterion of substantial ownership and effective control for the authorization of an airline to exercise route and other air transport rights could deny many States a fair and equal opportunity to operate international air services and to optimize the benefits to be derived therefrom;

*Whereas* airline designation and authorization for market access should be liberalized at each State's pace and discretion progressively, flexibly and with effective regulatory control in particular regarding safety and security;

*Whereas* the broadening or the flexible application of the criteria for airline designation and authorization could help create an operating environment in which international air transport may develop and flourish in a stable, efficient and economical manner, and contribute to the participation objectives of States in the liberalization process, without prejudice to States' obligations for aviation safety and security;

*Whereas* the realization of developmental objectives among States is increasingly being promoted by cooperative arrangements in the form of regional economic groupings and functional cooperation symbolic of the affinity and community of interest; and

*Whereas* discussions in the Air Transport Regulation Panel indicate wide support for on-going work to develop a multilateral instrument on the liberalization of air carrier ownership and control;

*The Assembly:*

1. *Urges* Member States to continue to liberalize air carrier ownership and control, according to needs and circumstances, through various existing measures such as waivers of ownership and control restrictions in bilateral air services agreements or designation provisions recognizing the concept of community of interest within regional or subregional economic groupings, and those recommended by ICAO;

2. *Urges* Member States to accept such designations and allow such airlines to exercise the route rights and other air transport rights of a State or States, in particular developing States, within the same grouping, under mutually acceptable terms and conditions including air transport agreements negotiated or to be negotiated by the parties concerned;

3. *Urges* Member States to recognize the concept of community of interest within regional or subregional economic groupings as a valid basis for the designation by one State or States of an airline of another State or States within the same regional economic grouping where such airline is substantially owned and effectively controlled by such other State or States or its or their nationals;

4. *Urges* Member States to give consideration to the use of alternative criteria for airline designation and authorization, including those developed by ICAO, and to adopt a flexible and positive approach to accommodate other States in efforts to liberalize air carrier ownership and control without compromising safety and security;

5. *Invites* Member States with experience in various forms of joint operation of international air services to submit to the Council, on a continuing basis, information concerning their experience, so that the Organization may have information that might be of assistance to Member States;

6. *Requests* the Council to address the remaining issues of concern to be able to make progress towards a Convention on Foreign Investment in Airlines, which aims to liberalize air carrier ownership and control on a multilateral basis in line with the *ICAO Long-term Vision for International Air Transport Liberalization*; and

7. *Requests* the Council to give assistance, when approached, to Member States that take the initiative in developing cooperative arrangements for the joint ownership and operation of international air services, directly among themselves or whose airlines develop such arrangements, and to promptly circulate to States information concerning such cooperative arrangements.

### **Section III. Cooperation in regulatory arrangements and competition**

*Whereas* certain economic, financial and operational constraints unilaterally introduced at the national level affect the stability of, and tend to create unfair discriminatory trading practices in, international air transport and might be incompatible with the basic principles of the Convention and the orderly and harmonious development of international air transport; and

*Whereas* the Organization has developed policy guidance for States to foster harmonization and compatibility of regulatory approaches and practices for international air transport, including on competition matters;

*The Assembly:*

1. *Urges* Member States to take into consideration that fair competition is an important general principle in the operation of international air transport services;

2. *Urges* Member States to develop competition laws and policies that apply to air transport, taking into account national sovereignty and to consider ICAO guidance on competition;

3. *Urges* Member States to encourage cooperation among regional and/or national competition authorities when dealing with matters relating to international air transport, including in the context of approval of alliances and mergers;

4. *Encourages* Member States to incorporate the basic principles of fair and equal opportunity to compete, non-discrimination, transparency, harmonization, compatibility and cooperation set out in the Convention and embodied in ICAO's policies and guidance in national legislation, rules and regulations, and in air services agreements;

5. *Requests* the Council to develop tools such as an exchange forum to enhance cooperation, dialogue and exchange of information on fair competition between States with a view to promoting compatible regulatory approaches towards international air transport; and

6. *Requests* the Council to continue to monitor developments in the area of competition in international air transport and update, as necessary, its policies and guidance on fair competition.

#### **Section IV. Trade in services**

*Whereas* the General Agreement on Trade in Services (GATS) adopted by the World Trade Organization (WTO) has included certain aspects of international air transport; and

*Whereas* ICAO has actively promoted an understanding by all parties concerned of the provisions of the *Convention on International Civil Aviation* and of the particular mandate and role of ICAO in international air transport;

*The Assembly:*

1. *Reaffirms* the need for ICAO to continue to explore future regulatory arrangements and develop recommendations and proposals to meet the challenges facing international air transport, responding to the internal and external changes affecting it;
2. *Recognizes* that such arrangements should create an environment in which international air transport may develop and continue to flourish in an orderly, efficient and economical manner without compromising safety and security, while ensuring the interests of all Member States and their effective and sustained participation in international air transport;
3. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport;
4. *Urges* Member States that participate in trade negotiations, agreements and arrangements relating to international air transport to:
  - a) ensure internal coordination in national administrations and, in particular, the direct involvement of aeronautical authorities and the aviation industry in the negotiations;
  - b) ensure that representatives are fully aware of the provisions of the *Convention on International Civil Aviation*, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements;
  - c) take into account rights and obligations vis-à-vis those of ICAO Member States which are not members of the WTO;
  - d) examine carefully the implications of any proposed inclusion of an additional air transport service or activity in the GATS, bearing in mind, in particular, the close linkage between economic, environmental, safety and security aspects of international air transport;
  - e) promote a full understanding of the role and mandate of ICAO in developing policy guidance on economic regulation, including liberalization of international air transport, and consider using this guidance; and
  - f) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the GATS;

5. *Requests* the WTO, its Member States and Observers to accord due consideration to:
- a) the particular regulatory structures and arrangements of international air transport and the liberalization taking place at the bilateral, subregional and regional levels;
  - b) ICAO's constitutional responsibility for international air transport and, in particular, for its safety and security; and
  - c) ICAO's existing policy and guidance material on the economic regulation of international air transport and its continued work in the field; and
6. *Requests* the Council to:
- a) continue to exert a global leadership role in facilitating and coordinating the process of economic liberalization while ensuring safety, security and environmental protection in international air transport;
  - b) pursue in a proactive manner developments in trade in services that might impinge on international air transport and inform Member States accordingly; and
  - c) promote continued effective communication, cooperation and coordination between ICAO, the WTO, and other intergovernmental and non-governmental organizations dealing with trade in services.

## **APPENDIX B**

### **Taxation**

*Whereas* the imposition of taxes on international air transport, such as on aircraft, fuel, and consumable technical supplies, on the income of international air transport enterprises, and on the sale or use of such services, may have an adverse economic and competitive impact on international air transport operations;

*Whereas* ICAO's *Policies on Taxation in the Field of International Air Transport* as contained in Doc 8632 make a conceptual distinction between a charge and a tax in that "a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis";

*Whereas* it is a matter of great concern that taxes are increasingly being imposed by some Member States in respect of certain aspects of international air transport and that levies imposed on air traffic, several of which can be categorized as taxes on the sale or use of international air transport, are proliferating;

*Whereas* the matter of aircraft engine emission-related levies is addressed in Assembly Resolution A40-17, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H, *Aviation impact on local air quality*); and



*Whereas* the ICAO policies on taxation in Doc 8632 supplement Article 24 of the Convention and are designed to recognize the nature of international civil aviation and the need to accord tax-exempt status to certain aspects of the operations of international air transport;

*The Assembly:*

1. *Urges* Member States to follow the *ICAO's Policies on Taxation in the Field of International Air Transport* as contained in Doc 8632, and to avoid imposing discriminatory taxes on international aviation;
2. *Urges* Member States to avoid double taxation in the field of air transport; and
3. *Requests* the Council to continue to promote ICAO's policies on taxation, monitor developments, and update its policies as required.

## **APPENDIX C**

### **Airports and air navigation services economics**

#### **Section I. Charging policy**

*Whereas* Article 15 of the Convention establishes the basis for the application and disclosure of charges for airports and air navigation services;

*Whereas ICAO's Policies on Charges for Airports and Air Navigation Services* as contained in Doc 9082 make a conceptual distinction between a charge and a tax in that "a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis";

*Whereas* the matter of aircraft engine emission-related levies and market-based measures is addressed separately in Assembly Resolution A40-17, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H, *Aviation impact on local air quality*), and in Assembly Resolution A40-18, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*;

*Whereas* the Council has been directed to formulate recommendations for the guidance of Member States with regard to the principles on which providers of airports and air navigation services for international civil aviation may charge to recover the costs of their provision and derive other reasonable revenue therefrom, and with regard to the methods that may be employed to that effect;

*Whereas* Member States have called on the Organization to provide advice and guidance aimed at promoting equitable recovery of airport and air navigation services costs consistent with ICAO's policies while maintaining a balance between the respective financial interests of providers of airports and air navigation services on the one hand and air carriers and other users on the other; and

*Whereas* the Council has adopted policy guidance on the allocation of Global Navigation Satellite System (GNSS) costs to ensure an equitable treatment of all users who can actually derive benefits from GNSS services;

*The Assembly:*

1. *Urges* Member States to ensure that Article 15 of the Convention is fully respected;
2. *Urges* Member States to base the recovery of the costs of the airports and air navigation services they provide or share in providing for international civil aviation on the principles set forth in Article 15 of the Convention and ICAO's policies as contained in Doc 9082, regardless of the organizational structure under which the airports and air navigation services are operated;
3. *Urges* Member States to ensure that airport and air navigation services charges are applied towards defraying the costs of providing facilities and services for civil aviation;
4. *Urges* Member States to make every effort pursuant to Article 15 of the Convention to publish and communicate to the Organization any charges that may be imposed or permitted to be imposed by a Member State for the use of air navigation facilities and airports by the aircraft of any other Member State;
5. *Urges* Member States to adopt the principles of non-discrimination, cost-relatedness, transparency and consultation, as set out in Doc 9082, in national legislation, regulation or policies, as well as in air services agreements, to ensure compliance by airports and air navigation services providers;
6. *Urges* Member States to ensure that the current ICAO policies for cost recovery of security measures and functions at airports and by air navigation services providers, as set out in Doc 9082, are implemented so that security user charges are reasonable, cost-effective and foster harmonization worldwide;
7. *Urges* Member States to cooperate in the recovery of costs of multinational air navigation facilities and services and to consider the use of the ICAO policy guidance on the allocation of GNSS costs;
8. *Requests* the Council to continue to update, as required, ICAO's policies on user charges and related guidance material with a view to contributing to increased efficiency and improved cost-effectiveness in the provision and operation of airports and air navigation services and a sound cooperation between providers and users;
9. *Requests* the Council to continue to update, as required, guidance on funding of appropriate oversight functions and on the allocation of GNSS costs, as well as to address the cost recovery for provision of aeronautical meteorological (MET) service for international civil aviation; and
10. *Requests* the Council to continue to promote ICAO's policies on user charges and related guidance material in order to increase the awareness of, and implementation by, Member States and their airports and air navigation services entities.

## **Section II. Aviation infrastructure management and financing**

*Whereas* Member States are placing increased emphasis on improving efficiency and cost-effectiveness in the provision of airports and air navigation services;

*Whereas* Member States are increasingly assigning the operation of airports and air navigation services to commercialized and privatized entities, which may have less awareness and knowledge of States' obligations specified in the Convention and its Annexes and of ICAO's policies and guidance material in the economic field, and are using multinational facilities and services to meet the commitments they have assumed under Article 28 of the Convention;

*Recognizing* the need to make substantial investments over the long term in the development and modernization of quality aviation infrastructure commensurate with the level of predicted traffic growth, including the future needs of new entrants;

*Whereas* the aviation industry has been paying for a vast majority of its own infrastructure costs, rather than being financed through taxation, public investment or subsidies;

*Whereas* the development of air transport infrastructure and the global plan for Aviation System Block Upgrades (ASBUs) requires necessary business case justification to secure funding and financing to support implementation; and

*Recalling* that the *Declaration and Framework for a Plan of Action for Development of Aviation Infrastructure in Africa* was adopted within the framework of the Lomé Plan of Action (2017-2019) of the African Union at the Third ICAO World Aviation Forum (IWAF/3) in Abuja, Nigeria in November 2017;

*The Assembly:*

1. *Reminds* Member States that with regard to airports and air navigation services they remain responsible for the commitments they have assumed under Article 28 of the Convention, regardless of what entity or entities operate the airports or air navigation services concerned;
2. *Encourages* Member States to consider the establishment of autonomous entities to operate airports and air navigation services providers, taking into account economic viability as well as the interests of the users and other interested parties;
3. *Urges* Member States to establish good governance, for example, the creation of enabling institutional, legal and regulatory frameworks, the use of a data-driven approach, and the cooperation and compatible decision-making among transport authorities and other ministries in charge of related portfolios, which can provide a strong impetus to boost investment in aviation infrastructure;
4. *Urges* Member States to develop national and/or regional aviation infrastructure programmes and plans, which should be aligned and integrated with an appropriately-balanced development of transport modes, linked with national and/or regional development frameworks and strategies, and harmonized with the international economic and financial frameworks;
5. *Encourages* Member States to establish a transparent, stable and predictable investment climate to support aviation infrastructure development, for example, by engaging stakeholders, diversifying funding

sources and elevating the role of private sector, including through private investment, business reform, private finance initiatives, public-private partnership and various incentive schemes;

6. *Requests* the Council to continue to develop and update, as required, guidance and tools on financing for the development and modernization of quality aviation infrastructure, including mechanisms to support operational improvements as described in the ASBU modules; and

7. *Requests* the Council to continue to conduct and support relevant follow up work to implement the *Declaration and Framework for a Plan of Action for Development of Aviation Infrastructure in Africa* under existing arrangements, especially under the ICAO Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan).

## **APPENDIX D**

### **Aviation data and statistics**

*Whereas* ICAO's Aviation Data and Statistics Programme provides an independent and global foundation for the purpose of fostering the planning and sustainable development of international air transport;

*Whereas* each Member State has undertaken that its international airlines shall file the data and statistics requested by the Council in accordance with Article 67 of the Convention;

*Whereas* the Council has laid down requirements for data and statistics on domestic airline operations, international airports, and international route facilities, pursuant to Articles 54 and 55 of the Convention;

*Whereas* the Council has also laid down requirements for data and statistics collection on civil aircraft on register pursuant to Article 21 of the Convention;

*Whereas* there is a need for the Organization to collect data and statistics from States on annual aviation fuel consumption to monitor and report the potential impact of economic measures linked to the operational aspects of the international aviation services and related infrastructure;

*Whereas* the Council has adopted a policy of management by objective which requires collection of pertinent data, statistics and analysis to measure the performance of the Organization as a whole and of its constituent parts in meeting the Strategic Objectives of the Organization;

*Whereas* cooperation amongst international organizations active in the area of collection and distribution of aviation data and statistics may enable expansion of scope, coverage and quality of data, avoidance of duplication of efforts and reduction in the burden on States;

*Whereas* ICAO's role in processing and disseminating aviation data and statistics allows States to use it as a significant tool for the safe and orderly growth of international civil aviation services that are operated soundly and economically;

*Recognizing* that aviation data analytics is under transformation with velocity and quantity of data growing and new technologies evolving to analyse such data; and

*Recognizing* that ICAO has continued its effort to make the processes involving aviation data and statistics efficient and effective through the development of a set of electronic tools and to build expertise on emerging technologies to leverage big data potential in order to meet the evolving needs of Member States;

*The Assembly:*

1. *Urges* Member States to nominate focal points for aviation data and statistics, and to make every effort to provide it to ICAO on time and electronically whenever possible;
2. *Encourages* Member States to use the available electronic tools when providing and accessing aviation data and statistics;-
3. *Requests* the Council, calling on national experts in the relevant disciplines as required, to examine on a regular basis the data and statistics, including big data, collected by ICAO in order to meet more effectively the needs of the Organization and its Member States, to establish the necessary metrics to monitor the performance of the Organization in meeting its Strategic Objectives, and to improve the uniformity of the data and statistics and the content of analyses; and
4. *Requests* the Council to:
  - a) continue to explore ways of closer cooperation with the UN, its agencies and other international organizations in the collection and distribution of aviation data, statistics and analysis, including big data as required;
  - b) make arrangements, on an appropriate basis, for assistance to be given upon request to Member States by ICAO for the improvement of aviation data, statistics and analysis and statistical reporting to the Organization;
  - c) continue to collect, process and analyze aviation data, including big data, while ensuring the harmonization of aviation data and statistics from different sources in order to facilitate the provision of accurate, reliable and consistent data required for informed decision-making by States; and
  - d) disseminate and share with Member States aviation data that are of common interest in the air transport field in accordance with the principles and provisions as contained in the Convention and relevant decisions of the Organization.

## **APPENDIX E**

### **Forecasting, planning and economic analyses**

#### **Section I. Forecasting and planning**

*Whereas* Member States require global and regional forecasts of future civil aviation developments for various planning and implementation purposes;

*Whereas* the Council, in carrying out its continuing functions in the air transport economic field, must foresee future developments likely to require action by the Organization and must initiate such action in good time; and

*Whereas* the Organization requires specific forecasts for airports and air navigation systems planning and environmental monitoring and planning purposes;

*The Assembly:*

1. *Requests* the Council to develop and update forecasts of future trends and developments in civil aviation, and to make these available to Member States;
2. *Requests* the Council to continue to update one single set of long-term traffic forecast, from which customized or more detailed forecasts can be produced for various purposes, such as air navigation systems planning and environmental analysis; and
3. *Requests* the Council to keep improving the accuracy of forecasts through the refinement of forecasting methodologies and use of big data.

## **Section II. Economic analysis**

*Whereas* there is a continuing interest among Member States, international organizations, financial institutions, as well as aviation, tourism, and trade industries, in the economic analysis of air transport, including aviation's contribution to global, regional and national economies;

*Whereas* there is an acute shortage of reliable economic information on the increasingly important role of aviation in national economies worldwide;

*Whereas* the economic studies conducted by ICAO on international air transport costs and revenues have promoted neutrality and have resulted in a more equitable system of revenue sharing of airlines; and

*Whereas* ICAO requires economic analyses to assist the Council in assessment of the effectiveness of measures proposed for the implementation of the Strategic Objectives of the Organization, and for environmental planning, investment studies and other purposes;

*The Assembly:*

1. *Requests* the Council to continue the development of the ASA methodological framework and validate the reconciliation of various data to measure the direct impact of aviation activity on national economy in line with the System of National Accounts, including aviation's contribution to gross domestic product (GDP), the number of jobs created by aviation, aviation consumption, and the impact of aviation on balance of payments;
2. *Requests* the Council to issue periodically a study on regional differences in the level of international air transport operating costs, analysing how differences in operations and input prices may affect their levels and the impact that changes in costs may have on air transport tariffs;

3. *Requests* the Council to develop methodologies and procedures for the measurement of indirect and induced impacts of aviation activity on national economy, and guidance on business case, cost-benefit analysis, economic impact analysis and cost-effectiveness analysis to meet the needs of the Organization, the regional air navigation planning groups, and other activities of the Organization; and

4. *Requests* the Council to monitor developments, conduct studies on major issues of global importance, and share its analyses with States, international organizations and the industry.

### **Section III. Air mail**

*Whereas* air mail is an integral component of international air transport, which is increasingly affected by e-commerce;

*The Assembly:*

1. *Urges* Member States to take into account the effects on international civil aviation whenever policy is being formulated in the field of international air mail, and particularly at meetings of the Universal Postal Union (UPU); and

2. *Directs* the Secretary General to furnish to the UPU, on request and as stipulated in relevant cooperation arrangements between UPU and ICAO, information of a factual character which may be readily available.

### **A40-10: Addressing Cybersecurity in Civil Aviation**

*Whereas* the global aviation system is a highly complex and integrated system that comprises information and communications technology critical for the safety and security of civil aviation operations;

*Noting* that the aviation sector is increasingly reliant on the availability of information and communications technology systems, as well as on the integrity and confidentiality of data;

*Mindful* that the threat posed by cyber incidents on civil aviation is rapidly and continuously evolving, that threat actors are focused on malicious intent, disruption of business continuity and theft of information for political, financial or other motivations, and that the threat can easily evolve to affect critical civil aviation systems worldwide;

*Recognizing* that not all cybersecurity issues affecting the safety of civil aviation are unlawful and/or intentional, and should therefore be addressed through the application of safety management systems;

*Recognizing* the multi-faceted and multi-disciplinary nature of cybersecurity challenges and solutions and noting that cyber risks can simultaneously affect a wide range of areas and spread rapidly;

*Reaffirming* the obligations under the *Convention on International Civil Aviation* (Chicago Convention) to ensure the safety, security and continuity of civil aviation;

*Considering* that the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention) and *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure*

*of Aircraft* (Beijing Protocol) would enhance the global legal framework for dealing with cyberattacks on international civil aviation as crimes and therefore wide ratification by States of those instruments would ensure that such attacks would be deterred and punished wherever in the world they occur;

*Reaffirming* the importance and urgency of protecting civil aviation's critical infrastructure systems and data against cyber threats;

*Considering* the need to work collaboratively towards the development of an effective and coordinated global framework for civil aviation stakeholders to address the challenges of cybersecurity, along with short-term actions to increase the resilience of the global aviation system to cyber threats that may jeopardize the safety of civil aviation;

*Recognizing* the work of the Secretariat Study Group on Cybersecurity, which greatly contributed to the format of the Cybersecurity Strategy by linking safety and security characteristics of cybersecurity;

*Recognizing* that aviation cybersecurity needs to be harmonized at the global, regional and national levels in order to promote global coherence and to ensure full interoperability of protection measures and risk management systems; and

*Acknowledging* the value of relevant initiatives, action plans, publications and other media designed to address cybersecurity issues in a collaborative and comprehensive manner.

*The Assembly:*

1. *Urges* Member States and ICAO to promote the universal adoption and implementation of the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention) and *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol) as a means for dealing with cyberattacks against civil aviation;
2. *Calls upon* States and industry stakeholders to take the following actions to counter cyber threats to civil aviation:
  - a) Implement the Cybersecurity Strategy;
  - b) Identify the threats and risks from possible cyber incidents on civil aviation operations and critical systems, and the serious consequences that can arise from such incidents;
  - c) Define the responsibilities of national agencies and industry stakeholders with regard to cybersecurity in civil aviation;
  - d) Encourage the development of a common understanding among Member States of cyber threats and risks, and of common criteria to determine the criticality of the assets and systems that need to be protected;
  - e) Encourage government/industry coordination with regard to aviation cybersecurity strategies, policies, and plans, as well as sharing of information to help identify critical vulnerabilities that need to be addressed;



- f) Develop and participate in government/industry partnerships and mechanisms, nationally and internationally, for the systematic sharing of information on cyber threats, incidents, trends and mitigation efforts;
- g) Based on a common understanding of cyber threats and risks, adopt a flexible, risk-based approach to protecting critical aviation systems through the implementation of cybersecurity management systems;
- h) Encourage a robust all-round cybersecurity culture within national agencies and across the aviation sector;
- i) Promote the development and implementation of international standards, strategies and best practices on the protection of critical information and communications technology systems used for civil aviation purposes from interference that may jeopardize the safety of civil aviation;
- j) Establish policies and allocate resources when needed to ensure that, for critical aviation systems: system architectures are secure by design; systems are resilient; methods for data transfer are secured, ensuring integrity and confidentiality of data; system monitoring, and incident detection and reporting, methods are implemented; and forensic analysis of cyber incidents is carried out; and
- k) Collaborate in the development of ICAO's cybersecurity framework according to a horizontal, cross-cutting and functional approach involving air navigation, communication, surveillance, aircraft operations and airworthiness and other relevant disciplines.

3. *Instructs* the Secretary General to:

- a) develop an action plan to support States and industry in the adoption of the Cybersecurity Strategy; and
- b) continue to ensure that cybersecurity matters are considered and coordinated in a crosscutting manner through the appropriate mechanisms in the spirit of the Strategy.

**A40-11: Consolidated statement on continuing ICAO policies related to aviation security**

*Whereas* it is considered desirable to consolidate Assembly resolutions on continuing ICAO policies related to aviation security in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized;

*Whereas* in Resolution A39-18 the Assembly resolved to adopt at each session a consolidated statement on continuing ICAO policies related to aviation security; and

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement on continuing ICAO policies related to aviation security in Resolution A39-18, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 40th Session.

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement on continuing ICAO policies related to aviation security, as these policies exist at the close of the 40th Session of the Assembly;
2. *Resolves* to request that the Council submit for review at each ordinary session a consolidated statement on continuing ICAO policies related to aviation security; and
3. *Declares* that this resolution supersedes Resolution A39-18.

## **APPENDIX A**

### **General policy**

*Whereas* the development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to general security;

*Whereas* acts of unlawful interference against civil aviation have become the main threat to its safe and orderly development;

*Whereas* the evolving nature of the threat of terrorist acts, including those posed by concealed explosive devices, landside attacks, man-portable air defence systems (MANPADS), other surface-to-air missiles systems, chemical threats, attacks using Remotely Piloted Aircraft Systems (RPAS), abuse of the air cargo system for terrorist purposes, cyber-attacks and other acts of unlawful interference against civil aviation, including, in particular, the developing insider threat, has a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endangering the lives of persons on board and on the ground and undermining the confidence of the peoples of the world in the safety of international civil aviation;

*Whereas* all acts of unlawful interference against international civil aviation constitute a grave offence in violation of international law;

*Recalling* that Resolutions A27-12 and A29-16 remain in force;

*Recognizing* the exploitation of the aviation sector by a variety of criminal activities, including the illicit transport of narcotics and psychotropic substances by air;

*Recalling* the Declaration on Aviation Security that was adopted by the 37th Session of the Assembly;

*Recalling* the Joint Communiqués issued by the ICAO-World Customs Organization (WCO) Joint Conferences on Enhancing Air Cargo Security and Facilitation, held in Singapore in July 2012, in Manama, Bahrain in April 2014, and in Kuala Lumpur, Malaysia in July 2016;

*Mindful* of United Nations Security Council resolutions (UNSCR) 2309 (2016), 2395 (2017) and 2396 (2017) related to threats to international peace and security caused by terrorist acts;

*Recognizing* that global consultations and outreach efforts with Member States to elaborate and refine the elements of the Global Aviation Security Plan (GASeP) successfully led to the adoption of the Plan by the Council in November 2017;

*Recognizing* the strong support for the GASeP and continued efforts made by States to implement the GASeP since it was approved for implementation;

*Recognizing* the importance of the implementation and promotion of global security practices, by both ICAO and Member States, that are risk-based, appropriate and proportionate to the threat;

*Mindful of* the Regional Roadmaps adopted at Regional Conferences on Aviation Security held in Egypt, Panama, Portugal and Thailand between 2017 and 2018;

*Recalling* the Communiqué of the High-level Conference on Aviation Security held in Montréal in November 2018, and the conference conclusions and recommendations; and

*Recalling* the importance of States taking a comprehensive view of aviation security and other aviation disciplines, maintaining effective coordination among their different bodies to ensure consideration of all appropriate information, and assessment of the consequences of any measures on civil aviation activities, in particular on aviation safety.

*The Assembly:*

1. *Strongly condemns* all acts of unlawful interference against civil aviation wherever and by whomsoever and for whatever reason they are perpetrated;
2. *Notes with abhorrence* all acts and attempted acts of unlawful interference aimed at the destruction in flight of civil aircraft including any attack on civil airports by ballistic missiles or drones, and misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;
3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;
4. *Calls upon* all Member States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures, individually and in cooperation with one another, to prevent acts of unlawful interference and to punish the perpetrators, planners, sponsors, and financiers of conspirators in any such acts;
5. *Reaffirms* ICAO's responsibility to facilitate the consistent and uniform resolution of questions which may arise between Member States in matters affecting the safe and orderly operation of international civil aviation throughout the world;
6. *Directs* the Council to continue, as an urgent priority, its work relating to measures for prevention of acts of unlawful interference, and ensure that this work is carried out with the highest efficiency and responsiveness;

7. *Calls upon* ICAO and its Member States to implement UNSCR 2309, 2395 and 2396 in accordance with the respective competencies and collectively demonstrate ICAO's global leadership in safeguarding international civil aviation against acts of unlawful interference;
8. *Recognizing* the leadership role of ICAO in the area of aviation security, requests the Council to ensure the long-term sustainability of the Organization's aviation security programme within the context of the Regular Programme Budget;
9. *Urges* all Member States to continue to financially support the Organization's aviation security activities with voluntary contributions in the form of human and financial resources beyond those budgeted for under the regular programme;
10. *Expresses appreciation* to the Aviation Security Panel for expeditiously developing the GASeP and presenting the Plan to the Council for approval in consultation with Member States;
11. *Directs* the Council to consider the lessons learned from the implementation of the GASeP when making refinements to the Plan, ensuring it reflects clear and collective aviation security goals and targets, and is supported by concrete and measurable indicators to guide ICAO, States and stakeholders in ensuring continuous improvement in aviation security; and
12. *Urges* all Member States to take active participation in global and regional efforts towards meeting the GASeP objectives, goals, targets and priorities at the national and regional levels.

## APPENDIX B

### **International legal instruments, enactment of national legislation and conclusion of appropriate agreements for the suppression of acts of unlawful interference with civil aviation**

#### a) *International air law instruments*

*Whereas* the protection of civil aviation from acts of unlawful interference has been enhanced by the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), by the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), by the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971), by the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1988), by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), by the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010)<sup>1</sup>, by the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), by the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Montréal, 2014), and by bilateral agreements for the suppression of such acts;

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<sup>1</sup> The *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010) became effective in 2018.

*The Assembly:*

1. *Urges* Member States which have not yet done so to become parties to the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), to the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), to the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971) and the 1988 *Supplementary Protocol to the Montréal Convention*, to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), to the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), to the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), and to the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Montréal, 2014)<sup>2</sup>;

2. *Calls upon* States not yet parties to the above-mentioned air law instruments to give effect, even before ratification, acceptance, approval or accession, to the principles of those instruments and calls upon States which manufacture plastic explosives to implement the marking of such explosives as soon as possible; and

3. *Requests* the Council to direct the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague, Montréal and Beijing Conventions, to the 1988 *Supplementary Protocol to the Montréal Convention*, to the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*, to the 2014 *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*, and to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, and to provide assistance requested by States encountering any difficulties in becoming parties to these instruments.

b) *Enactment of national legislation and conclusion of appropriate agreements*

*Whereas* deterrence of acts of unlawful interference with civil aviation can be greatly facilitated through the enactment by Member States of national criminal laws providing severe penalties for such acts;

*The Assembly:*

1. *Calls upon* Member States to give special attention to the adoption of adequate measures against persons committing, planning, sponsoring, financing or facilitating acts of unlawful interference against civil aviation, and in particular to include in their legislation rules for the severe punishment of such persons; and

2. *Calls upon* Member States to take adequate measures relating to the extradition or prosecution of persons committing acts of unlawful interference against civil aviation by adopting appropriate provisions in law or treaty for that purpose and by concluding appropriate agreements to provide for the extradition of persons committing criminal attacks on international civil aviation.

## **APPENDIX C**

### **Implementation of technical security measures**

*Whereas* protection of civil aviation against acts of unlawful interference requires continued vigilance and development and implementation of positive safeguarding action by the Organization and its Member States;

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<sup>2</sup> Lists of States Parties to aviation security legal instruments can be found at [www.icao.int](http://www.icao.int) under the ICAO Treaty Collection.

*Whereas* a clear need exists for the strengthening of security to be applied to all phases and processes associated with the carriage of persons, their cabin and hold baggage, cargo, mail, courier and express parcels, and in protecting civil aviation against cyber-attacks, and threats to the landside areas of airports, as well as attacks carried out or facilitated by insiders;

*Whereas* Machine Readable Travel Documents strengthen security by improving the integrity of documents which verify the identity of travellers and air crew;

*Whereas* such Machine Readable Travel Documents also enable high-level cooperation among States to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

*Whereas* the use of Machine Readable Travel Documents and other passenger information tools can also be employed for security purposes, adding an important layer to the international civil aviation system, in order to detect terrorists and prevent acts of unlawful interference well before the aircraft boarding process;

*Whereas* threats to the air cargo and mail systems as a whole require a global approach in the development and implementation of security requirements and best practices, including cooperation with relevant international organizations such as the World Customs Organization (WCO), Universal Postal Union (UPU), and International Maritime Organization (IMO);

*Whereas* the responsibility for ensuring that security measures are applied by government agencies, airport authorities and aircraft operators rests with the Member States;

*Whereas* the effective implementation of the security measures advocated by ICAO is an effective means of preventing acts of unlawful interference with civil aviation;

*Whereas* a broad set of risk management strategies and tools must be employed to align security measures with security risk in order to ensure the effectiveness and sustainability of aviation security measures;

*Whereas* countermeasures for protection of civil aviation can only be effective through employment of highly trained security personnel, in addition to background checks, certification and quality control;

*Whereas* the integration of a robust security culture for all personnel, in both security and non-security functions, at all levels, is imperative to the development and sustainability of an effective security environment; and

*Whereas* technology, process innovations and appropriate training are required to achieve effective and efficient aviation security and facilitation measures, and in defining the future of security screening regimes.

*The Assembly:*

1. *Urges* the Council to continue to attach the highest priority to the adoption of effective, risk-based and operationally-viable measures for the prevention of acts of unlawful interference commensurate with the current threat to the security of international civil aviation, to take into account the innovative and evolving nature of that threat, and to keep up to date the provisions of Annex 17 to the Chicago Convention from a threat and risk perspective;

2. *Urges* the Council to adopt Standards to strengthen the response to insider threat;

3. *Urges* all States on an individual basis and in cooperation with other States to take all possible measures for the prevention of acts of unlawful interference, in particular, those required or recommended in Annex 17 as well as those recommended by the Council;
4. *Reiterates* the responsibility of all States for the implementation of effective aviation security measures within their territory, taking into account the evolving threat;
5. *Urges* Member States to fully and sustainably implement Annex 17 — *Security* and the security-related provisions of Annex 9 — *Facilitation*, to intensify their efforts for the implementation of existing Standards and Recommended Practices (SARPs), and procedures relating to aviation security, to monitor such implementation, to rectify any gaps or deficiencies as a matter of urgency, to take all necessary steps to prevent acts of unlawful interference against international civil aviation and to give appropriate attention to the guidance material contained in the ICAO *Aviation Security Manual* (Doc 8973) and other security-related guidance material available on the ICAO restricted website;
6. *Encourages* Member States to promote aviation security as a fundamental component of national, social and economic priorities, planning and operations;
7. *Encourages* Member States to work in partnership with industry to develop, conduct operational trials of, and implement effective security measures;
8. *Encourages* Member States and industry organizations to take practical steps to develop and organize campaigns to implement security culture and security awareness programmes among workforces, raise public awareness to further address the insider threat, and implement these programmes in partnership with all stakeholders within the aviation environment;
9. *Encourages* Member States and industry organizations investing in the development of cybersecurity strategies to continue to develop a comprehensive Cybersecurity Strategy as well as mechanisms to identify and manage risk, including the sharing of appropriate information related to cybersecurity;
10. *Encourages* Member States to implement effective oversight over all aspects of their aviation security regime in order to ensure that security measures are effectively and sustainably implemented.
11. *Encourages* Member States, pursuant to their domestic laws, regulations and aviation security programmes, and in accordance with applicable SARPs and the capacity of each State, to promote the implementation of aviation security measures in a practical manner to:
  - a) broaden existing cooperation mechanisms amongst States and industry, as appropriate, for information exchange and the early detection of security threats to civil aviation operations;
  - b) share expertise, best practices and information relating to preventive security measures, including screening and inspection techniques, the detection of explosives, airport security behavioural detection, screening and credentialing of airport staff, human resource development and the research and development of relevant technologies;
  - c) use modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals;

- d) define aviation security measures that are risk-based, appropriate and proportionate to the threat, effective, efficient, multi-layered, operationally viable, economically and operationally sustainable, and take into account the impact on passengers and on legitimate trade;
- e) intensify efforts in securing the air cargo and mail security system by:
  - i. developing a strong, sustainable and resilient air cargo security framework;
  - ii. implementing robust security standards effectively and sustainably;
  - iii. adopting a total supply chain approach to air cargo and mail security, if appropriate;
  - iv. establishing and strengthening oversight and quality control of air cargo and mail security;
  - v. engaging in bilateral and multilateral cooperative efforts to coordinate actions to harmonize and enhance air cargo and mail security and secure the global air cargo supply chain;
  - vi. sharing best practices and lessons learned with other States to enhance the overall level of air cargo and mail security; and
  - vii. strengthening initiatives to intensify capacity-building in air cargo and mail security;
- f) give consideration to the potential misuse of RPAS, and apply security measures in order to prevent their use in acts of unlawful interference;
- g) ensure that civil aviation threat and risk assessments within their respective territories and airspace are performed, and that States provide information to relevant stakeholders in a timely manner on all possible risks to civil aviation;
- h) address the risk of attacks in landside areas, including terminal buildings, by working with all stakeholders to:
  - i. maintain a practical balance between the needs of effective and sustainable security measures and passenger facilitation;
  - ii. implement a set of risk-based measures that are flexible and practical, with clearly defined responsibilities among relevant actors;
  - iii. avoid, to the extent possible, the creation of vulnerabilities from the generation of areas of mass gathering either inside or proximate to the terminal; and
  - iv. sustain a culture of constant vigilance, deterrence, prevention, response and resilience in a coordinated manner in the face of evolving threats;
- i) ensure the protection of civil aviation against cyber-attacks and cyber threats; and
- j) address the risk posed by insiders through the exploitation of staff and their privileged access to secure areas and sensitive security information.

12. *Calls upon* Member States to enhance their use of information exchange mechanisms, particularly Advance Passenger Information (API) and Passenger Name Record (PNR) data provided by air carriers, to strengthen aviation security and reduce the risk to passengers, while ensuring the protection of privacy and civil liberties;

13. *Calls upon* Member States to support and contribute to ICAO's work on the development and implementation of a PNR Standard in line with UNSCR 2396;



14. *Calls upon* Member States, while respecting their sovereignty, to minimize disruption to air travel resulting from confusion or inconsistent interpretation of standards by cooperating and coordinating actions in order to implement SARPs and guidance consistently, efficiently and effectively and by providing clear, well-timed and readily available information to the travelling public;

15. *Calls upon* Member States, when requesting another State to apply security measures to protect aircraft flying into its territory, to take fully into account the security measures already in place in the requested State and, where appropriate, to recognize those measures as equivalent;

16. *Requests* the Council to direct the Secretary General to:

- a) ensure that the provisions of Annex 17 — *Security* and Annex 9 — *Facilitation* are compatible with and complementary to each other;
- b) continue to promote the development of effective and innovative security processes and concepts, through awareness-raising regional and subregional aviation security events at the request of States concerned, including in cooperation with industry stakeholders and equipment manufacturers to develop the next generation of passenger and cargo screening processes;
- c) continue to support the work of the Aviation Security Panel in addressing new and existing threats to civil aviation, and to develop appropriate preventive measures;
- d) promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements, which recognize the equivalence of their aviation security measures where these achieve the same outcomes, consistent with Annex 17 requirements, and which are based on an agreed comprehensive and continuous validation process and effective exchange of information regarding their respective aviation security systems; and
- e) continue to address other threats and risks, including cyber threats to aviation security, risks to landside areas of airports and air traffic management security, in consultation with the Aviation Security Panel;

17. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the ICAO *Aviation Security Manual* (Doc 8973) and develop new guidance material designed to assist Member States in responding to new and existing threats to aviation and implementing the specifications and procedures related to civil aviation security;

18. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure the periodic review and updating of the ICAO *Global Risk Context Statement* (Doc 10108), which provides a risk assessment methodology for aviation security which may be considered by Member States for use in further developing their own national risk assessments and to include risk-based assessments with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document;

19. *Directs* the Council to instruct the Secretary General and the Aviation Security Panel to ensure that appropriate fields of expertise are engaged in the assessment of aviation security risks and the development of SARPs, specifications, guidance material, and other mean to address issues of aviation security, including coordination with other panels; and

20. *Directs* the Council to instruct the Aviation Security Panel to continually assess its terms of reference and governing procedures to ensure there are no constraints on the Panel's ability to consider the full scope of aviation security issues.

## **APPENDIX D**

### **The ICAO Universal Security Audit Programme**

*Whereas* the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution A39-18, Appendix E;

*Whereas* one of the primary objectives of the Organization continues to be ensuring the security of international civil aviation worldwide;

*Whereas* Member States are committed to compliance with Annex 17 – *Security Standards*, and the security-related provisions of Annex 9 – *Facilitation*;

*Whereas* the establishment of an effective security oversight system by States supports the implementation of international aviation security Standards and Recommended Practices (SARPs) and contributes to this objective;

*Recalling* that the ultimate responsibility to ensure the security of civil aviation rests with Member States;

*Considering* that the USAP has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution, and that the Programme continues to enjoy the support of States, serving as a catalyst for their continued efforts to meet their international obligations in the field of aviation security;

*Considering* that USAP-Continuous Monitoring Approach (CMA) audit results make an important contribution to the understanding of the aviation security posture globally, regionally, and in individual States; and that the GAsEP relies on the compiled USAP-CMA data to ascertain whether States are meeting the targeted levels of security;

*Recognizing* that the effective implementation of State corrective action plans to address deficiencies identified through USAP audits is an integral and crucial part of the monitoring process in order to achieve the overall objective of enhancing global aviation security;

*Recognizing* the importance of a limited level of disclosure with respect to ICAO aviation security audit results, balancing the need for States to be aware of unresolved security concerns with the need to keep sensitive security information out of the public realm;

*Considering* the approval by the Council of a mechanism to address significant security concerns (SSeCs) in a timely manner;

*Recognizing* the importance of a coordinated strategy for facilitating assistance to States through the high-level Secretariat Monitoring and Assistance Review Board;

*Recognizing* that the continuation of the USAP is essential to create mutual confidence in the level of aviation security between Member States and to encourage the adequate implementation of security-related Standards;

*Considering* that full implementation of the USAP-CMA began on 1 January 2015;

*Recalling* that the 39th Session of the Assembly requested the Council to report on the overall implementation of the USAP-CMA;

*The Assembly:*

1. *Notes with satisfaction* that the USAP has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution;
2. *Expresses its appreciation* to Member States for their cooperation in the audit process and for making available security experts to be certified as USAP auditors to serve as short-term experts in the conduct of audits, as well as long-term experts to act as USAP audit team leaders;
3. *Requests* the Council to ensure the continuation of the USAP-CMA and to oversee its activities, as it monitors States' ability to sustainably implement their aviation security systems, compliance with the ICAO security-related Standards, and implementation of State corrective action plans;
4. *Notes* the work carried out by the ICAO Secretariat, in consultation with Member States, to review the scope and methodology of the USAP-CMA;
5. *Requests* the Council to direct the Secretary General to implement improvements aimed at ensuring consistent interpretation of Annex 17 Standards, a more operational focus to the USAP-CMA programme, addressing serious deficiencies in a timely manner; and applying a risk-based approach to audit prioritization, thus ensuring effective reporting of Member States' risk-based and outcomes-focused compliance with relevant security objectives; and to evaluate the implementation of these improvements;
6. *Endorses* the policy of a limited level of disclosure of security audit results for the USAP-CMA, particularly relating to the prompt notification of the existence of significant security concerns;
7. *Urges* all Member States to give full support to ICAO by:
  - a) signing the Memorandum of Understanding regarding the USAP-CMA;
  - b) accepting USAP-CMA missions as scheduled by the Organization, in coordination with relevant States;
  - c) facilitating the work of USAP-CMA teams;
  - d) preparing and submitting to ICAO all required documentation; and
  - e) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities;
8. *Requests* the Council to direct the Secretary General to ensure the long-term financial sustainability of the USAP by taking measures to incorporate the funding requirements for its activities within the Regular Programme Budget as soon as possible and to the extent practicable;

9. *Urges* all Member States to share, as appropriate, and consistent with their sovereignty, the results of audits and other USAP-CMA activities carried out by ICAO and the corrective actions taken by the audited State; and

10. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP-CMA.

## APPENDIX E

### **The ICAO Implementation Support and Development – Security Programme (ISD-SEC)**

*Whereas* the implementation of technical measures for prevention of acts of unlawful interference with international civil aviation requires financial resources and training of personnel; and

*Whereas* notwithstanding assistance given, some countries, in particular developing countries, lack aviation security oversight capacity and still face difficulties in fully implementing preventive measures due to insufficient financial, technical and material resources;

*The Assembly:*

1. *Directs* the Council to request the Secretary General to use the Organization's influence to promote efforts worldwide by States and other aviation entities to deliver coordinated technical assistance and support for States that need to improve their aviation security oversight, including through the development of a coordinated, targeted and effective international aviation security capacity-building framework;

2. *Urges* Member States to voluntarily contribute financial and in-kind resources to increase the reach and impact of ICAO aviation security enhancement activities;

3. *Directs* the Council to request the Secretary General to ensure that contributions received for ISD-SEC be fully committed to ISD-SEC activities only;

4. *Urges* States able to do so to assist in the delivery of effective and targeted capacity development, training and other necessary resources, technical assistance, technology transfers and programmes, where it is needed to enable all States to achieve an enhanced and effective aviation security regime;

5. *Invites* Member States to take advantage of ICAO's capacity to provide, facilitate or coordinate short-term remedial assistance and long-term assistance to remedy deficiencies in their implementation of Annex 17 SARPs, and ICAO's capacity to make best use of USAP audit results for defining and targeting aviation security capacity-building activities for the benefit of Member States in need;

6. *Invites* Member States to also consider requesting assistance from other international and regional organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;

7. *Urges* ICAO, Member States and organizations to share with ICAO information on their assistance programmes and activities in order to promote the efficient and effective use of resources;

8. *Directs* the Council to request the Secretary General to facilitate the coordination of assistance programmes and activities by collecting information on such initiatives;
9. *Directs* the Council to request the Secretary General to monitor and evaluate the quality and effectiveness of ICAO assistance projects and to provide regular reports on the use of financial and in-kind resources and on the measured impacts of such contributions;
10. *Urges* Member States and relevant stakeholders to partner for the organization and delivery of capacity-building activities, documenting the commitments made by each party;
11. *Requests* the Council to direct the Secretary General to update and enhance the ICAO Training Programme for Aviation Security, Aviation Security Training Packages (ASTPs) and Aviation Security Workshops, and promote other methods of aviation security training such as e-learning and blended learning;
12. *Urges* Member States to contribute to the ICAO Aviation Security Training initiatives;
13. *Requests* the Council to direct the Secretary General to oversee, develop, promote, support and regularly re-evaluate the ICAO Aviation Security Training Centre (ASTC) network to ensure that training standards are maintained and sound levels of cooperation are achieved; and
14. *Urges* Member States to use ICAO ASTCs for security training.

## **APPENDIX F**

### **Action by the Council with respect to multilateral and bilateral cooperation in different regions of the world**

*Whereas* the rights and obligations of States under the international legal instruments on aviation security and under the SARPs adopted by the Council on aviation security could be complemented and reinforced in multilateral and bilateral cooperation between States;

*Whereas* the multilateral and bilateral agreements on air services represent the main legal basis of international commercial carriage by air of passengers, baggage, cargo and mail;

*Whereas* provisions on aviation security should form an integral part of the multilateral and bilateral agreements on air services; and

*Whereas* focusing on security outcomes, recognition of equivalence and one-stop security, and respecting the spirit of cooperation defined in multilateral and/or bilateral air services agreements are policy principles whose implementation can contribute significantly to aviation security sustainability;

*The Assembly:*

1. *Recognizes* that success in eliminating threats to civil aviation can only be achieved through the concerted effort of everyone concerned and a close working relationship between national agencies and aviation security regulators of all Member States;

2. *Urges* all Member States to insert into their multilateral and bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986 and the model agreement adopted by the Council on 30 June 1989;
3. *Urges* all Member States to adopt the following key principles as the basis for international cooperation in aviation security and to ensure effective aviation security cooperation amongst States, ICAO and other relevant international organizations:
  - a) respect for the spirit of cooperation defined in bilateral and/or multilateral air services agreements;
  - b) recognition of equivalent security measures; and
  - c) focus on security outcomes;
4. *Urges* all Member States, who have not yet done so, to participate in the ICAO Aviation Security Point of Contact (PoC) Network, established for the communication of imminent threats to civil air transport operations, with the objective of providing a network of international aviation security contacts within each State, and to intensify their coordination and cooperation to ensure the exchange of best practices through the AVSECPaedia;
5. *Urges* the Council to request the Secretary General to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Member States;
6. *Requests* that the Council continue to:
  - a) gather the results of States' experience in cooperating with each other to prevent acts of unlawful interference with international civil aviation;
  - b) analyse differing circumstances and trends in preventing threats to international civil aviation in different regions of the world; and
  - c) prepare recommendations for strengthening measures to deter and prevent such acts of unlawful interference;
7. *Directs* the Council to act with the requisite urgency and expedition to address new and existing threats to civil aviation, seeking to mitigate unnecessary disruption to air travel as a result of confusion or inconsistent implementation or interpretation of necessary measures, facilitating a common and consistent response by States, and encouraging clear communication by States to the travelling public.

## **APPENDIX G**

### **International and regional cooperation in the field of aviation security**

*Recognizing* that the threat posed to civil aviation requires development of an effective global response by States and concerned international and regional organizations;

*The Assembly:*

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the International Maritime Organization (IMO), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Counter-Terrorism Committee Executive Directorate (UNCTED), the United Nations Counter-Terrorism Implementation Task Force (UNCTITF), United Nations Office of Counter-Terrorism (UNOCT), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the World Customs Organization (WCO), the African Union (AU), the European Union (EU), the Arab Civil Aviation Commission (ACAC), the African Civil Aviation Commission (AFCAC), the European Civil Aviation Conference (ECAC), the Latin American Civil Aviation Commission (LACAC), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Airline Pilots' Associations (IFALPA), the International Business Aviation Council (IBAC), the International Coordinating Council of Aerospace Industries Associations (ICCAIA), the Global Express Association (GEA), the International Federation of Freight Forwarders Associations (FIATA), The International Air Cargo Association (TIACA), and other stakeholders to continue their cooperation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference;
2. *Directs* the Council to take into account the G8 Secure and Facilitated International Travel Initiative (SAFTI) and to continue its collaboration with this group and other relevant groups of States such as the Asia-Pacific Economic Cooperation Secure Trade in the Asia and Pacific Region (STAR) initiative in its work relating to development of countermeasures against the threat posed by man-portable air defence systems (MANPADS) and encourage their implementation by all Member States; and
3. *Directs* the Council to continue its cooperation with the United Nations Counter-Terrorism Committee (CTC), in the global effort to combat terrorism.

#### **A40-12: Declaration on aviation security – affirming global commitment to strengthening implementation**

The Assembly, *recognizing* the need to strengthen aviation security worldwide, in light of the continuing threat to civil aviation since the Declaration on Aviation Security of the 37th Session of the ICAO Assembly, including recent attacks on Metrojet flight 7K9268 on 31 October 2015 and of Daallo Airlines flight DA0159 on 2 February 2016, and the armed attacks at Brussels airport on 22 March 2016 and at Istanbul Ataturk airport on 28 June 2016; *acknowledging* the importance of United Nations Security Council resolution (UNSCR) 2309 adopted on 22 September 2016 and the development of the Global Aviation Security Plan (GASeP) endorsed by the ICAO Council on 15 November 2017; and *noting* with appreciation regional aviation security conferences hosted by Egypt, Panama, Portugal and Thailand to promote the implementation of the GASeP; and the Second High-level Conference on Aviation Security held in Montréal in 2018, hereby *urges* Member States and stakeholders to take the following actions to enhance security and strengthen international cooperation to counter threats to civil aviation:

- 1) place greater efforts to implement UNSCR 2309, 2341, 2395, 2396 and 2482 in accordance with the respective competencies and affirm ICAO's global leadership in matters relating to safeguarding international civil aviation against acts of unlawful interference;
- 2) promote awareness of threats and risks to civil aviation through information sharing between States and with stakeholders, and through continued attention to the ICAO *Global Risk Context Statement* (Doc 10108);

- 3) further strengthen and promote the effective development, adoption and implementation of ICAO Standards and Recommended Practices, with particular focus on Annex 17 — *Security*;
- 4) continue to develop and share new and innovative approaches to strengthen aviation security and counter ongoing and emerging threats and risks;
- 5) ensure the swift implementation of Assembly Resolution A40-10 on *Addressing Cybersecurity in Civil Aviation*;
- 6) take practical steps to promote security culture and security awareness programmes in partnership with all stakeholders within the aviation environment;
- 7) encourage effective coordination and cooperation between aviation security and other disciplines to ensure a holistic and coordinated approach to aviation security, facilitation and safety matters to deliver robust national and global aviation systems;
- 8) take active participation in global and regional efforts towards fully meeting the GAsEP objectives, goals, aspirational targets and priorities at the national and regional levels, and share experiences and lessons learned in implementing these actions with ICAO;
- 9) ensure the effective implementation of the security-related provisions of Annex 9 — *Facilitation*;
- 10) implement obligations relating to the use of Advance Passenger Information (API) and Passenger Name Record (PNR) data, with full respect for human rights and fundamental freedoms, in accordance with objectives of UNSCR 2396 and 2482;
- 11) provide technical assistance to States in need, including funding, capacity-building, access to technology, that is sustainable and effectively addresses security threats and risks to civil aviation, in cooperation with other States, international organizations and industry partners, consistent with the *No Country Left Behind initiative*;
- 12) support the Organization in its development of further cooperation and coordination with other UN agencies and other relevant international organizations to contribute towards strengthening global aviation security efforts;
- 13) through increased participation and active engagement, enhance the Organization's capacity and capabilities to effectively address global aviation security threats and risks, including through the prioritization of aviation security matters in both Headquarters and Regional Offices; and
- 14) support the work of the Organization's Regional Offices to promote aviation security development and collaboration amongst Member States and stakeholders.



**A40-13: The Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA)**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Whereas* Article 37 of the Convention requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to all matters in which such uniformity will facilitate and improve air navigation;

*Whereas* safety oversight, and the safety of international civil aviation in general, is the responsibility of Member States, both collectively and individually, it also depends on the active collaboration of ICAO, Member States, industry and all other stakeholders in the implementation of the Global Aviation Safety Plan (GASP);

*Whereas* the DGCA/06 Conference made recommendations to allow public access to appropriate information on safety oversight audits and to develop an additional mechanism to rapidly resolve significant safety concerns (SSCs) identified under the ICAO Universal Safety Oversight Audit Programme (USOAP);

*Whereas* the High-level Safety Conference 2010 (HLSC 2010) made recommendations for ICAO to develop criteria for the sharing of SSCs with interested stakeholders and to assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

*Whereas* the HLSC 2010 made recommendations for ICAO to enter into new agreements and amend existing agreements for the sharing of confidential safety information with international entities and organizations in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

*Whereas* the Thirteenth Air Navigation Conference (AN-Conf/13) made recommendations that were agreed by the Council to continue evolving the USOAP methodology, processes and tools, as well as to ensure that the continuous monitoring of the States remains robust, relevant and up to date;

*Recalling* that the 32nd Session of the Assembly resolved that a universal safety oversight audit programme be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

*Whereas* the 39th Session of the Assembly agreed that ICAO establish an independent group to perform a structured review to identify adjustments to USOAP CMA with a view of further evolution and strengthening of the programme, taking into consideration the evolving safety strategy of ICAO and States' progress in implementing Annex 19 — *Safety Management*, in particular SSP requirements, and that the Council agreed to the recommendations resulting from that review with certain caveats to continue evolving the USOAP CMA;

*Whereas* the implementation of USOAP has been a major achievement for aviation safety, successfully meeting the mandate given by Resolutions A32-11 and A35-6 and providing the ability to evaluate Member States' oversight capabilities and identify areas of improvement;

*Recalling* that Assembly Resolution A33-8 requested the Council to ensure the long-term financial sustainability of USOAP, phasing in all of its activities into the Regular Programme budget;

*Recalling* the objectives of USOAP, which seeks to ensure that Member States are adequately discharging their responsibilities for safety oversight;

*Recognizing* that it is essential that USOAP continues to cover all safety-related Annex provisions in order to promote the adequate implementation of safety-related Standards and Recommended Practices;

*Recognizing* that the Secretary General has taken appropriate steps to ensure the establishment of an independent quality assurance mechanism to monitor and assess programme quality;

*Recognizing* that the effective implementation of State action plans is essential to enhance the overall safety of global air navigation;

*Recognizing* the safety enhancement contributions resulting from audits, inspections, reviews, evaluations and/or assessments conducted by international and regional organizations, including those organizations that have agreements with ICAO such as the Airports Council International (ACI), the European Union Aviation Safety Agency (EASA), the European Commission (EC), the Flight Safety Foundation (FSF), the International Air Transport Association (IATA) and the European Organisation for the Safety of Air Navigation (EUROCONTROL);

*Recognizing* that transparency and the sharing of safety information are among the fundamental tenets of a safe air transportation system; and

*Recognizing* that regional safety oversight organizations (RSOOs) have an important role in the USOAP CMA and that, wherever applicable, the word “States” below should be read to include RSOOs where an appropriately enabling legal framework is in place;

*The Assembly:*

1. *Expresses its appreciation* to the Secretary General on the successful implementation of the USOAP Continuous Monitoring Approach (CMA);

2. *Directs* the Secretary General to continue evolving the USOAP CMA into a more evidence-based, risk-informed and result-oriented programme to be applied on a universal basis in order to assess the effectiveness and sustainability of States’ safety oversight systems, as well as the progress of States in implementing safety management requirements, in particular State safety programmes (SSPs);

3. *Directs* the Secretary General to implement organizational improvements necessary to successfully manage the changes brought about by the long-term evolution of the programme, in line with the recommendations of the GEUSR as agreed by the Council and of the AN-Conf/13;

4. *Directs* the Secretary General to ensure that the USOAP CMA continues to maintain as core elements the key safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 8 — *Airworthiness of Aircraft*, Annex 11 — *Air Traffic Services*, Annex 13 — *Aircraft Accident and Incident Investigation*, Annex 14 — *Aerodromes*, and Annex 19 — *Safety Management*;

5. *Directs* the Secretary General to ensure that the USOAP CMA abides by the principles of, inter alia, independence, universality, standardization and transparency to further strengthen global acceptance of the programme and its results;

6. *Directs* the Secretary General to continue to ensure the maintenance of the quality assurance mechanism established to monitor and assess programme quality, and the transparency of all aspects of the continuous monitoring process;

7. *Directs* the Secretary General to continue the sharing of SSCs, in accordance with established procedures on the sharing of safety information, with interested stakeholders and the public to allow them to make an informed decision about the safety of air transportation;
8. *Directs* the Secretary General to make all safety oversight-related information generated by the USOAP CMA available to all Member States through the ICAO restricted website;
9. *Directs* the Secretary General to continue to foster coordination and cooperation between USOAP CMA and the audit programmes of other organizations related to aviation safety for the purpose of sharing confidential safety information in order to reduce the burden on States caused by repetitive audits or inspections, to decrease the duplication of efforts and find synergies to enhance the efficiency of the USOAP CMA;
10. *Directs* the Secretary General to continue facilitating the sharing of safety-critical information with Member States, industry and other stakeholders, through appropriate secure websites;
11. *Urges* all Member States to support ICAO in the evolution of the USOAP CMA and, for those able to do so, to second qualified and experienced technical staff to ICAO on a long- or short-term basis, with a view to enabling the Organization to continue to successfully operate the programme;
12. *Urges* all Member States to submit to ICAO, in a timely manner, and keep up to date all the information and documentation requested by ICAO for the purpose of ensuring the effective operation of the USOAP CMA;
13. *Urges* all Member States to cooperate with ICAO and as much as practicable to accept USOAP CMA activities, including audits, validation missions, off-site validation activities and SSP implementation assessments, in order to facilitate the smooth functioning of the USOAP CMA;
14. *Urges* all Member States to implement corrective action plans to address the findings identified during USOAP CMA activities;
15. *Urges* all Member States to share with other Member States critical safety information which may have an impact on the safety of international air navigation and to facilitate access to all relevant safety information;
16. *Encourages* Member States to make full use of available safety information when performing their safety oversight functions, including during inspections as provided for in Article 16 of the Convention;
17. *Reminds* Member States of the need for surveillance of all aircraft operations, including foreign aircraft within their territory, and to take appropriate action when necessary to preserve safety;
18. *Directs* the Council to prioritize the work on the evolution of the USOAP CMA and strive for adequate human and financial resources to be made available to the programme as well as to report to the next ordinary session of the Assembly on the evolution and performance of the USOAP CMA; and
19. *Declares* that this resolution supersedes Resolution A37-5.

**A40-14: Mitigation of the spread of disease through, inter alia, aircraft disinsection and vector control methods, and the importance of CAPSCA (Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation) for implementation**

*Whereas* Article 14 of the International Convention on Civil Aviation requires Member States to take effective measures to prevent the spread of communicable diseases by means of air navigation;

*Whereas* Annex 9 — *Facilitation* contains provisions on communicable disease outbreak national aviation plans, aircraft disinsection, implementation of international health regulations and facilities required for implementation of public health measures, and *The Facilitation Manual* (Doc 9957) provides guidance on aircraft disinsection, public health measures and facilitation programmes;

*Whereas* the most recent outbreaks of vector-borne diseases have resulted in Contracting States imposing chemical disinsection requirements;

*Whereas* the World Health Organization has not issued recommendations regarding non-chemical disinsection methods;

*Whereas* there is strong evidence that chemicals are becoming increasingly ineffective in combatting vector-borne diseases as insect resistance to chemicals increases;

*Whereas* the lack of World Health Organization-recommended non-chemical disinsection methods leads to Contracting States continuing to require only chemical disinsection methods;

*Whereas* despite past Assemblies having encouraged development of performance-based criteria for disinsection requirements, in collaboration with the World Health Organization, insufficient progress has been made in this regard;

*Whereas* there is an increased risk in the global transmission of communicable diseases;

*Whereas* a need for cross-sector information sharing and collaboration in the prevention and management of public health emergencies has been identified at various international meetings and conferences;

The Assembly:

1. Directs that the Council continue to engage with the World Health Organization to develop:
  - a) performance-based criteria to evaluate all disinsection methods, including non-chemical means of disinsection;
  - b) recommendations regarding non-chemical disinsection methods; and
  - c) guidance on the components of a scientifically-based risk assessment model for Contracting States to use in determining whether to employ vector control measures that include but are not limited to aircraft disinsection;
2. Urges Contracting States to:

- a) become members of The Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) programme;
  - b) become involved in the CAPSCA Programme and any other related programmes that ICAO might introduce in future;
  - c) support ICAO and WHO in implementing this Assembly Resolution by considering the recommendations included in ICAO, WHO and CAPSCA publications and guidance material;
  - d) require pest management control programmes around airports and related facilities, which would mitigate the need to impose aircraft disinsection requirements;
  - e) encourage airport reporting to the ICAO Airport Vector Control Registry and to keep the information current;
3. Requests the Council to report on the implementation of this resolution at the next Assembly; and
  4. Declares that this resolution supersedes Resolution A39-28.

#### **A40-15: Development and implementation of facilitation provisions — combatting human trafficking**

*Whereas* the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in November 2000 by the United Nations General Assembly and entered into force on 28 January 2004, provides an international framework and enjoys ratification by a majority of countries;

*Whereas* the joint ICAO and United Nations Human Rights Office of the High Commissioner Circular 352 on Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons released in May 2018 underscores the important role of international aviation in combatting human trafficking;

*Whereas* training customer-facing employees and other aviation personnel to identify and respond to suspected instances of human trafficking can help stop this crime;

*Whereas* Recommended Practice 8.47 in Annex 9 — *Facilitation* encourages Contracting states to take measures to ensure that procedures are in place to combat trafficking in persons, including clear reporting systems and relevant competent authorities' points of contact for airport and aircraft operators;

*Whereas* Recommended Practice 8.48 in Annex 9 encourages Contracting States to take measures to ensure that airport and aircraft operators' personnel in direct contact with the traveling public are provided with awareness training on trafficking in persons;

*Whereas* conducting awareness campaigns among aviation personnel and the traveling public can help to increase recognition and reporting of suspected instances of human trafficking; and

*Whereas* ICAO should foster the development of clear human trafficking guidelines for each State to implement, including model reporting protocols and a victim-centered and trauma-informed law enforcement response;

*The Assembly:*

1. *Urges* Member States to give attention to adopting and promptly implementing Annex 9's Recommended Practices 8.47 and 8.48;
2. *Calls on* Member States to give due regard to Circular 352, *Guidelines for Training Cabin Crew on Identifying and Responding to Trafficking in Persons*, in their implementation of the relevant provisions of Annex 9; and
3. *Requests* that the Council ensure that relevant guidance material related to the issue of combatting human trafficking is current and responsive to the needs of Member States.

#### **A40-16: Consolidated statement of continuing ICAO policies related to facilitation**

*Whereas* Annex 9 — *Facilitation*, was developed as a means of articulating the obligations of Member States under Articles 22, 23 and 24 of the Convention and standardizing procedures for meeting the legal requirements referred to in Articles 10, 13, 14, 29 and 35;

*Whereas* implementation of the Standards and Recommended Practices in Annex 9 is essential to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail and manage challenges in border controls and airport processes so as to maintain the efficiency of air transport operations;

*Whereas* it is essential that Member States continue to pursue the objective of maximizing efficiency and security in such clearance operations; and

*Whereas* United Nations Security Council resolutions stress the continuing importance of ICAO's work on border control management and security of travel documents in the fight against terrorism.

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies related to facilitation, as these policies exist at the close of the 40th Session of the Assembly:

Appendix A — Development and implementation of facilitation provisions

Appendix B — National and international action in ensuring the security and integrity of traveller identification and border controls

Appendix C — National and international action and cooperation on facilitation matters

Appendix D — Passenger Data Exchange Systems

2. *Requests* the Council to keep the consolidated statement related to facilitation under review and advise the Assembly as appropriate when changes are needed to the statement; and
3. *Declares* that this resolution supersedes Resolution A39-20: Consolidated statement of continuing policies related to facilitation.

## APPENDIX A

### Development and implementation of facilitation provisions

*Whereas* the *Convention on the Rights of Persons with Disabilities* and its Optional Protocol, that had been adopted in December 2006 by the United Nations General Assembly, entered into force on 3 May 2008;

*Whereas* the development of specifications for machine readable travel documents by the Organization has proved effective in the development of systems that expedite the movement of international passengers and crew members through clearance control at airports while enhancing immigration and other border control authorities compliance programmes;

*Whereas* the development of a set of standard signs to facilitate the efficient use of airport terminals by travellers and other users has proved effective and beneficial;

*Whereas* making air travel accessible for all passengers is a key contributor to the achievement of the UN Sustainable Development Goals (SDGs);

*Whereas* Machine Readable Travel Documents strengthen the border control management process and enhance security by improving the integrity of documents which verify the identity of travellers and air crew;

*Whereas* the 38th Session of the ICAO Assembly in 2013 resolved that Member States should be encouraged to use the Electronic Filing of Differences (EFOD) System that was developed to address the need for a more efficient means of reporting and researching differences to Standards and Recommended Practices and for replacing the existing paper-based mechanism;

*Mindful* of the Annex 9 — *Facilitation* components that support both border management and border security objectives which are audited under the ICAO Universal Security Audit Programme (USAP); and

*Recalling* the Communiqué of the High-Level Conference on Aviation Security held in Montréal in November 2018, and the conference's conclusions and recommendations related to border control management.

*The Assembly:*

1. *Urges* Member States to give special attention to increasing their efforts to implement Annex 9 Standards and Recommended Practices;
2. *Urges* Member States to give due regard to Doc 9984, *Manual on Access to Air Transport by Persons with Disabilities*, in their implementation of the relevant provisions of Annex 9;
3. *Requests* the Council to develop a work programme on accessibility for passengers with disability in order to reach for a disability-inclusive air transport system;
4. *Requests* the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of Member States as well as their appropriate obligations towards the United Nations Security Council resolutions with respect to border control management and security of travel documents, in addition to Member States' requirements relating to the administration of cargo and passengers; and advances in

technologies related to such administration; cargo facilitation; the handling of and responses to health-related and other disruptive events to aviation; and unaccompanied minors;

5. *Requests* the Council to ensure that relevant guidance material is current and responsive to the requirements of Member States;
6. *Requests* the Council to ensure that the provisions of Annex 9 — *Facilitation* relating to border control management, and Annex 17 — *Security*, are compatible with and complementary to each other;
7. *Urges* Member States to give due regard to existing guidance material and best practices on wayfinding and signage, including Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, to the extent it remains applicable;
8. *Urges* Member States to ensure that all relevant agencies and departments that have a role in the implementation of Annex 9 — *Facilitation*, including but not limited to, civil aviation administrations, immigration, customs, health, quarantine, travel document-issuing authorities, air traffic control, law enforcement, postal authorities, border police, and foreign affairs, collaborate and coordinate their efforts through the national air transport facilitation committee or similar arrangements, , in order that the Annex 9 Compliance Checklist is comprehensively completed in the Electronic Filing of Differences (EFOD) System;
9. *Reaffirms* that the Facilitation Programmes must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;
10. *Urges* all Member States to continue to financially support the Organization's facilitation activities with voluntary contributions in the form of human and financial resources beyond those budgeted for under the regular programme; and
11. *Recognizing* the leadership role of ICAO in the area of facilitation activities, requests the Council and the Secretary General to ensure the long term sustainability of the Organization's facilitation programmes, by taking measures to incorporate the funding requirements within the Regular Programme Budget as soon as possible and to the extent practicable.

## **APPENDIX B**

### **National and international action in ensuring the integrity of traveller identification and border controls and enhancing security**

*Whereas* Member States recognize the relevance of traveller identification and border control management to the ICAO Strategic Objective of aviation security and facilitation;

*Whereas* Member States recognize that the ability to uniquely identify individuals requires a holistic and coordinated approach, which links the following five interdependent elements of traveller identification and border control management into a coherent framework:

- a) Foundational documents, tools and processes required to ensure authentic evidence of identity;



- b) The design and manufacture of standardized Machine Readable Travel Documents (MRTDs), especially ePassports, that comply with ICAO specifications defined in Doc 9303, *Machine Readable Travel Documents*;
- c) Processes and protocols for document issuance by appropriate authorities to authorized holders, and controls to combat theft, tampering and loss;
- d) Inspection systems and tools for the efficient and secure reading and verification of MRTDs at borders, including use of the ICAO Public Key Directory (PKD); and
- e) Interoperable applications that provide for timely, secure and reliable linkage of MRTDs and their holders to available and relevant data in the course of inspection operations;

*Whereas* Member States require capacity to uniquely identify individuals and require tools and mechanisms available to establish and confirm the identity of travellers;

*Whereas* the ICAO Traveller Identification Programme (ICAO TRIP) Strategy provides the global framework for achieving the maximum benefits of travel documents and border controls by bringing together the elements of the traveller identification management;

*Whereas* Member States of the United Nations have resolved, under resolution 70/1 adopted on 25 September 2015 to adopt a 2030 Agenda for Sustainable Development that includes a set of 17 Sustainable Development Goals (SDGs) supported by 169 targets, the target 16.9 being to provide legal identity for all, including birth registration by 2030;

*Whereas* the United Nations Security Council, in resolutions 1373 (2001), 2178 (2014) and 2396 (2017) decided that all Member States shall prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

*Whereas* the veracity and validity of machine readable travel documents (MRTDs) depends on the readability and protection of these documents, physical securities contributing to them, and electronic securities guaranteeing them;

*Whereas* the limitation of the number of possible civil status for a person depends on the documentation used to establish identity, confirm citizenship or nationality and assess entitlement of the passport applicant (i.e. breeder documentation);

*Whereas* the passport is the main official travel document that denotes a person's identity and citizenship and is intended to inform the State of transit or destination that the bearer can return to the State which issued the passport;

*Whereas* international confidence in the integrity of the passport is essential to the functioning of the international travel system;

*Whereas* the use of stolen blank passports, by those attempting to enter a country under a false identity, is increasing worldwide;

*Whereas* reporting promptly accurate information about stolen, lost or revoked travel documents issued by each Member State to the International Criminal Police Organization (INTERPOL) Stolen and Lost Travel Documents (SLTD) database is an Annex 9 – *Facilitation* Standard;

*Whereas* the security of traveller identification and border controls depends on a robust identification management system and the integrity of the travel document issuance process;

*Whereas* high-level cooperation among Member States is required in order to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of forged or counterfeit passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

*Whereas* Member States of the United Nations have resolved, under the Global Counter-Terrorism Strategy adopted on 8 September 2006, to step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use;

*Whereas* enhanced and intensified cooperation among Member States is required in order to combat and prevent identification and travel document fraud;

*Whereas* the criminal focus worldwide has been increasingly shifting from travel document fraud to identity fraud;

*Whereas* Convention Travel Documents (CTDs) are travel documents that States Parties to the 1951 Convention Relating to the Status of Refugees (“the 1951 Convention”) and the 1954 Convention Relating to the Status of Stateless Persons (“the 1954 Convention”) shall issue to refugees or stateless persons lawfully staying on their territory (see respective Article 28 of both Conventions), and as such are travel documents foreseen in two international treaties for persons benefitting from an internationally recognized status;

*Whereas* ICAO has set up the Public Key Directory (PKD) to verify, validate and authenticate biometrically-enhanced Machine Readable Passports (MRPs) also known as ePassports, thereby strengthening their security and the integrity of border controls;

*Whereas* Member States request from ICAO Programmes technical assistance and capacity-building support in strengthening their traveller identification and border control management; and

*Whereas* cooperation on human trafficking matters amongst Member States and with the various national, regional, international parties and other stakeholders interested in this area has brought benefits to procedures to combat trafficking in persons.

*The Assembly:*

1. *Urges* Member States, through their travel document and border control management, to uniquely identify individuals to maximize facilitation and aviation security benefits, including preventing acts of unlawful interference and other threats to civil aviation;
2. *Urges* Member States to implement rigorous processes and tools to safeguard the integrity and security of breeder documentation by notably applying evidence of identity principles such as ensuring that identity exists and is living through the verification against two different data sources, the applicant links to identity

and is unique to the system through the provision of confidence of the applicant's "social footprint" meaning how a person interacts with society's stakeholders during the life cycle and the check against agency record or by associating the record with one or more biometrics;

3. *Urges* Member States to intensify their efforts in developing and implementing a robust identification management system and safeguard the security and integrity of the travel document issuance process;

4. *Urges* Member States to intensify their efforts in establishing and implementing a solid verification system of the integrity of electronic passports, in particular by reading their electronic signatures and verifying their validity;

5. *Requests* the Council to direct the Secretary General to maintain up to date the roadmap for the implementation of the ICAO TRIP Strategy to assist Member States to uniquely identify individuals, and to enhance the security and integrity of their travel documents and border controls;

6. *Requests* Member States to intensify their efforts to safeguard the security and integrity of traveller identification and border controls, and to assist one another in these matters;

7. *Urges* those Member States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303;

8. *Reminds* Member States to ensure that non-machine readable passports are withdrawn from circulation;

9. *Urges* Member States to ensure that when issuing travel documents for refugees and stateless persons ("Convention Travel Documents (CTDs)"), these CTDs are machine readable, in accordance with the specifications of Doc 9303;

10. *Reminds* Member States to establish controls to safeguard against the theft of blank travel documents and the misappropriation of newly issued travel documents;

11. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;

12. *Requests* the Council to ensure that specifications and guidance material contained in Doc 9303, *Machine Readable Travel Documents*, remain up to date in the light of technological advances;

13. *Urges* Member States to reinforce their border control management processes as also required by the relevant United Nations Security Council resolutions, by implementing the related Annex 9 — *Facilitation Standards*.

14. *Calls* upon Member States to implement technological solutions aimed at enhancing security and facilitation of border controls while improving clearance procedures, such as the joint use of Automated Border Control (ABC) gates and the ICAO Public Key Directory when checking ePassports;

15. *Requests* the Secretary General to continue to explore technological solutions aimed at enhancing security and facilitation of border controls while improving clearance procedures;

16. *Requests* the Council to continue the work on further strengthening the integrity of traveller identification and border controls management and enhancing security, and developing guidance material to assist Member States to further those objectives;
17. *Urges* the Council to explore ways of intensifying assistance and capacity-building support to Member States in the traveller identification and border control areas, including a proactive leadership role for ICAO in facilitating and coordinating such assistance in the international community;
18. *Urges* all Member States to join the ICAO PKD and to use the information available from the ICAO PKD to validate eMRTDs at border controls;
19. *Urges* those Member States that are not already doing so to promptly report accurate information about stolen, lost, and revoked travel documents issued by their State, to INTERPOL for inclusion in their Stolen and Lost Travel Document (SLTD) Database;
20. *Calls* upon those Member States that are not already doing so to query, at entry and departure border control points, the travel documents of individuals travelling internationally against the INTERPOL Stolen and Lost Travel Documents (SLTD) database;
21. *Urges* Member States to establish efficient and effective mechanisms in order to implement submissions to and queries of, the SLTD database.
22. *Urges* Member States to establish between all involved stakeholders an efficient information sharing and collaboration system in the prevention of human trafficking; and
23. *Requests* the Secretary General to ensure the development of relevant guidance material on procedures to implement to combat trafficking in persons in order to support Member States in their implementation of the provisions of Annex 9 – *Facilitation* related to trafficking in persons.

## **APPENDIX C**

### **National and international action and cooperation on facilitation matters**

*Whereas* there is a need for continuing action by Member States to improve the effectiveness and efficiency of clearance control formalities;

*Whereas* the establishment and active operation of national air transport facilitation programmes and facilitation committees is a proven means of effecting needed improvements;

*Whereas* cooperation on facilitation matters amongst Member States and with the various national, regional and international parties interested in facilitation matters has brought benefits to all concerned;

*Whereas* such cooperation has become vital in the light of the proliferation of non-uniform passenger data exchange systems that adversely affect the viability of the air transport industry, and the increasing requests by border control authorities for exchange of passenger data;

*Whereas* the threat of worldwide transmission of communicable diseases by means of air transport has increased in past years; and

Whereas Annex 9 provides for the facilitation of assistance to aircraft accident victims and their families;

*The Assembly:*

1. *Urges* Member States to establish and utilize national air transport facilitation programmes and facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;
2. *Urges* Member States to participate in regional and subregional air transport facilitation programmes of other intergovernmental aviation organizations;
3. *Urges* Member States to take all necessary steps, through national air transport facilitation programmes and facilitation committees or other appropriate means, for:
  - a) regularly calling the attention of all interested departments of their governments to the need for:
    - i. making the national regulations and practices conform to the provisions and intent of Annex 9; and
    - ii. working out satisfactory solutions for day-to-day problems in the facilitation field;
  - b) taking the initiative in any follow-up action required; and
  - c) ensuring that the appropriate coordination is in place for the effective implementation of the ICAO TRIP Strategy.
4. *Urges* Member States to encourage the study of facilitation problems by their national and other facilitation programmes and committees and to coordinate the findings of their committees on facilitation problems with those of other Member States with which they have air links;
5. *Urges* neighbouring and bordering Member States to consult one another about common problems that they may have in the facilitation field whenever it appears that these consultations may lead to a uniform solution of such problems;
6. *Urges* Member States, aircraft operators and airport operators to continue to cooperate intensively as regards:
  - a) identification and solution of facilitation problems; and
  - b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration, the spread of communicable diseases and other threats to national interests;
7. *Urges* Member States to call upon aircraft and airport operators and their associations to participate in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of cargo traffic at international terminals;
8. *Urges* Member States to implement the provisions of Annex 9 to facilitate assistance to aircraft accident victims and their families;

9. *Requests* the Council to consider upgrading Annex 9 Recommended Practice 8.46 into an international Standard, as well as to consider introducing a new Annex 9 Recommended Practice, addressed to aircraft and airport operators on the development of appropriate plans to provide timely and effective assistance to aircraft accident victims and their families and to communicate them to ICAO;

10. *Urges* Member States and aircraft and airport operators, in cooperation with interested international organizations, to make all possible efforts to speed up the handling and clearance of air cargo, while ensuring the security of the international supply chain;

11. *Urges* Member States to undertake dialogue and cooperation between national, regional and international, border control and security-related bodies regarding their obligations towards Annex 9 - *Facilitation* and relevant United Nations Security Council resolutions; and

12. *Requests* the Secretary General to ensure ICAO continues its work on border control management and security of travel documents in the fight against terrorism, and to strengthen its cooperation and collaboration with relevant United Nations (UN) agencies, such as UN Office of Counter Terrorism (UNOCT) and UN Office on Drugs and Crime (UNODC).

## APPENDIX D

### Passenger Data Exchange Systems

*Whereas* there is a need for continuing action by Member States to improve the effectiveness and efficiency of clearance control formalities;

*Whereas* UN Security Council, in resolution 2396 (2017), in welcoming ICAO's decision to establish a standard under Annex 9 — *Facilitation*, regarding the use of Advance Passenger Information (API) systems by its Member States, and recognizing that many ICAO Member States have yet to implement this standard, has decided, in paragraph 11, that in furtherance of paragraph 9 of resolution 2178 (2014) and the ICAO standard, its Member States are, inter alia, to establish API systems and shall require airlines operating in their territories to provide API to the appropriate national authorities.

*Whereas* UN Security Council, also in resolution 2396, at paragraph 12, has decided that Member States shall develop the capability to collect, process and analyse, in furtherance of ICAO standards and recommended practices, PNR data and to ensure PNR data is used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offenses and related travel, further calls upon Member States, the UN, and other international, regional, and subregional entities to provide technical assistance, resources and capacity building to Member States in order to implement such capabilities, and, where appropriate, encourages Member States to share PNR data with relevant or concerned Member States to detect foreign terrorist fighters returning to their countries of origin or nationality, or traveling or relocating to a third country, with particular regard for all individuals designated by the Committee established pursuant to resolutions 1267 (1999), 1989 (2011), and 2253 (2015), and also urges ICAO to work with its Member States to establish a standard for the collection, use, processing and protection of PNR data.

*Whereas* the UN Security Council, in resolution 2482 (2019), has called upon Member States to implement obligations to collect and analyze API and develop the ability to collect, process and analyse, in furtherance of International Civil Aviation Organization (ICAO) standards recommended practices, PNR data and to ensure

PNR data is used by and shared with competent national authorities, with full respect for human rights and fundamental freedoms, which will help security officials make connections between individuals associated to organized crime, whether domestic or transnational, and terrorists, to stop terrorist travel and prosecute terrorism and organized crime, whether domestic or transnational, including by making use of capacity building programmes; and

*Whereas* the use of both API and PNR data as mentioned in the ICAO TRIP Strategy can also be employed for security purposes, adding an important layer to the international civil aviation system, in order to detect terrorists and prevent acts of unlawful interference well before the aircraft boarding process;

*The Assembly:*

1. *Urges* Member States to call upon aircraft operators offering international air transport services to participate in electronic data interchange systems by providing advance passenger information in order to achieve maximum efficiency levels in the processing of passenger traffic at international airports;
2. *Urges* Member States, in the use of electronic passenger data exchange systems, to ensure that the passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose, and to ensure the security, fair processing and safeguarding of such data with full respect for human rights;
3. *Urges* Member States to assist and share best practices, as appropriate, with other Member States in the establishment of passenger data exchange systems; and
4. *Requests* Member States that have not already done so, to develop the capability to collect, process and analyse PNR data and to ensure that PNR data is used by and shared with their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offences and related travel.

**A40-17: Consolidated statement of continuing ICAO policies and practices related to environmental protection - General provisions, noise and local air quality**

*Whereas* in Resolution A39-1 the Assembly resolved to continue to adopt at each ordinary Session a consolidated statement of continuing ICAO policies and practices related to environmental protection;

*Whereas* Resolution A39-1 consists of an introductory text and a number of Appendices concerning specific but interrelated subjects; and

*Considering* the need to reflect developments that have taken place since the 39th Session of the Assembly in the field of aircraft noise and engine emissions;

*The Assembly:*

1. *Resolves* that the Appendices attached to this Resolution and listed below, together with A40-18: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change* and A40-19: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)*,

constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection, as these policies exist at the close of the 40th Session of the Assembly:

Appendix A — General

Appendix B — Development of Standards, Recommended Practices and Procedures and/or guidance material relating to the quality of the environment

Appendix C — Policies and programmes based on a “balanced approach” to aircraft noise management

Appendix D — Phase-out of subsonic jet aircraft which exceed the noise levels in Volume I of Annex 16

Appendix E — Local noise-related operating restrictions at airports

Appendix F — Land-use planning and management

Appendix G — Supersonic aircraft — The problem of sonic boom

Appendix H — Aviation impact on local air quality

2. *Requests* the Council to submit the ICAO policies and practices related to environmental protection for review at each ordinary session of the Assembly; and

3. *Declares* that this resolution, together with A40-18: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, and A40-19: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSA)*, supersede Resolutions A39-1, A39-2 and A39-3.

## **APPENDIX A**

### **General**

*Whereas* the preamble to the *Convention on International Civil Aviation* states that “the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world . . .” and Article 44 of that Convention states that ICAO should “develop the principles and techniques of international air navigation and . . . foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

*Whereas* many of the adverse environmental effects of civil aviation activity can be reduced by the application of comprehensive measures embracing technological improvements, more efficient air traffic management and operational procedures, aircraft recycling, the use of clean, renewable and sustainable energy sources, the appropriate use of airport planning, land-use planning and management, community engagement and market-based measures;



*Whereas* all ICAO Member States agreed to continue to pursue all aviation matters related to the environment and also maintain the initiative in developing policy guidance on these matters, and not leave such initiatives to other organizations;

*Whereas* other international organizations are emphasizing the importance of environmental policies affecting air transport;

*Whereas* the sustainable growth of aviation is important for future economic growth and development, trade and commerce, cultural exchange and understanding among peoples and nations; therefore prompt action must be taken to ensure that it is compatible with the quality of the environment and develops in ways that alleviate adverse impacts;

*Recognizing* that the work of the Organization on the environment contributes to 14 of 17 United Nations Sustainable Development Goals (SDGs);

*Whereas* reliable and best available information on the environmental effects of aviation is essential for the development of policy by ICAO and its Member States;

*Acknowledging* that substantial progress has been achieved in addressing the effects of aviation on the environment, and that aircraft produced today are 80 per cent more fuel efficient and 75 per cent quieter than they were in the 1960s;

*Recognizing* that new innovative technologies and energy sources for aviation are under development in a fast pace, and much work by ICAO will be required to keep pace with the timely environmental certification of such new technologies, as appropriate;

*Whereas* as far as there are recognized interdependencies of the environmental effects from aviation, such as noise and engine emissions, they need to be considered when defining source control and operational mitigation policies;

*Whereas* airspace management and design can play a role in addressing the impacts of aviation greenhouse gas emissions on the global climate, and the related economic and institutional issues need to be addressed by States, either individually or collectively on a regional basis;

*Whereas* cooperation with other international organizations is important to progress the understanding of aviation's impacts on the environment and in order to develop the appropriate policies to address these impacts; and

*Recognizing* the importance of research and development in fuel efficiency and aviation fuels that will enable international air transport operations with a lower environmental impact, both in terms of local air quality and the global climate;

*Noting* the importance of updated information on the present and future impact of aircraft noise and aircraft emissions, as provided in the ICAO global environmental trends, to support decision-making on environmental matters;

*The Assembly:*

1. *Declares* that ICAO, as the lead United Nations (UN) Agency in matters involving international civil aviation, is conscious of and will continue to address the adverse environmental impacts that may be related

to civil aviation activity and acknowledges its responsibility and that of its Member States to achieve maximum compatibility between the safe and orderly development of civil aviation and the quality of the environment. In carrying out its responsibilities, ICAO and its Member States will strive to:

- a) limit or reduce the number of people affected by significant aircraft noise;
  - b) limit or reduce the impact of aviation emissions on local air quality; and
  - c) limit or reduce the impact of aviation greenhouse gas emissions on the global climate;
2. *Emphasizes* the importance of ICAO continuing to demonstrate its leadership role on all international civil aviation matters related to the environment and *requests* the Council to maintain the initiative in developing policy guidance on these matters, which recognizes the seriousness of the challenges which the sector faces;
  3. *Requests* the Council to continue to assess regularly the present and future impact of aircraft noise and aircraft engine emissions and to continue to develop tools for this purpose;
  4. *Requests* the Council to closely follow-up innovative technologies and new energy sources for aviation to prepare for the timely environmental certification of such technologies, as appropriate;
  5. *Requests* the Council to maintain and update knowledge of the interdependencies and trade-offs related to measures to mitigate the impact of aviation on the environment so as to optimize decision-making;
  6. *Requests* the Council to establish a set of aviation environmental indicators which States could use to evaluate the performance of aviation operations and the effectiveness of standards, policies and measures to mitigate aviation's impacts on the environment;
  7. *Requests* the Council to disseminate information on the present and future impact and trends of aircraft noise, aircraft fuel consumption, aviation system fuel efficiency, and aircraft engine Particulate Matter (PM) and Oxides of Nitrogen (NO<sub>x</sub>) emissions, reflecting the work of the Organization, action plans submitted by States, the ICAO Global Air Navigation Plan, ICAO Standards and Recommended Practices, and ICAO policy and guidance material in the environmental field, in an appropriate manner, such as through regular reporting and workshops, including through the coordination with the ICAO Regional Offices;
  8. *Invites* States to continue their active support for ICAO's environment-related activities, and urges Member States to support activities not foreseen in the budget by providing a reasonable level of voluntary contributions;
  9. *Invites* States and international organizations to provide the necessary scientific information and data to enable ICAO to substantiate its work in this field;
  10. *Encourages* the Council to continue to cooperate closely with international organizations and other UN bodies on the understanding of aviation impacts on the environment and on the establishment of policies to address such impacts; and
  11. *Urges* States to refrain from environmental measures that would adversely affect the orderly and sustainable development of international civil aviation.

## APPENDIX B

### **Development of Standards, Recommended Practices and Procedures and/or guidance material relating to the quality of the environment**

*Whereas* the problem of aircraft noise in the vicinity of many of the world's airports, which continues to arouse public concern and limit airport infrastructure development, requires appropriate action;

*Whereas* the scientific community is improving the understanding of uncertainties associated with the environmental impact of aircraft emissions at both the local and global levels, this impact remains a cause of concern and requires appropriate action;

*Recognizing* that there are interdependencies related to technology, design and operations of aircraft when addressing concerns related to noise, local air quality, and climate change;

*Whereas* the Council has established a Committee on Aviation Environmental Protection (CAEP) for the purpose of assisting in the further development of Standards, Recommended Practices and Procedures and/or guidance material on aircraft noise and engine emissions;

*Whereas* the Council has adopted Annex 16, Volume I — *Aircraft Noise*, which comprises noise certification Standards for subsonic aircraft (except short take-off and landing/vertical take-off and landing aeroplanes) and has notified Member States of this action;

*Whereas* the Council has adopted Annex 16, Volume II — *Aircraft Engine Emissions*, which comprises emissions certification Standards for aircraft engines and has notified Member States of this action;

*Whereas* the Council has adopted Annex 16, Volume III — *Aeroplane CO<sub>2</sub> Emissions*, which comprises CO<sub>2</sub> emissions certification Standards for aeroplanes and has notified Member States of this action;

*Recognizing* the recommendation by CAEP on a new mass and number standard for non-volatile particulate matter (nvPM) emissions that, once adopted, will be part of Annex 16, Volume II;

*Recognizing* that the nvPM emissions certification Standard and CO<sub>2</sub> emissions certification standard are a technical comparison of aviation technologies designed for use in nvPM emissions certification and CO<sub>2</sub> emissions certification processes, respectively, and were not designed to serve as a basis for operating restrictions or emissions levies;

*Whereas* ICAO policy guidance on measures to address environmental concerns related to aircraft noise and engine emissions has been developed, amended and published; and

*Recognizing* the work of CAEP on its first independent expert integrated review of aircraft and engine technologies and the development of medium-term (2027) and long-term (2037) technology goals for noise, fuel burn and emissions;

*Recognizing* new innovative technologies and energy sources for aviation being under development in a fast pace, including hybrid and electric aircraft;

*The Assembly:*

1. *Welcomes* the continuing benefits of the more stringent aircraft noise Standard in Annex 16, Volume I, Chapter 4 that took effect on 1 January 2006;
2. *Welcomes* the adoption by the Council in March 2014 of the new, more stringent Standard for noise which became applicable on or after 31 December 2017 and to become applicable on or after 31 December 2020 for aircraft less than 55 tonnes Maximum Take-off Mass (MTOM);
3. *Welcomes* the adoption by the Council in March 2014 of the new Standard for noise which became applicable for Tilt-rotors on or after 1 January 2018;
4. *Welcomes* the adoption by the Council in March 2017 of the new aeroplane CO<sub>2</sub> Standard to become applicable on or after 1 January 2020 for new aeroplane types, except those new aeroplane types of less than or equal to 60 tonnes MTOM and with a maximum passenger seating capacity of 19 seats or less, which would have an applicability date of on or after 1 January 2023;
5. *Welcomes* the adoption by the Council in March 2017 of the new aeroplane CO<sub>2</sub> Standard to become applicable on or after 1 January 2023 for in-production aeroplanes with a production cut-off date of 1 January 2028;
6. *Welcomes* the adoption by the Council in March 2017 of the initial nvPM mass emissions Standard for all turbofan and turbojet aircraft engines with rated thrust greater than 26.7kN and for which the date of manufacture of the individual engine is on or after 1 January 2020, and further development by CAEP of the new nvPM mass and number emissions Standard for all turbofan and turbojet aircraft engines with rated thrust greater than 26.7kN with the applicability date of 1 January 2023;
7. *Urges* States to recognize that the nvPM and CO<sub>2</sub> emissions certification Standards were not designed to serve as a basis for operating restrictions or emissions levies;
8. *Requests* the Council, with the assistance and cooperation of other bodies of the Organization and of other international organizations, to continue with vigour the work related to the development of Standards, Recommended Practices and Procedures and/or guidance material dealing with the impact of aviation on the environment;
9. *Requests* the Council to closely follow-up innovative technologies and new energy sources for aviation to prepare for the timely environmental certification of such technologies, as appropriate;
10. *Requests* the Council to ensure that CAEP pursues its work programme in the noise and emissions fields expeditiously in order that appropriate solutions can be developed as quickly as possible, and that the necessary resources are made available to do so;
11. *Urges* Member States from regions of the world that are currently under-represented in CAEP to participate in the Committee's work;
12. *Requests* the Council to provide States and International Organizations information on available measures to reduce the impact of aviation operations on the environment so that action can be taken using the appropriate measures;

13. *Urges* Member States to follow, where appropriate, the ICAO provisions developed pursuant to Resolving Clause 8 of this Appendix; and

14. *Requests* the Council to continue the work on developing and employing scenarios for assessing the future environmental impact of aviation emissions and to cooperate with other international organizations in this area.

## APPENDIX C

### **Policies and programmes based on a “balanced approach” to aircraft noise management**

*Whereas* a goal of ICAO is to promote the highest practicable degree of consistency in international civil aviation, including environmental regulations;

*Whereas* the uncoordinated development of national and regional policies and programmes for the alleviation of aircraft noise could hinder the role of civil aviation in economic development;

*Whereas* the severity of the aircraft noise problem at many airports has given rise to measures which limit aircraft operations and has provoked vigorous opposition to the expansion of existing airports or construction of new airports;

*Whereas* ICAO has accepted full responsibility for pursuing a course aimed at achieving maximum compatibility between the safe, economically effective and orderly development of civil aviation and the quality of the environment, and is actively pursuing the concept of a “balanced approach” for the reduction of aircraft noise and guidance on how States might apply such an approach;

*Whereas* the balanced approach to noise management developed by ICAO consists of identifying the noise problem at an airport and then analysing the various measures available to reduce noise through the exploration of four principal elements, namely reduction at source, land-use planning and management, noise abatement operational procedures and operating restrictions, with the goal of addressing the noise problem in the most cost-effective manner;

*Whereas* the assessment of present and future impact of aviation noise is an essential tool for the development of policy by ICAO and its Member States;

*Whereas* the process for implementation and decisions between elements of the balanced approach is for Member States and it is ultimately the responsibility of individual States to develop appropriate solutions to the noise problems at their airports, with due regard to ICAO rules and policies;

*Whereas* ICAO Circular 351, *Community Engagement for Aviation Environmental Management*, highlights the role of community engagement as an essential component of a comprehensive noise management policy;

*Whereas* the ICAO guidance developed to assist States in implementing the balanced approach [Guidance on the Balanced Approach to Aircraft Noise Management (Doc 9829)] has been subsequently updated;

*Recognizing* that solutions to noise problems need to be tailored to the specific characteristics of the airport concerned, which calls for an airport-by-airport approach, and that similar solutions could be applied if similar noise problems are identified at airports;

*Recognizing* that measures to address noise may have significant cost implications for operators and other stakeholders, particularly those from developing countries;

*Recognizing* that States have relevant legal obligations, existing agreements, current laws and established policies which may influence their implementation of the ICAO “balanced approach”;

*Recognizing* that some States may also have wider policies on noise management;

*Considering* that the improvements in the noise climate achieved at many airports through the replacement of Chapter 2 compliant aircraft (aircraft which comply with the noise certification Standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16) by quieter aircraft should be safeguarded by taking account of the sustainability of future growth and should not be eroded by incompatible urban encroachment around airports; and

*Take note* that the CAEP analysis of Trends in aircraft noise show that, under an advanced technology improvements scenario, an increase in aircraft operations may no longer result in an increase in noise contour area after 2030, if a number of ambitious actions are carried out by ICAO Member States to realize this scenario;

*The Assembly:*

1. *Calls upon* all ICAO Member States and international organizations to recognize the leading role of ICAO in dealing with the problems of aircraft noise;
2. *Welcomes* the progress achieved to date in addressing aircraft noise and encourages States, manufacturers and operators to continue to engage in the work of ICAO in addressing aircraft noise, and to continue to pursue technologies and policies that reduce the impact of aircraft noise in the communities that surround airports;
3. *Urges* States to:
  - a) adopt a balanced approach to noise management, taking full account of ICAO guidance (Doc 9829), relevant legal obligations, existing agreements, current laws and established policies, when addressing noise problems at their international airports;
  - b) institute or oversee a transparent process when considering measures to alleviate noise, including:
    - 1) assessment of the noise problem at the airport concerned based on objective, measurable criteria and other relevant factors;
    - 2) evaluation of the likely costs and benefits of the various measures available and, based on that evaluation, selection of measures with the goal to achieve maximum environmental benefit most cost-effectively; and

3) provision for dissemination of the evaluation results, for consultation with stakeholders and for dispute resolution;

4. *Encourages* States to:

- a) promote and support studies, research and technology programmes aimed at reducing noise at source or by other means taking into account interdependencies with other environmental concerns;
- b) apply land-use planning and management policies to limit the encroachment of incompatible development into noise-sensitive areas and mitigation measures for areas affected by noise, consistent with Appendix F to this Resolution;
- c) apply noise abatement operational procedures, to the extent possible without affecting safety and considering interdependencies with other environmental concerns; and
- d) not apply operating restrictions as a first resort but only after consideration of the benefits to be gained from other elements of the balanced approach and in a manner which is consistent with Appendix E to this Resolution and taking into account the possible impact of such restrictions at other airports;

5. *Requests* States to:

- a) work closely together to ensure the harmonization of programmes, plans and policies to the extent possible;
- b) engage with communities on a timely and consistent basis, as per the principles defined in ICAO Circular 351;
- c) ensure that the application of any measures to alleviate noise are consistent with the non-discrimination principle in Article 15 of the Chicago Convention; and
- d) take into consideration the particular economic conditions of developing countries;

6. *Invites* States to keep the Council informed of their policies and programmes to alleviate the problem of aircraft noise in international civil aviation;

7. *Requests* the Council to:

- a) assess continuously the evolution of the impact of aircraft noise;
- b) ensure that the guidance on the balanced approach in Doc 9829 is current and responsive to the requirements of States;
- c) ensure that appropriate guidance on community engagement is made available to States and maintained; and
- d) promote the use of the balanced approach, for example through workshops; and

8. *Calls upon* States to provide appropriate support for this work on ICAO guidance and any additional work on methodologies, and for the assessment of the impact or effectiveness of measures under the balanced approach as necessary.

## APPENDIX D

### **Phase-out of subsonic jet aircraft which exceed the noise levels in Volume I of Annex 16**

*Whereas* certification standards for subsonic jet aircraft noise levels are specified in Volume I of Annex 16;

*Whereas* for the purpose of this Appendix, a phase-out is defined as withdrawal of a noise-based category of aircraft from international operations at all airports in one or more States;

*Whereas* the Committee on Aviation Environmental Protection has concluded that a general phase-out of Chapter 3 aircraft operations by all the countries which imposed a phase-out on operations of Chapter 2 aircraft is not supported on cost-benefit grounds and had undertaken the work that led to the recommendation of a new noise certification standard in Volume I of Annex 16 on the understanding that a new phase-out should not be considered;

*Whereas* some States have implemented or initiated phase-outs of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16, or are considering so doing;

*Recognizing* that the noise standards in Annex 16 are not intended to introduce operating restrictions on aircraft;

*Recognizing* that operating restrictions on existing aircraft may increase the costs of airlines and could impose a heavy economic burden, particularly on aircraft operators which may not have the financial resources to re-equip their fleets, such as those from developing countries; and

*Considering* that resolution of problems due to aircraft noise must be based on the mutual recognition of the difficulties encountered by States and a balance among their different concerns;

*The Assembly:*

1. *Urges* States not to introduce any phase-outs of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16 before considering:

- a) whether the normal attrition of existing fleets of such aircraft will provide the necessary protection of noise climates around their airports;
- b) whether the necessary protection can be achieved by regulations preventing their operators from adding such aircraft to their fleets through either purchase, or lease/charter/interchange, or alternatively by incentives to accelerate fleet modernization;
- c) whether the necessary protection can be achieved through restrictions limited to airports and runways the use of which has been identified and declared by them as generating noise problems and limited to time periods when greater noise disturbance is caused; and



- d) the implications of any restrictions for other States concerned, consulting these States and giving them reasonable notice of intention;
2. *Urges* States which, despite the considerations in Resolving Clause 1 above, decide to phase out aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16:
    - a) to frame any restrictions so that Chapter 2 compliant aircraft of an individual operator which are presently operating to their territories may be withdrawn from these operations gradually over a period of not less than 7 years;
    - b) not to restrict before the end of the above period the operations of any aircraft less than 25 years after the date of issue of its first individual certificate of airworthiness;
    - c) not to restrict before the end of the period the operations of any presently existing wide-body aircraft or of any fitted with engines that have a by-pass ratio higher than 2 to 1; and
    - d) to inform ICAO, as well as the other States concerned, of all restrictions imposed;
  3. *Strongly encourages* States to continue to cooperate bilaterally, regionally and inter-regionally with a view to:
    - a) alleviating the noise burden on communities around airports without imposing severe economic hardship on aircraft operators; and
    - b) taking into account the problems of operators of developing countries with regard to Chapter 2 aircraft presently on their register, where they cannot be replaced before the end of the phase-out period, provided that there is proof of a purchase order or leasing contract placed for a replacement Chapter 3 compliant aircraft and the first date of delivery of the aircraft has been accepted;
  4. *Urges* States not to introduce measures to phase out aircraft which comply, through original certification or recertification, with the noise certification standards in Volume I, Chapters 3, 4 or any more recent Chapter of Annex 16;
  5. *Urges* States not to impose any operating restrictions on Chapter 3 compliant aircraft, except as part of the balanced approach to noise management developed by ICAO and in accordance with Appendices C and E to this Resolution; and
  6. *Urges* States to assist aircraft operators in their efforts to accelerate fleet modernization and thereby prevent obstacles and permit all States to have access to lease or purchase aircraft compliant with Chapter 3, including the provision of multilateral technical assistance where appropriate.

## **APPENDIX E**

### **Local noise-related operating restrictions at airports**

*Whereas* certification standards for subsonic jet aircraft noise are specified in Volume I of Annex 16;

*Whereas* for the purposes of this Appendix an operating restriction is defined as any noise-related action that limits or reduces an aircraft's access to an airport;

*Whereas* Appendix C to this Resolution calls for States to adopt a balanced approach to noise management when addressing noise problems at their international airports;

*Whereas* further reductions in noise at source are expected as a result of the adoption of new noise certification standards in Volume I of Annex 16 and through the assimilation of noise reduction technology in the fleet;

*Whereas* at many airports, land-use planning and management and noise abatement operational procedures are already being used and other noise mitigation measures are in place, although urban encroachment continues in certain cases;

*Whereas* implementation of the phase-out of aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16 (as provided for in Appendix D to this Resolution) has been completed in some States and, assuming continued growth in aviation activity, without further action the number of people exposed to aircraft noise at some airports in those States may increase;

*Whereas* there are significant regional differences in the extent to which aircraft noise is expected to be a problem over the next two decades and some States have consequently been considering placing operating restrictions on certain aircraft which comply with the noise certification standards in Volume I, Chapter 3 of Annex 16;

*Whereas* if operating restrictions on Chapter 3 aircraft are introduced at certain airports, this should be based on the balanced approach and relevant ICAO guidance (Doc 9829) and should be tailored to the specific requirements of the airport concerned;

*Whereas* these restrictions could have a significant economic impact on fleet investments of aircraft operators from States other than those in which the restrictions are imposed;

*Recognizing* that these restrictions go beyond the policy established in Appendix D to this Resolution and other relevant policy guidance developed by ICAO;

*Recognizing* that ICAO places no obligation on States to impose operating restrictions on Chapter 3 aircraft;

*Recognizing* that the noise standards in Annex 16 were not intended to introduce operating restrictions on aircraft and, specifically, that the standards contained in Annex 16, Volume I, Chapter 4 and Chapter 14, and any further stringency levels adopted by the Council, are based on the understanding that it is for certification purposes only; and

*Recognizing* in particular that States have legal obligations, laws, existing arrangements and established policies which may govern the management of noise problems at their airports and could affect the implementation of this Appendix;

*The Assembly:*

1. *Urges* States to ensure, wherever possible, that any operating restrictions be adopted only where such action is supported by a prior assessment of anticipated benefits and of possible adverse impacts;
2. *Urges* States not to introduce any operating restrictions at any airport on aircraft which comply with Volume I, Chapter 3 of Annex 16 before:
  - a) completing the phase-out of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16, at the airport concerned; and
  - b) fully assessing available measures to address the noise problem at the airport concerned in accordance with the balanced approach described in Appendix C;
3. *Urges* States which, despite the considerations in Resolving Clause 2 above, permit the introduction of restrictions at an airport on the operations of aircraft which comply, either through original certification or recertification, with Volume I, Chapter 3 of Annex 16:
  - a) to base such restrictions on the noise performance of the aircraft, as determined by the certification procedure conducted consistent with Annex 16, Volume I;
  - b) to tailor such restrictions to the noise problem of the airport concerned in accordance with the balanced approach;
  - c) to limit such restrictions to those of a partial nature wherever possible, rather than the complete withdrawal of operations at an airport;
  - d) to take into account possible consequences for air transport services for which there are no suitable alternatives (for example, long-haul services);
  - e) to consider the special circumstances of operators from developing countries, in order to avoid undue hardship for such operators, by granting exemptions;
  - f) to introduce such restrictions gradually over time, where possible, in order to take into account the economic impact on operators of the affected aircraft;
  - g) to give operators a reasonable period of advance notice;
  - h) to take account of the economic and environmental impact on civil aviation; and
  - i) to inform ICAO, as well as the other States concerned, of all such restrictions imposed; and
4. *Further urges* States not to permit the introduction of any operating restrictions aimed at the withdrawal of aircraft that comply, through either original certification or recertification, with the noise standards in Volume I, Chapter 4 and Chapter 14 of Annex 16 and any further stringency levels adopted by the Council.

## APPENDIX F

### Land-use planning and management

*Whereas* land-use planning and management is one of the four principal elements of the balanced approach to noise management;

*Whereas* the number of people affected by aircraft noise is dependent on the way in which the use of land surrounding an airport is planned and managed, and in particular the extent to which residential development and other noise sensitive activities are controlled;

*Whereas* activity may increase significantly at most airports and there is a risk that future growth may be constrained by inappropriate land use near airports;

*Whereas* the phase-out of subsonic jet aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16 has succeeded at many airports in reducing the size of the noise contours depicting the areas where people are exposed to unacceptable noise levels as well as in reducing the total number of people exposed to noise;

*Considering* it essential that these improvements should be preserved to the greatest extent practicable for the benefit of local communities;

*Recognizing* that the standard contained in Annex 16, Volume I, Chapter 4 has increased the opportunities for operators to replace aircraft in their fleets by quieter aircraft;

*Recognizing* that the standard contained in Annex 16, Volume I, Chapter 14, when implemented, will increase the opportunities for operators to replace aircraft in their fleets by quieter aircraft;

*Recognizing* that while land-use management includes planning activities that may primarily be the responsibility of local authorities, it nevertheless affects airport capacity, which in turn has implications for civil aviation;

*Recognizing* that the update of the guidance material on appropriate land-use planning and noise mitigation measures is included in the *Airport Planning Manual* (Doc 9184), Part 2 — *Land Use and Environmental Management*;

*Recognizing* that the ICAO Circular 351 *Community Engagement on Aviation Environmental Management* complements the current policy of aircraft noise management at and around airports; and

*Recognizing* the Eco-Airport Toolkit e-collection as a useful resource for environmentally sound management policies at and around airports;

*The Assembly:*

1. *Urges* States that have phased out operations of Chapter 2 aircraft at their airports as provided for in Appendix D to this Resolution, whilst preserving the benefits for local communities to the greatest extent practicable, to avoid inappropriate land use or encroachment whenever possible in areas where reductions in noise levels have been achieved;

2. *Urges* States to ensure that the potential reductions in noise levels to be gained from the introduction of quieter aircraft, particularly those complying with the Chapter 4 standard, are also not avoidably compromised by inappropriate land use or encroachment;
3. *Urges* States, where the opportunity still exists to minimize aircraft noise problems through preventive measures, to:
  - a) locate new airports at an appropriate place, such as away from noise-sensitive areas;
  - b) take the appropriate measures so that land-use planning is taken fully into account at the initial stage of any new airport or of development at an existing airport;
  - c) define zones around airports associated with different noise levels taking into account population levels and growth as well as forecasts of traffic growth and establish criteria for the appropriate use of such land, taking account of ICAO guidance;
  - d) enact legislation, establish guidance or other appropriate means to achieve compliance with those criteria for land use; and
  - e) ensure that reader-friendly information on aircraft operations and their environmental effects is available to communities near airports; and
4. *Requests* the Council to:
  - a) ensure that the guidance on land use in Doc 9184 is current and responsive to the requirements of States; and
  - b) consider what steps might be taken to promote land-use management, particularly in those parts of the world where the opportunity may exist to avoid aircraft noise problems in the future, including through the Eco-Airport Toolkit e-collection.

## APPENDIX G

### **Supersonic aircraft — The problem of sonic boom**

*Whereas* since the introduction of supersonic aircraft in commercial service action has been taken to avoid creating unacceptable situations for the public due to sonic boom, such as interference with sleep and injurious effects to persons and property on land and at sea caused by the magnification of the sonic boom; and

*Whereas* the States involved in the manufacture of such supersonic aircraft, as well as other States, continue to carry out research into the physical, physiological and sociological effects of sonic boom;

*Recognizing* the ongoing work to develop a new supersonic noise Standard for future aircraft, and the work to understand the current state of sonic boom knowledge, research and supersonic aeroplane projects;

*Recognizing* that the airworthiness certification of a supersonic aeroplane could occur in the 2020-2025 timeframe, and the need for an exploratory study to provide better understanding of airport noise impacts resulting from the introduction of supersonic aircraft;

*The Assembly:*

1. *Reaffirms* the importance it attaches to ensuring that no unacceptable situation for the public is created by sonic boom from supersonic aircraft;
2. *Instructs* the Council, in the light of the available information and availing itself of the appropriate machinery, to review the Annexes and other relevant documents, so as to ensure that they take due account of the problems which the operation of supersonic aircraft may create for the public and, in particular, as regards sonic boom, to take action to achieve international agreement on measurement of the sonic boom, the definition in quantitative or qualitative terms of the expression “unacceptable situations for the public” and the establishment of the corresponding limits; and
3. *Invites* the States involved in the manufacture of supersonic aircraft to furnish ICAO in due course with proposals on the manner in which any specifications established by ICAO could be met.

## **APPENDIX H**

### **Aviation impact on local air quality**

*Whereas* there are growing concerns about the impact of aviation on the atmosphere with respect to local air quality and the associated human health and welfare impacts;

*Whereas* the evidence of this impact from emissions of NO<sub>x</sub> and particulate matter (PM) from aircraft engines on local surface and regional air quality is now more compelling;

*Recognizing* that the scientific community is improving the understanding of uncertainties associated with the impact from emissions of NO<sub>x</sub> and PM from aircraft engines on the global climate;

*Recognizing* that there are interdependencies related to design and operations of aircraft when addressing concerns related to noise, local air quality, and climate change;

*Recognizing* that ICAO has established technical Standards and fostered the development of operational procedures that have reduced significantly local air quality pollution from aircraft;

*Recognizing* the work of CAEP on its first independent expert integrated review of aircraft and engine technologies and the development of medium-term (2027) and long-term (2037) technology goals for noise, fuel burn and emissions;

*Whereas* many pollutants such as soot and unburned hydrocarbons from aircraft engines affecting local and regional air quality, have declined dramatically over the last few decades;

*Whereas* progress in operational procedures such as continuous descent operations has resulted in further reduction of emissions from aircraft;

*Whereas* an assessment of trends in aviation emissions of NO<sub>x</sub>, PM, and other gaseous emissions shows increasing global emissions values;

*Whereas* the impacts of aviation emissions of NO<sub>x</sub>, PM, and other gaseous emissions need to be further assessed and understood;

*Recognizing* the robust progress made in understanding impacts of non-volatile components of PM emissions while the scientific and technical work continues on better assessment of volatile components of PM emissions;

*Whereas* the impacts of aviation emissions on local and regional air quality are part of the total emissions in the affected area and should be considered in the broader context of all sources that contribute to the air quality concerns;

*Whereas* the actual local air quality and health impacts of aviation emissions depend on a series of factors among which are the contribution to the total concentrations and the number of people exposed in the area being considered;

*Whereas* Article 15 of the *Convention on International Civil Aviation* contains provisions regarding airport and similar charges, including the principle of non-discrimination, and ICAO has developed policy guidance for Member States regarding charges (*ICAO's Policies on Charges for Airports and Air Navigation Services*, Doc 9082) including specific guidance on noise-related charges and emissions-related charges for local air quality;

*Whereas* the ICAO Council had adopted on 9 December 1996 a policy statement of an interim nature on emissions-related charges and taxes in the form of a resolution wherein the Council strongly recommends that any such levies be in the form of charges rather than taxes, and that the funds collected should be applied in the first instance to mitigating the environmental impact of aircraft engine emissions;

*Whereas* such charges should be based on the costs of mitigating the environmental impact of aircraft engine emissions to the extent that such costs can be properly identified and directly attributed to air transport;

*Whereas* the ICAO Council has adopted policy and guidance material related to the use of emissions-related charges to address the impact of aircraft engine emissions at or around airports;

*Noting* that the ICAO Council has published information on environmental management systems (EMS) that are in use by aviation stakeholders; and

*Noting* that the ICAO Council has developed an Airport Air Quality Manual which has been subsequently updated;

*The Assembly:*

1. *Requests* the Council to monitor and develop its knowledge of, in cooperation with other relevant international organizations such as WHO, the effects of aviation emissions of PM, NO<sub>x</sub> and other gases on human welfare and health, and to disseminate information in this regard;

2. *Requests* the Council to continue its work to develop technologically feasible, environmentally beneficial and economically reasonable standards to further reduce the impact of local air pollution from aircraft;
3. *Requests* the Council to continue to monitor progress in scientific and technical understanding of volatile and non-volatile components of PM emissions;
4. *Requests* the Council to ensure that the interdependencies between measures to reduce aircraft noise and engine emissions that affect local air quality as well as global climate are given due consideration;
5. *Requests* the Council to continue its work to develop integrated medium and long-term technology goals for the reduction of fuel burn, noise and aircraft engine emission of NO<sub>x</sub> and nvPM; and operational goals for the reduction of fuel burn;
6. *Requests* the Council to continue to foster operational and air traffic improvements that reduce the impact of local air pollution from aircraft;
7. *Encourages* action by Member States, and other parties involved, to limit or reduce international aviation emissions affecting local air quality through voluntary measures and to keep ICAO informed;
8. *Welcomes* the development and promotion of guidance material on issues related to the assessment of airport-related air quality;
9. *Requests* the Council to work with States and stakeholders in promoting and sharing best practices applied at airports in reducing the adverse effects of aviation emissions on local air quality;
10. *Welcomes* the development of the guidance on emissions charges related to local air quality and *requests* the Council to keep up to date such guidance and *urges* Member States to share information on the implementation of such charges; and
11. *Urges* Member States to ensure the highest practical level of consistency and take due account of ICAO policies and guidance on emissions charges related to local air quality.

**A40-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection - Climate change**

*Whereas* ICAO and its member States recognize the critical importance of providing continuous leadership to international civil aviation in limiting or reducing its emissions that contribute to global climate change;

*Reemphasizing* the vital role which international aviation plays in global economic and social development and the need to ensure that international aviation continues to develop in a sustainable manner;

*Acknowledging* that the work of the Organization on the environment contributes to 14 of the 17 United Nations Sustainable Development Goals (SDGs), including SDG 13 “*Take urgent action to combat climate change and its impacts*”;



*Whereas* a comprehensive assessment of aviation's impact on the atmosphere is contained in the special report on *Aviation and the Global Atmosphere*, published in 1999, which was prepared at ICAO's request by the Intergovernmental Panel on Climate Change (IPCC);

*Whereas* the IPCC special report recognized that the effects of some types of aircraft emissions are well understood, it revealed that the effects of others are not, and identified a number of key areas of scientific uncertainty that limit the ability to project aviation's full impacts on climate and ozone; the Organization will update the information contained in the IPCC special report;

*Acknowledging* that international aviation emissions, currently accounting for less than 2 per cent of total global CO<sub>2</sub> emissions, are projected to increase as a result of the continued growth of air transport;

*Whereas* the ultimate objective of the United Nations Framework Convention on Climate Change (UNFCCC) is to achieve stabilization of greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

*Whereas* the Kyoto Protocol, which was adopted by the Conference of the Parties to the UNFCCC in December 1997 and entered into force on 16 February 2005, calls for developed countries (Annex I Parties) to pursue limitation or reduction of greenhouse gases from "aviation bunker fuels" (international aviation) working through ICAO (Article 2.2);

*Whereas* the Paris Agreement, which was adopted by the Conference of the Parties to the UNFCCC in December 2015, enhances the implementation of the UNFCCC including its objective, and aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5 °C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;

*Recognizing* the global aspirational goals for the international aviation sector of improving fuel efficiency by 2 per cent per annum and keeping the net carbon emissions from 2020 at the same level, as adopted by the ICAO Assembly at its 37th Session in 2010 and reaffirmed at its 38th and 39th Sessions in 2013 and 2016, as well as the work being undertaken to explore a long-term global aspirational goal for international aviation in light of the 2 °C and 1.5 °C temperature goals of the Paris Agreement;

*Recognizing* that the aspirational goal of 2 per cent annual fuel efficiency improvement is unlikely to deliver the level of reduction necessary to stabilize and then reduce aviation's absolute emissions contribution to climate change, and that goals of more ambition are needed to deliver a sustainable path for aviation;

*Affirming* that addressing GHG emissions from international aviation requires the active engagement and cooperation of States and the industry, and *noting* the collective commitments announced by Airports Council International (ACI), Civil Air Navigation Services Organisation (CANSO), International Air Transport Association (IATA), International Business Aviation Council (IBAC) and International Coordinating Council of Aerospace Industries Associations (ICCAIA) on behalf of the international air transport industry, to continuously improve CO<sub>2</sub> efficiency by an average of 1.5 per cent per annum from 2009 until 2020, to achieve carbon neutral growth from 2020 and to reduce its carbon emissions by 50 per cent by 2050 compared to 2005 levels;

*Recalling* the UNFCCC and the Paris Agreement and *acknowledging* its principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances;

*Also acknowledging* the principles of non-discrimination and equal and fair opportunities to develop international aviation set forth in the Chicago Convention;

*Recognizing* that this Resolution does not set a precedent for or prejudice the outcome of negotiations under the UNFCCC or the Paris Agreement, nor represent the position of the Parties to those agreements;

*Noting* that, to promote sustainable growth of international aviation and to achieve its global aspirational goals, a comprehensive approach, consisting of a basket of measures including technology and standards, sustainable aviation fuels, operational improvements and market-based measures to reduce emissions is necessary;

*Acknowledging* the significant technological progress made in the aviation sector, with aircraft produced today being about 80 per cent more fuel efficient per passenger kilometre than in the 1960's;

*Welcoming* the adoption of the CO<sub>2</sub> emissions certification Standard for aeroplanes by the Council in March 2017;

*Recognizing* the work being undertaken to consider the environmental aspects of aircraft end-of-life such as through aircraft recycling;

*Recognizing* that air traffic management (ATM) measures under the ICAO's Global Air Navigation Plan contribute to enhanced operational efficiency and the reduction of aircraft CO<sub>2</sub> emissions;

*Welcoming* the assessment of the environmental benefits of the Aviation System Block Upgrades (ASBUs) completed for Block 0 and Block 1, and the results of the first global horizontal flight efficiency analysis;

*Welcoming* the convening of the ICAO Seminars on Green Airports in November 2017 and May 2019;

*Noting* that the first Conference on Aviation and Alternative Fuels in November 2009 (CAAF/1) endorsed the use of sustainable aviation fuels, particularly the use of drop-in fuels in the short to mid-term, as an important means of reducing aviation emissions;

*Also noting* that the CAAF/1 established an ICAO Global Framework for Aviation Alternative Fuels (GFAAF) through which progress has been registered, with six pathways for the certification of sustainable aviation fuels to date, and more airports regularly distributing such fuels;

*Further noting* that the second Conference on Aviation and Alternative Fuels in October 2017 (CAAF/2) adopted recommendations and approved a declaration, including the 2050 ICAO Vision for Sustainable Aviation Fuels, as a living inspirational path for a significant proportion of aviation fuels to be substituted with sustainable aviation fuels by 2050;

*Recognizing* that the technological feasibility of drop-in sustainable aviation fuels is proven and that the introduction of appropriate policies and incentives to create a long-term market perspective is required;

*Acknowledging* the need for such fuels to be developed and deployed in an economically feasible, socially and environmentally acceptable manner and the progress achieved in the harmonization of the approaches to sustainability;

*Recognizing* that sustainability criteria, sustainability certification, and the assessment of life cycle emissions of such fuels are considered as part of work for the implementation of Carbon Offsetting and Reduction for International Aviation (CORSA);

*Acknowledging* the need to explore and facilitate the civil aviation sector's access to renewable energy including through its cooperation with the Sustainable Energy for All (SE4ALL) initiative, as part of the Organization's contribution to SDG 7 "*Ensure access to affordable, reliable, sustainable and modern energy for all*";

*Recalling* that Assembly Resolution A37-19 requested the Council, with the support of member States, to undertake work to develop a framework for market-based measures (MBMs) in international aviation, including further elaboration of the guiding principles listed in the Annex to A37-19, and that the guiding principles were elaborated as listed in the Annex to Assembly Resolutions A38-18 and A39-2, which are reproduced in the Annex to this Resolution;

*Noting* that, consistent with Assembly Resolution A39-2, a substantial strategy for capacity building and other technical and financial assistance was undertaken by the Organization, in line with the No Country Left Behind (NCLB) initiative, to assist the preparation and submission of States' action plans, including the holding of regional seminars, the development and update of ICAO Doc 9988, *Guidance on the development of States' Action Plans on CO<sub>2</sub> Emissions Reduction Activities*, an interactive web-interface, the ICAO Fuel Savings Estimation Tool (IFSET), the ICAO Environmental Benefits Tool (EBT) and a Marginal Abatement Cost (MAC) curve tool;

*Welcoming* that, as of June 2019, 114 member States that represent more than 93 per cent of global international air traffic voluntarily prepared and submitted action plans to ICAO;

*Recognizing* the different circumstances among States in their capacity to respond to the challenges associated with climate change and the need to provide necessary support, in particular to developing countries and States having particular needs;

*Affirming* that specific measures to assist developing States as well as to facilitate access to financial support, technology transfer and capacity building should be initiated as soon as possible;

*Recognizing* the assistance provided by ICAO in partnership with other organizations to facilitate Member States' action to reduce aviation emissions, as well as continuous search for potential assistance partnerships with other organizations;

*Recognizing* the importance of work being undertaken to identify the potential impacts of climate change on international aviation operations and related infrastructure; and

*Recognizing* the progress made by ICAO in its implementation of the Climate Neutral UN initiative and the significant support provided by ICAO to the initiative, in particular through the development of the ICAO Carbon Emissions Calculator, to support the assessment of emissions from passengers travelling by air and welcoming its expansion to add air cargo emissions;

*The Assembly:*

1. *Resolves* that this Resolution, together with Resolution A40-17: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality* and Resolution A40-19: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSA)*, supersede Resolutions A39-1, A39-2 and A39-3 and constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection;
2. *Requests* the Council to:
  - c) ensure that ICAO exercise continuous leadership on environmental issues relating to international civil aviation, including GHG emissions;
  - d) continue to study policy options to limit or reduce the environmental impact of aircraft engine emissions and to develop concrete proposals, encompassing technical solutions and market-based measures, and taking into account potential implications of such measures for developing as well as developed countries; and
  - e) continue to cooperate with organizations involved in policy-making in this field, notably with the Conference of the Parties to the UNFCCC;
3. *Reiterates* that:
  - f) ICAO should continue to take initiatives to promote information on scientific understanding of aviation's impact and action undertaken to address aviation emissions and continue to provide the forum to facilitate discussions on solutions to address aviation emissions; and
  - g) emphasis should be on those policy options that will reduce aircraft engine emissions without negatively impacting the growth of air transport especially in developing economies;
4. *Resolves* that States and relevant organizations will work through ICAO to achieve a global annual average fuel efficiency improvement of 2 per cent until 2020 and an aspirational global fuel efficiency improvement rate of 2 per cent per annum from 2021 to 2050, calculated on the basis of volume of fuel used per revenue tonne kilometre performed;
5. *Agrees* that the goals mentioned in paragraph 4 above would not attribute specific obligations to individual States, and the different circumstances, respective capabilities and contribution of developing and developed States to the concentration of aviation GHG emissions in the atmosphere will determine how each State may voluntarily contribute to achieving the global aspirational goals;
6. *Also resolves* that, without any attribution of specific obligations to individual States, ICAO and its Member States with relevant organizations will work together to strive to achieve a collective medium-term global aspirational goal of keeping the global net carbon emissions from international aviation from 2020 at the same level, taking into account: the special circumstances and respective capabilities of States, in particular developing countries; the maturity of aviation markets; the sustainable growth of the international aviation industry; and that emissions may increase due to the expected growth in international air traffic until lower emitting technologies and fuels and other mitigating measures are developed and deployed;

7. *Recognizes* the many actions that ICAO Member States have taken and intend to take in support of the achievement of the collective aspirational goals, including air traffic management modernization, acceleration of the use of fuel-efficient aircraft technologies, and the development and deployment of sustainable aviation fuels, and *encourages* further such efforts;
8. *Agrees* to review, at its 41st Session, the goal outlined in paragraph 6 above in light of progress towards the goal, studies regarding the feasibility of achieving the goal, and relevant information from States;
9. *Requests* the Council to continue to explore the feasibility of a long-term global aspirational goal for international aviation, through conducting detailed studies assessing the attainability and impacts of any goals proposed, including the impact on growth as well as costs in all countries, especially developing countries, for the progress of the work to be presented to the 41st Session of the ICAO Assembly. Assessment of long-term goals should include information from Member States on their experiences working towards the medium term goal;
10. *Further encourages* States to submit voluntary action plans outlining respective policies and actions, and annual reporting on international aviation CO<sub>2</sub> emissions to ICAO;
11. *Invites* those States that choose to prepare or update action plans to submit them to ICAO as soon as possible preferably by the end of June 2021 and once every three years thereafter, in order that ICAO can continue to compile the quantified information in relation to achieving the global aspirational goals, and the action plans should include information on the basket of measures considered by States, reflecting respective national capacities and circumstances, quantified information on the expected environmental benefits from the implementation of the measures chosen from the basket, and information on any specific assistance needs;
12. *Encourages* States that have already submitted action plans to share information contained in action plans and build partnerships with other Member States in order to support those States that have not prepared action plans, and to make the submitted action plans available to the public, taking into account the commercial sensitivity of information contained in States' action plans;
13. *Requests* the Council to facilitate the dissemination of economic and technical studies and best practices related to aspirational goals and to continue to provide guidance and other technical assistance for the preparation and update of States' action plans prior to the end of June 2021, in order for States to conduct necessary studies and to voluntarily submit action plans to ICAO;
14. *Requests* the Council to maintain and enhance appropriate standard, methodologies and a mechanism to measure/estimate, monitor and verify global GHG emissions from international aviation, and States support the work of ICAO on measuring progress through the reporting of annual data on traffic, fuel consumption and CO<sub>2</sub> emissions;
15. *Requests* the Council to request States to continue to support the efforts of ICAO on enhancing the reliability of measuring/estimating global GHG emissions from international aviation, and to regularly report CO<sub>2</sub> emissions from international aviation to the UNFCCC, as part of its contribution to assessing progress made in the implementation actions in the sector based on information approved by its Member States;
16. While recognizing that no effort should be spared to obtain means to support the reduction and stabilization of CO<sub>2</sub> emissions from all sources, *urges* that ICAO and its Member States express a clear concern, through the UNFCCC process, on the use of international aviation as a potential source for the mobilization of revenue for climate finance to the other sectors, in order to ensure that international aviation would not be targeted as a source of such revenue in a disproportionate manner;

17. *Requests* the Council to:

- a) continue to play a pivotal role in providing assistance to its Member States through the dissemination of the latest information on best practices and the provision of guidance and other technical assistance to enhance capacity building and technology transfer, including through the ICAO Technical Cooperation Programme;
- b) build further partnerships with other international organizations to meet the assistance needs of ICAO's Member States, including through the ICAO Action Plan Buddy Programme, and facilitate access to existing and new financial resources, technology transfer and capacity building, to developing countries and report on results achieved as well as further recommendations, preliminarily by the end of 2021 and at the 41st Session of the Assembly; and
- c) continue to initiate specific measures to assist developing States as well as to facilitate access to financial resources, technology transfer and capacity building;

18. *Requests* States to promote scientific research aimed at continuing to address the uncertainties identified in the IPCC special report on Aviation and the Global Atmosphere and in the Assessment reports, and ensure that future assessments undertaken by IPCC and other relevant United Nations bodies include updated information, if any, on aircraft-induced effects on the atmosphere;

19. *Requests* the Council to:

- a) continue to develop and keep up-to-date the guidance for Member States on the application of policies and measures aimed at reducing or limiting the environmental impact of emissions from international aviation, and conduct further studies with respect to mitigating the impact of international aviation on climate change;
- b) encourage States to cooperate in the development of predictive analytical models for the assessment of aviation impacts;
- c) continue evaluating the costs and benefits of the various measures, including existing measures, with the goal of addressing aircraft engine emissions in the most cost-effective manner, taking into account the interests of all parties concerned, including potential impacts on the developing world; and
- d) assist Member States with studies, evaluations and development of procedures, in collaboration with other States in the region, to limit or reduce GHG emissions on a global basis and work together collaboratively to optimize the environmental benefits that can be achieved through various programmes;

20. *Requests* States to:

- a) consider policies to encourage the introduction of more fuel efficient aircraft into the market, and work together through ICAO to exchange information and develop guidance for best practices on aircraft end-of-life such as through aircraft recycling; and
- b) accelerate investments on research and development to bring to market more efficient technology;

21. *Requests* the Council to:

- a) update the CO<sub>2</sub> emissions certification Standard for aeroplanes, as appropriate; and
- b) update medium- and long-term technological goals for aircraft fuel burn;

22. *Requests* States to:

- a) accelerate the development and implementation of fuel efficient routings and air navigation procedures to reduce aviation emissions, and work with ICAO to bring the environmental benefits to all regions and States, taking into account the Aviation System Block Upgrades (ASBUs) strategy;
- b) reduce legal, security, economic and other institutional barriers to enable implementation of the new air traffic management operating concepts for the environmentally efficient use of airspace; and
- c) work together through ICAO to exchange information and best practices on Green Airports;

23. *Requests* the Council to:

- a) maintain and update guidance on operational measures to reduce international aviation emissions, and place emphasis on increasing fuel efficiency in all aspects of the ICAO's Global Air Navigation Plan (GANP); encourage States and stakeholders to develop air traffic management that optimizes environmental benefits;
- b) continue to develop and update the necessary tools and guidance to assess the benefits associated with air traffic management improvements, and assess the environmental benefits associated with the implementation of the Aviation System Block Upgrades (ASBUs) strategy;
- c) continue to provide the forum to exchange information on best practices for Green Airports, covering such subjects as smart buildings, renewable energy, green mobility, climate change resilience, community engagement and sustainability reporting, aiming at sharing lessons learned and best practices amongst airports; and
- d) publish and maintain guidance material on the implementation of environmentally sustainable practices at airports, including the publication of the remaining parts of the Eco-Airport Toolkit e-collection;

24. *Requests* States to:

- a) set a coordinated approach in national administrations for policy actions and investment to accelerate the appropriate development, deployment and use of clean and renewable energy sources for aviation, including the use of sustainable aviation fuels, in accordance with their national circumstances;
- b) consider the use of incentives to encourage the deployment of clean and renewable energies sources for aviation, including sustainable aviation fuels;

- c) consider measures to support research and development as well as processing technology and feedstock production in order to decrease costs and support scale-up of sustainable production pathways up to commercial scale, taking into account the sustainable development of States;
- d) recognize existing approaches to assess the sustainability of all fuels in general, including those for use in aviation which should achieve net GHG emissions reduction on a life cycle basis, contribute to local social and economic development; competition with food and water should be avoided; and
- e) adopt measures to ensure the sustainability of aviation fuels, building on existing approaches or combination of approaches, and monitor their production at a national level;

25. *Requests* the Council to:

- a) encourage Member States and invite industry, financial institutions and other international organizations to actively participate in exchange of information and best practices, and facilitate the establishment of partnerships and the definition of policies that will further promote the transition to clean, renewable sources of energy for aviation, including sustainable aviation fuels, through regional seminars;
- b) continue to maintain the ICAO Global Framework for Aviation Alternative Fuels (GFAAF);
- c) continue to give a global view of the future use of sustainable aviation fuels and to account for changes in life cycle GHG emissions in order to assess progress toward achieving global aspirational goals;
- d) work with financial institutions to facilitate access to financing infrastructure development projects dedicated to sustainable aviation fuels and incentives to overcome initial market hurdles;
- e) cooperate with other relevant international initiatives, including the Sustainable Energy for All (SE4ALL) initiative, to facilitate the aviation's access to renewable energy; and
- f) continue to undertake a stocktaking process to continuously assess progress on the development and deployment of sustainable aviation fuels, including regular workshops and seminars, leading up to the convening of the CAAF/3 no later than 2025, with a view to updating the 2050 ICAO Vision for Sustainable Aviation Fuels to include a quantified proportion of SAF to be used by 2050;

26. *Requests* the Council to identify the potential impacts of climate change on international aviation operations and related infrastructure, identify adaptation measures to address the potential climate change impacts and develop guidance on climate change risk assessment for international aviation, in cooperation with other relevant international organizations and the industry; and

27. *Requests* the Council to continue to cooperate with the Climate Neutral UN initiative, remain at the forefront of developing methods and tools for quantifying aviation's GHG emissions with respect to the initiative, including the ICAO Carbon Emissions Calculator that also incorporates cargo emissions, and further develop and implement the strategy for reducing GHG emissions and enhancing in-house sustainability management practices of the Organization.



## Annex

The guiding principles for the design and implementation of market-based measures (MBMs) for international aviation:

- a) MBMs should support sustainable development of the international aviation sector;
- b) MBMs should support the mitigation of GHG emissions from international aviation;
- c) MBMs should contribute towards achieving global aspirational goals;
- d) MBMs should be transparent and administratively simple;
- e) MBMs should be cost-effective;
- f) MBMs should not be duplicative and international aviation CO<sub>2</sub> emissions should be accounted for only once;
- g) MBMs should minimize carbon leakage and market distortions;
- h) MBMs should ensure the fair treatment of the international aviation sector in relation to other sectors;
- i) MBMs should recognize past and future achievements and investments in aviation fuel efficiency and in other measures to reduce aviation emissions;
- j) MBMs should not impose inappropriate economic burden on international aviation;
- k) MBMs should facilitate appropriate access to all carbon markets;
- l) MBMs should be assessed in relation to various measures on the basis of performance measured in terms of CO<sub>2</sub> emissions reductions or avoidance, where appropriate;
- m) MBMs should include *de minimis* provisions;
- n) where revenues are generated from MBMs, it is strongly recommended that they should be applied in the first instance to mitigating the environmental impact of aircraft engine emissions, including mitigation and adaptation, as well as assistance to and support for developing States;
- o) where emissions reductions are achieved through MBMs, they should be identified in States' emissions reporting; and
- p) MBMs should take into account the principle of common but differentiated responsibilities and respective capabilities, the special circumstances and respective capabilities, and the principle of non-discrimination and equal and fair opportunities.

**A40-19: Consolidated statement of continuing ICAO policies and practices related to environmental protection — Carbon Offsetting and Reduction Scheme for International Aviation (CORSA)**

*Whereas* Assembly Resolution A38-18 decided to develop a global market-based measure (GMBM) scheme for international aviation, for decision by the 39th Session of the Assembly;

*Recalling* that Assembly Resolution A38-18 requested the Council, with the support of Member States, to identify the major issues and problems, including for Member States, and make a recommendation on a GMBM scheme that appropriately addresses them and key design elements, including a means to take into account special circumstances and respective capabilities, and the mechanisms for the implementation of the scheme from 2020 as part of a basket of measures which also include technologies, operational improvements and sustainable aviation fuels to achieve ICAO's global aspirational goals;

*Whereas* Assembly Resolution A39-3 decided to implement a GMBM scheme in the form of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSA) as part of a basket of measures which also include aircraft technologies, operational improvements and sustainable aviation fuels to achieve ICAO's global aspirational goals;

*Recognizing* that ICAO is the appropriate forum to address emissions from international aviation, and the significant amount of work undertaken by the Council, its Advisory Group on CORSA (AGC), its Technical Advisory Body (TAB) and its Committee on Aviation Environmental Protection (CAEP) to support the implementation of CORSA;

*Welcoming* the adoption of the first edition of Annex 16 – *Environmental Protection*, Volume IV – CORSA, the provisions of which include Monitoring, Reporting and Verification (MRV) procedures for CORSA;

*Also welcoming* the publication of the first edition of *Environmental Technical Manual* (ETM, Doc 9501), Volume IV – *Procedures for demonstrating compliance with the CORSA*;

*Welcoming* the progress made for the development of ICAO CORSA Implementation Elements, which are reflected in 14 ICAO documents directly referenced in Annex 16, Volume IV, containing materials that are approved by the Council, and are essential for the implementation of CORSA;

*Also welcoming* the establishment by the Council of the Technical Advisory Body (TAB), with the mandate to make recommendations to the Council on the CORSA eligible emissions units;

*Recognizing* the importance of a coordinated approach for capacity building activities by ICAO and its Member States, in cooperation with the aviation industry, to support the implementation of CORSA, in particular through the ICAO Assistance, Capacity-building and Training for CORSA (ACT-CORSA) programme that includes the organization of seminars, development of outreach materials, and establishment of CORSA partnerships among States;

*Welcoming* the increasing number of announcements by Member States of their intention to voluntarily participate in CORSA in the pilot phase from 2021;

*Recognizing* that strong capacity-building activities can facilitate the decision of Member States to voluntarily participate in CORSA;

*Noting* the support of the aviation industry for CORSIA as a single global carbon offsetting scheme, as opposed to a patchwork of State and regional MBMs, as a cost effective measure to complement a broader package of measures including technology, operations and infrastructure measures;

*Recognizing* that MBMs should not be duplicative and international aviation CO<sub>2</sub> emissions should be accounted for only once;

*Emphasizing* that the decision by the 39th Session of the Assembly to implement the CORSIA reflects the strong support of Member States for a global solution for the international aviation industry, as opposed to a possible patchwork of State and regional MBMs;

*Reaffirming* the concern with the use of international civil aviation as a potential source for the mobilization of revenue for climate finance to the other sectors, and that MBMs should ensure the fair treatment of the international aviation sector in relation to other sectors;

*Recalling* the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement and *acknowledging* its principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances;

*Also acknowledging* the principles of non-discrimination and equal and fair opportunities to develop international aviation set forth in the Chicago Convention;

*Recognizing* that the work related to CORSIA and its implementation will contribute to the achievement of the goals set out in the Paris Agreement adopted under the UNFCCC;

*Whereas* the UNFCCC and the Paris Agreement provide for mechanisms, such as the Clean Development Mechanism (CDM) and a new market mechanism under the Paris Agreement, to contribute to the mitigation of GHG emissions to support sustainable development, which benefit developing States in particular;

*Welcoming* the cooperation between the UNFCCC and ICAO on the development of CDM methodologies for aviation;

*Recognizing* that this Resolution does not set a precedent for or prejudice the outcome of negotiations under the UNFCCC, the Paris Agreement, or other international agreements, nor represent the position of the Parties to the UNFCCC, the Paris Agreement, or other international agreements;

*The Assembly:*

1. *Resolves* that this Resolution, together with Resolution A40-17: *Consolidated statement of continuing ICAO policies and practices related to environmental protection - General provisions, noise and local air quality* and Resolution A40-18: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, supersede Resolutions A39-1, A39-2 and A39-3 and constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection;

2. *Acknowledges* the progress achieved on all elements of the basket of measures available to address CO<sub>2</sub> emissions from international aviation, including aircraft technologies, operational improvements, sustainable aviation fuels and CORSIA, and *affirms* the preference for the use of aircraft technologies,

operational improvements and sustainable aviation fuels that provide the environmental benefits within the aviation sector;

3. *Also acknowledges* that, despite this progress, the environmental benefits from aircraft technologies, operational improvements and sustainable aviation fuels may not deliver sufficient CO<sub>2</sub> emissions reductions to address the growth of international air traffic, in time to achieve the global aspirational goal of keeping the global net CO<sub>2</sub> emissions from international aviation from 2020 at the same level;

4. *Emphasizes* the role of CORSIA to complement a broader package of measures to achieve the global aspirational goal, without imposing inappropriate economic burden on international aviation;

5. *Recalls* its decision at the 39th Session to implement a GMBM scheme in the form of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA) to address any annual increase in total CO<sub>2</sub> emissions from international civil aviation (i.e. civil aviation flights that depart in one country and arrive in a different country) above the 2020 levels, taking into account special circumstances and respective capabilities;

6. *Requests* the Council to continue to ensure all efforts to make further progress on aircraft technologies, operational improvements and sustainable aviation fuels be taken by Member States and reflected in their action plans to address CO<sub>2</sub> emissions from international aviation, and to monitor and report the progress on implementation of action plans, and that a methodology should be developed to ensure that an aeroplane operator's offsetting requirements under the scheme in a given year can be reduced through the use of CORSIA eligible fuels (i.e., CORSIA sustainable aviation fuels and CORSIA lower carbon aviation fuels), so that all elements of the basket of measures are reflected;

7. *Request* the Council to continuously monitor the implementation of all elements of the basket of measures, and consider the necessary policies and actions to ensure that progress is achieved in all of the elements in a balanced way with an increasing percentage of emissions reductions accruing from non-MBM measures over time;

8. *Acknowledges* special circumstances and respective capabilities of States, in particular developing States, in terms of vulnerability to the impacts of climate change, economic development levels, and contributions to international aviation emissions, among other things, while minimizing market distortion;

9. *Recalls* its decision at the 39th Session on the use of a phased implementation for the CORSIA to accommodate the special circumstances and respective capabilities of States, in particular developing States, while minimizing market distortion, as follows:

- a) Pilot phase applies from 2021 through 2023 to States that have volunteered to participate in the scheme. States participating in this phase may determine the basis of their aeroplane operator's offsetting requirements from paragraph 11 e) i) below;
- b) First phase applies from 2024 through 2026 to States that voluntarily participate in the pilot phase, as well as any other States that volunteer to participate in this phase, with the calculation of offsetting requirements in paragraph 11 a) below;
- c) All States are strongly encouraged to voluntarily participate in the pilot phase and the first phase, noting that developed States, which have already volunteered, are taking the lead, and that several other States have also volunteered;

- d) The Secretariat will make public on the ICAO website updated information on the States that volunteered to participate in the pilot phase and first phase;
  - e) Second phase applies from 2027 through 2035 to all States that have an individual share of international aviation activities in RTKs in year 2018 above 0.5 per cent of total RTKs or whose cumulative share in the list of States from the highest to the lowest amount of RTKs reaches 90 per cent of total RTKs, except Least Developed Countries (LDCs), Small Island Developing States (SIDS) and Landlocked Developing Countries (LLDCs) unless they volunteer to participate in this phase;
  - f) States that are exempted or have not yet participated are strongly encouraged to voluntarily participate in the scheme as early as possible, in particular those States that are members of a regional economic integration organization. States who decide to voluntarily participate in the scheme, or decide to discontinue the voluntary participation from the scheme, may only do so from 1 January in any given year and they shall notify ICAO of their decision by no later than 30 June of the preceding year;
  - g) Starting in 2022, the Council will conduct a review of the implementation of the CORSIA every three years, including its impact on the growth of international aviation, which serves as an important basis for the Council to consider whether it is necessary to make adjustments to the next phase or compliance cycle and, as appropriate, to recommend such adjustments to the Assembly for its decision;
10. *Recalls* its decision at the 39th Session that the CORSIA shall apply to all aeroplane operators on the same routes between States with a view to minimizing market distortion, as follows:
- a) all international flights on the routes between States, both of which are included in the CORSIA by paragraph 9 above, are covered by the offsetting requirements of the CORSIA;
  - b) all international flights on the routes between a State that is included in the CORSIA and another State that is not included in the CORSIA by paragraph 9 above are exempted from the offsetting requirements of the CORSIA, while retaining simplified reporting requirements; and
  - c) all international flights on the routes between States, both of which are not included in the CORSIA by paragraph 9 above, are exempted from the offsetting requirements of the CORSIA, while retaining simplified reporting requirements;
11. *Recalls* its decision at the 39th Session that the amount of CO<sub>2</sub> emissions required to be offset by an aeroplane operator in a given year from 2021 is calculated every year as follows:
- a) an aeroplane operator's offset requirement = [ % Sectoral × (an aeroplane operator's emissions covered by CORSIA in a given year × the sector's growth factor in the given year)] + [ % Individual × (an aeroplane operator's emissions covered by CORSIA in a given year × that aeroplane operator's growth factor in the given year);
  - b) where the sector's growth factor = (total emissions covered by CORSIA in the given year – average of total emissions covered by CORSIA between 2019 and 2020) / total emissions covered by CORSIA in the given year;
  - c) where the aeroplane operator's growth factor = (the aeroplane operator's emissions covered by CORSIA in the given year – average of the aeroplane operator's emissions covered by CORSIA between 2019 and 2020) / the aeroplane operator's emissions covered by CORSIA in the given year;

- d) where the % Sectoral = (100% – % Individual) and;
- e) where the % Sectoral and % Individual will be applied as follows:
  - i) from 2021 through 2023, 100% sectoral and 0% individual, though each participating State may choose during this pilot phase whether to apply this to:
    - a) an aeroplane operator's emissions covered by CORSIA in a given year, as stated above, or
    - b) an aeroplane operator's emissions covered by CORSIA in 2020;
  - ii) from 2024 through 2026, 100 % sectoral and 0% individual;
  - iii) from 2027 through 2029, 100 % sectoral and 0% individual;
  - iv) from 2030 through 2032, at least 20% individual, with the Council recommending to the Assembly in 2028 whether and to what extent to adjust the individual percentage;
  - v) from 2033 through 2035, at least 70% individual, with the Council recommending to the Assembly in 2028 whether and to what extent to adjust the individual percentage;
- f) the aeroplane operator's emissions and the total emissions covered by CORSIA in the given year do not include emissions exempted from the scheme in that year;
- g) the scope of emissions in paragraphs 11 b) and 11 c) above will be recalculated at the start of each year to take into account routes to and from all States that will be added due to their voluntary participation or the start of a new phase or compliance cycle;

12. *Recalls* its decision at the 39th Session that a new entrant<sup>3</sup> is exempted from the application of the CORSIA for three years or until the year in which its annual emissions exceed 0.1 per cent of total emissions in 2020, whichever occurs earlier. From the subsequent year, the new entrant is included in the scheme and treated in the same way as the other aeroplane operators;

13. *Recalls* its decision at the 39th Session that, notwithstanding with the provisions above, the CORSIA does not apply to low levels of international aviation activity with a view to avoiding administrative burden: aeroplane operators emitting less than 10,000 metric tonnes of CO<sub>2</sub> emissions from international aviation per year; aeroplane with less than 5,700 kg of Maximum Take Off Mass (MTOM); or humanitarian, medical and firefighting operations;

14. *Recalls* its decision at the 39th Session that the emissions that are not covered by the scheme, as the results of phased implementation and exemptions, are not assigned as offsetting requirements of any aeroplane operators included in the scheme;

15. *Recalls* its decision at the 39th Session on a three year compliance cycle, starting with the first cycle from 2021 to 2023, for aeroplane operators to reconcile their offsetting requirements under the scheme, while

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<sup>3</sup> A new entrant is defined as any aeroplane operator that commences an aviation activity falling within the scope of Annex 16, Volume IV on or after its entry into force and whose activity is not in whole or in part a continuation of an aviation activity previously performed by another aeroplane operator.

they report the required data to the authority designated by the aeroplane operator's State of registry every year;

16. *Recalls* its decision at the 39th Session on the need to provide for safeguards in the CORSIA to ensure the sustainable development of the international aviation sector and against inappropriate economic burden on international aviation, and *requests* the Council to decide the basis and criteria for triggering such action and identify possible means to address these issues;

17. *Recalls* its decision at the 39th Session that a periodic review of the CORSIA is undertaken by the Council, with the technical contribution of CAEP, for consideration by the Assembly, every three years from 2022 for the purpose referred to in paragraph 9 g) above and to contribute to the sustainable development of the international aviation sector and the effectiveness of the scheme. This will involve, inter alia:

- a) assessment of: progress towards achieving the ICAO's global aspirational goal; the scheme's market and cost impact on States and aeroplane operators and on international aviation; and the functioning of the scheme's design elements;
- b) consideration of the scheme's improvements that would support the purpose of the Paris Agreement, in particular its long-term temperature goals; and update the scheme's design elements to improve implementation, increase effectiveness, and minimize market distortion, taking into account the consequential impact of changing the scheme's design elements, e.g., to MRV requirements; and
- c) a special review by the end of 2032 on termination of the scheme, its extension or any other improvements of the scheme beyond 2035, including consideration of the contribution made by aircraft technologies, operational improvements and sustainable aviation fuels towards achieving the ICAO's environmental objectives;

18. *Determines* that the CORSIA is the only global market-based measure applying to CO<sub>2</sub> emissions from international aviation so as to avoid a possible patchwork of duplicative State or regional MBMs, thus ensuring that international aviation CO<sub>2</sub> emissions should be accounted for only once;

19. *Requests* the following actions be taken for implementation of the CORSIA:

- a) the Council, with the technical contribution of CAEP, to update the Annex 16, Volume IV and Environmental Technical Manual, Volume IV, as appropriate;
- b) the Council, with the technical contribution of CAEP, to continue to develop and update the ICAO CORSIA documents referenced in Annex 16, Volume IV related to: ICAO CORSIA CO<sub>2</sub> Estimation and Reporting Tool; CORSIA eligible fuels; CORSIA emissions units criteria (EUC); and CORSIA Central Registry, as appropriate;
- c) the Council to develop and update the ICAO CORSIA document referenced in Annex 16, Volume IV related to the eligible emissions units for use by the CORSIA, considering the recommendations of the TAB;
- d) the Council to establish, by early 2020, and maintain the CORSIA Central Registry under the auspices of ICAO to enable the reporting of relevant information from Member States to ICAO;

- e) the Council to continue to oversee the implementation of the CORSIA, with support provided by the AGC and CAEP, as appropriate; and
- f) Member States to take the necessary action to ensure that national policies and regulatory frameworks are established for the compliance and enforcement of the CORSIA, in accordance with the timeline set forth by Annex 16, Volume IV;

20. *Recalls* its decision at the 39th Session that emissions units generated from mechanisms established under the UNFCCC and the Paris Agreement are eligible for use in CORSIA, provided that they align with decisions by the Council, with the technical contribution of TAB and CAEP, including on avoiding double counting and on eligible vintage and timeframe;

21. *Decides* that ICAO and Member States take all necessary actions in providing the capacity building and assistance and building partnerships for implementation of the CORSIA, in accordance with the timeline set forth in Annex 16, Volume IV, including through the ICAO Assistance, Capacity-building and Training for CORSIA (ACT-CORSIA) programme that includes the organization of seminars, development of outreach materials, and establishment of CORSIA partnerships among States, while emphasizing the importance of a coordinated approach under the umbrella of ICAO for undertaking capacity building and assistance activities;

22. *Recalls* its decision at the 39th Session that the CORSIA will use emissions units that meet the Emissions Unit Criteria (EUC) in paragraph 19 above;

23. *Requests* the Council to promote the use of emissions units generated that benefit developing States, and *encourages* States to develop domestic aviation-related projects; and

24. *Requests* the Council to explore further development of aviation-related methodologies for use in offsetting programmes, including mechanisms or other programmes under the UNFCCC, and *encourages* States to use such methodologies in taking actions to reduce aviation CO<sub>2</sub> emissions, which could further enable the use of credits generated from the implementation of such programmes by the CORSIA, without double-counting of emissions reduction.

#### **A40-20: Increasing the efficiency and effectiveness of ICAO**

*Whereas* ICAO has effectively and efficiently fulfilled its functions in accordance with Part II of the *Convention on International Civil Aviation* (the Chicago Convention);

*Whereas* the fundamental objectives of the Organization expressed in Article 44 of the Chicago Convention and the functions of the Council expressed in Articles 54 and 55 remain paramount;

*Whereas* the Organization is facing new and rapidly evolving challenges of a technological, economic, environmental, social and legal nature; and

*Whereas* there is a need for the Organization to respond efficiently and effectively to these challenges;

*Whereas* ICAO needs to recruit, cultivate, and retain a highly-qualified, flexible, motivated, and high-performing workforce to address traditional and emerging issues and meet States changing needs,



*Whereas* ICAO needs innovative new partnerships with stakeholders who can apply complementary information, expertise, viewpoints, and resources toward ICAO's strategic objectives,

*Whereas* ICAO's organizational performance and ability to access additional funding from public and private sources are key factors affecting its delivery of programs, training, capacity building, and assistance to States,

*Whereas* States, stakeholders, and funding organizations require timely, accurate, and comprehensive information about ICAO's activities, policies, and performance,

*The Assembly:*

1. *Expresses appreciation* to the Council and the Secretary General for the progress made in developing the ICAO Business Plan;
2. *Endorses* the decisions already made by the Council to develop a Business plan on a triennial basis, to continue its efforts to transition ICAO towards a Results Based Management (RBM) organization and to establish an oversight mechanism which includes an annual review of progress through the Corporate Management Reporting Tool (CMRT);
3. *Directs* the Council and the Secretary General, within their respective competencies, to:
  - a) prepare a Business Plan once every triennium in association with a systematic planning process and a RBM approach which improves effectiveness, transparency and accountability and which drives the development of the Regular Programme Budget;
  - b) make the Business Plan available to Contracting States and present the current version, during the triennium concerned, to each ordinary session of the Assembly;
  - c) take further concrete steps to increase transparency, improve the work place environment, develop innovative new partnerships with external stakeholders, increase organizational effectiveness and assure that consensus-based results remain a core value and objective of ICAO and its subject matter expert bodies, and mobilize additional resources for greater delivery; and
  - d) avoid any potential conflict of interest when developing partnerships and accessing voluntary funding.
4. *Directs* the Council to:
  - a) continue to streamline the working methods and procedures of the Assembly with a view to increased transparency and efficiency;
  - b) undertake an intensive review of the decision-making processes, working methods and procedures of the Council and its subsidiary bodies with a view to streamlining, delegating authority and improving the cost-effectiveness of the Organization; and
  - c) ensure the effectiveness of the oversight mechanism, with independent reporting procedure to the Council, to provide programme effectiveness, transparency and accountability.

5. *Invites* the Secretary General, within his or her competence, to continue to take initiatives for improving the effectiveness and efficiency of the Organization through procedural, managerial and administrative reforms, and to report thereon to the Council;
6. *Invites* the Council and the Secretary General, in implementing Clauses 3 through 5 above, to take due account of the non-exhaustive list of considerations in the Appendix to this resolution; and
7. *Declares* that this Resolution supersedes A31-2 on Increasing the effectiveness of ICAO.

## **APPENDIX**

### **List of considerations for achieving a more efficient and effective ICAO**

#### *Systematic planning process* (Clause 3 a) of the resolution)

- a) establish a direct and transparent linkage between the Business Plan and the Regular Programme Budget;
- b) establish procedures for the development of the Regular Programme Budget which focus on the allocation of resources at a strategic and expected results level rather than on administrative detail (“top down” rather than “bottom up”);
- c) establish procedures for setting Strategic objectives, expected results, key activities, deliverables and targets, together with the application of performance indicators;
- d) develop, within the framework of the Business Plan, more specific plans by Strategic Objective;
- e) undertake reviews of progress on implementation of the Business Plan on an ongoing basis within the Secretariat and on a periodic basis by the Council and subsidiary bodies; and
- f) update and roll forward the Business Plan itself at least triennially.

#### *Working methods and procedures of the Assembly* (Clause 4 a) of the resolution)

- g) simplify the Agenda and reduce documentation, with focus on matters of strategy and high-level policy, main areas of priority and allocation of resources;
- h) respect deadlines set for preparing and distributing documentation;
- i) provide more extensive briefing to elected officers;
- j) streamline reporting procedures, in particular avoiding non-essential duplication of presentation and consideration of the same documents in different bodies;
- k) eliminate the requirement for minutes of meetings of Commissions (as with suspension in the present Session);
- l) improve the procedures for presenting general statements and the observance of indicated meeting hours; and
- m) introduce more modern and efficient voting procedures, especially for the election of the Council.

*Note— Where amendments to the Standing Rules of Procedure of the Assembly (Doc 7600) are required, States need to be advised well in advance of the next ordinary session of the Assembly in order that the amendments can be adopted at the outset of the Session for immediate effect.*

*Decision-making processes, working methods and procedures of the Council* (Clause 4 b) of the resolution)

The review should have as its central themes:

- a) the concept of the Council continuing to discharge its functions and mandate in accordance with the Chicago Convention, and focusing particularly on high policy issues; and
- b) the Secretary General carrying out his or her responsibilities in taking managerial actions and decisions as chief executive officer of the Organization in accordance with Article 54(h) of the Chicago Convention.

*Oversight mechanism* (Clause 4 c) of the resolution)

The emphasis here is on a vigorous **procedure** for reporting **independently and directly** to the Council on the effectiveness, transparency and accountability of all ICAO programmes. In accordance with common audit practice, the Secretary General would have the opportunity to comment on the independent reports, but not to alter them.

*Other measures for improving the effectiveness and efficiency of the Organization* (Clause 5 of the resolution)

- a) introduce procedures for more timely development or amendment as required of instruments of air law, ICAO Standards and Recommended Practices, and Regional Air Navigation Plans;
- b) increase emphasis on encouraging national ratification of instruments of air law and implementation of ICAO Standards and Recommended Practices to the greatest extent possible worldwide;
- c) improve and speed up communications with Contracting States, particularly as they relate to Standards and Recommended Practices, including more widespread use of electronic transmission;
- d) strengthen the degree of autonomy given to the regional planning process and the associated authority and resources given to the ICAO Regional Offices, while ensuring adequate coordination at the global level;
- e) examine the relationship between ICAO and other bodies (aviation and relevant non-aviation, global and regional) with a view to defining respective areas of responsibility, eliminating overlap and establishing joint programmes where relevant;
- f) provide for adequate participation in ICAO activities by all interested parties in the aviation community, including service providers and industry;
- g) streamline the scheduling and documentation, and reduce the duration, of ICAO meetings in general; and
- h) consider the advisability and feasibility of calling on external expertise as required to assist in any of the above.

**A40-21: Aviation's contribution towards the United Nations 2030 Agenda for Sustainable Development**

*Recognizing* that air transport is a catalyst for sustainable development and that it represents an essential lifeline for Least Developed Countries (LDCs), and especially for Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDS) to connect to the world;

*Recognizing* that air transport connectivity is of utmost importance for the economic, social and territorial cohesion of Member States and their populations;

*Recognizing* that the benefits enabled by air transportation can only materialize if States have a safe, efficient, secure, economically viable and environmentally sound air transport system;

*Whereas* the *No Country Left Behind* (NCLB) initiative aims at assisting States in effectively implementing ICAO Standards and Recommended Practices (SARPs) plans, policies and programmes, as well as addressing Significant Safety and Security Concerns so as to ensure that all States have access to the significant socio-economic benefits of air transport;

*Whereas* the General Assembly of the United Nations adopted the *Transforming our World: The 2030 Agenda for Sustainable Development* that includes a set of seventeen universal and transformative goals supported by 169 targets that balance the economic, social and environmental dimensions of sustainable development;

*Recalling* that the scale and ambition of the 2030 Agenda for Sustainable Development call for a global partnership that will bring together Governments, the private sector, civil society, the United Nations system and other actors to mobilize all available resources for its implementation;

*Whereas* the delivery of ICAO Strategic Objectives on safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport, and environmental protection contribute to the attainment of the United Nation Sustainable Development Goals (SDGs);

*Recognizing* that the UN High Level Political Forum on Sustainable Development is the prime venue where States, through the Voluntary National Reviews (VNRs), deliver an update on annual progress and challenges on implementation towards the achievement of the SDGs at a national level;

*Recognizing* the importance of global frameworks to support the Strategic Objectives of ICAO;

*Recognizing* the importance of effective implementation of regional and national plans and initiatives based on the global frameworks;

*The Assembly:*

1. *Urges* Member States to recognize the significant contributions of aviation to sustainable development realized by stimulating employment, trade, tourism and other areas of economic development at the national, regional and global levels, as well as by facilitating humanitarian and disaster response to crises and public health emergencies;
2. *Directs* the Council and the Secretary General, within their respective competencies, to demonstrate that ICAO continues to serve as an advocate for aviation by raising awareness among Member States, including relevant authorities beyond the air transport sector, the United Nations system, the donor community and all relevant stakeholders about aviation's contributions to sustainable development and the attainment of the SDGs;
3. *Urges* Member States to report on aviation, as an enabler of sustainable development, within their VNRs, through establishing linkages with other relevant SDGs;
4. *Encourages* Member States to include clear references to the UN SDGs in their relevant national plans, with the objective of showcasing the contribution of aviation to the UN SDGs and national economies;

5. *Urges* Member States to enhance their air transport systems by effectively implementing SARPs and policies while at the same time including and elevating the priority of the aviation sector into their national development plans supported by robust air transport sector strategic plans and civil aviation master plans, thereby leading to the attainment of the SDGs;
6. *Directs* the Secretary General to consider the special needs and characteristics of LDCs, LLDCs and SIDS, identified within the framework of the United Nations, in the coordination, prioritization, facilitation and implementation of assistance programmes aimed at enhancing their air transport systems;
7. *Directs* the Secretary General to continue monitoring and reviewing, when applicable, the contributions made towards the attainment of the SDGs through the implementation of ICAO Strategic Objectives and work programmes;
8. *Directs* the Secretary General to ensure that ICAO participate, when applicable and in alignment with its Strategic Objectives, in appropriate mechanisms put in place to support the implementation of the 2030 Agenda for Sustainable Development so that aviation is recognized and prioritized as such by Member States in their development plans;
9. *Requests* the Secretary General to enhance existing and establish new partnerships with Member States, the aviation industry, the United Nations system, international and regional organizations, financial institutions, donors and other actors to assist Member States in enhancing their air transport systems with a view to contributing, consequently, to the attainment of the SDGs; and
10. *Declares* that this Resolution supersedes A39-25 on United Nations 2030 Agenda- Sustainable Development Goals.

#### **A40-22: Resource Mobilization**

*Recognizing* that air transport is a catalyst for sustainable development and that despite its socio-economic significance, it receives limited funds from existing international funding mechanisms to support its development;

*Recognizing* that the successful implementation of the *No Country Left Behind* (NCLB) initiative will rely on an increased level of funding and investments supported by all Member States;

*Considering* that, in some cases, Member States may not have access to the necessary resources to remedy the deficiencies identified through ICAO audit programmes and to enhance their air transport systems;

*Whereas* most developing States experience difficulties in gaining access to many financial market sources, particularly foreign capital markets, for funding sustainable development of civil aviation;

*Whereas* the Council has established, based on ICAO Strategic Objectives, thematic and multi-donor trust funds with the objective of assisting Member States in enhancing civil aviation;

*Recalling* that several Assembly resolutions, including A39-12, A39-14, A39-16, 39-18, A38-7, A37-16, A36-18, A35-15, A33-1, A33-9, A29-13 and A22-19, urge States, international organizations and financial institutions to establish partnerships, mobilize resources for technical assistance and make voluntary contributions to ICAO Funds;

*Acknowledging* Member States, international and regional organizations and other donors' significant contributions to ICAO Funds associated with the fulfilment of the objectives of ICAO;

*Recognizing* that a holistic and purposeful resource mobilization capacity has the potential for increasing ICAO's support to States in facilitating access to funds to enhance their civil aviation systems;

*Whereas* ICAO has a Resource Mobilization Policy aimed at achieving adequate, more predictable and sustainable voluntary contributions to realize the Organization's mission, to complement the ICAO Regular Programme Budget, and to assist States in facilitating access to funds to enhance their safe, efficient, secure, economically viable and environmentally sound air transport system;

*The Assembly:*

1. *Directs* the Council and Secretary General, within their respective competencies, to ensure that ICAO continue its role as an advocate for aviation by raising awareness among Member States, the United Nations system, international and regional organizations, financial institutions, the private sector and the donor community about the benefits of mobilizing resources for and investing in the sustainable development of air transport systems of all Member States;
2. *Urges* Member States, the industry, international and regional organizations, financial institutions, donors and other stakeholders to support the implementation of assistance activities in line with the global and regional aviation plans and priorities established by ICAO while avoiding duplication of efforts;
3. *Requests* the Secretary General to develop guidance material to assist States in including and elevating the priority of the aviation sector into their national development plans and developing robust air transport sector strategic plans and civil aviation master plans;
4. *Urges* Member States to work with financial institutions, to prioritize the aviation sector for funding to implement assistance and national projects, in support of the NCLB Initiative;
5. *Urges* Member States to secure national funding for the sustainable development of air transport and *encourages* them to seek assistance from ICAO when appropriate;
6. *Urges* all Member States providing Official Development Assistance (ODA) to recognize the significant contributions of aviation to sustainable development by considering commitments and disbursements of financial flows to the enhancements of air transport of States in need and *encourages* the Secretary General to assist them in realizing this endeavour;
7. *Urges* all Member States, the industry, international and regional organizations, financial institutions, donors and other stakeholders able to do so to continue making voluntary contributions to ICAO Funds and to partner with States in need with a view to providing financial and technical resources to assist in enhancing their civil aviation systems, including their oversight capabilities;
8. *Directs* the Council and Secretary General, with their respective competencies, to continue fostering ICAO's partnership with financial institutions seeking the prioritization or inclusion of aviation in their agendas and work programmes in order to facilitate States' access to fund or finance their aviation development projects;

9. *Directs* the Secretary General to develop strategies and means to mobilize resources among Member States, the UN system, international and regional organizations, financial institutions, the private sector and related mechanisms to assist States in need, especially Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDS), in enhancing their air transport systems when appropriate and consistent with the NCLB initiative;
10. *Directs* the Secretary General to work with international organizations to ensure that aviation priorities and opportunities are properly represented in global and regional initiatives related to the mobilization of resources for the development of air transport;
11. *Directs* the Secretary General to work with international organizations to ensure that ICAO Resource Mobilization initiatives are harmonized and integrated in relevant funding and development frameworks; and
12. Declares that this resolution supersedes A39-26 on Resource Management

#### **A40-23: Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa**

*Whereas* it is essential that there be increased coordinated efforts under ICAO leadership to reduce serious aviation security and facilitation deficiencies in the Africa-Indian Ocean (AFI) Region which are detrimental to the functioning and further development of international civil aviation;

*Whereas* UN Security Council, in resolution 2396 (2017), in welcoming ICAO's decision to establish a standard under Annex 9 — *Facilitation*, regarding the use of Advance Passenger Information (API) systems by its Member States, and recognizing that many ICAO Member States have yet to implement this standard, has decided, in paragraph 11, that in furtherance of paragraph 9 of resolution 2178 (2014) and the ICAO standard, its Member States are, inter alia, to establish API systems and shall require airlines operating in their territories to provide API to the appropriate national authorities;

*Whereas* UN Security Council, also in resolution 2396 (2017), at paragraph 12, has decided that "Member States shall develop the capability to collect, process and analyze, in furtherance of ICAO standards and recommended practices, passenger name record (PNR) data and to ensure PNR data is used by and shared with all their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offenses and related travel, further calls upon Member States, the UN, and other international, regional, and sub regional entities to provide technical assistance, resources and capacity building to Member States in order to implement such capabilities, and, where appropriate, encourages Member States to share PNR data with relevant or concerned Member States to detect foreign terrorist fighters returning to their countries of origin or nationality, or travelling or relocating to a third country, with particular regard for all individuals designated by the Committee established pursuant to resolutions 1267 (1999), 1989 (2011), and 2253 (2015), and also urges ICAO to work with its Member States to establish a standard for the collection, use, processing and protection of PNR data";

*Noting* that the Council of ICAO has taken steps to address aviation security and facilitation issues through the development of a Comprehensive Regional Implementation Plan for Aviation Security and Facilitation in Africa (the AFI SECFAL Plan) as an ICAO Programme;

*Noting* that significant effort has been made towards reaffirming political commitment in Africa, in collaboration with the African Union Commission (AUC) and African Civil Aviation Commission (AFCAC), and that the Windhoek Declaration and specific targets adopted by the Ministerial Conference on Aviation

Security and Facilitation in Africa held in April 2016 in Windhoek, Namibia have been endorsed by the African Union (AU) Summit of Heads of States and Government on 1 July 2017 in Addis Ababa, Ethiopia;

*Recognizing* that many Contracting States in the AFI Region may not have sufficient technical or financial resources to comply with the requirements of the Chicago Convention and its Annexes and therefore rely on ICAO, development partners, industry and other stakeholders for expertise and assistance;

*Recognizing* the need to coordinate, under the ICAO umbrella, activities of all stakeholders providing assistance to States in the AFI Region;

*Recognizing* that ICAO may require additional resources to successfully carry out its coordination role; and

*Considering* the willingness of the international community to assist the AFI Region in giving, as soon as possible, a concrete and substantial commitment to the AFI SECFAL Plan;

*The Assembly:*

1. *Urges* Member States of the AFI Region to commit to the achievement of the goals and objectives of the AFI SECFAL Plan;
2. *Urges* Member States to call upon aircraft operators offering international air transport services to participate in electronic data interchange systems by providing advance passenger information in order to achieve maximum efficiency levels in the processing of passenger traffic at international airports;
3. *Requests* Member States that have not already done so, to develop the capability to collect, process and analyze passenger name record (PNR) data and to ensure that PNR data is used by and shared with their competent national authorities, with full respect for human rights and fundamental freedoms for the purpose of preventing, detecting and investigating terrorist offences and related travel;
4. *Encourages* Member States of the AFI Region to strengthen cooperation across the region in order to optimize the use and sharing of available resources through regional and sub regional projects and the AFI Collaborative Experts Scheme (CES) in all aspects of aviation security and facilitation oversight;
5. *Encourages* all Member States, UN Organizations (especially UNDP, UNODC, Security Council Counter Terrorism Committee, and others), aviation industry, and financial and other donors to support the AFI SECFAL Plan and work with ICAO for its implementation;
6. *Instructs* the Council to ensure a strong ICAO leadership role in coordinating activities, initiatives and implementation strategies aimed specifically at meeting the goals and objectives of the Plan, in order to achieve sustained improvement of aviation security and facilitation in the AFI Region and to allocate resources to the Plan under the Regular budget and to relevant Regional Offices accordingly;
7. *Instructs* the Council to implement the AFI SECFAL Plan in line with business plan principles, programme management practices and available resources; and
8. *Instructs* the Council to monitor and measure the status of implementation in the AFI Region throughout the triennium and to report to the next Assembly on the progress made; and
9. Declares that this resolution supersedes Resolution A39-38.



**A40-24: Consolidated statement of ICAO policies on technical cooperation and technical assistance**

*Whereas* new policies have been approved by the Council for technical support, in the form of technical assistance and technical cooperation and endorsed by the 38th Session of the Assembly;

*Whereas* “Technical Assistance” is any assistance provided by ICAO to States, which is funded by the Regular Budget and/or Voluntary Funds, and implemented through any Bureau/Office depending on the nature and duration of the project;

*Whereas* “Technical Cooperation” is any project requested and funded by States and/or Organizations and implemented through the Technical Cooperation Bureau on a cost-recovery basis, where all the direct and indirect costs related to the project are recovered;

*The Assembly:*

1. *Resolves* that the Appendices attached to this Resolution constitute the consolidated statement of ICAO policies on technical cooperation and technical assistance, as these policies exist at the close of the 40th Session of the Assembly;
2. *Declares that* this Resolution supersedes A39-16.

**APPENDIX A**

**The ICAO Technical Cooperation and Technical Assistance Programmes**

*Whereas* the growth and improvement of civil aviation can make an important contribution to the economic development of States;

*Whereas* civil aviation is important to the technological, economic, social and cultural advancement of all countries and especially of developing countries and their subregional, regional and global cooperation;

*Whereas* ICAO can assist States in advancing their civil aviation and at the same time promote the realization of its Strategic Objectives;

*Whereas* Resolution 222 (IX)A of 15 August 1949 of the United Nations Economic and Social Council, approved by the General Assembly in its Resolution of 16 November 1949 and endorsed by the ICAO Assembly in its Resolution A4-20, entrusted all Organizations of the United Nations system to participate fully in the Expanded Programme of Technical Assistance for Economic Development, and that ICAO, as the United Nations specialized agency for civil aviation, began the execution of technical cooperation and technical assistance projects in 1951 with funding from the United Nations Special Account for Technical Assistance, established pursuant to the above Resolution;

*Whereas* the large deficits experienced from 1983 to 1995 required the definition of a new policy on technical cooperation and technical assistance and a new organizational structure for the Technical Cooperation Bureau;

*Whereas* the implementation of the New Policy on technical cooperation and technical assistance, endorsed by the 31st Session of the Assembly, based on the progressive implementation of the core staff concept, the integration of the Technical Cooperation Bureau into the Organization’s structure, and the establishment of the

ICAO Objectives Implementation Funding Mechanism, as well as the new organizational structure for the Technical Cooperation Bureau implemented in the 1990s, significantly reduced costs and substantially improved the financial situation of the Technical Cooperation and Technical Assistance Programmes;

*Whereas* the objectives of the New Policy emphasized the importance of the Technical Cooperation and Technical Assistance Programmes in the global implementation of ICAO Standards and Recommended Practices (SARPs) and Air Navigation Plans (ANPs) as well as the development of the civil aviation infrastructure and human resources of developing States in need of technical cooperation or technical assistance from ICAO;

*Whereas* standardization and monitoring of SARPs implementation remain important functions of the Organization and emphasis has been placed on ICAO's role towards implementation and support to Contracting States;

*Whereas* A35-21 encouraged the Council and the Secretary General to adopt a structure and mechanism that would use commercially oriented practices to allow fruitful partnerships with funding partners and recipient States;

*Whereas* A39-23 urged Member States, the industry, financial institutions, donors and other stakeholders to coordinate and cooperate amongst themselves and to support the implementation of assistance activities in line with the global and regional priorities established by ICAO, thereby avoiding duplication of efforts;

*Whereas* the Council agreed that greater operational flexibility should be accorded to the Technical Cooperation Bureau with the appropriate oversight and control over technical cooperation and technical assistance activities;

*Whereas* all technical cooperation activities of the Organization continue to be based on the principle of cost recovery and measures continue to be taken to minimize administrative and operational costs to the extent possible;

*Whereas* the Technical Cooperation and Technical Assistance Programmes and related Administrative and Operational Services Cost (AOSC) Fund income for the triennium and beyond cannot be estimated with precision and can vary substantially based on various factors outside ICAO's control;

*Whereas* the Council adopted a policy on cost recovery concerning the apportionment of costs between the Regular Budget and the AOSC Fund for services provided by the Regular Programme to the Technical Cooperation Bureau and for services provided by the Technical Cooperation Bureau to the Regular Programme;

*The Assembly:*

*Technical Cooperation and Technical Assistance Programmes*

1. *Recognizes* the importance of the Technical Cooperation and Technical Assistance Programmes for promoting the achievement of the Strategic Objectives of the Organization;
2. *Reaffirms* that the Technical Cooperation and Technical Assistance Programmes, implemented within the rules, regulations and procedures of ICAO, are a permanent priority activity of ICAO that complements the role of the Regular Programme in providing support to States in the effective implementation of SARPs and ANPs as well as in the development of their civil aviation administration infrastructure and human resources;

3. *Reaffirms* that, within the existing financial means, the ICAO Technical Cooperation and Assistance Programmes should be strengthened, at Regional Office and field level, in order to allow the Technical Cooperation Bureau to play its role more efficiently and effectively with the understanding that no increase in project costs will be incurred;
4. *Reaffirms* that the Technical Cooperation Bureau is one of the main instruments of ICAO to assist States in remedying their deficiencies in the field of civil aviation for the benefit of the international civil aviation community as a whole;
5. *Affirms* that improved cooperation and coordination of ICAO's technical cooperation and technical assistance activities should be achieved through clear delineation of each Bureau's mandate and activities to avoid duplication and redundancy;
6. *Reaffirms* that, in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and, as a last resort, a call for support from the Regular Programme Budget;
7. *Requests* the Secretary General to implement greater efficiency measures leading to a gradual reduction of administrative support costs charged to technical cooperation and technical assistance projects;
8. *Reaffirms* that costs recovered by the Organization for support services provided to the Technical Cooperation Bureau must be directly and exclusively related to project operations in order to keep administrative support costs to a minimum;

*ICAO as the recognized agency for civil aviation*

9. *Recommends* to donor States, financing institutions and other development partners, including the aviation industry and the private sector, wherever appropriate, to give preference to ICAO for the identification, formulation, analysis, implementation and evaluation of civil aviation projects in the field of technical cooperation and technical assistance, and *requests* the Secretary General to continue communicating with such entities and with potential recipient States, with a view to allocating funds for the development of civil aviation, using ICAO as the executing agency;
10. *Recommends* to States receiving bilateral or other government-sponsored aid to consider the value of using the ICAO Technical Cooperation and Technical Assistance Programmes to support the implementation of their programmes related to civil aviation;

*Expansion of ICAO Technical Cooperation and Technical Assistance Activities*

11. *Reaffirms* that in adopting commercially oriented practices for the Technical Cooperation Bureau, there is a need to ensure that the good reputation of ICAO is maintained;
12. *Reaffirms* the need to expand the provision of technical cooperation and technical assistance by ICAO to the non-State entities (public or private) directly involved in civil aviation, in furtherance of ICAO Strategic Objectives, such cooperation and assistance to encompass, *inter alia*, those activities that were traditionally provided by national civil aviation administrations and are being privatized to some degree, where the State shall, nonetheless, continue to be responsible under the Chicago Convention for the quality of the services provided and their compliance with ICAO SARPs, and *requests* the Secretary General to inform the civil

aviation authority concerned of the technical aspects of the project immediately upon the start of negotiations with non-State entities;

13. *Reaffirms* that ICAO should expand the provision of technical cooperation and technical assistance services, upon request, to non-State entities (public and private) that are implementing projects in Contracting States in the field of civil aviation which aim at enhancing aviation safety, air navigation capacity and efficiency, security and facilitation, environmental protection and economic development of international air transport, and *directs* the Secretary General to consider, on a case-by-case basis, the requests of such entities for ICAO cooperation and assistance in the traditional technical cooperation and technical assistance areas, with particular regard to project compliance with ICAO SARPs and, as applicable, to relevant national policies and regulations promulgated by the recipient State;

#### *Technical Cooperation and Technical Assistance Agreements*

14. *Reaffirms* that ICAO, within the framework of its Technical Cooperation and Technical Assistance Programmes, uses Trust Fund (TF) Agreements, Management Services Agreements (MSA), the Civil Aviation Purchasing Service (CAPS) and other framework agreements and funding arrangements as may be necessary to provide maximum cooperation and assistance to stakeholders implementing civil aviation projects; and

15. *Views with satisfaction* the initiative of States to make greater use of these arrangements to obtain technical cooperation and technical assistance in the field of civil aviation.

## **APPENDIX B**

### **Funding of the Technical Cooperation and Technical Assistance Programmes**

*Whereas* funds available for technical cooperation and technical assistance in the field of civil aviation are insufficient to meet the needs of civil aviation, especially in the developing countries;

*Whereas* the Technical Cooperation Programme, with few exceptions, is funded by developing countries providing funds for their own projects;

*Whereas* the Technical Assistance Programme is funded through ICAO Voluntary Funds and through the Regular Budget of the Organization;

*Whereas* civil aviation administrations of Least Developed Countries (LDCs) are, in particular, those needing the most support while, at the same time, relying mostly on financial institutions and sector industry to fund their technical cooperation projects;

*Whereas* UNDP funding is directed mainly to development sectors other than civil aviation, and its financial contribution to civil aviation activities has considerably decreased to a level where it represents less than one per cent of the ICAO Technical Cooperation and Technical Assistance Programmes, but UNDP continues to provide administrative support to ICAO at the country level;

*Whereas* rapid technical development in civil aviation requires from developing States substantial expenditures in aviation ground facilities to match that development, and continues to increase requirements for training of national aeronautical personnel that are beyond their financial resources and training facilities;

*Whereas* the Assembly introduced the ICAO Objectives Implementation Funding Mechanism with a view to mobilizing additional resources for technical cooperation and technical assistance projects identified as required to support the implementation of SARPs and the facilities and services listed in the ANPs, as well as the implementation of ICAO audit-related recommendations and the rectification of identified deficiencies;  
*Whereas* funding institutions expect from those implementing the projects they finance, expedient and effective project execution as well as detailed and real-time information on project activities and finances;

*The Assembly:*

1. *Requests* that financing institutions, donor States and other development partners, including the industry and the private sector, give higher priority to the development of the air transport sub-sector in developing countries and *requests* the President of the Council, the Secretary General and the Secretariat to intensify their contacts with the United Nations, including UNDP, to increase their contribution to ICAO's technical cooperation and technical assistance projects;
2. *Draws the attention* of financing institutions, donor States and other development partners to the fact that ICAO is the Specialized Agency of the United Nations concerned with civil aviation and, as such, is accepted by the United Nations as the expert authority in carrying out technical cooperation and technical assistance for developing countries in civil aviation projects;
3. *Urges* Contracting States that are associated with funding sources to draw the attention of their representatives to these organizations towards the value of providing cooperation and assistance to civil aviation projects, particularly where these are necessary for the provision of ~~the~~ vital air transport infrastructure and/or the economic development of a country;
4. *Urges* Contracting States to give high priority to civil aviation development and, when seeking external cooperation and assistance for this purpose, to stipulate to financing institutions through an appropriate level of government that they wish ICAO to be associated as the executing agency with civil aviation projects which may be funded;
5. *Encourages* the actions of developing countries in seeking funds for the development of their civil aviation from all appropriate sources to complement funds available from national budgets, financial institutions, donor States and other development partners so that such development may progress at the maximum feasible rate;
6. *Recognizes* that extra-budgetary contributions from donors will allow the Technical Cooperation and Technical Assistance Programmes to expand their services to States in relation to aviation safety, air navigation capacity and efficiency, security and facilitation, economic development and environmental protection, thus further contributing to the achievement of the Strategic Objectives, in particular to the implementation of SARPs and the rectification of deficiencies identified by audits;
7. *Authorizes* the Secretary General to receive, on behalf of the ICAO Technical Cooperation and Technical Assistance Programmes, financial and in-kind contributions to technical cooperation and technical assistance projects, including voluntary contributions in the form of scholarships, fellowships, training equipment and funds for training, from States, financing institutions and other public and private sources and to act as an intermediary between States regarding the granting of scholarships, fellowships and provision of training equipment;

8. *Urges* those States which are in a position to do so to provide additional funds to the ICAO Technical Cooperation and Technical Assistance Programmes through the ICAO Voluntary Funds for the implementation of civil aviation projects;
9. *Encourages* States and other development partners, including the industry and the private sector, to contribute to the ICAO Objectives Implementation Funding Mechanism which allows them to participate in the implementation of ICAO's civil aviation projects; and
10. *Requests* the Council to advise and assist developing countries to secure the support of financing institutions, donor States and other development partners in implementing ICAO regional and subregional safety and security programmes, such as the Cooperative Development of Operational Safety and Continuing Airworthiness Programme (COSCAP) and Cooperative Aviation Security Programme (CASP).

## APPENDIX C

### Implementation of the Technical Cooperation and Technical Assistance Programmes

*Whereas* the aim of ICAO is to ensure the safe and orderly growth of international civil aviation throughout the world;

*Whereas* the implementation of technical cooperation and technical assistance projects complements the Regular Programme efforts towards the achievements of ICAO's Strategic Objectives;

*Whereas* Contracting States increasingly call upon ICAO to provide advice, technical cooperation and technical assistance to implement SARPs and develop their civil aviation through the strengthening of their administration, the modernization of their infrastructure and the development of their human resources;

*Whereas*, on an urgent basis, there is a need for effective follow-up and remedial action as a result of the ICAO Universal Safety Oversight Audit Programme/Continuous Monitoring Approach (USOAP/CMA) and Universal Security Audit Programme (USAP) audits in order to provide support to States in addressing identified deficiencies, including Significant Safety and Security Concerns;

*Whereas* extra-budgetary funding provided to the Technical Cooperation and Technical Assistance Programmes allows ICAO, through its Technical Cooperation Bureau, to provide initial support to States to address the deficiencies identified through the USOAP CMA, ICAO Coordinated Validation Missions (ICVMs) and USAP audits;

*Whereas* implementation of projects in compliance with ICAO SARPs by the Technical Cooperation Bureau or any other third party outside ICAO results in substantially enhanced safety, security and efficiency of civil aviation worldwide;

*Whereas* ex-post evaluations could constitute a valuable tool for establishing the impact of projects on aviation and for the planning of future projects;

*Whereas* non-State entities (public and private) implementing projects for Contracting States in the field of civil aviation increasingly call upon ICAO, through the Technical Cooperation Bureau, to provide advice, technical cooperation and technical assistance in the traditional technical cooperation and technical assistance fields and ensure project compliance with ICAO SARPs;

*The Assembly:*

1. *Draws the attention* of Contracting States requesting technical cooperation and technical assistance to the advantages to be derived from well-defined projects based on civil aviation master plans;
2. *Draws the attention* of Contracting States to the cooperation and assistance provided through subregional and regional projects executed by ICAO, such as COSCAPs and CASPs and *urges* the Council to continue to give high priority to management and implementation of such projects through the Technical Cooperation and Technical Assistance Programmes in view of the great benefit such projects represent;
3. *Requests* the Secretary General to reinforce the Organization's application of a systemic approach to targeted technical support activities with the objective of building robust and sustainable State oversight systems;
4. *Urges* States to give high priority to the training of their national civil aviation technical, operational and management personnel through the development of a comprehensive training programme and *reminds* States of the importance of making adequate provision for such training and of the need to provide suitable incentives to retain the services, in their respective fields, of such personnel after they have completed their training;
5. *Encourages* States to concentrate their efforts upon the further development of existing training centres and to support Regional Training Centres which are located in their area for the advanced training of their national civil aviation personnel where such training is not available nationally, so as to promote a self-reliant capability within that region;
6. *Urges* States receiving technical cooperation and technical assistance through ICAO to avoid project implementation delays by ensuring timely decisions regarding experts, training and procurement components in accordance with the terms of the project agreements;
7. *Draws the attention* of Contracting States to the Civil Aviation Purchasing Service (CAPS), which is a facility provided by ICAO to developing countries to purchase high value items of civil aviation equipment and to contract for technical services, offering a complete procurement process;
8. *Requests* that Contracting States, in particular, developing countries, encourage fully qualified technical experts to apply for inclusion in ICAO's Technical Cooperation and Technical Assistance Programmes' roster of experts;
9. *Requests* the Secretary General to promote the widespread use of performance indicators for the objective assessment of technical cooperation and technical assistance activities' impact on the implementation of ICAO SARPs;
10. *Encourages* States to make use of the quality assurance services offered by the Technical Cooperation Bureau, on a cost-recovery basis, for the supervision of projects implemented by third parties outside the Technical Cooperation and Technical Assistance Programmes of ICAO, including the review of their compliance with ICAO SARPs; and
11. *Encourages* States and donors to include, and provide funding for, ex-post evaluations of their civil aviation projects as an integral part of project planning and implementation.

#### **A40-25: Implementing Aviation Training and Capacity-Building Strategies**

*Whereas* sustainable, safe and secure global aviation development relies on the availability of qualified and competent employees, supervisors and managers to operate, maintain, plan, coordinate, manage, and oversee all complex operations in various airports, airspaces, aircraft, maintenance facilities, etc.;

*Considering* that the International Civil Aviation Organization (ICAO) Council has approved the *ICAO Civil Aviation Training Policy* identifying ICAO's objectives and role in aviation training to "support the Human Resources Development strategies established by Member States and the aviation community to ensure that they have access to a sufficient number of qualified and competent personnel to operate, manage and maintain the current and future air transport system at prescribed international standards for Safety, Air Navigation Capacity and Efficiency, Security and Facilitation, Economic Development of Air Transport, and Environmental Protection";

The Assembly:

1. *Resolves that* ICAO shall assist Member States in achieving and maintaining competency of aviation personnel through the ICAO training activities, in order to ensure ICAO Member States have sufficient human resources and capacity for the implementation of ICAO provisions and programmes.
2. *Resolves that* the ICAO training activities shall be guided by the following principles:
  - a) qualification of aviation professionals is the responsibility of Member States;
  - b) the highest priority should be placed on learning activities that support the implementation of Standards and Recommended Practices (SARPs) and ICAO programmes using a competency-based training and Instructional Systems Design (ISD) approach;
  - c) ICAO should advise operators of training facilities but does not participate in the operation of such facilities;
  - d) a high priority shall be placed on the support for the ICAO Next Generation of Aviation Professionals (NGAP) and the implementation of human performance and talent management strategies and frameworks that include attracting, training, cultivating, nurturing and retaining the next generation;
  - e) the Global Aviation Training (GAT) activities should guide and support the training and learning opportunities offered to States by ICAO to ensure quality, standardization, effectiveness and efficiency of the deliverables; and
  - f) the ICAO Secretary General should strengthen self-sustainable GAT activities, with a clear governance structure, including mechanisms for financial, technical and managerial mandates and Key Performance Indicators towards supporting learning and development needs of States.
3. *Urges* States to share their strategic plans addressing learning and development in aviation including the practical application of the *ICAO Aviation Training and Capacity-Building Roadmap*, and assist each other to optimize access to learning activities for their aviation professionals.



4. *Calls upon States to:*

- a) encourage the implementation of aviation learning and development associations; and
- b) build partnerships on training and learning related matters through regional cooperation and knowledge exchange, including but not limited to, sharing available training resources, instructors, curriculum designers, courseware and implementing a roster of aviation training experts.

5. *Instructs* the Council to establish a monitoring and an evaluation mechanism addressing quality, efficiency and effectiveness of the ICAO GAT activities, and to report to Member States accordingly.

**Associated practices**

1. The Council should strengthen the assistance for its Member States to harmonize aviation professionals' levels of competency including establishment of competency-frameworks for all aviation related jobs. These efforts should be based on:

- a) data analysis to determine job requirements, expected human performance, priorities and needs;
- b) identified training needs for the implementation of ICAO provisions; and
- c) a competency-based training approach.

**A40-26: Commercial space transport (CST):**

*Whereas* Article 44 of the Convention on International Civil Aviation states that among the aims and objectives of ICAO are development of the principles and techniques of international air navigation and fostering of the planning and development of international air transport so as to meet the needs of the people of the world for safe, regular and economical air transport;

*Whereas* Article 37 of the Convention on International Civil Aviation states that the Organization "...shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with [...] and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate."

*Whereas* the Thirteenth Air Navigation Conference (AN-Conf/13) considered the technical aspects of commercial space transport (CST), in particular its intersection with aviation and the Council endorsed the AN-Conf/13 Recommendation on CST;

*Recognizing* the interrelation between international air and outer space law principles in regards to CST operations;

*Recognizing* the relevance of ICAO's mandate in: the accommodation of CST in air space; the joint use of infrastructure; the co-location of airports and spaceports; the use of aircraft as launchers; and the phases of flight of space vehicles that use the interaction with the atmosphere to derive lift;

*Recognizing* the need to work closely with various United Nations entities, in particular the United Nations Office for Outer Space Affairs and the United Nations Committee on Peaceful Uses of Outer Space

*The Assembly:*

1. *Reaffirms* the role of ICAO in developing policy guidance in the areas where international CST operations intersect with international civil aviation in coordination with the United Nations Office of Outer space;
2. *Directs* the Council to instruct the Secretary General to consult States on the role of ICAO and to further coordinate with States, governmental and non-governmental organizations, the private sector, academia and the relevant United Nations system entities to monitor the progress and evolution of commercial space transport and to address emerging issues, including the impact on international civil aviation operations.

The Committee reviewed A40-WP/126, presented by the International Federation of Air Traffic Controllers' Association (IFATCA), the International Federation of Air Line Pilots' Associations (IFALPA) and the International Air Transport Association (IATA) considered concerns over the continued impact by Commercial Space operations on airspace access and the request to formalize the development of provisions for the integration of commercial space operations into controlled airspace. The Committee noted that this was already discussed during the 13th Air Navigation Conference which concluded that at this time, there is no ICAO State that has mature provisions that would form the basis of such provisions. However, ANConf/13 did encourage States to share any relevant practices in relation to the overlap between Space and Aviation operations so that safety is maintained at the highest degree possible. The Committee agreed with the position of the 13th Air Navigation Conference.

*Innovation*

A40-WP/14, presented by the Council, recognized that new technologies and concepts of operations are rapidly becoming available across the aviation industry sector. These innovations carry significant potential in improving aviation safety, security, sustainability, accessibility and affordability across the globe. They can also lead to more efficient and streamlined aviation regulatory processes. It is therefore vital that the global international civil aviation sector take timely action to monitor and evaluate these developments in order for them to deliver on their potential benefits, and for ICAO to do so in a manner that leaves no country behind from the start. The Committee agreed with the assessment provided in A40/WP/14. The Committee noted that the budget of the Organization was limited and presented a significant constraint to its ability to keep pace with innovations. The Committee agreed that an assessment of the process of ICAO with respect to the uptake of innovation was required.

The Committee reviewed A40-WP/113, presented by France, Italy and Sweden, recognizes that the aviation sector is undergoing increasingly rapid changes in terms of technology, threats and public expectations and that States and the Organization are finding it increasingly difficult to keep pace with the acceleration of these developments. It recommended that a closer association with the aeronautics industry, not only at the expert level but also at the strategic level, could enable States and ICAO to react more quickly

The Committee agreed with the spirit of the paper, that a closer association with the industry at the executive level could indeed have potential benefits to the organization; however, it noted that there would need to be clear terms of reference with such an engagement and that more study and reflection is required. In this context, the Committee did not support the draft Assembly Resolution as drafted. The Committee did however agree that the dialogue between industry and ICAO should be intensified and that the Council should be

directed to address the matter. In line with this, the Committee agreed to add an additional resolving clause to the draft resolution of A40-WP/14.

#### **A40-27: Innovation in aviation**

*Whereas* Article 44 of the *Convention on International Civil Aviation* states that among the aims and objectives of ICAO are development of the principles and techniques of international air navigation and fostering of the planning and development of international air transport so as to meet the needs of the people of the world for safe, regular and economical air transport;

*Whereas* Article 37 of the Convention stipulates that ICAO shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with [...] and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate;

*Whereas* several ICAO Conferences have recognized the real and potential benefits and challenges that innovation can bring to the safety, efficiency, security, facilitation and to the economic and environmental sustainability of air transport and that Member States should be provided the opportunity to realize these benefits in a manner that leaves no country behind;

*Recognizing* that ICAO provisions apply to all civil airspace users, and the absence of normative activity at the global level may hamper the realization of innovative technological solutions and prevent the materialization of their benefits in aviation; and to that end ICAO can benefit from continued interaction with industry to identify the latest technological developments their timely integration;

*Recognizing* that the nature and pace of innovations require regulators at the national, regional and global level avail themselves of new methodologies that facilitate the timely evaluation and assessment of technological developments;

*The Assembly:*

1. *Urges* all Member States that have experience in facilitating the introduction of innovation in civil aviation, and that have evolved their regulatory methods to better evaluate and assess the application of such innovations, to share their experience with other States through ICAO;
2. *Directs* the Council to assess the need, as well as the resources required, to evolve the processes of the Organization, including its working methods with the industry in order to keep pace with innovations that affect the sustainable development of civil aviation;
3. *Directs* the Council on the basis of the conclusions arising from the assessment to be undertaken pursuant to operative clause 2, to develop, high-level policies to address the findings of the aforementioned assessment and subsequently provide a framework that will help ensure the timely development of global policies and standards that support the continuing improvement of safety, efficiency, security, facilitation, economic and environmental performance;
4. *Directs* the Council to instruct the Secretary General to further liaise with States, governmental and non-governmental organizations, the private sector, academia and the relevant United Nations system entities

in order to establish an inclusive dialogue at strategic level that will encourage further collaboration and sharing of experience in relation to innovation; and

5. *Directs* the Council to urgently consider the establishment of a high-level body with the industry to regularly provide strategic advice to the Council concerning innovation in aviation.

#### **A40-28: Consolidated statement of continuing ICAO policies in the legal field**

*Whereas* it is considered desirable to consolidate Assembly resolutions on the Organization's policies in the legal field in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized:

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies in the legal field, up to date as these policies exist at the close of the 40th Session of the Assembly;

2. *Resolves* to continue to adopt at each ordinary session a consolidated statement of continuing ICAO policies in the legal field; and

3. *Declares* that this resolution supersedes Resolution A39-11.

#### **APPENDIX A**

##### **General Policy**

*Whereas* international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and

*Whereas* it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends:

*The Assembly:*

*Reaffirms* the important role of law in the avoidance and resolution of conflicts and disputes among the nations and peoples of the world and, in particular, in the achievement by the Organization of its aims and objectives.

#### **APPENDIX B**

##### **Procedure for approval of draft conventions on international air law**

*The Assembly resolves:*

That the following constitutes the procedure for the approval of draft conventions:

1. Any draft convention which the Legal Committee considers as ready for presentation to the States as a final draft shall be transmitted to the Council, together with a report thereon.
2. The Council may take such action as it deems fit, including the circulation of the draft to the Contracting States and to such other States and International Organizations as it may determine.
3. In circulating the draft convention, the Council may add comments and afford States and organizations an opportunity to submit comments to the Organization within a period of not less than four months.
4. Such draft convention shall be considered, with a view to its approval, by a conference which may be convened in conjunction with a session of the Assembly. The opening date of the conference shall be not less than six months after the date of transmission of the draft as provided in paragraphs 2 and 3 above. The Council may invite to such a conference any non-Contracting State whose participation it considers desirable, and shall decide whether such participation carries the right to vote. The Council may also invite international organizations to be represented at the conference by observers.

## **APPENDIX C**

### **Ratification of ICAO international instruments**

*The Assembly:*

*Recalling* its Resolution A39-11, Appendix C relating to the ratification of the Protocols of Amendment to the Chicago Convention and of the private air law and other instruments which have been developed and adopted under the auspices of the Organization;

*Noting* with concern the continuing slow progress of ratification of the aforementioned Protocols of Amendment, including in particular those amending Articles 50 (a) and 56 adopted in 2016, and the final paragraphs (relating to the Arabic and Chinese texts);

*Also noting* that while a substantial number of States are party to the Protocols introducing Articles 3 *bis* and 83 *bis* of the Chicago Convention, there is still a need to further progress the ratification of those Protocols;

*Recognizing* the importance of these amendments to international civil aviation, in particular to the viability of the Chicago Convention, and the consequent urgent need to accelerate the entry into force of those amendments not yet in force;

*Recognizing* the need to accelerate the ratification and entry into force of air law instruments developed and adopted under the auspices of the Organization;

*Conscious* of the fact that only a universal participation in these Protocols of Amendment and other instruments would secure and enhance the benefits of unification of the international rules which they embody:

*Urges* all Contracting States which so far have not done so to ratify those Amendments to the Chicago Convention which are not yet in force, i.e. those amending the final paragraph to add Arabic and Chinese to the

authentic texts of the Convention, and those amendments to Articles 50 (a) and 56 adopted in 2016, as soon as possible;

*Urges* all Contracting States which have not yet done so to ratify the Protocols introducing Articles 3 *bis* and 83 *bis* of the Chicago Convention;

*Urges* all Contracting States which so far have not done so to ratify the other international air law instruments, in particular the Montréal Convention of 1999, the Cape Town Convention and Aircraft Protocol of 2001, the two Montréal Conventions of 2 May 2009, the Beijing Convention and the Beijing Protocol of 2010, the Montréal Protocol of 2014 and the Protocols on the Authentic Quinquelingual Text (1995) and the Authentic Six-Language Text (1998) of the Chicago Convention, as soon as possible;

*Urges* States which have ratified the instruments in question to provide to the Secretary General copies of the text and documents they have used in the process of ratification and implementation of such instruments and which may serve as an example assisting other States in the same process; and

*Directs* the Secretary General to take all practical measures within the Organization's means in cooperation with States to provide assistance, if requested, to States encountering difficulties in the process of ratification and implementation of the air law instruments, including the organization of and the participation in workshops or seminars to further the process of ratification of the international air law instruments.

## **APPENDIX D**

### **The teaching of air law**

*The Assembly:*

*Considering* the undoubted importance for the Organization and the States of the specialized teaching of air law and the desirability of fostering knowledge of this important subject; and

*Welcoming* the introduction in 2017 of the ICAO international air law course with the objective to enable representatives of Civil Aviation Administrations, airports and air navigation service providers to support their organizations in the implementation of air law:

*Invites* the Council to take all possible action to promote the teaching of air law in those States where it is not yet available;

*Urges* the States to adopt appropriate measures which would further the achievement of the above objective; and

*Calls upon* Contracting States and interested parties to contribute to the Assad Kotaite Graduate and Postdoctoral Fellowship Fund.

## **APPENDIX E**

### **Adoption of national legislation on certain offences committed on board aircraft (unruly and disruptive passengers)**

*The Assembly:*

*Recognizing* that, under the Preamble and Article 44 of the *Convention on International Civil Aviation*, one of the aims and objectives of the Organization is to foster the planning and development of international air transport so as to meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

*Noting* the increase of the number and gravity of reported incidents involving unruly and disruptive passengers on board aircraft;

*Considering* the implications of these incidents for the safety of the aircraft and the passengers and crew on board these aircraft;

*Mindful* of the fact that the existing international law as well as national law and regulations in many States are not fully adequate to deal effectively with this problem;

*Recognizing* the special environment of aircraft in flight and inherent risks connected therewith, as well as the need to adopt adequate measures of national law for the purpose of enabling States to prosecute criminal acts and offences constituting unruly and disruptive behaviour on board aircraft;

*Encouraging* the adoption of national legal rules enabling States to exercise jurisdiction in appropriate cases to prosecute criminal acts and offences constituting unruly and disruptive behaviour on board aircraft registered in other States;

*Noting* that States at the International Conference on Air Law held in Montréal adopted on 4 April 2014 a *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* and that the Conference decided not to include a list of offences and other acts within the Protocol but recommended that ICAO Circular 288 – *Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers* published in 2002 be updated; and

*Noting further* the publication of ICAO Doc 10117 - *Manual on the Legal Aspects of Unruly and Disruptive Passengers*, which incorporates changes consequential to the adoption of the Montréal Protocol of 2014 and contains a list of offences and acts most likely to be committed on board aircraft by unruly and disruptive passengers;

*Therefore:*

*Urges* all Contracting States to enact as soon as possible national law and regulations to deal effectively with the problem of unruly and disruptive passengers, taking into account the guidance in the ICAO *Manual on the Legal Aspects of Unruly and Disruptive Passengers* (Doc 10117) and incorporating so far as practical the provisions in the Model Legislation set out below;

*Calls on* all Contracting States to submit to their competent authorities, for consideration of prosecution or use of administrative or any other forms of legal proceedings, all persons whom they have a reasonable ground to consider as having committed any of the offences and acts set out in the national laws and regulations so enacted, and for which they have jurisdiction in accordance with these laws and regulations; and

*Encourages* States which have not yet done so to consider introducing civil and administrative sanctions to deal with less serious acts or offences relating to unruly and disruptive behaviour on board aircraft in an expeditious and effective manner.

### **Model Legislation on Certain Offences Committed on Board Aircraft**

#### **Section 1: Assault and Other Acts of Interference against a Crew Member on Board an Aircraft**

Any person who commits on board an aircraft any of the following acts thereby commits an offence:

- (1) physical assault or threat to commit such assault against a crew member;
- (2) verbal intimidation or threat against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;
- (3) refusal to follow a lawful instruction given by or on behalf of the aircraft commander for the purpose of:
  - (a) protecting the safety of the aircraft or of persons or property therein; or
  - (b) maintaining good order and discipline on board.

#### **Section 2: Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board an Aircraft**

- (1) Any person who commits on board an aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.
- (2) Any person who commits on board an aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:
  - (a) assault, intimidation or threat, whether physical or verbal, against another person;
  - (b) intentionally causing damage to, or destruction of, property;
  - (c) consuming alcoholic beverages or drugs resulting in intoxication.

#### **Section 3: Other Offences Committed on Board an Aircraft**

Any person who commits on board an aircraft any of the following acts thereby commits an offence:

- (1) smoking in a lavatory, or smoking elsewhere when such act is prohibited;
- (2) tampering with a smoke detector or any other safety-related device on board the aircraft;
- (3) operating a portable electronic device when such act is prohibited.



## APPENDIX F

### **A Practical Way Forward on Legal and Institutional Aspects of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems**

*Whereas* the global implementation of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) systems, which, *inter alia*, is intended to provide safety-critical services for aircraft navigation, has made substantial progress since its inception at the 10th Air Navigation Conference in 1991 and received enthusiastic endorsement at the 11th Air Navigation Conference in 2003;

*Whereas* the existing legal framework for CNS/ATM systems, namely the Chicago Convention, its Annexes, Assembly Resolutions (especially including the Charter of GNSS Rights and Obligations), associated ICAO guidance (especially including the Statement of ICAO Policy on CNS/ATM Systems Implementation and Operation), regional navigation plans, and exchanges of letters between ICAO and the States operating satellite navigation constellations has enabled the technical implementation achieved thus far;

*Whereas* ICAO has devoted substantial resources to the study of the legal and institutional aspects of CNS/ATM systems in the ICAO Assembly, the Council, the Legal Committee, and a Panel of Legal and Technical Experts and a Study Group, building a detailed record and developing an understanding of the issues, challenges, and concerns facing the global community;

*Whereas* there is a need to also consider regional initiatives to develop measures addressing any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention; and

Whereas the 13th Air Navigation Conference in 2018 reviewed the status of existing and future technologies enabling the global air navigation system:

*The Assembly:*

1. *Recognizes* the importance of Item No. 8 of the General Work Programme of the Legal Committee “Study of international legal issues relating to global satellite systems and services supporting international air navigation services”, and resolutions or decisions by the Assembly and the Council relating to it;
2. *Reaffirms* that there is no need to amend the Chicago Convention for the implementation of CNS/ATM systems;
3. *Invites* Contracting States to also consider using regional organizations to develop mechanisms necessary to address any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention, and public international law;
4. *Encourages* the facilitation of technical assistance in implementation of CNS/ATM systems by ICAO, regional organizations and industry;
5. *Invites* Contracting States, other multilateral agencies and private financiers to consider development of additional sources of funding for assistance to States and regional groups in implementation of CNS/ATM;

6. *Directs* the Secretary General to monitor and, where appropriate, assist in the development of contractual frameworks to which parties may accede, *inter alia*, on the basis of the structure and model proposed by the Members of the European Civil Aviation Conference and the other regional civil aviation commissions, and on international law;

7. *Invites* the Contracting States to transmit regional initiatives to the Council; and

8. *Directs* the Council to register such regional initiatives, to consider their value and to make them public as soon as possible (in accordance with Articles 54, 55 and 83 of the Chicago Convention).

## APPENDIX G

### **Enhancing the capacity and effectiveness of States to implement air law treaties and update national laws and regulations**

1.

*Recalling* the important role of law (especially air law) for the achievement by ICAO of its aims and objectives and for ICAO, Member States and the aviation industry to respond effectively to new and emerging opportunities, challenges and threats to the development of international civil aviation;

*Recognizing* that Member States must ensure that appropriate legislation and regulations are formulated to implement, and are applied in accordance with, the Chicago Convention, relevant air law instruments and ICAO provisions;

*Affirming* the important role that civil aviation legal advisers and air law practitioners play in supporting their States and Organizations to implement air law treaties, to formulate and update national laws and regulations to give effect to national policies and regulatory requirements, and to contribute to adherence to the rule of law;

*Considering* that legal advisers must continuously update and enhance their competencies, capabilities and capacities to effectively carry out their responsibilities; and

*Welcoming* the first Civil Aviation Legal Advisers Forum initiative organized by ICAO and hosted in Singapore in May 2019, which enabled legal advisers, particularly those serving in Organizations that regulate civil aviation, to share and exchange views on current issues of interest to the international aviation community and on strengthening their support for their Organizations and States:

2. *The Assembly:*

1. *Encourages* Member States that have not already done so to establish positions of dedicated in-house legal advisers for their civil aviation administrations;

2. *Encourages* Member States to make use of ICAO seminars and workshops, the International Air Law Course and other similar events for the continuous training and development of their legal advisers and to consider hosting from time to time such events in their States and regions;

3. *Invites* Member States to support the Civil Aviation Legal Advisers Forum initiative and to consider hosting subsequent editions of the Forum as well as encourage and facilitate their legal advisers to participate in and to contribute to the Forum;

4. *Requests* the Secretary General to assist Member States in achieving and maintaining the appropriate competency of civil aviation legal advisers including through developing a competency framework for strengthening their role; and

5. *Urges* Member States to support ICAO's work in the legal field by encouraging the active participation of their legal advisers in the work of the Legal Committee, subcommittees and task forces, panels, working groups, and similar bodies established to examine air law issues and develop legal solutions.

**A40-29: 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**

*The Assembly:*

1. *Notes* that:

a) Financial Regulations 6.9 and 7.5 provide that the Council shall, if the Assembly is not in session, determine the assessment of contributions and the advance to the Working Capital Fund of a new Member State, subject to approval or adjustment at the next regular session of the Assembly; and

b) the Council has acted accordingly in respect of the States which became members of the International Civil Aviation Organization after the 39th Session of the Assembly, and assessable, as indicated below;

2. *Confirms* the action of the Council in assessing the contributions and the advances to the Working Capital Fund of the following States at the percentage rates indicated, such assessment rates to apply from the assessable dates indicated:

<b>Name of New Member State</b>	<b>Date of Membership</b>	<b>Date from which Assessable</b>	<b>Assessment Rate</b>
Tuvalu	18 November 2017	1 December 2017	0.06%
Dominica	13 April 2019	1 May 2019	0.06%

**A40-30: Assessments to the General Fund for 2020, 2021 and 2022**

*The Assembly resolves:*

1. that the amounts to be assessed on Member States for 2020, 2021 and 2022 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out below:

<b>Member States</b>	<b>Draft Scales of Assessment 2020, 2021, 2022</b>
	%
<b>Afghanistan</b>	0.06
<b>Albania</b>	0.06
<b>Algeria</b>	0.11
<b>Andorra</b>	0.06
<b>Angola</b>	0.08
<b>Antigua and Barbuda</b>	0.06
<b>Argentina</b>	0.70
<b>Armenia</b>	0.06
<b>Australia</b>	1.91
<b>Austria</b>	0.55
<b>Azerbaijan</b>	0.07
<b>Bahamas</b>	0.06
<b>Bahrain</b>	0.09
<b>Bangladesh</b>	0.09
<b>Barbados</b>	0.06
<b>Belarus</b>	0.06
<b>Belgium</b>	0.70
<b>Belize</b>	0.06
<b>Benin</b>	0.06
<b>Bhutan</b>	0.06
<b>Bolivia (Plurinational State of)</b>	0.06
<b>Bosnia and Herzegovina</b>	0.06
<b>Botswana</b>	0.06
<b>Brazil</b>	2.27
<b>Brunei Darussalam</b>	0.06
<b>Bulgaria</b>	0.06
<b>Burkina Faso</b>	0.06
<b>Burundi</b>	0.06
<b>Cabo Verde</b>	0.06
<b>Cambodia</b>	0.06

<b><u>Member States</u></b>	<b>Draft Scales of Assessment 2020, 2021, 2022</b>
<b>Cameroon</b>	0.06
<b>Canada</b>	2.51
<b>Central African Republic</b>	0.06
<b>Chad</b>	0.06
<b>Chile</b>	0.41
<b>China</b>	11.39
<b>Colombia</b>	0.32
<b>Comoros</b>	0.06
<b>Congo</b>	0.06
<b>Cook Islands</b>	0.06
<b>Costa Rica</b>	0.06
<b>Côte d'Ivoire</b>	0.06
<b>Croatia</b>	0.06
<b>Cuba</b>	0.06
<b>Cyprus</b>	0.06
<b>Czechia</b>	0.24
<b>Democratic People's Republic of Korea</b>	0.06
<b>Democratic Republic of the Congo</b>	0.06
<b>Denmark</b>	0.42
<b>Djibouti</b>	0.06
<b>Dominica</b>	0.06
<b>Dominican Republic</b>	0.06
<b>Ecuador</b>	0.07
<b>Egypt</b>	0.23
<b>El Salvador</b>	0.06
<b>Eritrea</b>	0.06
<b>Equatorial Guinea</b>	0.06
<b>Estonia</b>	0.06
<b>Eswatini</b>	0.06
<b>Ethiopia</b>	0.22

<b><u>Member States</u></b>	<b>Draft Scales of Assessment 2020, 2021, 2022</b>
<b>Fiji</b>	0.06
<b>Finland</b>	0.41
<b>France</b>	3.66
<b>Gabon</b>	0.06
<b>Gambia</b>	0.06
<b>Georgia</b>	0.06
<b>Germany</b>	5.08
<b>Ghana</b>	0.06
<b>Greece</b>	0.28
<b>Grenada</b>	0.06
<b>Guatemala</b>	0.06
<b>Guinea</b>	0.06
<b>Guinea-Bissau</b>	0.06
<b>Guyana</b>	0.06
<b>Haiti</b>	0.06
<b>Honduras</b>	0.06
<b>Hungary</b>	0.23
<b>Iceland</b>	0.08
<b>India</b>	0.95
<b>Indonesia</b>	0.59
<b>Iran (Islamic Republic of)</b>	0.34
<b>Iraq</b>	0.10
<b>Ireland</b>	0.72
<b>Israel</b>	0.43
<b>Italy</b>	2.44
<b>Jamaica</b>	0.06
<b>Japan</b>	6.64
<b>Jordan</b>	0.06
<b>Kazakhstan</b>	0.15
<b>Kenya</b>	0.06

<b><u>Member States</u></b>	<b>Draft Scales of Assessment 2020, 2021, 2022</b>
<b>Kiribati</b>	0.06
<b>Kuwait</b>	0.21
<b>Kyrgyzstan</b>	0.06
<b>Lao People's Democratic Republic</b>	0.06
<b>Latvia</b>	0.06
<b>Lebanon</b>	0.06
<b>Lesotho</b>	0.06
<b>Liberia</b>	0.06
<b>Libya</b>	0.06
<b>Lithuania</b>	0.06
<b>Luxembourg</b>	0.28
<b>Madagascar</b>	0.06
<b>Malawi</b>	0.06
<b>Malaysia</b>	0.52
<b>Maldives</b>	0.06
<b>Mali</b>	0.06
<b>Malta</b>	0.06
<b>Marshall Islands</b>	0.06
<b>Mauritania</b>	0.06
<b>Mauritius</b>	0.06
<b>Mexico</b>	1.10
<b>Micronesia (Federated States of)</b>	0.06
<b>Monaco</b>	0.06
<b>Mongolia</b>	0.06
<b>Montenegro</b>	0.06
<b>Morocco</b>	0.12
<b>Mozambique</b>	0.06
<b>Myanmar</b>	0.06
<b>Namibia</b>	0.06
<b>Nauru</b>	0.06

<b><u>Member States</u></b>	<b>Draft Scales of Assessment 2020, 2021, 2022</b>
<b>Nepal</b>	0.06
<b>Netherlands</b>	1.43
<b>New Zealand</b>	0.34
<b>Nicaragua</b>	0.06
<b>Niger</b>	0.06
<b>Nigeria</b>	0.18
<b>North Macedonia</b>	0.06
<b>Norway</b>	0.66
<b>Oman</b>	0.15
<b>Pakistan</b>	0.16
<b>Palau</b>	0.06
<b>Panama</b>	0.12
<b>Papua New Guinea</b>	0.06
<b>Paraguay</b>	0.06
<b>Peru</b>	0.19
<b>Philippines</b>	0.35
<b>Poland</b>	0.60
<b>Portugal</b>	0.37
<b>Qatar</b>	1.05
<b>Republic of Korea</b>	2.21
<b>Republic of Moldova</b>	0.06
<b>Romania</b>	0.15
<b>Russian Federation</b>	2.23
<b>Rwanda</b>	0.06
<b>Saint Kitts and Nevis</b>	0.06
<b>Saint Lucia</b>	0.06
<b>Saint Vincent and the Grenadines</b>	0.06
<b>Samoa</b>	0.06
<b>San Marino</b>	0.06
<b>Sao Tome and Principe</b>	0.06



<b><u>Member States</u></b>	<b>Draft Scales of Assessment 2020, 2021, 2022</b>
<b>Saudi Arabia</b>	1.04
<b>Senegal</b>	0.06
<b>Serbia</b>	0.06
<b>Seychelles</b>	0.06
<b>Sierra Leone</b>	0.06
<b>Singapore</b>	0.93
<b>Slovakia</b>	0.11
<b>Slovenia</b>	0.06
<b>Solomon Islands</b>	0.06
<b>Somalia</b>	0.06
<b>South Africa</b>	0.29
<b>South Sudan</b>	0.06
<b>Spain</b>	1.78
<b>Sri Lanka</b>	0.08
<b>Sudan</b>	0.06
<b>Suriname</b>	0.06
<b>Sweden</b>	0.67
<b>Switzerland</b>	1.01
<b>Syrian Arab Republic</b>	0.06
<b>Tajikistan</b>	0.06
<b>Thailand</b>	0.58
<b>Timor-Leste</b>	0.06
<b>Togo</b>	0.06
<b>Tonga</b>	0.06
<b>Trinidad and Tobago</b>	0.06
<b>Tunisia</b>	0.06
<b>Turkey</b>	1.60
<b>Turkmenistan</b>	0.06
<b>Tuvalu</b>	0.06
<b>Uganda</b>	0.06

<b><u>Member States</u></b>	<b>Draft Scales of Assessment 2020, 2021, 2022</b>
<b>Ukraine</b>	0.08
<b>United Arab Emirates</b>	2.17
<b>United Kingdom</b>	4.19
<b>United Republic of Tanzania</b>	0.06
<b>United States</b>	20.50
<b>Uruguay</b>	0.06
<b>Uzbekistan</b>	0.06
<b>Vanuatu</b>	0.06
<b>Venezuela (Bolivarian Republic of)</b>	0.51
<b>Viet Nam</b>	0.18
<b>Yemen</b>	0.06
<b>Zambia</b>	0.06
<b>Zimbabwe</b>	0.06
	<b>100.00</b>

#### **A40-31: Working Capital Fund**

*The Assembly:*

1. *Notes that:*
  - a) in accordance with Resolution A39-33, the Council has reported upon, and the Assembly has considered, the adequacy of the level of the Working Capital Fund and the related borrowing authority;
  - b) the accumulation of contributions in arrears has constituted, together with the delays in payment of current year contributions, a growing obstacle to the implementation of the work programme while creating financial uncertainty;
  - c) based on past trends, there is only a limited risk that the level of the Working Capital Fund may not be sufficient to cover the needs in the foreseeable future;
  - d) experience has shown that in general payments are not made at the beginning of the year when contributions are due and that ICAO cannot rely on contributions being paid even by the end of the year to which they relate and that such unacceptable avoidance of their financial obligations under the Convention by some Member States is leading to a potential financial crisis within the Organization that could impact all Member States;
  - e) as long as the cash flow remains uncertain, ICAO would need the Working Capital Fund as a buffer on which it could draw to meet its unavoidable cash commitments; and

- f) the Council reviewed the financial situation of the Organization and the level of the Working Capital Fund in February 2019 and noted that it has not been necessary to use the Working Capital Fund in 2018.

2. *Resolves that:*

- a) the level of the Working Capital Fund remain at USD 8.0 million;
- b) the Council shall continue to monitor the level of the Working Capital Fund no later than November 2020, 2021 and 2022 to determine if an increase is urgently needed during that year or for the following year;
- c) if the Council determines that it is warranted, the level of the Working Capital Fund shall be established at a level no higher than USD 10.0 million, subject to increases resulting from advances paid by new States becoming members of the Organization after approval of the scales. Such adjustment to the Working Capital Fund will be based on the scales of assessment in effect for the year for which the increase in the level of the Working Capital Fund is approved;
- d) the Secretary General be authorized, with the prior approval of the Finance Committee of the Council, to finance regular and supplementary appropriations that cannot be financed from the General Fund and the Working Capital Fund, by borrowing externally amounts needed to meet immediate obligations of the Organization, and that the Secretary General be required to repay such amounts as rapidly as possible; the outstanding total of such indebtedness of the Organization at no time to exceed CAD 3.0 million during the triennium;
- e) the Council shall report to the next ordinary session of the Assembly:
  - i) on the adequacy of the level of the Working Capital Fund in the light of experience during 2019, 2020 and 2021;
  - ii) whether the financial position of the General Fund and the Working Capital Fund would indicate the need for assessing Member States for cash deficits caused by arrears of contributions; and
  - iii) on the appropriateness of the level of the borrowing authority; and
- f) Resolution A39-33 is no longer effective and is hereby superseded; and

3. *Urges:*

- a) all Member States to pay their assessments as early as possible in the year in which they fall due in order to lessen the likelihood of the Organization having to draw on the Working Capital Fund and resort to external borrowing; and
- b) the Member States in arrears to meet their obligations to the Organization as promptly as possible, as called for by Resolution A39-31.

**A40-32: Approval of the accounts of the Organization for the financial years 2016, 2017 and 2018 and examination of the Audit Reports thereon**

*Whereas* the accounts of the Organization for the financial years 2016, 2017 and 2018 and the Audit Reports thereon, submitted by the Corte dei Conti of Italy - a member of the Joint Panel of External Auditors of the United Nations and Specialized Agencies - as the External Auditor of ICAO, have been submitted to the Assembly after being circulated to Member States;

*Whereas* the Council has examined the Audit Reports and submitted them to the Assembly for its review; and

*Whereas* in accordance with Chapter VIII Article 49 (f) of the Convention, expenditures have been reviewed;

*The Assembly:*

1. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's Comments to the Report of the External Auditor for the financial year 2016;
2. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's Comments to the Report of the External Auditor for the financial year 2017;
3. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's Comments to the Report of the External Auditor for the financial year 2018;
4. *Approves* the audited Financial Statements for the financial year 2016;
5. *Approves* the audited Financial Statements for the financial year 2017; and
6. *Approves* the audited Financial Statements for the financial year 2018.

**A40-33: Appointment of the External Auditor**

*The Assembly:*

1. *Notes* that:
  - a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization; and
  - b) the Council reviewed the nominations submitted by Member States in 2019 and approved the appointment of Mr. Michel Huissoud, President of the Swiss Federal Audit Office, as ICAO's External Auditor for the financial years 2020, 2021, and 2022, in accordance with Financial Regulation 13.1.

2. *Expresses* its sincere appreciation to Mr. Giuseppe Cogliandro, President of the Audit Chamber for Community and International Affairs of the Corte dei Conti of Italy, Mr. Raffaele Squitieri, President of the Corte dei Conti of Italy, and Mr. Angelo Buscema, President of the Corte dei Conti of Italy, for the high quality of their service to the Organization as its External Auditors (2014-2019) and for their effective and cooperative assistance during that period to the officials and organs of ICAO; and
3. *Confirms:*  
  
the action taken by the Council in appointing Mr. Michel Huissoud, President of the Swiss Federal Audit Office as ICAO's External Auditor for the financial years 2020, 2021 and 2022.

**A40-34: Budgets for 2020, 2021 and 2022**

A. *The Assembly*, with respect to the Budget 2020-2021-2022, *notes* that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates [indicative estimates for the Administrative and Operational Services Costs of the Technical Cooperation Programme (AOSC)] for each of the financial years 2020, 2021 and 2022;
2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization.

B. *The Assembly*, with respect to the Technical Cooperation Programme:

*Recognizing* that the AOSC are mainly financed by fees from implementation of projects assigned to ICAO for execution by external funding sources such as Governments, the United Nations Development Programme and other sources;

*Recognizing* that the Technical Cooperation Programme cannot be determined with a high degree of precision until such time as the Governments of donor and recipient countries have decided on the relevant projects;

*Recognizing* that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars (CAD) for the years 2020, 2021 and 2022 represent indicative budget estimates only:

	<b>2020</b>	<b>2021</b>	<b>2022</b>
Estimated Expenditures	10 520 000	10 680 000	10 830 000

*Recognizing* that technical cooperation is an important means of fostering the development and safety of civil aviation

*Recognizing* the circumstances facing the Technical Cooperation Programme of the Organization and the necessity to take continuing measures; and



*Recognizing* that in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort.

*Resolves* that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Cooperation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations.

C. *The Assembly*, with respect to the **Regular Programme**:

*Resolves* that:

1. separately for the financial years 2020, 2021 and 2022, the following amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution:

	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Total</b>
<b>Strategic Objective (Programmes)</b>				
SAFETY	31,590,000	32,459,000	33,218,000	97,267,000
AIR NAVIGATION CAPACITY AND EFFICIENCY	19,747,000	20,569,000	21,396,000	61,712,000
SECURITY AND FACILITATION	13,844,000	14,530,000	15,433,000	43,807,000
ECONOMIC DEVELOPMENT OF AIR TRANSPORT	5,111,000	5,104,000	5,096,000	15,311,000
ENVIRONMENTAL PROTECTION	5,165,000	5,539,000	6,539,000	17,243,000
<b>Programme Support</b>	<b>12,898,000</b>	<b>13,303,000</b>	<b>14,919,000</b>	<b>41,120,000</b>
<b>Management &amp; Administration</b>	<b>14,957,000</b>	<b>15,442,000</b>	<b>15,856,000</b>	<b>46,255,000</b>
<b>TOTAL AUTHORIZED APPROPRIATION</b>	<b>103,312,000</b>	<b>106,946,000</b>	<b>112,457,000</b>	<b>322,715,000</b>
Operational	102,324,000	106,336,000	111,754,000	320,414,000
Capital	988,000	610,000	703,000	2,301,000

2. the separate annual Total Authorized Appropriation be financed as follows in Canadian dollars, in accordance with the Financial Regulations:

	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Total</b>
a) Assessments on States	91,970,000	95,577,000	101,058,000	288,605,000
b) Reimbursement from AOSC Fund	1,202,000	1,202,000	1,202,000	3,606,000
c) Transfer from ARGF Surplus	9,649,000	9,648,000	9,649,000	28,946,000
d) Miscellaneous Income	491,000	519,000	548,000	1,558,000
<b>TOTAL:</b>	<b>103,312,000</b>	<b>106,946,000</b>	<b>112,457,000</b>	<b>322,715,000</b>

— END —

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