

PROVISIONAL EDITION
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RESOLUTIONS

ADOPTED BY THE ASSEMBLY



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INTERNATIONAL CIVIL AVIATION ORGANIZATION

RESOLUTIONS ADOPTED AT THE 41ST SESSION OF THE ASSEMBLY

PROVISIONAL EDITION

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RESOLUTIONS ADOPTED AT THE 41ST SESSION OF THE ASSEMBLY

PROVISIONAL EDITION

Resolution A41-1: Infraction of the *Convention on International Civil Aviation* by the Republic of Belarus

Recalling the Decision of the ICAO Council of 27 May 2021 concerning the Incident involving Ryanair Flight FR4978 in Belarus airspace on 23 May 2021;

Having considered the report of the Fact-Finding Investigation Team (FFIT) instituted by the Secretary General pursuant to that decision of the ICAO Council; Bearing in mind the provisions and principles of the *Convention on International Civil Aviation*, while the primary objective of ICAO continues to be that of ensuring the safety and security of international civil aviation worldwide;

Considering the paramount importance of preserving the safety of international civil aviation as enshrined in the *Convention on International Civil Aviation* and its Annexes;

Noting that the ICAO Council, on 18 July 2022, determined that, based on the facts established by the FFIT, a number of senior officials of the Government of Belarus had knowingly participated or were involved in providing information about a false bomb threat to Ryanair Flight FR4978 leading to its diversion to land at Minsk Airport;

Further noting that the ICAO Council concluded with grave concern, that based on the facts established by the FFIT, the safety of Ryanair Flight FR4978 was endangered when a false bomb threat was communicated to the flight crew, on the instructions of senior government officials of Belarus, and that the actions of the Government of Belarus in committing an act of unlawful interference that deliberately endangered the safety and security of Ryanair Flight FR 4978 and the lives of all those on board, amounted to a flagrant and serious violation of the *Convention on International Civil Aviation*;

Recalling that the use of civil aviation by any State for any purpose inconsistent with the aims of the *Convention on International Civil Aviation* would contravene the spirit of the said Convention, its Preamble as well as its Article 4;

Considering that the ICAO Council further decided to submit this matter to the 41st Session of the ICAO Assembly, in accordance with Article 54 k) of the *Convention on International Civil Aviation*;

The Assembly:

1. *Endorses* the determination of the ICAO Council that, based on the findings of the FFIT Report, the actions of the Government of Belarus in knowingly participating in or being involved in providing information about a false bomb threat to Ryanair Flight FR4978 leading to its diversion to land at Minsk Airport, and thereby deliberately endangering the safety and security of a commercial passenger aircraft and the lives of all those on board, amounted to the use of civil aviation by Belarus for a purpose inconsistent with the aims of the *Convention on International Civil Aviation* which is a flagrant and serious violation of its Article 4;

2. *Condemns* the actions of the Government of the Republic of Belarus in committing an act of unlawful interference that deliberately endangered the safety and security of Ryanair Flight FR4978 and the lives of all those on board;
3. *Deplores* the fact that, notwithstanding notice of the infraction of Article 4 of the *Convention on International Civil Aviation*, the Republic of Belarus has failed to take appropriate action within a reasonable time after notice of the said infraction;
4. *Urgently calls* upon the Republic of Belarus to take appropriate action in view of this infraction of Article 4 of the *Convention on International Civil Aviation*;
5. *Requests* the Council to remain seized of this matter and to report back to the Assembly as appropriate; and
6. *Instructs* the Secretary General to immediately draw the attention of all Contracting States to this resolution.

Resolution A41-2: Infractions of the *Convention on International Civil Aviation* by the Russian Federation

Having considered the item concerning infractions of the *Convention on International Civil Aviation* by the Russian Federation;

Recalling that the United Nations General Assembly in adopting Resolution A/ES-11/L.1 on aggression against Ukraine reaffirmed its commitment to the sovereignty, independence, unity and territorial integrity of Ukraine and deplored in the strongest terms the aggression by the Russian Federation against Ukraine in violation of the Charter of the United Nations;

Bearing in mind the provisions and principles of the *Convention on International Civil Aviation*, while the primary objective of ICAO continues to be that of ensuring the safety of international civil aviation worldwide;

Considering the paramount importance of preserving the safety of international civil aviation, and that once a Contracting State has registered an aircraft, a number of safety-related obligations fall upon it by virtue of the *Convention on International Civil Aviation* and its Annexes;

Noting that the ICAO Council, on 25 February 2022, expressed its condemnation of the violation of the territorial integrity and sovereignty of Ukraine, including its sovereign airspace, which is inconsistent with Article 1 of the *Convention on International Civil Aviation* and urged the Russian Federation to cease its unlawful activities, to ensure the safety and security of international civil aviation in all affected areas and to respect its obligations under the *Convention on International Civil Aviation*;

Noting that on 15 June 2022, ICAO confirmed a Significant Safety Concern that remained unresolved by the Russian Federation, and on 22 June 2022 the ICAO Council considered a working paper submitted by 19 ICAO Council Member States which, in addition to the infraction of Article 1 of the *Convention on International Civil Aviation*, outlined infractions of Articles 18, 19, 29 and 31 pertaining to the dual registration of aircraft by the Russian Federation and, in turn, permitting the operation of those aircraft without valid certificates of airworthiness, and that in this connection the Council called on the Russian

Federation to immediately cease and urgently remedy its infractions of the *Convention on International Civil Aviation*;

Considering that the Russian Federation failed to take appropriate action within a reasonable time after notice of the infractions, despite strong condemnations by the Council and its calls for compliance with the *Convention on International Civil Aviation*;

Considering that the ICAO Council further decided to submit this matter to the 41st Session of the ICAO Assembly, in accordance with Article 54 k) of the *Convention on International Civil Aviation*;

The Assembly:

1. *Endorses* the decision of the ICAO Council that the violation of the territorial integrity and sovereignty of Ukraine by the Russian Federation, including its sovereign airspace, and the dual registration of aircraft by the Russian Federation and, in turn, permitting the operation of those aircraft without valid certificates of airworthiness constitute infractions of Articles 1, 18, 19, 29 and 31 of the *Convention on International Civil Aviation*, conforming to its Article 54 k);

2. *Deplores* that, in disregard of the concerns and condemnations expressed by the ICAO Council, the Russian Federation has continued these infractions of Articles 1, 18, 19, 29 and 31 of the *Convention on International Civil Aviation*;

3. *Condemns* the Russian Federation for the violation of the sovereignty of the airspace of Ukraine and the dual registration of aircraft by the Russian Federation and, in turn, permitting the operation of those aircraft without valid certificates of airworthiness, amounting to infractions of the *Convention on International Civil Aviation* and seriously threatening the safety and security of international civil aviation;

4. *Urgently calls* upon the Russian Federation to cease the actions leading to the infractions of the *Convention on International Civil Aviation* in order to comply strictly with the provisions of the Convention and its Annexes;

5. *Urgently calls* upon the Russian Federation to resolve the issues related to the leased aircraft registered in other Contracting States that have been re-registered in the Russian Federation and to prevent the operation of those aircraft without valid certificates of airworthiness, so as to remedy the infractions of Articles 18, 19, 29 and 31 of the *Convention on International Civil Aviation*;

6. *Requests* the Council to remain seized of this matter and report back to the Assembly as appropriate; and

7. *Instructs* the Secretary General to immediately draw the attention of all Contracting States to this resolution.

Resolution A41-3: Unannounced missile launches by the Democratic People's Republic of Korea

Having considered the item concerning recurring unannounced missile launches by the Democratic People's Republic of Korea;

Recalling Assembly Resolution A32-6 concerning safety of navigation;

Recalling that the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, demanded that the Democratic People's Republic of Korea not conduct any launch using ballistic missile technology and has strongly condemned the Democratic People's Republic of Korea when doing so in violation and flagrant disregard of the Security Council's Resolutions 1718 (2006), 2087 (2013), 2270 (2016), 2321 (2016) and 2371 (2017), inter alia;

Bearing in mind the provisions and principles of the *Convention on International Civil Aviation*, while the primary objective of ICAO continues to be that of ensuring the safety of international civil aviation worldwide;

Considering the paramount importance of proper coordination of activities potentially hazardous to civil aircraft with all parties concerned (Annex 11 — Air Traffic Services), due promulgation of information when the establishment of prohibited, restricted or danger areas is unavoidable (Annex 15 — Aeronautical Information Services), and effective implementation of relevant Procedures for Air Navigation Services — Aeronautical Information Management (Doc 10066);

Noting that the ICAO Council, on 6 October 2017, expressed its strong condemnation of the continued launching of ballistic missiles by the Democratic People's Republic of Korea over or near international routes without advance notification, which seriously threatens the safety of international civil aviation;

Considering that the ICAO Council remained seized of the matter, expressing concern at episodes involving unannounced missiles being launched by the Democratic People's Republic of Korea, which represent a serious risk to international civil aviation and which occurred in defiance of the relevant United Nations Security Council Resolutions, and affirmed that the ICAO Secretariat should avoid all technical activities with the Democratic People's Republic of Korea, of a direct or indirect nature;

Noting that the ICAO Council, on 1 June 2022, condemned in the strongest possible terms the recent spate of unannounced missile launches and urged the Democratic People's Republic of Korea to act in accordance with and respect for the *Convention on International Civil Aviation*, and to comply with applicable ICAO Standards and Recommended Practices;

Considering that the ICAO Council further decided to submit this matter to the 41st Session of the ICAO Assembly, in accordance with Article 54 k) of the *Convention on International Civil Aviation*;

The Assembly:

1. *Endorses* the decision of the ICAO Council that, aside from the incompatibility of ballistic missile launches with the applicable United Nations Security Council Resolutions, unannounced missile launches by the Democratic People's Republic of Korea constitute an infraction to the *Convention on International Civil Aviation*, conforming to its Article 54 k);
2. *Deeply deplores* that, in disregard of the concerns and condemnations expressed by the ICAO Council, the Democratic People's Republic of Korea has continued the unannounced launches of missiles;
3. *Strongly condemns* the Democratic People's Republic of Korea for launching missiles without advance notification, violating the *Convention on International Civil Aviation* and seriously threatening the safety of international civil aviation;

4. *Urgently calls upon* the Democratic People's Republic of Korea to comply strictly with the provisions of the *Convention on International Civil Aviation*, its Annexes and its related Procedures, in order to cease the recurrence of such potentially hazardous activities;
5. *Reaffirms* the intention of ICAO to continue and maintain close and cooperative relationship with the United Nations on this matter, fulfilling the objectives set forth in the Agreement between the United Nations and the International Civil Aviation Organization;
6. *Requests* the Council to remain seized of this matter and report back to the Assembly as appropriate; and
7. *Instructs* the Secretary General to immediately draw the attention of all Contracting States to this resolution.

Resolution A41-4: 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 41st 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 A40-28.

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 A40-28, 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, adopted, respectively, in 1995 and 1998);

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 these 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 adopted, respectively, in 1995 and 1998, 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 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;

Directs the Council and the Secretary General to take all possible action to promote the teaching and the dissemination of knowledge of air law around the world;

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 application 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. 6 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. *The Assembly:*

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.

Resolution A41-5: 75th Anniversary of the ICAO Legal Committee

Whereas the year 2022 marks the 75th Anniversary of the establishment of the Legal Committee of the International Civil Aviation Organization (ICAO) by the First Session of the ICAO Assembly held in 1947; Recalling that the ICAO Legal Committee was established on the foundation of the Comité International Technique d'Experts Juridiques Aériens (CITEJA);

Noting that since its inception the ICAO Legal Committee has prepared draft instruments which led to the adoption of 24 international air law treaties in the areas of air carrier and aircraft liability, aircraft finance and aviation safety and security;

Noting also that the Legal Committee was involved in the preparation of studies on specific issues pertaining to international air law as well as in the development of guidance material benefiting ICAO Member States and International Organizations in their implementation of air law treaties and Standards and Recommended Practices (SARPs);

Recognizing the significant contribution that the ICAO Legal Committee has, with the strong support of the ICAO Secretariat, in particular, the Legal Affairs and External Relations Bureau (LEB), made to the development and codification of international air law;

Recognizing further that only a universal participation in the international air law treaties would secure and enhance the benefits of unification of the international rules which they embody; and

Determined to ensure that the ICAO Legal Committee will continue to play an important role in dealing with ongoing challenges that are of interest to the international air law community;

The Assembly, on the occasion of the 75th Anniversary of the establishment of the ICAO Legal Committee:

1. *Pays* tribute to the leadership and vision of CITEJA which drafted the first body of international air law treaties;

2. *Emphasizes* the essential role that the ICAO Legal Committee has played in the development and codification of international air law since its inception in 1947;

3. *Recognizes* the numerous contributors to the work of the Legal Committee including representatives of ICAO Member States who have served as its chairpersons and vice-chairpersons and in its sub-committees and working groups and the secretariat study groups and task forces as chairpersons, vice-chairpersons, Rapporteurs or members as well as representatives of international observer organisations accredited by the Legal Committee and the Legal Affairs and External Relations Bureau for its supporting role;

4. *Reiterates* the need for the ICAO Legal Committee to continue to take a leadership role to study new and emerging issues affecting air law and promote the development and codification of international air law, and thereby strengthen the legal framework governing international civil aviation;
5. *Urges* all Member States of ICAO to promote the universal participation in the international air law treaties and effective compliance with their provisions with a view to enhance the rule of law; and
6. *Invites* all stakeholders, including Member States and relevant organizations of the global civil aviation community, to continue working together through the ICAO Legal Committee with a view to contribute to the development and codification of international air law for the benefit of all nations and peoples of the world.

Resolution A41-6: 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 air navigation capacity and efficiency;

Recognizing the importance of global frameworks and regional and national plans 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 2023-2025 edition of the Global Aviation Safety Plan (GASP) and of the seventh edition of the Global Air Navigation Plan (GANP);

The Assembly:

1. *Endorses* the 2023-2025 edition of the Global Aviation Safety Plan (GASP) and the seventh edition of the Global Air Navigation Plan (GANP) as the global strategic directions for safety and the evolution of the air navigation system, 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, collaboration 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, as well as regional and national plans, 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 A40-1 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;

Noting that a safe, resilient and sustainable aviation system contributes to the economic development of States and their industries;

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 goals, targets and indicators to manage organizational challenges and operational 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 a risk-based approach to managing safety 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 achieving the GASP goals, through a structured, common frame of reference for all relevant stakeholders; and

Noting the need to assist Member States in building upon safety oversight systems to adopt a safety management approach under their State safety programme (SSP);

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, including regional aircraft operations, in all parts of the world;
2. *Stresses* that limited resources of the international aviation community should be used strategically to support States or regions seeking assistance to facilitate State safety programme (SSP) implementation, including strengthening safety oversight;
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 guidance material and tools to support the development and implementation of national and regional aviation safety plans.

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 A41-10, 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 CO₂ emissions; and

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

Recognizing that sharing of best practices, lessons learned, and provision of guidance material can support States in the introduction of operational improvements in cost-effective manner through the adoption of advanced systems without going through intermediate steps;

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 and evolution 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 CO₂ 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 the operational improvements outlined in the ASBU framework;
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 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 harmonization, and global compatibility and interoperability;
9. *Instructs* the Council to continue developing the GANP, keeping it current with evolving and emerging technologies and operational requirements; and
10. *Invites* ICAO to progress in the development of guidance material related to the national air navigation plan during the upcoming revisions of the GANP and collect and share best practices, lessons learned, and benchmark results related to the implementation of operational improvements.

Resolution A41-7: Support of the ICAO policy on radio frequency spectrum matters

Whereas ICAO is the specialized agency of the United Nations responsible for the safety, regularity and efficiency of international civil aviation;

Whereas ICAO adopts international Standards and Recommended Practices (SARPs) for aeronautical communications systems and radio navigation aids;

Whereas the International Telecommunication Union (ITU) is the specialized agency of the United Nations regulating the use of the radio frequency spectrum;

Whereas the ICAO position, as approved by the Council, for ITU World Radiocommunication Conferences (WRCs) is the result of the coordination of international aviation requirements for radio frequency spectrum;

Whereas a comprehensive frequency spectrum strategy is required by aviation to support timely availability and appropriate protection of adequate spectrum;

Whereas a sustainable environment for growth and technology development is required to support safety and operational effectiveness for current and future operational systems and allow for the transition between present and future technologies;

Recognizing that the development and the implementation of the communications, navigation, and surveillance/air traffic management (CNS/ATM) systems and the safety of international civil aviation could be seriously jeopardized unless requirements for appropriate aviation safety spectrum allocations are satisfied and the continued protection of those allocations is achieved;

Recognizing that unresolved spectrum issues relating to aeronautical safety services have resulted in flight cancellations, degradations of air traffic management services and interruptions of flight operation;

Recognizing that to ensure optimal use of the frequency spectrum allocated to aviation, efficient frequency management and use of best practices are required;

Recognizing that support from ITU member administrations is required to ensure that the ICAO position is supported by the WRC and that aviation requirements are met;

Considering the urgent need to increase such support due to the growing demand for spectrum and aggressive competition from commercial telecommunications services;

Considering the increased level of ITU WRC preparation activities associated with the growing demand for bandwidth from all users of the radio frequency (RF) spectrum, as well as the increased importance of the development of regional positions by regional telecommunication bodies such as APT, ASMG, ATU, CEPT, CITELE and RCC4; and

Considering Recommendations 7/3 and 7/6 of the Special Communications/Operations Divisional Meeting (1995) (SP COM/OPS/95), Recommendation 5/2 of the 11th Air Navigation Conference (2003), and Recommendation 1/12 of the 12th Air Navigation Conference (2012), and Recommendation 5/5 of the High-level Conference on COVID-19 (2021);

The Assembly:

1. *Urges* Member States, international organizations and other civil aviation stakeholders to support firmly the ICAO frequency spectrum strategy and the ICAO position at WRCs and in regional and other international activities conducted in preparation for WRCs, including by the following means:
 - a) working together to deliver spectrum-efficient aeronautical systems as well as frequency management that meet current “best practices”;

- b) supporting ICAO activities relating to the aviation frequency spectrum strategy and policy through relevant expert group meetings and regional planning groups;
 - c) undertaking to provide for aviation interests to be fully integrated in the development of their positions presented to regional telecommunications fora involved in the preparation of joint proposals to the WRC;
 - d) including in their proposals to the WRC, to the extent possible, material consistent with the ICAO position;
 - e) supporting the ICAO position and the ICAO policy statements at ITU WRCs as approved by Council and incorporated in the *Handbook on Radio Frequency Spectrum Requirements for Civil Aviation* (Doc 9718);
 - f) undertaking to provide civil aviation experts to fully participate in the development of States' and regional positions and development of aviation interests at the ITU; and
 - g) ensuring, to the maximum extent possible, that their delegations to regional conferences, ITU study groups and WRCs include experts from their civil aviation authorities and other civil aviation stakeholders who are fully prepared to represent aviation interests;
2. *Urges* Member States to consider, as a priority, public and aviation safety when deciding how to enable new or additional services, and to consult with aviation safety regulators, subject matter experts and airspace users, to provide all necessary considerations and to establish regulatory measures to ensure that incumbent aviation systems and services are free from harmful interference.
3. *Requests* the Secretary General to bring to the attention of ITU the importance of adequate radio frequency spectrum allocation and protection for the safety of aviation;
4. *Instructs* the Council and the Secretary General, as a matter of high priority within the budget adopted by the Assembly, to ensure that the resources necessary to support the development and implementation of a comprehensive aviation frequency spectrum strategy as well as increased participation by ICAO in international and regional spectrum management activities are made available; and
5. *Declares* that this resolution supersedes Resolution A38-6.

Resolution A41-8: Consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation, and surveillance/air traffic management (CNS/ATM) systems

Whereas it is considered desirable to consolidate Assembly resolutions on the Organization's policies and practices related to CNS/ATM in order to facilitate their implementation and practical application by making their text more readily available and logically organized;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies and practices related to CNS/ATM, as these policies exist at the close of the 41st Session of the Assembly;

2. *Resolves* to continue to adopt, at each ordinary session of the Assembly for which a Technical Commission is established, a consolidated statement of continuing ICAO policies and practices related to CNS/ATM; and
3. *Declares* that this resolution supersedes A35-15.

APPENDIX A

General policy

Whereas ICAO is the only international organization in a position to effectively coordinate global CNS/ATM activities;

Whereas the ICAO CNS/ATM systems should be utilized to serve the interests and the objectives of civil aviation throughout the world;

Whereas Contracting States should have equal rights to benefit from global systems incorporated within the ICAO CNS/ATM systems; and

Considering the Statement of ICAO Policy on CNS/ATM Systems Implementation and Operation developed and adopted by the ICAO Council on 9 March 1994;

The Assembly:

1. *Resolves* that nothing should deprive a Contracting State from its right to benefit from the ICAO CNS/ATM systems or cause discrimination between provider and user States;
2. *Resolves* that States' sovereignty and borders should not be affected by the ICAO CNS/ATM systems implementation;
3. *Urges* that provisions and guidance material relating to all aspects of the ICAO CNS/ATM systems should be sought and developed through the convening of adequate meetings, conferences, panels and workshops with the participation of Contracting States; and
4. *Urges* that the proposed provisions covering all aspects of the ICAO CNS/ATM systems be presented to all Contracting States well in advance to give them enough opportunity to prepare themselves as far as practicable.

APPENDIX B

Harmonization of the implementation of the ICAO CNS/ATM systems

Considering the international character of civil aviation and the regional interactions of air navigation services;

Considering Recommendations 4/5, 6/2, 7/1, 8/4 and 8/5 of the 10th Air Navigation Conference, Recommendations 4/4 and 4/5 of the third meeting of the Special Committee for the Monitoring and Coordination of Development and Transition Planning for the Future Air Navigation System (FANS Phase

II), Recommendation 4/4 of the fourth meeting of the FANS (Phase II) Committee, and Recommendations 1/1, 1/5, 1/13, 2/8, 4/1, 6/9, 6/13 and 7/3 of the 11th Air Navigation Conference;

Considering that these recommendations have been noted or approved by the Council of ICAO, which has instructed the Secretary General of ICAO to take all appropriate measures;

Recognizing the role which regions must play in the planning and implementation of the ICAO CNS/ATM systems;

Conscious of the delay which certain regions could experience in the transition to these systems;

Noting with satisfaction the trials and demonstrations programmes and the progress being achieved by all regions with regard to the implementation of advanced ATM systems;

Believing that the contribution of all regions would guarantee a better evaluation of the trials and would favour the evolution of the ICAO CNS/ATM systems in order to ensure that the systems become interoperable and contribute to a global, seamless ATM system that allows adaptation to efficiently meet regional and local needs;

Noting that economic and institutional issues, in particular cost/benefit analysis, and facility financing, cost recovery and cooperative aspects, need to be addressed by States individually and/or collectively; and

Noting that for an early realization of benefits to users and for globally coordinated and harmonious CNS/ATM systems in support of a global ATM system implementation, certain States will require technical and financial assistance and recognizing the statement concerning the central role ICAO shall play in coordinating technical cooperation arrangements as well as in facilitating the provision of assistance to States with regard to the technical, financial, managerial, legal and cooperative aspects of implementation;

The Assembly:

1. *Calls upon* States, PIRGs and the aviation industry to use the ICAO Global ATM Operational Concept as the common framework to guide planning and implementation of CNS/ATM systems and to focus all such development work on the Global ATM Operational Concept;
2. *Calls upon* States and regional safety oversight organizations (RSOOs) to establish a framework for joint planning and cooperation at the subregional level for joint development of CNS/ATM systems;
3. *Urges* the Council to ensure that ICAO develop the transition strategies, ATM requirements and SARPs necessary to support the implementation of a global ATM system;
4. *Urges* the Council to continue considering without delay the economic, institutional, legal and strategic aspects related to the implementation of the ICAO CNS/ATM systems;
5. *Urges* the Council to take the steps necessary to ensure that the future global ATM system is performance-based and that the performance objectives and targets for the future system are developed in a timely manner;
6. *Calls upon* States, in a position to do so, and invites international organizations concerned, users and service providers to:
 - a) spare no effort in cooperating in and facilitating the execution of the research, development, trials and demonstrations (RDT&D) programme in close cooperation with States with limited

resources; and

b) validate the concept components identified in the Global ATM Operational Concept;

7. *Requests* the Council, as a matter of high priority within the budget adopted by the Assembly, to ensure that adequate resources are made available to the ICAO Regional Offices, particularly those which are accredited to the developing States, taking into account the increased support they will be called upon to provide to the regional planning and implementation groups, which are the main bodies for the regional planning of the transition to the ICAO CNS/ATM systems; and

8. *Further requests* the Council to continue to urge States, international organizations and financial institutions to mobilize resources in order to assist States requiring technical cooperation in the planning and implementation of the ICAO CNS/ATM systems.

APPENDIX C

Ensuring the resilience of ICAO CNS/ATM systems and services

Whereas the CNS/ATM systems are evolving and so are the associated CNS threats and vulnerabilities;

Whereas the occurrences of interferences against satellite-based CNS systems and global navigation satellite system (GNSS), in particular, have significantly increased;

Whereas CNS resiliency to interference needs to be addressed at a global level with a holistic approach, ensuring an efficient and coordinated evolution between the infrastructure architecture, improved technological capabilities, civil and military operational procedures, radio regulatory authorities and civil-military coordination;

Recognizing that resiliency to interference needs to be improved by maximizing the integration of all suitable ground infrastructure, space infrastructure and airborne components in a complementary and cooperative manner to be as robust as possible to cases of satellite-based service disruption or environments where false or deceptive signals are present;

Recognizing that both the aircraft on-board and ground infrastructure complementing the satellite-based CNS systems need to be adapted to include, where appropriate, interference detection, mitigation and reporting functions to support the resolution of operationally encountered performance anomalies;

Believing that, combined with the use of the appropriate legal framework, such capabilities and measures will allow for the relevant authorities to act upon harmful interferences caused by the illegal operation of transmitters and avoid the proliferation and the use of such illegal transmitters and the misuse of test and maintenance equipment;

Believing that, with appropriate coordination and application of best practices, military and State authorities can conduct GNSS-related testing and other interventions using radio equipment as necessary and without causing an undue impact on civil aviation;

Believing that civil-military coordination should facilitate the sharing of relevant information with airspace users, especially when flying in the vicinity of a conflict zone; and

Acknowledging that loss of crew's situational awareness from malicious origin is classified as a cyber-security threat and cannot be tolerated in civil aviation; and that intentionally sending misleading signals to replace the accurate signal is a far more serious threat to flight safety than the loss of this signal.

The Assembly:

1. *Encourages* States to transition towards optimized, secure CNS systems based on complementary integration of suitable and independent aircraft capabilities, satellite- and ground-based infrastructure which maximize resiliency and robustness to any type of interference;
2. *Encourages* standardization bodies and industry to develop appropriate interference detection, mitigation and reporting capabilities for the aircraft on-board, satellite- and ground-based CNS system components, in order to ensure higher CNS resiliency, continuity of operations and prevent any cascading effects from the use of compromised position, velocity or time data;
3. *Encourages* States to ensure that sufficient terrestrial CNS capabilities remain available to ensure safe operations and complement aircraft-level integration of position, velocity and time with independent surveillance information;
4. *Invites* ICAO to develop high-level principles on how to integrate CNS ground, space and on-board systems and capabilities to obtain more resilient positioning and timing services;
5. *Urges* States to apply necessary measures to avoid the commercialization/proliferation and the use of illegal transmitters such as jammers and the misuse of test and maintenance equipment which may impact CNS systems;
6. *Urges* States to ensure close collaboration between aviation authorities, military authorities, service providers, radio regulatory and spectrum enforcement authorities to put in place any special measures required to ensure that spectrum used by all CNS systems, and GNSS in particular, is free from harmful interference;
7. *Urges* States to refrain from any form of jamming, or spoofing affecting civil aviation;
8. *Urges* States to coordinate and notify to the maximum extent possible in advance with the air navigation services provider (ANSP) responsible for the affected airspace in case of military or other State-authorized security or defence-related operations or training, potentially causing any form of jamming, or spoofing affecting civil aviation; and
9. *Urges* States and operators, when assessing the interference risks associated with conflict zones, to consider that the use of satellite-based CNS systems can potentially be impacted beyond those zones.

Resolution A41-9: 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 operations (HAO) 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;

Recalling resolution A40-26 on Commercial Space Transport (CST);

Recognizing that ICAO provisions may need to be amended or expanded in order to ensure the safety, regularity and efficiency of operations by “New Entrants” and the integration of such operations into the existing air traffic management framework;

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, and to develop specific concepts and guidance 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;
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; and
5. *Declares* that this resolution supersedes A40-7.

Resolution A41-10: 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 40th Session of the Assembly was adopted by the Assembly in Resolution A40-4, 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 A40-4, Appendices A to O inclusive, and has amended the statement to reflect the decisions taken during the 41st 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, 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 41st 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 A40-4 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;

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; and

Whereas the application of reduced vertical separation minimum (RVSM) provides many benefits including additional airspace capacity, cost savings and reduced environmental impacts, it is predicated upon stringent aircraft height-keeping performance requirements, which can be impaired by even minor airframe modifications;

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. Member States should review existing practices to ensure that approval of state aircraft to operate in airspace where reduced vertical separation minimum (RVSM) is applicable is conducted either in compliance with, or in a manner equivalent to, associated height-keeping performance requirements and account for any subsequent airframe modifications. Furthermore, to the maximum extent practicable, Member States should facilitate the participation of applicable state aircraft in technical height-monitoring programmes to ensure continued compliance with such performance requirements, so as to implement the policy mentioned in Resolving Clauses 1 and 2 above.
4. 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.

Resolution A41-11: Declaration on air transport facilitation affirming global commitment to enable the safe and efficient recovery of aviation from the COVID-19 pandemic, and to make aviation more resilient in the future

Whereas Facilitation is the efficient management of border control processes to expedite clearance of aircraft, passengers/crew, baggage and cargo;

Whereas implementation of the Standards and Recommended Practices in Annex 9 — *Facilitation* 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;

Recognizing the importance of an effective crisis response framework for future public health-related crises that draws on relevant guidance, best practices, integrated risk management approaches, and lessons learnt from the COVID-19 pandemic to enable the international aviation community to rapidly respond to a public health-related crisis; and building resilience to future similar outbreaks;

Further recognizing the need for mutual recognition of health proofs between States when used for cross-border travel; and interoperable long-term solutions that use digital travel documents and health-related credentials;

Acknowledging the challenges faced by States and the wider air transport industry in maintaining safe and efficient operations in response to the COVID-19 pandemic, and in protecting the health and safety of the travelling public and aviation personnel due to the continuing impacts of COVID-19, including insufficient coordination and collaboration among civil aviation authorities, public health entities, other Government authorities and industry in implementing Annex 9 — *Facilitation* provisions; and

Recalling the High-level Conference on COVID-19 (HLCC 2021) held on 12 to 22 October 2021, and the outcomes of the Facilitation Stream endorsed by the Ministerial Plenary.

The Assembly:

1. *Urges* Member States to consider the harmonization of the various measures to allow mutual recognition and trust information shared regarding COVID-19 status of travellers among the States, taking into consideration data protection prescripts applicable in States;
2. *Urges* Member States to communicate public health-related entry requirements to the travelling public and all stakeholders in the aviation community in a timely manner, and regularly assess the possibility of imminent public health threats and promptly apply contingency measures;
3. *Requests* Member States to endeavour to integrate the verification of digital and non-digital health proofs for border crossing in order to facilitate the validation of deployed health credentials into their inspection systems, to the extent possible, noting that for some States, verification of health proofs is not always undertaken at border control points;
4. *Urges* Member States to adopt a policy of mutual recognition of health proofs, and an appropriate regulatory framework that considers all data protection and privacy requirements for use of health proofs for travel and incorporates appropriate safeguards;
5. *Requests* Member States to promote global interoperability in all passenger processing efforts, whether involving manual or automated processes or some combination thereof;
6. *Requests* Member States to support the development and implementation of innovative non-contact technologies and technological equipment which, as well as facilitating air travel, can mitigate the spread of communicable diseases;
7. *Requests* Member States to support vaccination certificates in line with the WHO recommendations and these vaccination certificates, when issued digitally, should be interoperable, taking into account the specifications of the ICAO Technical Report Visible Digital Seal for non-constrained environments (VDS-NC), and other interoperable formats from regional or global intergovernmental bodies, or internationally recognized organizations;
8. *Requests* Member States requesting health-related documentation or contact details to consider developing health digital platforms taking into account non-digital options where passengers can lodge all relevant details and apply to obtain a notification of approval to travel by the States of destination and transit;
9. *Urges* Member States to conduct comprehensive risk assessments considering their contextual factors, risk tolerance and the practical application in aviation of the public health related Annex 9 provisions;
10. *Urges* Member States to implement multi-sector communication, coordination and collaboration between all relevant stakeholders including industry in the development of a national aviation plan in preparation for an outbreak of a communicable disease posing a public health risk, and to ensure

coordination and harmonization between the various State actors responsible for management of public health emergencies;

11. *Urges* Member States to ensure coordination between civil aviation and health authorities to allow a seamless implementation of relevant health-related Annex 9 — *Facilitation* provisions, taking into account a multi-layered risk based approach to establish their health measures;

12. *Requests* ICAO to collaborate with relevant international organizations and industry to develop a crisis response framework for future health-related crises that draws on the Council Aviation Recovery Taskforce (CART) recommendations and guidance, Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) guidance, industry best practices, integrated risk management approaches, States' responses and lessons learnt from COVID-19 that would enable the international aviation community to rapidly respond to a health-related crisis;

13. *Requests* ICAO to continue work towards interoperable long-term solutions that use digital travel documents and health-related credentials established by States, taking into account existing solutions and global limitations; and

14. *Requests* ICAO to continue to monitor new developments and collaborate with relevant stakeholders to further develop the guidance material supporting the implementation of the health-related provisions of Annex 9 — *Facilitation*.

Resolution A41-12: Maintaining health and sustaining safe international air transport during public health emergencies affecting air travel

Whereas Article 14 of the *Convention on International Civil Aviation* states that “Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft”;

Whereas Article 44 of the *Convention on International Civil Aviation* states that “The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and 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”;

Whereas the General Assembly of the United Nations endorsed the Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015–2030 adopted by the Third United Nations World Conference on Disaster Risk Reduction;

Whereas Article 14(1) of the World Health Organization International Health Regulations (2005) states that “WHO shall cooperate and coordinate its activities, as appropriate, with other competent intergovernmental organizations or international bodies in the implementation of these Regulations, including through the conclusion of agreements and other similar arrangements”;

Whereas ICAO Resolution A37-13 states that “the protection of the health of passengers and crews on international flights is an integral element of safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner”;

Whereas ICAO Resolution A39-24 states that “all States can benefit from integrating disaster risk reduction strategies into their Air Transport Sector Strategic Plans”, directs ICAO to “establish a crisis response policy and disaster risk reduction strategy in aviation” and to “ensure that ICAO participate, when applicable and in alignment with its Strategic Objectives, in appropriate mechanisms put in place to support the cross-sectorial implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 and the United Nations Plan of Action on Disaster Risk Reduction for Resilience”;

Whereas ICAO Resolution A40-14 states that “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”;

Whereas Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 9 — *Facilitation*, Annex 11 — *Air Traffic Services*, Annex 14 — *Aerodromes*, Volume I — *Aerodrome Design and Operations* to the *Convention on International Civil Aviation*, Annex 18 — *The Safe Transport of Dangerous Goods by Air*, Annex 19 — *Safety Management* and the *Procedures for Air Navigation Service — Air Traffic Management* (Doc 4444) contain several Standards and Recommended Practices and Procedures relating to health measures that should be taken by Contracting States in order to manage medical certification of aviation licence holders, safeguard the health and safety of aviation personnel and passengers, support aviation personnel in the performance of their duties, and support the continuous, safe and orderly operation of global air services during public health emergencies”;

Whereas the ICAO Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) programme, the National Air Transport Facilitation Programmes (NATFPs) and the National Air Transport Facilitation Committees (NATFCs) are appropriate mechanisms to improve communication and collaboration as well as harmonize public health preparedness and response plans;

Whereas Annex 9 new Chapter 10 entitled “Health-related Provisions” builds upon the lessons learned from the COVID-19 pandemic to maintain health and sustain safe international air transport during public health emergencies affecting air travel;

Whereas the ICAO CAPSCA Global Symposium held on 29 – 31 March 2022 was very supportive of proposals to be considered to strengthen CAPSCA and to build aviation resilience for future public health emergencies;

Whereas the ICAO CAPSCA Global Symposium recognized the need to audit the implementation by States of provisions contained in Chapter 10 “Health-related Provisions” of Annex 9 in order to identify the assistance to be provided to States; and

Whereas the ICAO Medical Provisions Study Group (MPSG) and other relevant ICAO working groups, are the appropriate bodies to develop an Aviation Health Management Plan and *Procedures for Air Navigation Services (PANS) – Health* to supplement the ICAO SARPs, supported by a digitized information-sharing platform.

The Assembly:

1. *Directs* ICAO to strengthen its crisis management capacity, including by establishing a crisis response framework and mechanism based on the experience gained during the COVID-19 crisis;
2. *Directs* ICAO to explore means to formalize the governance of the CAPSCA framework;
3. *Directs* ICAO to continue to engage with WHO and other relevant organizations establishing formalized collaboration agreements to strengthen CAPSCA and public health related Facilitation activities;

4. *Directs* ICAO to continue to collaborate with the WHO and other public health groups, with other relevant aviation medicine and other relevant specialist medical organizations, with Planning and Implementation Regional Groups (PIRGs) and the Regional Aviation Safety Groups (RASGs) and working with the Air Navigation Commission, with aviation subject matter expert groups including such as the Personnel Training and Licensing Panel, and the Safety Management Panel to enable the sharing of information and resources for purposes of global harmonization relating to the prevention and management of public health emergencies;
5. *Approves* the development of an Aviation Health Management Plan by ICAO supporting implementation efforts of comprehensive management of health in aviation, by consolidating the various references to medical and health-related SARPs contained in the Annexes to the Convention into a comprehensive repository for the management of health in aviation in order to:
 - a) manage medical certification of aviation licence holders;
 - b) safeguard the health and safety of aviation personnel and passengers;
 - c) design appropriate auditing frameworks and capacity-building assistance mechanisms for the implementation of health-related SARPs; and
 - d) support the continuous, safe, and orderly operation of global air services during public health events affecting air travel (including, but not limited to communicable diseases);
6. *Directs* ICAO to give duly consideration to the development of a Procedures for Air Navigation Services (PANS) – Health in order to further support States in implementing health-related ICAO SARPs;
7. *Urges* Contracting States to ensure that the medical, public health and aviation sectors collaborate to develop a national preparedness plan for aviation which addresses Public Health Emergencies of International Concern (PHEIC) and/or other public health emergencies as appropriate, which is integrated with the general national preparedness plan and aligned with the Sendai Disaster Risk Reduction Framework;
8. *Urges* Contracting States to ensure that the national preparedness plan for aviation complies with the ICAO SARPs, PANS and the World Health Organization International Health Regulations (2005) and is based on scientific principles and on the guidelines from ICAO and the World Health Organization;
9. *Urges* Contracting States to establish requirements for the involvement of stakeholders such as aviation medical experts, airport operators, aircraft operators, air navigation service providers and others as appropriate, in the development of relevant health-related plans in aviation;
10. *Urges* Contracting States to participate in the Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) programme, to strengthen the programme and ensure that its goals are achieved;
11. *Urges* Contracting States to support the activities of subject matter expert groups (e.g. the MSPSG and Facilitation Panel (FALP)) to protect the health and safety of aviation personnel and passengers that could affect either health or pose a risk to safe air travel during public health emergencies; and
12. *Declares* that this resolution supersedes Resolution A37-13.

Resolution A41-13: Strategy on disaster risk reduction and response mechanism in aviation

Whereas Article 44 of the *Convention on International Civil Aviation* states that among the aims and objectives of ICAO are to foster the planning and development of international air transport so as to meet the needs of the people of the world for safe, regular, efficient and economical air transport;

Whereas the General Assembly of the United Nations endorsed the Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015–2030 adopted by the Third United Nations World Conference on Disaster Risk Reduction;

Mindful that natural disasters damage the social and economic infrastructure of all countries, and the long-term consequences of natural disasters are especially severe for developing countries and hamper their sustainable development;

Mindful that States are primarily responsible for prevention and reduction of disaster risk and any response undertaken by the Organization should be guided by, and in concert with, the State(s) affected;

Recognizing that Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 9 — *Facilitation*, Annex 11 — *Air Traffic Services*, Annex 14 — *Aerodromes* and Annex 19 — *Safety Management* provide Standards and Recommended Practices (SARPs) for States relating to emergency planning and response, as well as border control formalities relating to relief flights following natural or man-made disasters;

Recognizing that disaster risk reduction is an important function of the United Nations System and should receive continued attention, and stressing the need for the international community to demonstrate the firm political determination required to utilize scientific and technical knowledge to reduce vulnerability to natural disasters and environmental hazards, taking into account the particular needs of developing countries;

Recognizing that all States have a vital need for disaster-resilient aviation infrastructure to promote socio-economic development and, in times of need, to support the timely and efficient distribution of aid;

Recognizing that all States can benefit from integrating disaster risk reduction strategies into their Air Transport Sector Strategic Plans; and

Recognizing that there is a need to coordinate at the most appropriate level the political and operational response to natural or man-made disasters reaching regional or global scale;

The Assembly:

1. *Urges* States to recognize the significant role of aviation in the context of disaster risk reduction at the national level, including in their Air Transport Sector Strategic Plans;
2. *Urges* States to take into consideration the disaster risk reduction priorities as contained in the Sendai Framework for Disaster Risk Reduction 2015–2030, as well as the best practices of member States, in the development of their State emergency response plans as well as in the emergency response plan requirements for aviation service providers;
3. *Directs* the Council to establish a crisis response policy and disaster risk reduction strategy in aviation that would institutionalize and guide the Organizations strategic approach and tactical responses to aviation-specific crises that could affect the safety or continuity of international civil aviation;

4. *Directs* the Council to assist States in implementing disaster risk reduction strategies in aviation with priority given to Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDS);
5. *Instructs* the Secretary General to establish an ICAO network of crisis coordination structures and associated coordination mechanisms and arrangement between ICAO, regions, States and industry supporting coordinated political and operational crisis response and assistance at the most appropriate level;
6. *Instructs* the Secretary General to continue working collaboratively within the United Nations System to ensure timely, coordinated and high-quality assistance to all States where disaster losses pose a threat to people's health and development; and
7. *Instructs* 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 cross-sectorial implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 and the United Nations Plan of Action on Disaster Risk Reduction for Resilience.

Resolution A41-14: Assistance to victims of aviation accidents and their families

Having considered that, even though international air transport is the safest means of transportation, the total elimination of serious accidents cannot be guaranteed;

Whereas the actions of the State of Occurrence should address the most critical needs of persons affected by a civil aviation accident and recalling the inclusion, in 2005, of provisions in Annex 9 to enable expeditious entry into the State in which an accident occurs for family members of victims of aircraft accidents;

Whereas the policy of the International Civil Aviation Organization (ICAO) should be to ensure that the mental, physical, and spiritual well-being of victims involved in civil aviation accidents and their families are considered and accommodated by ICAO and its Member States;

Whereas it is essential that ICAO and its Member States recognize the importance of timely notification of family members of victims involved in civil aviation accidents; the prompt recovery and accurate identification of victims; the return of the victims' personal effects; and the dissemination of accurate information to family members;

Recognizing the role of Governments of nationals, who are victims of civil aviation accidents, in notifying and assisting families of the victims;

Recalling the provision of Article 28 of the Montréal Convention of 1999 as well as Resolution No. 2 adopted by the Montréal Conference, which called for the provision of advance payments, without delay, to aircraft accident victims, and their families and acknowledging that lack of universal ratification of the Montréal Convention hinders improved and standardized compensation regimes;

Recalling the adoption of Amendment 29 to ICAO Annex 9 — *Facilitation* which has elevated Recommended Practice 8.46 to Standard 8.47, thus obliging States to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families;

Acknowledging the approval by the Council of the *ICAO Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) in March 2013 and the issuance of the *Manual on Assistance to Aircraft Accident Victims and their Families* (Doc 9973) in December 2013;

Acknowledging that a review of the Electronic Filing of Differences (EFOD) system compliance checklist (CC) has indicated a low implementation rate of Annex 9 Standards and Recommended Practices (SARPs);

Whereas it is essential that support be provided to family members of victims of civil aviation accidents, wherever the accident may occur, and any lessons learned from support providers, including effective procedures and policies, be promptly disseminated to other Member States and ICAO to improve States' family support operations;

Considering that harmonization of the regulations for dealing with the needs of victims of civil aviation accidents and their families is also a humanitarian duty and a permissive function of the ICAO Council contemplated in Article 55 (c) of the Chicago Convention;

Considering that States should provide a homogeneous solution for treatment of victims of civil aviation accidents and their families;

Recognizing that the air carrier involved in a civil aviation accident is often best situated to assist families in the immediate aftermath of the accident;

Recognizing the importance of the Council's decision to officially designate 20 February as the International Day for Commemorating Air Crash Victims and their Families in remembering the victims and expressing solidarity with their families, as well as continuing to enhance aviation safety and prevent such tragedies from happening in the future;

Acknowledging the outcomes of the ICAO Symposium on Assistance to Aircraft Accident Victims and their Families (AAAVF 2021), including the 30 recommendations encapsulated in the Symposium report;

Recalling the useful initiatives of the Air Crash Victims' Families' Federation International (ACVFFI) in assisting family members of victims;

Noting that family members of victims of a civil aviation accident, irrespective of where the accident occurs or the national origin of the victims, express certain fundamental human needs and emotions; and

Recognizing that public attention will continue to focus on States' investigative actions, as well as the human interest aspects of a civil aviation accident;

The Assembly:

1. *Calls on* Member States to reaffirm their commitment to support victims of civil aviation accidents and their family members;
2. *Urges* Member States to establish legislation, regulations and/or policies to support victims of civil aviation accidents and their family members, as mandated by ICAO Annex 9 Standard 8.47, and pursuant to Article 28 of the Montréal Convention of 28 May 1999 and Resolution No. 2 adopted by the Montréal Conference;
3. *Encourages* States that have legislation, regulations and/or policies to support civil aviation accident victims and their families to review these documents, as necessary, in consideration of the ICAO Policy in Doc 9998 and of the guidance material in Doc 9973;
4. *Urges* Member States to regularly inform ICAO, through the compliance checklist (CC) in the Electronic Filing of Differences (EFOD) system regarding their level of implementation of Annex 9 provisions associated with family assistance plans;

5. *Urges* Member States to recognize 20 February as the International Day for Commemorating Air Crash Victims and their Families and conduct national commemorations relevant to their citizens impacted by civil aviation tragedies;
6. *Urges* Member States which have not already done so, to ratify and implement the Montréal Convention of 28 May 1999 (*Convention for the Unification of Certain Rules for International Carriage by Air*);
7. *Welcomes* the recommendations of the Symposium and directs the Council to incorporate into the next triennium Business Plan those Symposium's recommendations that require further consultation with expert groups, and in particular to support capacity-building needs of Member States;
8. *Directs* the Council to actively and timely follow-up the relevant ICAO expert groups regarding those recommendations emanating from the Symposium as required;
9. *Directs* the Council, when considering the extent of the level of implementation of family assistance plans, to give further consideration to the development of Standards and Recommended Practices to support victims of civil aviation accidents and their family members; and
10. *Declares* that this resolution supersedes Resolution A39-27.

Resolution A41-15: Accessibility in International Civil Aviation

Whereas persons with disabilities and reduced mobility form a large and growing proportion of the world's population;

Whereas the United Nations (UN) Convention on the Rights of Persons with Disabilities and its Optional Protocol promotes, protects and ensures the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, including freedom of movement and freedom of choice;

Recalling the UN Disability Inclusion Strategy, which provides the foundation for sustainable and transformative progress on disability inclusion through all pillars of work of the United Nations;

Recalling that the UN Resolution A/RES/76/154 adopted by the General Assembly in 2021 recognized the importance of accessibility for persons with disabilities in all aspects of life and the need to identify and eliminate prejudice, discrimination, obstacles and barriers that limit the access of persons with disabilities to the physical environment, to transportation, to information and communications;

Noting with concern that, despite these instruments and undertakings, persons with disabilities and reduced mobility continue to face barriers in their participation as equal members of society, including barriers to their free movement;

Acknowledging that the aviation community needs to accommodate the demand of growing number of persons with visible and invisible disabilities, as well as persons with reduced mobility and aging populations;

Recognizing the importance of government and industry working together to support the travel needs of persons with disabilities and reduced mobility while prioritizing safety in all circumstances;

Affirming that diversity and social inclusion are concepts that are essential to the sustainable growth of international civil aviation;

Recognizing the essential nature of air transport services and the need to provide equal access to such services for all passengers;

Also acknowledging that digitization and innovation are creating new opportunities as well as new challenges for persons with disabilities, with reduced mobility and aging populations;

Reemphasizing the relevant Standards and Recommended Practices contained in Annex 9 — *Facilitation* as well as the procedures and principles contained in Doc 9984 – *Manual on Access to Air Transport by Persons with Disabilities*;

The Assembly:

1. *Resolves* that dignity and non-discrimination are universal rights that apply to all persons, including persons with disabilities and persons with reduced mobility traveling by air;
2. *Requests* the Council to:
 - a) ensure that ICAO exercise continuous leadership on sustainability, including the social sustainability imperatives of inclusion and accessibility;
 - b) develop an effective strategy and work programme on accessibility for passengers with disabilities and reduced mobility in order to reach for a disability-inclusive air transport system in cooperation with all the stakeholders;
 - c) ensure that Annex 9 — *Facilitation* SARPs recognize the essential nature of accessible services for persons with disabilities and reduced mobility;
3. *Urges* Member States to prioritize the inclusion and accessibility of air transport services to persons with disabilities and reduced mobility;
4. *Encourages* all Member States to strive for uniformity in their air transport accessibility regulations, standards and procedures, to the greatest extent practicable and working closely with disability groups and other relevant stakeholders;
5. *Encourages* Member States to ensure that the transport sector coordinates its approach with the industry and civil society in order to deliver accessible end-to-end services to persons with disabilities and reduced mobility, working closely with disability groups and other relevant stakeholders; and
6. *Encourages* Member States to support ICAO activities with resources, both financial and in-kind, to ensure a successful implementation of agreed measures to support air transport of persons with disabilities and reduced mobility.

**Resolution A41-16: 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 is ratified 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 8.49 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 8.50 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;

Whereas Doc 10171, *A Comprehensive Strategy for Combatting Human Trafficking in the Aviation Sector* approved by FALP in July 2021 and by the Air Transport Committee (ATC) in September 2021 enhances national counter-trafficking policies and procedure frameworks and equips States, Civil Aviation Authorities and organizations, aircraft operators and airports with guidance and recommendations to inform their development of comprehensive counter-trafficking strategies in line with ICAO Assembly Resolution A41-17, *Consolidated statement of continuing ICAO policies related to facilitation*;

Whereas adopting a Comprehensive Strategy inclusive of laws, leadership, policies, reporting protocols and response mechanisms, partnerships, training, public awareness, data collection, information-sharing including trafficking survivor-informed recommendations and perspectives, and victim and survivor support can help civil aviation authorities and organizations, aircraft operators and airports stop this crime;

The Assembly:

1. *Urges* Member States to give attention to adopting and promptly implementing Amendment 29 to Annex 9's Recommended Practices 8.49 and 8.50;
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;
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; and
4. *Calls* on Member States to give due regard to Doc 10171, *A Comprehensive Strategy for Combatting Human Trafficking in the Aviation Sector*, in their implementation of the relevant provisions of Annex 9.

Resolution A41-17: 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;

Recognizing that the restrictions and public health measures brought by the COVID-19 pandemic have had a serious impact on the aviation industry and that this impact must be taken into account by ICAO and Member States when making decisions on air transport facilitation;

Reaffirming the commitments made in the Ministerial Declaration of the High-level Conference on COVID-19 (HLCC 2021) among others, the need to ensure a safe, secure, and orderly flow of traffic with operational readiness of aviation, and to ensure the long-term resilience of international aviation and incorporate the lessons learned from the current and past pandemics;

Recalling the conclusions and recommendations of the Facilitation stream of the High-level Conference on COVID-19 (HLCC 2021) of October 2021;

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 41st 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 A40-16: 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 (MRTDs) 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 such MRTDs 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 MRTDs and other passenger information tools can also be employed for security purposes, by strengthening border control management processes and improving the integrity of documents, 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 the 38th Session of the ICAO Assembly in 2013 resolved that Members 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);

Recognizing the importance of Facilitation and the need for adequate human and financial resources to support the Facilitation programme's activities and to assist Member States in implementing the Standards and Recommended Practices in Annex 9 — *Facilitation*;

Recalling the Communique of the High-Level Conference on Aviation Security held in Montréal on 29 and 30 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. *Requests* Member States to implement, to the extent practicable, globally and

regionally-harmonized, collaborative, and mutually accepted measures that take into consideration different national circumstances and policies, without creating undue economic burdens or compromising the safety and facilitation of civil aviation, to facilitate the recovery and sustainable development of international passenger travel;

3. *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;

4. *Requests* the Secretary General to develop a work programme on accessibility for passengers with disability in order to reach for a disability-inclusive air transport system;

5. *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, their obligations towards the World Health Organization (WHO) International Health Regulations (2005), the handling of and responses to public health emergencies in addition to Member States' requirements relating to the administration of cargo and passengers; and advances in technologies related to such administration;

6. *Requests* the Secretary General to ensure that relevant guidance material is current and responsive to the requirements of Member States;

7. *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;

8. *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;

9. *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;

10. *Urges* the Council to ensure that the Facilitation Programmes is treated as a matter of highest priority and appropriate resources are made available by ICAO and its Member States;

11. *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

12. *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 and ensure adequate human resources are available, 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 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 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) 2396 (2017), and 2482 (2019) 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 mandatory as per 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 forgery or counterfeiting of passports, use of valid passports by impostors, 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 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 assist in the authentication of electronic Machine Readable Travel Documents (eMRTDs) including 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, the applicant links to identity and is unique to the system through the provision of confidence of the applicant's "social footprint" and 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 Machine Readable Travel Documents, in particular by authenticating their electronic signatures and verifying their validity;
5. *Requests* the Council to direct the Secretary General to maintain and update the ICAO TRIP Strategy Implementation Roadmap 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* those Member States that have decided to issue eMRTDs to do so in accordance with the specifications of Doc 9303;
10. *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;
11. *Reminds* Member States to establish controls to safeguard against the theft of blank travel documents and the misappropriation of newly issued travel documents;
12. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;
13. *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;
14. *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*.
15. *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 PKD when authenticating eMRTDs;
16. *Requests* the Secretary General to continue to explore technological solutions aimed at enhancing security and facilitation of border controls while improving clearance procedures;

17. *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;
18. *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;
19. *Urges* all Member States to join the ICAO PKD, upload relevant information from their own State to the PKD, and to use the information available from all States in the ICAO PKD to authenticate eMRTDs at border controls;
20. *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;
21. *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;
22. *Urges* Member States to establish efficient and effective mechanisms in order to implement submissions to and queries of, the SLTD database.
23. *Urges* Member States to establish between all involved stakeholders an efficient information sharing and collaboration system in the prevention of human trafficking; and
24. *Requests* the Secretary General to continue to develop relevant guidance material on combatting 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, and industry 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;

Whereas Annex 9 provides a framework for the facilitation of assistance to aircraft accident victims and

their families, notably, Standard 8.47 obliging Member States to establish legislation, regulations and/or policies in support of assistance to aircraft accident victims and their families, and the Recommended Practice for aircraft and airport operators to develop appropriate plans to provide timely and effective assistance to aircraft accident victims and their families; and

Whereas cooperation on wildlife 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 wildlife trafficking.

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, to ensure the development of a National Air Transport Facilitation Programme, and establishment of facilitation committees or other appropriate means, for:
 - a) ensuring timely and effective implementation of Annex 9 — *Facilitation* Standards and Recommended Practices;
 - b) 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;
 - ii. working out satisfactory solutions for day-to-day problems in the facilitation field;
 - iii. promoting a Facilitation culture;
 - iv. coordination amongst all relevant agencies, departments of the State, including public health authorities and relevant stakeholders through the implementation of National Air Transport Facilitation Committees (NATFCs).
 - c) taking the initiative in any follow-up action required; and
 - d) 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, including ensuring that aircraft and airport operators develop appropriate plans to provide timely assistance to aircraft accident victims and their families, recognizing that airport operators' plans may form part of the aerodrome emergency plans required under Annex 14;

9. *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;

10. *Requests* Member States to consider identifying and designating an appropriate authority or a relevant coordination mechanism for facilitation and ensure that sustainable funding mechanisms and corresponding human resources are available to support the implementation of facilitation provisions of Annex 9 and related activities;

11. *Requests* Member States to ratify and implement the Montréal Protocol 2014 and consider the recommendations in the ICAO *Manual on the Legal Aspects of Unruly and Disruptive Passengers* (Doc 10117);

12. *Requests* Member States to ensure provision of assistance to persons with disabilities travelling by air and especially take steps to mitigate the barriers that limit the ability of the elderly and persons with disabilities in times of abnormal processes, such as during public health-related emergencies;

13. *Urges* Member States to ensure that airport facilities are adapted to the needs of persons with disabilities, that lifting systems and appropriate devices are made fully available, that designated points for the pick-up and drop-off of persons with disabilities are made available as close as possible to main entrances and/or exits of the terminal building and that adequate accessible parking facilities are provided for people with mobility needs, including during a public health emergency;

14. *Urges* Member States to ensure that airport services are made available that meet the needs of passengers with disabilities, including services for provision of flight service related information to hearing- and visually-impaired persons;

15. *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;

16. *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); and

17. *Urges* Member States to establish between all involved stakeholders an efficient information sharing and collaboration system in the prevention of wildlife trafficking.

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, 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 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);

Whereas the UN Security Council, in resolution 2482 (2019), has called upon Member States to implement obligations to collect and analyse 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 international organizations and 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. *Requests* Member States to implement the Passenger Data Single Window facility that allows parties involved in passenger transport by air to lodge standardized passenger information (i.e., API, iAPI and/or PNR) through a single data entry point to fulfil all regulatory requirements relating to the entry

and/or exit of passengers that may be imposed by various agencies of the State;

4. *Urges* Member States to assist and share best practices, as appropriate, with other Member States in the establishment of passenger data exchange systems;

5. *Requests* Member States to consider the deployment of interactive API systems and to provide integrated pre-travel verification responses to aircraft operators related to immigration, security and public health requirements;

6. *Calls* upon Member States to support ICAO's work on the development of appropriate guidance material and implementation of Annex 9 PNR provisions; and

7. *Urges* 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.

Resolution A41-18: 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 A40-11 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 A40-11, Appendices A to G inclusive, and has amended the statement to reflect the decisions taken during the 41st 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 41st 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 A40-11.

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, surface-to-air threats including man-portable air defence systems (MANPADS), other attacks from a distance, chemical threats, attacks using unmanned aircraft systems (UAS), abuse of the air cargo system for terrorist purposes, use of aircraft as a weapon, cyber-attacks and other acts of unlawful interference against civil aviation, including, in particular, the insider threat, that 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 that the exploitation of the aviation sector by a variety of criminal activities, including the illicit transport of narcotics and psychotropic substances by air, as well as the trafficking of humans, wildlife, and other illicit goods can reveal or exacerbate vulnerabilities that could be exploited by those aiming to carry out acts of unlawful interference;

Recalling Resolution A40-12 on the Declaration on Aviation Security;

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) 2178 (2014), 2309 (2016), 2341 (2016), 2395 (2017), 2396 (2017), 2482 (2019) and 2617 (2021) related to threats to international peace and security caused by terrorist acts;

Mindful of the United Nations Global Counter-Terrorism Strategy (2006) as a global instrument to enhance national, regional and international efforts to counter terrorism;

Mindful of the efforts by ICAO and its Member States to implement the UN Global Counter-Terrorism Strategy to enhance international, regional and national efforts to counter terrorism, including to take practical steps to strengthen Member State capacity to counter terrorist threats and to reinforce the coordination of the counter-terrorism activities undertaken by the UN System;

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 increased efforts that need to be made by Member States towards the global aspirational targets of the GASeP set for 2023 and 2030, with the collective support of other Member States, ICAO, regional organizations, industry and all other stakeholders;

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;

Recognizing the ongoing need to promote the enhancement of security awareness and a strong and effective security culture in aviation, by Member States, industry and other stakeholders;

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 Second High-level Conference on Aviation Security held in Montréal in November 2018, and the conference conclusions and recommendations;

Recalling the importance of Member 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;

Recognizing that the restrictions and public health measures brought by the COVID-19 pandemic have had a serious impact on the aviation industry and that this impact must be taken into account by ICAO and Member States when making decisions on aviation security policies and measures; and

Reaffirming the commitments made in the Ministerial Declaration of the High-level Conference on COVID-19 (HLCC 2021), among others, the need to ensure a safe, secure, and orderly flow of traffic with operational readiness of aviation, and to ensure the long-term resilience of international aviation and incorporate the lessons learned from the current and past pandemics.

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 of civil aircraft in flight and civil airports by surface-to-air threats, attacks using UAS and other attacks from a distance, and the 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 as required and recommended in Annex 17 — *Aviation Security* and security-related provisions in Annex 9 – *Facilitation*, 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 2178, 2309, 2341, 2395, 2396 and 2482 in accordance with their 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 Secretary General to raise the profile of aviation security within ICAO and its regional offices and 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. *Directs* the Council to ensure the regular review of the GASeP by the Aviation Security Panel so that it remains relevant, its priorities address existing and emerging threats and continues to serve as a useful tool for supporting Member States' efforts to achieve full implementation of Annex 17 — *Aviation Security*;

11. *Directs* the Council to consider the lessons learned from the implementation of the GASeP, including the changes that have occurred in the aviation industry as a consequence of the COVID-19 pandemic, when making refinements to the Plan, ensuring it contains clear and collective aviation security goals and targets, along with a progress monitoring mechanism using existing processes and tools to assist ICAO, Member States and stakeholders in ensuring continuous improvement in aviation security;

12. *Directs* the Secretary General to continue reviewing and improving the ICAO aviation security plans and programmes holistically, using consultative mechanisms with Member States and industry, to ensure these plans and programmes are still serving their intended purpose and are adapting to the new and emerging aviation security challenges, while considering innovative approaches to further improve or enhance their effectiveness. Results of the reviews, including any recommendations, should be reported to the Council on a regular basis.

13. *Urges* all Member States to actively participate in global and regional efforts towards meeting the GASeP objectives, goals, targets and priorities at the national and regional levels, taking into account global aspirational targets of the GASeP set for 2023 and 2030; and

14. *Urges* all Member States, industry and other stakeholders to continue to take practical actions towards the enhancement of security culture in aviation to support the effective implementation of security measures, and promote security awareness and optimal security behaviour by all entities and individuals.

APPENDIX B

International air law 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), 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;

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)¹;
2. *Calls upon* Member 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 Member States which manufacture plastic explosives to implement the marking of such explosives as soon as possible; and
3. *Requests* the Secretary General to continue to remind Member 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 Member States encountering any difficulties in becoming parties to these instruments.

¹ Lists of States Parties to aviation security legal instruments can be found at www.icao.int under the ICAO Treaty Collection.

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 actions to mitigate the threat, including those in Annex 17 — *Aviation Security* and security-related provisions in Annex 9 — *Facilitation*, by Member States;

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 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 continued 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, aircraft operators and other entities 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, taking into account any unintended impact on the safety of civil aviation;

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

Whereas the COVID-19 pandemic may have required temporary alleviations of certain security requirements to be authorized as the case may be;

Recognizing the importance of carefully assessing and addressing the risks associated with the resumption of aviation operations, paying particular attention to risks deriving from the impact of the pandemic on staff;

Whereas the COVID-19 pandemic requires addressing security threats and risks taking into account new health-related risks, while ensuring a balance with facilitation and sustainability;

Whereas the integration of a robust security culture for all personnel, in both security and non-security functions, at all levels and across the entire aviation domain, 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, evidence and 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* all Member States on an individual basis and in cooperation with other Member 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;

3. *Reiterates* the responsibility of all Member States for the implementation of effective aviation security measures within their territory, taking into account the evolving threat;

4. *Urges* Member States to fully and sustainably implement Annex 17 — *Aviation 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 — Restricted) and other security-related guidance material available on the ICAO restricted website;

5. *Encourages* Member States to place high importance on the recently adopted Standards that respond to the insider threat and ensure their effective implementation within their respective jurisdictions, and to continue adapting and adopting measures against this threat;

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 and innovative technologies, techniques and processes;

8. *Encourages* Member States and industry to coordinate their efforts to evolve aviation security screening to become more agile in responding to new threats, more seamless and passenger-centric while ensuring security objectives in Annex 17 — *Aviation Security* are constantly met;

9. *Encourages* Member States and all aviation entities to promote a strong and effective security culture in aviation; including the development of security awareness programmes and campaigns among workforces and the general public that emphasize that security is everyone's responsibility;

10. *Urges* Member States to maintain a competent, motivated and well-trained workforce and take actions to guarantee and maintain staff competencies that existed prior to the COVID-19 pandemic;

11. *Encourages* Member States to implement effective oversight, including remote techniques when restrictions or other circumstances do not allow for on-site monitoring activities, over all aspects of their aviation security regime in order to ensure that security measures are effectively and sustainably implemented;

12. *Encourages* Member States, pursuant to their domestic laws, regulations and aviation security programmes, and in accordance with applicable SARPs, to promote the implementation of aviation security measures in a practical manner to:

- a) broaden existing cooperation mechanisms amongst Member 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 items and materials and to prevent the carriage of such items and materials on board aircraft while respecting the privacy and safety of individuals;
- d) define aviation security measures that are evidence and 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, crew 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 Member States to enhance the overall level of air cargo and mail security; and
 - vii. strengthening initiatives to intensify capacity-building and innovation in air cargo and mail security;
- f) give consideration to the potential misuse of UAS, and apply security measures in order to prevent their use in acts of unlawful interference;
- g) ensure that civil aviation security threat and risk assessments within their respective territories and airspace are performed continually, use these assessments to appropriately inform counter-measure development and adjust aviation security policy settings, and 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 an appropriate 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 posed by 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, taking into consideration the impact of the COVID-19 pandemic and the possibility that the pandemic has created new or exacerbated existing insider vulnerabilities.
13. *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;
14. *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 to reduce duplication;
15. *Requests* ICAO to:
- a) ensure that the provisions of Annex 17 — *Aviation 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 sub-regional aviation security events at the request of Member 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 evidence and risk-based measures;
- d) promote the development of mutual recognition processes with the goal of assisting Member 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 ongoing 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 and the Cybersecurity Panel; and

16. *Directs* 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;

17. *Directs* the Secretary General to ensure the periodic review and updating of the ICAO *Aviation Security Global Risk Context Statement* (Doc 10108 — Restricted), 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, in line with Doc 10108, with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document;

18. *Directs* the Secretary General 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;

19. *Directs* the Council to continually assess the Aviation Security Panel terms of reference and establish governance procedures to ensure there are no constraints on the Panel's ability to consider the full scope of aviation security issues; and

20. *Directs* the Secretary General to continue to ensure that aviation security is appropriately positioned as a core tenet and functional component of the ICAO Secretariat, commensurate with its criticality to the advancement, sustainability, and safe and orderly development of international civil aviation.

APPENDIX D

The ICAO Universal Security Audit Programme – Continuous Monitoring Approach

Whereas the ICAO Universal Security Audit Programme – Continuous Monitoring Approach (USAP-CMA) has been successful in meeting the mandate of Resolution A40-11, Appendix D;

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 — *Aviation Security* Standards, and the security-related Standards of Annex 9 — *Facilitation*;

Whereas the establishment of an effective aviation security oversight system by Member 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-CMA 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 Member States, serving as a catalyst for their continued efforts to meet their international obligations in the field of aviation security;

Considering that USAP-CMA audit results make an important contribution to the understanding of the aviation security posture globally, regionally, and in individual Member States; and that compiled USAP-CMA data can also be used to ascertain whether Member States are achieving the aspirational targets set out in the GASeP;

Recognizing that the effective implementation of State corrective action plans to address deficiencies identified through USAP-CMA 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 Member 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 Member States through the high-level Secretariat Monitoring and Assistance Review Board;

Recognizing that the continuation of the USAP-CMA, and the continued evolution of this programme, 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;

Recognizing that the impact of the COVID-19 pandemic and resource constraints have limited the frequency with which audits can be conducted;

Recalling that the 40th Session of the Assembly requested the Council to report on the overall implementation of the USAP-CMA;

The Assembly:

1. *Notes* that the USAP-CMA is fundamental in improving global aviation security through auditing and continuous monitoring of the aviation security performance of Member States;
2. *Requests* the Secretary General to ensure that the USAP-CMA continues to assess and measure the sustainable and effective implementation of Annex 17 Standards, including risk-based approaches to their compliance as appropriate, and security-related Standards of Annex 9, and that audit prioritization is based on risk, and that USAP-CMA addresses serious deficiencies in a timely manner;
3. *Expresses its appreciation* to Member States for their cooperation in the USAP-CMA audit process and for making available security experts to be certified as USAP-CMA auditors to serve as short-term experts for the conduct of USAP-CMA audits, as well as long-term experts to act as USAP-CMA audit team leaders;
4. *Requests* the Council to ensure the continuation and sufficient resourcing of the USAP-CMA and to oversee its activities, as it monitors Member States' ability to establish and maintain sustainable aviation security systems, in compliance with the ICAO security-related Standards, and implementation of corrective action plans to address deficiencies identified during USAP-CMA audits in a timely manner;
5. *Notes* the work carried out by the ICAO Secretariat, in consultation with Member States, to review the scope and methodology of the USAP-CMA and urges the Secretariat to continue to improve the effectiveness of the programme, in consultation with the Secretariat Study Group on the USAP-CMA;
6. *Endorses* the policy of a limited level of disclosure of USAP-CMA audit results including 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) preparing and submitting to ICAO all required documentation according to established timelines prior to USAP-CMA activities as scheduled by ICAO;
 - c) facilitating the work of USAP-CMA teams during the conduct of USAP-CMA activities;
 - d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities; and
 - e) implementing those corrective measures within timelines agreed upon between Member States and ICAO.
8. *Requests* the Secretary General to ensure the long-term financial sustainability of the USAP-CMA by taking measures to incorporate the funding requirements for staffing and its activities within the Regular Programme Budget as soon as possible; and
9. *Requests* that the Council submit a progress report to the next ordinary session of the Assembly on the 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 Secretary General to promote efforts worldwide by Member States and other aviation entities to deliver effective technical assistance and support for Member States by encouraging coordinated, targeted and prioritized international aviation security capacity-building activities;
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 Secretary General to ensure that contributions received for aviation security implementation support and development activities be fully committed to those activities only;
4. *Urges* Member States able to do so to assist in the delivery of effective and targeted capacity-building activities in the area of aviation security. Such activities should include training, technical assistance and implementation support and development, technology transfers and the provision of other necessary resources, where it is needed to enable all Member 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 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* 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 Secretary General to facilitate the coordination of assistance programmes and activities to the extent possible, including by collecting any available information on such initiatives;
9. *Directs* 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 Secretary General to update and enhance the ICAO Aviation Security Training Programme, 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 Programme activities;
13. *Requests* the Secretary General to oversee, develop, promote, support, maintain and regularly re-evaluate the ICAO Aviation Security Training Centre (ASTC) network to ensure that training requirements are met and sound levels of cooperation are achieved; and
14. *Urges* Member States to use ICAO ASTCs for aviation 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 Member States under the international air law 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 Member States;

Whereas the multilateral and bilateral agreements on air services represent the main legal basis for 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 Member 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* ICAO to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Member States;
6. *Requests* that ICAO continue to:
- a) encourage Member States to report on their 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 Member States, and encouraging clear communication by Member 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 Member States and concerned international and regional organizations; and

Recognizing the development of the United Nations Global Counter-Terrorism Coordination Compact to strengthen the common UN approach to supporting Member States with the implementation of the United Nations Global Counter-Terrorism Strategy and relevant UN resolutions and mandates.

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), 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 Organization (ACAO), 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 continue its cooperation with the UN Counter-Terrorism Committee (CTC) in areas of aviation security and border management, in the global effort to combat terrorism and requests the Secretary General to use the Organization's expertise to assist the UN Counter-Terrorism Executive Directorate (UNCTED) in the conduct of country visits to assess the counter-terrorism efforts of Member States including progress made, remaining shortfalls, and priority areas for technical assistance needs, as well as to identify terrorism-related trends and challenges and best practices employed in the implementation of relevant Security Council resolutions; and

3. *Directs* the Secretary General to use the Organization's expertise in the field of aviation security and border management to support the work of the UN Global Counter-Terrorism Coordination Compact framework to strengthen the common UN approach to prevent and counter terrorism, and to assist the UN Office of Counter-Terrorism (UNOCT) in their efforts to provide technical assistance and capacity-building support to Member States while ensuring assistance activities are coordinated to avoid duplication of effort and ensure the efficient use of resources.

Resolution A41-19: Addressing Cybersecurity in Civil Aviation

Whereas the global aviation system is a highly complex and integrated system that comprises systems that are critical for the safety and security of civil aviation operations;

Noting that the aviation sector is increasingly reliant on the availability, integrity and confidentiality of information, data, and systems;

Mindful that cyber threats to civil aviation are rapidly and continuously evolving, that aviation continues to be a target for perpetrators in the cyber domain as in the physical one, and that cyber threats can evolve to affect critical civil aviation systems worldwide;

Recognizing that not all cybersecurity events affecting the safety of civil aviation are unlawful and/or intentional;

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 aviation 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 cyber-attacks 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 addressing the cybersecurity and cyber resilience of civil aviation's critical systems, data, and information against cyber threats and hazards, including common interfaces between civil and military aviation;

Considering the need to work collaboratively towards the development of an effective and coordinated global framework to address aviation cybersecurity and to support the cybersecurity and cyber resilience of the global aviation system to cyber threats that may jeopardize the safety and/or security of civil aviation;

Recognizing ICAO's leadership and work in the fields of aviation cybersecurity and cyber resilience across the different aviation disciplines;

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

Recognizing the importance of developing clear national governance and accountability for civil aviation cybersecurity, including the designation of a competent national authority responsible for aviation cybersecurity in coordination with concerned national authorities and agencies; and

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

The Assembly:

1. *Urges* Member States to adopt and ratify 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 address cyber threats to civil aviation:

- a) implement the ICAO Aviation Cybersecurity Strategy, and make use of the ICAO Cybersecurity Action Plan as a tool to support the implementation of the Aviation Cybersecurity Strategy;
- b) designate the authority competent for aviation cybersecurity, and define the interaction between that authority and concerned national agencies;
- c) define the responsibilities of national agencies and industry stakeholders with regard to cybersecurity in civil aviation;
- d) develop and implement a robust cybersecurity risk management framework that draws on relevant safety and security risk management practices, and adopt a risk-based approach to protecting critical civil aviation systems, information, and data from cyber threats;
- e) establish policies and instruments, and allocate resources to ensure that, for critical aviation systems: system architectures are secure by design; systems are protected and resilient; data is

secured and available in storage and while in transfer; system monitoring, and incident detection and reporting, methods are implemented; incident recovery plans are developed and practiced; and forensic analysis of cyber incidents is carried out;

- f) 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;
- g) encourage civil/military cooperation with regard to identifying, protecting, and monitoring common vulnerabilities and data flows at interfaces between civil and military aviation systems, and collaborate in response to common cyber threats and recovery from cyber incidents;
- h) 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;
- i) design and implement a robust cybersecurity culture across the civil aviation sector;
- j) encourage States to continue contributing to ICAO in the development of international Standards, strategies, and best practices to support advancing aviation cybersecurity and cyber resilience; and
- k) continue collaborating in the development of ICAO's cybersecurity framework according to a horizontal, cross-cutting and functional approach involving aviation safety, aviation security, facilitation, air navigation, communication, surveillance, air traffic management, aircraft operations, airworthiness, and other relevant disciplines.

3. *Instructs* ICAO to:

- a) continue to promote the universal adoption and ratification 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); and
- b) continue to ensure that cybersecurity and cyber resilience matters are considered and coordinated in a cross-cutting manner through the new mechanism in ICAO to address aviation cybersecurity.

Resolution A41-20: Consolidated statement of continuing ICAO policies and practices related to environmental protection - General provisions, noise and local air quality

Whereas in Resolution A40-17 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 A40-17 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 40th 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 A41-21: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change* and A41-22: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSLIA)*, constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection, as these policies exist at the close of the 41st 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 A41-21: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, and A41-22: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSLIA)*, supersede Resolutions A40-17, A40-18 and A40-19.

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;

Recognizing the importance of a resilient air transport system that can adapt its infrastructure and operations to a changing climate;

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; and

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;
 - c) limit or reduce the impact of aviation greenhouse gas emissions on the global climate; and
 - d) ensure future resilience of air transport by adapting its infrastructure and operations to the consequences of climate change.
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 continue to closely follow-up innovative technologies and new energy sources for aviation to prepare for the timely environmental certification of such technologies, as appropriate, including through the ICAO Stocktaking process;
5. *Welcomes* the launch of the ICAO tracker tools on innovations that can generate in-sector CO₂ emissions reductions, and *requests* the Council to keep track and update the tools, as appropriate;
6. *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;
7. *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;
8. *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_x) 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;
9. *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;

10. *Invites* States and international organizations to provide the necessary scientific information and data to enable ICAO to substantiate its work in this field;
11. *Welcomes* the establishment of the *ICAO Global Coalition on Sustainable Aviation* as a forum of stakeholders to facilitate the development of new ideas and accelerate the implementation of environmental innovative solutions, and *requests* the Council to encourage more stakeholders to join the Coalition;
12. *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
13. *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 CO₂ Emissions*, which comprises CO₂ emissions certification Standards for aeroplanes and has notified Member States of this action;

Recognizing that the non-volatile particulate matter (nvPM) emissions certification Standard and CO₂ emissions certification standard are a technical comparison of aviation technologies designed for use in nvPM emissions certification and CO₂ 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;

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;

Acknowledging the need for the timely update and development of relevant ICAO environmental Standards and Recommended Practices (SARPs) and guidance for new advanced aircraft technologies, as appropriate; and

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

The Assembly:

1. *Welcomes* the continuing benefits of the more stringent aircraft noise Standard in Annex 16, Volume I, Chapter 14 that became applicable on 31 December 2017 and 31 December 2020 for aircraft less than 55 tonnes Maximum Take-off Mass (MTOM);
2. *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;
3. *Welcomes* the benefits of the ICAO Aeroplane CO₂ Standard which became applicable on 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 will become applicable on 1 January 2023;
4. *Welcomes* the benefits of the ICAO Aeroplane CO₂ Standard which will become applicable on 1 January 2023 for in-production aeroplanes with a production cut-off date of 1 January 2028;
5. *Welcomes* the benefits 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;
6. *Welcomes* the adoption by the Council in March 2020 of the new mass and number standard for non-volatile particulate matter (nvPM) emissions that is applicable to new and in-production engine designs of rated thrust greater than 26.7 kN from 1 January 2023;
7. *Urges* States to recognize that the nvPM and CO₂ 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;

Recognizing the approval of the new *Manual on Operational Opportunities to Reduce Aircraft Noise* (Doc 10177);

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;

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

Recognizing that emerging technology aircraft, such as drones and remotely piloted aircraft systems (RPAS) may present noise impacts in areas beyond the land surrounding an airport;

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;

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;

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; and

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_x 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_x 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_x, PM, and other gaseous emissions shows increasing global emissions values;

Whereas the impacts of aviation emissions of NO_x, 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_x 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_x 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.

Resolution A41-21: 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 continue to account for less than 2 per cent of total global CO₂ emissions, and they are projected to increase as a result of the continued growth of air transport, unless action for emissions reduction is taken;

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;

Whereas the Glasgow Climate Pact, which was adopted by the Conference of the Parties to the UNFCCC in November 2021, reaffirms the long-term global goal to hold the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue 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, and the Glasgow Climate Pact also recognizes that the impacts of climate change will be much lower at the temperature increase of 1.5 °C compared with 2 °C and resolves to pursue efforts to limit the temperature increase to 1.5 °C;

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, 39th and 40th Sessions in 2013, 2016 and 2019, respectively;

Acknowledging the substantial ICAO work undertaken to explore the feasibility of a long-term global aspirational goal (LTAG) for international aviation in light of the 2 °C and 1.5 °C temperature goals of the Paris Agreement;

Recognizing the information-sharing and consultative process on the feasibility of a LTAG for international aviation, including the ICAO stocktaking on aviation in-sector CO₂ emissions reduction, and the convening of ICAO Global Aviation Dialogues (GLADs) and High-level Meeting, since the 40th Session of the ICAO Assembly;

Recognizing that the ICAO *Report on the Feasibility of a Long-Term Aspirational Goal for International Civil Aviation CO₂ Emission Reductions*, which assessed the technical feasibility of various aviation in-sector CO₂ emissions reduction scenarios, serves as the basis for the consideration of the LTAG;

Recognizing that 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 do not deliver the level of reduction necessary to 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 CO₂ efficiency by an average of 1.5 per cent per annum from 2009 until 2020, to achieve carbon neutral growth from 2020 and to achieve a long-term goal of net-zero carbon emissions by 2050;

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 prejudge 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, sustainable aviation fuels, operational improvements and market-based measures to reduce emissions and possible evolution of Standards and Recommended Practices (SARPs), 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, *while observing* an unprecedented level of emerging new technologies and innovations towards green aviation transition;

Acknowledging the adoption of the CO₂ emissions certification Standard for aeroplanes by the Council in March 2017, and the need to keep this Standard up to date based on the latest aircraft efficiency technology improvements;

Acknowledging the need for the timely update and development of relevant ICAO environmental SARPs and guidance for new advanced aircraft technologies, as appropriate;

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 CO₂ 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 global horizontal and vertical flight efficiency analysis;

Welcoming the convening of the ICAO Seminars on Green Airports in November 2017, May 2019 and November 2021, and *recognizing* the important role of airports in the distribution of new innovative sources of energy to air transport;

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, including the increasing number of fuel conversions processes, and airports distributing such fuels for more commercial flights;

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, and the need to update the 2050 ICAO Vision to include a quantified proportion of such fuels to be used by 2050;

Recognizing that the technological feasibility of drop-in sustainable aviation fuels is proven and such fuels are expected to have the largest impact on aviation CO₂ emissions reduction by 2050 and continue to have a large impact beyond 2050, and that the introduction of appropriate policies and incentives to create a long-term market perspective is required;

Recognizing the continuing developments in drop-in fuels such as Sustainable Aviation Fuel (SAF) and Lower Carbon Aviation Fuel (LCAF) to reduce aviation CO₂ emissions, and *welcoming* the development of new fuels and cleaner energy sources for aviation, including the use of hydrogen and renewable electricity;

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 developed and updated as part of work for the implementation of Carbon Offsetting and Reduction Scheme 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, A39-2 and A40-18, which are reproduced in the Annex to this Resolution;

Noting that 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 CO₂ 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 July 2022, 133 member States that represent more than 98 per cent of global international air traffic voluntarily prepared and submitted action plans to ICAO;

Recognizing the need to further develop and update State Action Plans, including the quantification of CO₂ emissions reduction benefits with practical tools, for sustainable aviation and infrastructure with the focus on environment-driven innovations;

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;

Welcoming the launch of the ICAO Assistance, Capacity-building and Training for Sustainable Aviation Fuel (ACT-SAF) Programme to support the development and deployment of SAF, including the establishment of partnerships among States and relevant stakeholders, in line with the *No Country Left Behind* (NCLB) initiative;

Recognizing that, according to the latest reports from the IPCC, progress in climate change adaptation planning and implementation has been observed across all sectors and regions, but it is still being unevenly distributed with several adaptation gaps observed, including potential vulnerabilities of key transport infrastructures such as international aviation systems and infrastructures, meaning that their design standards should give due consideration to account for projected climate impacts and risks;

Recognizing the need for enabling conditions for the implementation of long-term climate change adaptation measures, especially for vulnerable parts of the aviation system and infrastructure, which would enhance the preparedness level of the international aviation sector for projected extreme and disruptive climate-related events;

Recognizing the importance of work being undertaken to identify the potential impacts of climate change on international aviation operations and related infrastructure, together with identified options of adaptation measures; 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 A41-20: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality* and Resolution A41-22: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)*, supersede Resolutions A40-17, A40-18 and A40-19 and constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection;
2. *Requests* the Council to:
 - a) ensure that ICAO exercise continuous leadership on environmental issues relating to international civil aviation, including GHG emissions;
 - b) continue to study policy options to limit or reduce the environmental impact of aircraft engine emissions and to develop concrete proposals as needed, encompassing technical solutions and market-based measures, and taking into account potential implications of such measures for developing as well as developed countries; and

- c) 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:

- a) 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
- b) 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, while also recognizing the long-term global aspirational goal in paragraph 7 below;

7. *Further resolves* that, in addition to the medium-term global aspirational goal in paragraph 6 above, ICAO and its Member States are encouraged to work together to strive to achieve a collective long-term global aspirational goal for international aviation (LTAG) of net-zero carbon emissions by 2050, in support of the Paris Agreement's temperature goal, recognizing that each State's special circumstances and respective capabilities (e.g., the level of development, maturity of aviation markets, sustainable growth of its international aviation, just transition, and national priorities of air transport development) will inform the ability of each State to contribute to the LTAG within its own national timeframe;

8. *While recognizing* that the LTAG is a collective global aspirational goal, and it does not attribute specific obligations or commitments in the form of emissions reduction goals to individual States, *urges* each State to contribute to achieving the goal in a socially, economically and environmentally sustainable manner and in accordance with national circumstances;

9. *Requests* the Council to regularly monitor progress on the implementation of all elements of the basket of measures towards the achievement of the LTAG, including through: the ICAO environment stocktaking process; the review of the ICAO Vision for SAF; further assessment of the CO₂ emissions reduction and cost impacts of a changing climate on international aviation, regions and countries, in particular developing countries, and the impact on the development of the sector, as well as the cost impacts of the efforts to achieve the LTAG; monitoring of information from State Action Plans for international aviation CO₂ emissions reduction; and means of implementation. To this purpose, the Council will consider

necessary methodologies for the monitoring of progress, and report to a future Session of the ICAO Assembly;

10. *Further encourages* all States to submit and update voluntary action plans to ICAO to reduce CO₂ emissions from international aviation, outlining respective policies, actions and roadmaps, including long-term projections;

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 2024 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 for the implementation of the measures;

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 2024, including through cooperation and assistance on identifying possible sources of financing for decarbonization of aviation in cooperation with financial and other relevant organizations, 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 CO₂ 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 CO₂ 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 CO₂ 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. *Recognizes* that means of implementation commensurate to the level of ambition, including financing, will promote the achievement of the LTAG. It requires substantial investments for States, according to their national circumstances, and that various possible modalities and/or funding mechanisms could be used by ICAO to facilitate financing and investment support for implementation of specific aviation CO₂ emissions reduction measures;

17 bis. *Requests* the Council to:

- a) initiate specific measures or mechanisms so as to facilitate, in particular for developing countries and States having particular needs, better access to private investment capacities, as well as funding from financial institutions, such as development banks, for projects contributing to the decarbonisation of international aviation, as well as encourage new and additional funding to this purpose;
- b) further consider the establishment of a climate finance initiative or funding mechanism under ICAO, while addressing the possible financial, institutional and legal challenges, and report to the 42nd Session of the ICAO Assembly;
- c) sub-paragraphs a) and b) above will be complementary to a robust assistance and cooperation programme dedicated to LTAG in order to share information on best practices and provide guidance, capacity building, and other technical assistance. Welcoming the establishment of the ICAO Assistance, Capacity-building and Training for SAF (ACT-SAF) programme, it should be extended to add support to the implementation of other emissions reduction measures in an ICAO ACT-LTAG programme (e.g., aircraft technologies, operational improvements, infrastructural changes, LCAF and other cleaner energy sources for aviation)
- d) promote the voluntary transfer of technology, in particular for developing countries and States having particular needs, to enable them to adapt to cutting-edge technology and to enhance their contribution to achieve the LTAG; and
- e) in line with the *No Country Left Behind* initiative, urge ICAO Member States to make regular and substantial contributions to the ICAO Environment Fund, to address specific ICAO activities on the LTAG, including the ACT-SAF programme, aiming at assisting developing States and States having particular needs. States are also encouraged to develop specific projects under the ICAO Technical Cooperation Programme.

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 and to adapting international aviation systems and infrastructure to climate change impacts and risks;
- 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;

19 bis. *Invites* the Council and Member States to work together with relevant organizations to strive to achieve the maximum possible level of progress on the implementation of aviation in-sector CO₂ emissions reduction measures (e.g. technology, operations and fuels), recognizing that the largest potential impact on aviation CO₂ emissions reduction will come from fuel-related measures;

19 ter. *Encourages* the Council and Member States to keep abreast of innovative aircraft technologies, new types of operations conducive to emissions reductions, and Sustainable Aviation Fuels (SAF), Lower Carbon Aviation Fuels (LCAF) and other cleaner energy sources in line with the *No Country Left Behind* initiative, in order to enable timely certification, as well as timely update and development of relevant ICAO SARPs and guidance, as appropriate. ICAO and its Member States are urged to continue work on the elements of the basket of measures for the achievement of the LTAG, including paragraphs 20 to 25 below;

20. *Requests* States to:

- a) consider policies to encourage the introduction of increasingly fuel efficient aircraft into the market and facilitate cost-effective fleet renewal by manufacturers and aircraft operators, 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) incentivise and accelerate investments on research and development of new aircraft with zero CO₂ emissions;

21. *Requests* the Council to:

- a) update the CO₂ emissions certification Standard for aeroplanes, as appropriate, based on the latest aircraft efficiency technology improvements;
- b) timely update and develop relevant ICAO environmental Standards and Recommended Practices (SARPs) and guidance for new advanced aircraft technologies, as appropriate; and
- c) update medium- and long-term technological goals for aircraft fuel burn;

22. *Requests* States to:

- a) work together with manufacturers, Air Navigation Service Providers (ANSPs), aircraft operators and airport operators to accelerate the development and implementation of fuel efficient routings and air navigation procedures and ground operations 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);
- 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;
- c) work together through ICAO to exchange information and best practices on Green Airports,

including practices related to airport planning, development, operations and maintenance; and

- d) consider undertaking climate risk assessment to foster the inclusion of climate change adaptation measures into national climate policies and planning processes, with respect to international aviation systems and infrastructures, as appropriate;

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);
- 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 adaptation and resilient development, community engagement and sustainability reporting, aiming at sharing lessons learned and best practices amongst airports;
- d) publish and maintain guidance material on the implementation of environmentally sustainable practices at airports, including the Eco-Airport Toolkit e-collection; and
- e) encourage States to pursue a climate resilient development of their aviation systems and infrastructures, with a focus on the development of policies that integrate climate mitigation and adaptation actions to advance the sustainable aviation development;

24. *Requests* States to:

- a) set a coordinated approach in national administrations for policy actions and investment to accelerate the appropriate research, development, deployment and use of cleaner and renewable energy sources for aviation, including the use of Sustainable Aviation Fuel (SAF) and Lower Carbon Aviation Fuel (LCAF), in accordance with their national circumstances;
- b) consider the use of incentives to encourage the deployment of cleaner and renewable energies sources for aviation, including SAF and LCAF;
- c) work with relevant stakeholders to accelerate the fuel research, certification and development as well as processing technology and feedstock production, and the certification of new aircraft and engines to allow the use of 100% SAF, in order to decrease costs and support scale-up of sustainable fuel production pathways up to commercial scale, especially through encouraging and promoting SAF and/or LCAF purchase agreements as well as supporting timely delivery of any necessary changes to airport and energy supply infrastructure, 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 cleaner, renewable sources of energy for aviation, including SAF and LCAF, 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 SAF and LCAF 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 SAF and LCAF 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 assess progress on the development and deployment of SAF, LCAF and other cleaner energy sources for aviation as part of the ICAO stocktaking process, and convene the CAAF/3 in 2023 for reviewing the 2050 ICAO Vision for SAF, including LCAF and other cleaner energy sources for aviation, in order to define a global framework in line with the *No Country Left Behind* (NCLB) initiative and taking into account national circumstances and capabilities;

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 maintain and enhance guidance on climate change risk assessment and adaptation measures 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 CO₂ 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 CO₂ 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.

Resolution A41-22: Consolidated statement of continuing ICAO policies and practices related to environmental protection - Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)

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 Climate and Environment Committee (CEC), 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 second edition of *Environmental Technical Manual* (ETM, Doc 9501), Volume IV – *Procedures for demonstrating compliance with the CORSA*;

Welcoming the progress made for the development and update 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, which have been instrumental to the successful implementation of MRV requirements by States and reporting of annual CO₂ emissions to the CORSA Central Registry;

Welcoming the increasing number of announcements by Member States of their intention to voluntarily participate in CORSA in the pilot phase from 2021, with the voluntary participation of 88 States for 2021, 107 States for 2022, and 115 States for 2023;

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

Recalling the decision of the Council (June 2020) on the use of 2019 emissions instead of 2020 emissions for the implementation of relevant CORSA design elements (i.e., CORSA baseline, reference year for calculating an aeroplane operator's offsetting requirements, and new entrant threshold) during the pilot phase, in light of the COVID-19 pandemic and providing safeguard against inappropriate economic burden on aeroplane operators;

Recognizing the completion of the 2022 periodic review of CORSIA by the Council with the technical contribution of CAEP, including the analyses on the impact of the COVID-19 pandemic and its CO₂ recovery scenarios on CORSIA baseline beyond the pilot phase;

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 CO₂ 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 prejudge 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 A41-20: *Consolidated statement of continuing ICAO policies and practices related to environmental protection - General provisions, noise and local air quality* and Resolution A41-21: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, supersede Resolutions A40-17, A40-18 and A40-19 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 CO₂ 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 CO₂ emissions reductions to address the growth of international air traffic, in time to achieve the global aspirational goal of keeping the global net CO₂ 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 CO₂ 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 CO₂ 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. *Requests* 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; and
- 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 and *further decides* that the amount of CO₂ 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 from 2021 through 2023 = (total emissions covered by CORSIA in the given year – total emissions covered by CORSIA in 2019) / total emissions covered by CORSIA in the given year, and the sector's growth factor from 2024 through 2035 = (total emissions covered by CORSIA in the given year – 85% of total emissions covered by CORSIA in 2019) / total emissions covered by CORSIA in the given year;
- c) where the aeroplane operator's growth factor from 2033 through 2035 = (the aeroplane operator's emissions covered by CORSIA in the given year – 85% of the aeroplane operator's emissions covered by CORSIA in 2019) / 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 2019;
 - 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, 100% sectoral and 0% individual;
 - v) from 2033 through 2035, 85% sectoral and 15% individual;
- 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 and *further decides* that a new entrant¹ 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 2019, 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;

¹ 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.

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 CO₂ 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 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, and *requests* the Council to develop a methodology and timeline to conduct such reviews. 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 CO₂ emissions from international aviation so as to avoid a possible patchwork of duplicative State or regional MBMs, thus ensuring that international aviation CO₂ 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 CO₂ 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 maintain and update 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 CEC 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 Paris Agreement, and *encourages* States to use such methodologies in taking actions to reduce aviation CO₂ 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.

Resolution A41-23: 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 natures; 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 2023-2025 Business Plan following Results-based Management principles and on the efforts undertaken to improve the performance monitoring and reporting framework;
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;
3. *Directs* the Council and the Secretary General, within their respective competencies, to:
 - a) develop a robust Accountability Framework, as well as its implementation and oversight mechanisms, taking into consideration the necessity to ensure consistency between the various elements constitutive of an accountability system, including Strategic Framework and Performance Management, Internal Controls, ethical standards and integrity, and oversight functions;
 - b) 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;
 - c) develop a review process of the Business Plan to take into account new developments occurring during the triennium;
 - d) make the Business Plan available to Contracting States and present the current version, during the triennium concerned, to each ordinary session of the Assembly;

- e) 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
 - f) avoid any actual, potential or perceived 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 accountability, transparency, simplification and efficiency;
 - b) ensure the effectiveness of the oversight mechanism, with independent reporting procedure to the Council, to provide programme effectiveness, transparency, trust, participation, and accountability; and
 - c) continue to review the governance structure of ICAO and its capacity for more effective, simple, accountable, and transparent decision-making, including the delineation and allocation of responsibilities between the Secretariat and the Governing Body, as well as how the review the triennial cycle of the Assembly and budget of the organization can support this enhanced decision-making.
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 A40-20 on increasing the effectiveness of ICAO.

APPENDIX

List of considerations for achieving a more efficient and effective ICAO

Systematic planning process (Clause 3 b) 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 results –focused reporting aligned with the Strategic Objectives and Output based on the performance indicators, milestones and targets as defined in the Business plan;

- d) develop, within the framework of the Business Plan, more specific plans by Strategic Objective and ensure coordination and joint actions across all Strategic Objectives, Bureaus and Regional Offices;
- 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;
- f) update and roll forward the Business Plan itself at least triennially;
- 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; and
- h) streamline reporting procedures, in particular avoiding non-essential duplication of presentation and consideration of the same documents in different bodies;

Review process of the Business Plan (Clause 3 c) of the resolution)

The review of the Business Plan after its endorsement must consider:

- a) which elements of the Business Plan are subject to review and who can propose and accept them; and
- b) the necessary trigger elements to justify the review and how the improvements must be registered and monitored.

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 change 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, industry and relatives of victims of air accidents;
- 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.

Resolution A41-24: 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;

Recognizing that a clearly defined relationship between broader national development plans and strategies and national aviation policies, plans and frameworks is essential to enable the prioritization and optimum allocation of resources to aviation;

Recalling the unprecedented global crisis caused by the COVID-19 pandemic, destabilizing the aviation industry, including profoundly affecting its workforce, and hampering the implementation of the 2030 Agenda and SDG progress;

Recalling the continued challenges and needs of the least developed countries in all regions, including in Africa;

Recognizing the importance of international solidarity and multilateral partnerships and mechanisms in support of an inclusive, sustainable and resilient economic recovery that promotes sustainable development of international civil aviation and advances the SDGs;

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 ICAO 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. *Encourages* Member States to consider establishing a clearly-defined relationship between their national development plans, and national civil aviation policy, plans and strategies, as well as relevant underlying plans and programmes;
7. *Urges* Member States to ensure that frameworks and capabilities are developed and implemented as necessary and that structures for partnership and collaboration at national, regional and international levels are put in place to ensure resilience of the civil aviation sector to future global challenges in order to ensure continued contributions of aviation to attainment of the SDGs;

8. *Encourages* Member States to enhance their efforts around collaboration and effective partnerships in support of development of civil aviation in particular in LDCs, LLDCs and SIDS, especially through development assistance, South-South and triangular cooperation;
9. *Encourages* Member States to enhance the resilience of their aviation systems through including crisis preparedness plans and risk management measures in their aviation policies, planning and operations in order help to maintain essential mobility for air passenger and the transport of critical goods in the face of crises while ensuring the safety of aviation workforce;
10. *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;
11. *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;
12. *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;
13. *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
14. *Declares* that this Resolution supersedes A40-21 on *United Nations 2030 Agenda on Sustainable Development*.

Resolution A41-25: Consolidated statement of ICAO policies on technical cooperation and technical assistance

Whereas new policies have been approved by the Council for implementation support, in the form of technical assistance and technical cooperation, which replaced the Policy on Technical Assistance 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 41st Session of the Assembly;

2. *Declares that* this Resolution supersedes A40-24.

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 the Council has endorsed the realignment of technical assistance and technical cooperation as a new strategic direction to be implemented within the "One-ICAO" approach;

Whereas the new Policy on ICAO Implementation Support Provided to States approved by the Council aims at strengthening and harmonizing the coordination and management of implementation support

programmes, projects, products, services and activities, and ensuring that the support provided to States across all areas of civil aviation is relevant, efficient, consistent in content and delivery regardless of the source of assistance or the associated funding mechanism;

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 technical cooperation is a dynamic and complex field within a rapidly evolving technological environment impacting the needs of States and interests of development partners, thus requiring innovative ways to effectively address inherent challenges, improve quality of deliverables, increase capacity and efficiency, ensure higher reliability towards SARPs compliance and strengthen competitiveness in the global aviation market;

Whereas the Council has endorsed a new Strategy and Business Model for the Technical Cooperation Bureau aimed at enhancing the services provided in partnership with other ICAO Bureaus and Regional Offices and delivering greater value to beneficiary States and non-State entities;

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 Technical Cooperation Programme volume has drastically decreased in the current triennium and the financial situation of the AOSC Fund significantly deteriorated, compounded by the unprecedented impact of the COVID-19 pandemic and the slow recovery of the air transport sector;

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 ICAO Policies, SARPs and Global Plans, regional and national aviation plans, PANS and guidance material, 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 Technical Assistance Programmes should be strengthened, at Regional Office and field level, in order to allow the Organization 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. *Reaffirms* 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. *Endorses* the new *Policy on ICAO Implementation Support Provided to States* approved by the Council aimed at strengthening and harmonizing the coordination and management of implementation support programmes, projects, products, services and activities, and *recognizes* that a common ICAO implementation support programme will further strengthen the Organization's implementation support activities to better meet the needs of Member States;
7. *Requests* the Secretary General, considering the specialization, qualifications and expertise, limited financial and human resources, segregation of duties and the mandate of the respective organizational entities within the Secretariat, to optimize the allocation of resources and distribution of roles and responsibilities in relation to implementation support activities;
8. *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;
9. *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;
10. *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

11. *Reminds* Contracting States contemplating the development or enhancement of their civil aviation infrastructures, to consider the advantages of using the ICAO Technical Cooperation Programme for their civil aviation projects;
12. *Requests* the Secretary General to continue to raise the awareness of States, the industry and private sector, international and regional organizations, financial institutions, donors and the United Nations

regarding the advantages of using ICAO for the implementation and funding of capacity building and infrastructure development projects in the civil aviation field;

13. *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;

14. *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

15. *Reaffirms* that in adopting commercially-oriented practices for the financial sustainability of the Technical Cooperation Bureau, there is a need to establish flexible mechanisms facilitating cooperation with potential beneficiaries on new civil aviation development projects and partnerships with States, donors and other stakeholders for resource mobilization opportunities, and *invites* the Secretary General to identify mechanisms to allow ICAO to participate in tenders for the development of civil aviation issued by donor organizations, development banks and international financial institutions consistent with best practices of the United Nations System, and to regulate the way in which ICAO can work with the industry considering existing models used by other international civil aviation entities, while ensuring that adequate controls are in place and the good reputation of ICAO is maintained;

16. *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;

17. *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;

18. *Requests* the Secretary General to undertake coordinated and sustained actions aimed at ensuring the progressive realignment of technical assistance and technical cooperation in order for them to function in a consistent and harmonized manner and *supports and encourages* the development of new and innovative solutions for implementation support projects and activities within a strengthened “One-ICAO” approach for the achievement of greater synergies;

19. *Encourages* the use of systems and tools to strengthen the planning, development and management of implementation support and *requests* the Secretary General to provide the necessary means to make these technologies available to better support Member States;

Technical Cooperation and Technical Assistance Agreements

20. *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

21. *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 many ICAO Contracting States lack the required funds to efficiently and consistently develop and sustain their civil aviation infrastructure and human resources, and rectify identified deficiencies;

Whereas funds available for implementation support in the field of civil aviation are insufficient to meet the needs of civil aviation, especially in 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 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 technological 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 the Council has established other thematic and multi-donor trust funds with the objective of assisting Member States in enhancing civil aviation;

Whereas building partnerships and pooling resources are necessary for achieving sustainable and predictable funding for implementation support and avoiding duplication of efforts;

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 and programmes;

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 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* developing countries to seek funds for the development of their civil aviation sectors from all appropriate sources to complement the funds available from national budgets, financial institutions, donor States and other development partners so that such development may progress as quickly as possible;

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 technical expertise, 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, implementation packages or any other contributions conducive to supporting States with their SARPs compliance efforts and complementary civil aviation needs;

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;

10. *Invites* Contracting States to provide sustained financial and human resource support through the ICAO Programme for Aviation Volunteers (IPAV) to develop capabilities within beneficiary States in the implementation of ICAO Standards and Recommended Practices (SARPs), as well as fostering self-reliance and growth; and

11. *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 the 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 and Universal Security Audit Programme Continuous Monitoring Approach (USOAP/CMA and USAP/CMA) audits to provide support to States in addressing identified deficiencies, including Significant Safety and Security Concerns;

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 and effectively supports the achievement of the United Nations Sustainable Development Goals (SDGs) through the ICAO No Country Left Behind initiative;

Whereas the COVID-19 pandemic and the slow recovery of the air transport sector have had a significant impact on civil aviation and the means of States and other funding sources to give priority to investments on civil aviation development and infrastructure projects worldwide, causing cancellations or delays to ICAO technical cooperation projects;

Whereas ICAO has developed practical, aligned guidance to governments and industry operators in order to restart the international air transport sector and recover from the impacts of the pandemic on a coordinated global basis and make post-COVID-19 aviation more sustainable and resilient;

Whereas the ICAO Implementation Packages (iPacks) are developed and implemented in full alignment with the measures and recommendations contained in the Council Aviation Recovery Task Force (CART) Report and are a key element for their implementation;

Whereas extra-budgetary funding provided to the Technical Cooperation and Technical Assistance Programmes allows ICAO to provide initial support to States to address the deficiencies identified through ICAO audits and assist in their restart, recovery and resilience efforts related to COVID-19;

Whereas ex-post evaluations of projects constitute a valuable tool to assess and monitor the impact of individual 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. *Urges* Contracting States, when implementing civil aviation development projects through ICAO, to give priority to ICAO USOAP and USAP CMA findings and recommendations, as well as other sources, such as the conclusions and decisions by Planning and Implementation Regional Groups (PIRGs) and Regional Aviation Safety Groups (RASGs), with a view to rectifying identified deficiencies, resolving Significant Safety and Security Concerns and addressing opportunities for improvement in all civil aviation fields, while directly contributing to the achievement of all ICAO's Strategic Objectives;
3. *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 prioritizing the management and implementation of such projects through the Technical Cooperation and Technical Assistance Programmes in view of the significant associated benefits they provide;
4. *Encourages* States and non-State entities involved in civil aviation to seek support from ICAO, where required, through its implementation support programmes and activities, to address COVID-19 aviation challenges for an expedited restart and recovery;
5. *Requests* the Secretary General to reinforce the Organization's application of a systemic approach to implementation support activities with the objective of building robust and sustainable State oversight systems;
6. *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;
7. *Encourages* States to concentrate their efforts upon the further development of existing training centres and to support Regional Training Centres (RTCs) 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;

8. *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 respective terms of agreement of projects;

9. *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;

10. *Draws the attention* of Contracting States, funding partners and other aviation stakeholders to the ICAO Implementation Packages (iPacks) which provide a ready-to-deploy, efficient, and standardized solution comprised of guidance material, training, tools and expert support, aimed at facilitating the implementation of ICAO provisions and guiding State entities through harmonized and flexible solutions;

11. *Requests* that all Contracting States encourage fully qualified technical experts to apply for inclusion in the Technical Cooperation Bureau's roster of experts;

12. *Requests* the Secretary General to promote the widespread use of performance indicators for the objective assessment of the impact of technical cooperation and technical assistance on the implementation of ICAO SARPs;

13. *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

14. *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.

Resolution A41-26: *ICAO Gender Equality Programme promoting the participation of women in the global aviation sector*

Recognizing that half of the world's population is made up of women;

Also recognizing that promoting gender equality is part of the fight against all discriminations and contributes to greater diversity;

Acknowledging that at the Twenty-third Special Session of the United Nations General Assembly (UNGA) in June 2000, upon reviewing the implementation of the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women in September 1995, Governments committed to further actions to accelerate the implementation of the Platform for Action and to ensure that commitments for gender equality, development and peace were fully realized;

Considering that UNGA Resolution A/RES/69/151, adopted on 18 December 2014, highlights the need raised in previous resolutions regarding "Strengthening the institutional arrangements for support of gender equality and the empowerment of women" and calls upon all actors, including the UN specialized agencies

and the private sector, to intensify and accelerate action to achieve the full and effective implementation of the Beijing Declaration and the Platform for Action;

Noting that in September 2015, at the United Nations Sustainable Development Summit 2015, world leaders came together at UN Headquarters in New York to adopt the 2030 Agenda for Sustainable Development, committing their nations to a new global partnership to reduce extreme poverty and setting out a series of goals and targets known as the Sustainable Development Goals, of which Goal 5 is to achieve gender equality and empower all women and girls;

Welcoming the outcomes of the September 2015 Global Leader's Meeting on Gender Equality and Women's Empowerment: A Commitment to Action, in which more than 80 world leaders committed to end discrimination against women and further measures and targets to accelerate the achievement of women's empowerment and gender equality;

Recognizing that gender equality and decent work could increase the volume of qualified human resources available to our aviation sector;

Welcoming also the UN Women's themes for celebration of the International Women's Day each year, which make the commemoration of the Day a rallying point to build support for women's rights and participation in the political and economic arenas and decision-making capacities;

Stressing that in 2022, 27 years after the adoption of the Platform for Action, significant levels of inequality between women and men persist in critical areas including, but not limited to, access to decent work and closing the gender pay gap;

Recalling also, the 1995 Beijing Platform for Action, in which the Secretary-General of the United Nations urged International Organizations and Specialized Agencies of the United Nations, such as ICAO, to establish programmes in order to achieve the goal of 50/50 gender balance at all levels;

Noting that reaching gender equality in aviation requires mobilization at four different levels of Member States, ICAO's governing and technical bodies, ICAO's Secretariat and the aviation sector, that ICAO must comprehensively and holistically take into account in developing its gender programmes and policies and reporting on their result;

Recognizing that ICAO's gender equality policy must be based on comprehensive data and statistics relevant to the four above-mentioned levels and collected and presented on a multiannual basis and accompanied with a geographical distribution;

Recognizing that the development of ICAO policies and programmes should be based on broader exchanges between all pertinent stakeholders such as States, other international organizations, the aviation sector, universities and civil society;

Noting that as instructed by the Assembly through Resolution A39-30, the ICAO Gender Equality Programme was established in 2017 with the primary aim of facilitating and coordinating targeted programmes and projects to enable and make regular reports on progress toward the goal of gender equality by 2030, especially in professional and higher levels of employment, within ICAO, States and the global aviation sector.

Welcoming the progress made by ICAO and Member States pursuant to ICAO Assembly Resolution A39-30 while regretting that the progress towards gender equality remain limited and too slow;

Acknowledging that appointments to the ICAO Secretariat are based on merit, while having due regard to the importance of recruiting staff on as wide a geographical basis as possible and ensuring equal gender representation;

Recognizing that, notwithstanding the extant challenges ICAO should continue to focus greater attention on women's rights and gender equality by playing its part in furthering the goals of the Beijing Declaration and Platform for Action and UN Sustainable Development Goal 5, and that new and ambitious steps are urgently required in order to achieve this objective; and

Noting the Resolution adopted by the United Nations General Assembly on 20 July 2022 that decided to proclaim 24 June of each year the International Day of Women in Diplomacy.

The Assembly:

1. *Reaffirms* its commitment to enhancing gender equality and the advancement of women's development by supporting UN Sustainable Development Goal 5: Achieve gender equality and empower all women and girls including by aiming to achieve an aspirational goal of 50-50 (women-men) by 2030 at all professional and higher levels of employment in the global aviation sector;

2. *Also reaffirms* the essential and catalytic role of the Assembly and the ICAO Council in promoting gender equality and empowerment of women and girls, and encourages Member States to take into account the recommendations of the Declaration on Improving Gender Representation in ICAO's Governing and Technical Bodies, and give due regard to ensuring equal opportunity in nomination of qualified female candidates when nominating Representatives and other experts to ICAO bodies, groups and meetings;

3. *Requests* the Secretary General to include an assessment of the progress achieved based on this Declaration in its annual report to the Council on the implementation of the Gender Equality Programme and its Implementation Plan;

4. *Encourages* States to place a special emphasis to gender equality when proposing candidates for senior and decision-making positions at the ICAO Secretariat;

5. *Urges* States, regional and international aviation organizations and the international aviation industry to demonstrate strong, determined leadership and commitment to advance women's rights and to take the necessary measures to strengthen gender equality by supporting policies, as well as the establishment and improvement of programmes and projects, to further women's careers within ICAO's governing and technical bodies, the ICAO Secretariat and the global aviation sector;

6. *Invites* States to consider establishing ambitious goals and targets with respect to gender equality in their aviation workforce, especially in professional, technical and management capacities, as well as matching such commitments with adequate financing through allocation of sufficient budget and mobilization of financial resources from all sources;

7. *Agrees*, in this respect, that an intermediate goal such as 25by2025 developed by IATA, according to which the number of women in senior positions and under-represented areas should be increased by 25 per cent or up to a minimum of 25 per cent by 2025, should serve as an inspiration for all categories of aviation stakeholders, including ICAO;

8. *Urges* Member States and encourages stakeholders, where applicable, to address gaps and challenges, take specific, measurable, time-bound actions and mobilize adequate financial resources in order to advance gender equality, strengthen the effectiveness and accountability of institutions at all levels

to promote gender equality and the empowerment of all women and girls and, when applicable, integrate a gender perspective into their civil aviation policies, plans and processes;

9. *Invites* States to raise awareness on the career opportunities for girls and women in aviation and take benefit in this respect of role models of women who have succeeded in the sector;

10. *Urges* States, as part of national commitments to gender equality, to work cooperatively with ICAO by sharing best practices and working in partnership with ICAO on programmes and projects aimed at increasing the pool of women in the aviation sector and encouraging women to further develop their aviation careers, including through the promotion of women in aviation careers by State Ministries responsible for higher education;

11. *Requests* ICAO to produce multi-annual and detailed statistics on gender equality outlining progress made at all levels and to present such statistics in its annual report on the implementation of the Gender Equality Programme and its Implementation Plan and, every 3 years, to the Assembly and invites the States to support ICAO in this endeavour;

12. *Requests* ICAO to develop a new Gender Equality Programme Implementation Plan 2.0 to enhance gender equality and women empowerment at the organizational level and the aviation sector;

13. *Further requests* ICAO to include gender equality as a core element of its human resource strategy and policies, by developing a comprehensive approach involving in particular recruitment, career development, promotions, training and working conditions so as to allow a better balance between professional and personal life;

14. *Suggests* strengthening partnerships for gender equality between ICAO, and the aviation industry, Member States, international organizations, and civil society, to promote, share and exchange good practices;

15. *Encourages* ICAO to strengthen the Secretariat's accountability for the implementation of commitments to gender equality and the empowerment of women and girls through the continuous implementation of the ICAO Gender Equality Programme, particularly as part of the United Nations System; and

16. *Declares* that this Resolution supersedes Resolution A39-30.

Resolution A41-27: 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;

Whereas the Organization has developed *Guidance on Economic and Financial Measures to Mitigate the Impact of the Coronavirus Outbreak on Aviation* for Member States and the industry to cope with the economic fallout of the COVID-19 pandemic, alleviate the imminent liquidity and financial strain on the industry, and strengthen the industry resilience to future crisis;

Whereas the Ministerial Declaration adopted at the High-level Conference on COVID-19 (HLCC 2021) confirmed the importance of support provided for the aviation sector, including economic and financial support, to sustain operations and ensure the provision of essential services while safeguarding fair competition and equal opportunities; 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 41st 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 continue to promote and raise awareness of the *Ministerial Declaration of the High-level Conference on COVID-19*, while efforts are made to implement the relevant provisions of the Declaration;

10. *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;

11. *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;

12. *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

13. *Declares* that this resolution supersedes Resolution A40-9.

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 the tremendous impact of COVID-19 on the aviation sector in terms of resilience, sustainability or recovery requires interaction between different policy and technical areas to find adequate solutions for the sector;

Whereas, most international air services are governed by bilateral or multilateral Air Services Agreements (ASAs) among States or regional groups of States, and which are indispensable to international air transport because they provide a predictable framework where air carriers can operate and sustain future air services, and therefore any restrictions introduced in response to a crisis should be kept to a minimum and reconciled with the requirements of ASAs;

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;

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

Whereas discussions in the Air Transport Regulation Panel indicate wide support to examine the economic and regulatory aspects of international operations of unmanned aircraft, in view of the increasing global operations of unmanned aircraft.

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. *Encourages* States to ensure that national regulations on air transport reflect and complement key ICAO priorities;
8. *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;
9. *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;
10. *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;

11. *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;

12. *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;

13. *Requests* the Council to continue 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;

14. *Requests* the Council to examine whether there is a need to consider the development of a specific international agreement to facilitate further liberalization of air cargo services, in view of the critical role of air cargo services during the COVID-19 pandemic and the surge in global demand for the services;

15. *Requests* the Council to conduct an in-depth assessment of the need for guidance on the economic regulation of international operations of unmanned aircraft systems, and to coordinate the gathering and sharing of information and best practices on economic regulatory issues on unmanned aircraft amongst Member States;

16. *Requests* the Council to promote the use and adherence to the key principles of the ICAO Guidance on Economic and Financial Measures, which should be updated when deemed necessary;

17. *Requests* the Council to establish appropriate interactions between different committees, panels and working bodies within the Organisation to make sure that their respective policy areas are appropriately addressed in their respective work;

18. *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);

19. *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;

20. *Requests* the Council to prepare guidelines in order to provide States with the flexibility to temporarily respond to international crises whilst protecting the integrity of ASAs, facilitating the continuation of traffic during a crisis and ensuring a return to “normal” afterwards, taking into consideration in particular, lessons learned from the COVID-19 pandemic, which has been a shock of unprecedented scale to the international aviation system; and

21. *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;

Whereas one of the key principles recommended by the ICAO Council Aviation Recovery Task Force (CART), for a safe, secure and sustainable restart and recovery of the global aviation sector from the disastrous impact of the COVID-19 pandemic, was for States and financial institutions to consider the need to provide direct and/or indirect support in various proportionate and transparent ways; 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 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 A41-20, *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*);

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; and

Whereas the organization publishes and keeps up to date a supplement to Doc 8632, a compilation of responses from Member States on their status of implementation of the consolidated resolutions on taxation.

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;
3. *Urges* Member States to forward information when required to ICAO, on the status of their implementation of the consolidated resolutions on taxation for the update of the supplement to Doc 8632; and
4. *Requests* the Council to continue to promote ICAO's policies on taxation, monitor developments, and update its policies and supplement to Doc 8632, 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 A41-20, *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 A41-21, *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;

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; and

Whereas there was significant decline in air traffic due to the impact of the COVID-19 pandemic, resulting in the reduction of revenue from charges for airports and air navigation services, and the ensuing risks to the financial stability of the service providers;

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 airports and air navigation facilities 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 ICAO's policies 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. *Urges* Member States to strike an appropriate balance between service providers and users when implementing economic and financial measures in times of crisis, including the revision of charges, through effective consultation and ensuring that difficulties are shared amongst all parties in a reasonable manner;
9. *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, and reinforce the responsiveness of the policies to future crisis;

10. *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;

11. *Requests* the Council to address the issues of the appropriateness of a global cost recovery system for the provision of space weather information services for international civil aviation, including the development of a cost recovery mechanism consistent with ICAO's charging principles; and

12. *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 and relevant Sustainable Development Goals;

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;

Whereas the need to address the financial challenges posed by the COVID-19 pandemic on airports and air navigation services providers, and the medium- and long-term implications on funding and financing for aviation infrastructure development cannot be over emphasized; 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. *Encourages* Member States to consider the appropriateness of financial and regulatory support to airports and air navigation service providers in response to any unprecedented economic difficulties stemming from the COVID-19 pandemic. Such support should be consistent with the principle of fair and equal opportunity to compete;
7. *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;
8. *Requests* the Council to continue to assess the emerging funding and financing needs arising from the industry technology advancement, including investment in infrastructure to support the operation of the unmanned aircraft systems;
9. *Requests* the Council to keep the ICAO Guidance on Economic and Financial Measures to Mitigate the Impact of the Coronavirus Outbreak on Aviation updated and promote its use to support the recovery of airports and air navigation services from the COVID-19 pandemic; and
10. *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 increasing quantity of data, as well as data innovations enabling advanced analysis of such data;

Recognizing the on-going collaboration on big data analytics with Member States in the provision of continuously updated operational and economic impact analysis through business intelligence tools; and

Recognizing the significant operational and financial challenges posed by the COVID-19 pandemic and the need for timely, accurate and complete data to guide States' policy- and decision-making during the recovery, and in building resilience;

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 continuously updated big data dashboards for their data-driven decision-making, COVID-19 recovery strategies, planning and implementation needs;

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 United Nations (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;

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

Recognizing the need for more frequent updates of forecasts to facilitate the recovery from the COVID-19 pandemic, and future planning and implementation needs of States.

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 and conduct more frequent updates of the 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;

Recognizing the need for measuring the economic contribution of aviation to national economies using the methodological framework developed in line with the internationally agreed standard of the *System of National Accounts, 2008*;

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;

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; and

Whereas there is a growing need among Member States to measure their ability to create and maintain value from the civil aviation sector, requiring the development of methodologies to define a global aviation competitiveness index;

The Assembly:

1. *Requests* the Council to continue its work to finalize the Aviation Satellite Account (ASA) methodological framework document developed-in line with the *System of National Accounts, 2008*;
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;
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; and
5. *Requests* the Council to develop a standard methodology for establishing a global aviation competitiveness index for States to maximize market output, economic efficiencies and productivity.

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);

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; and
3. *Requests* the Council to monitor and analyze international logistics constraints for e-commerce in collaboration with UPU.

Resolution A41-28: Budgets for 2023, 2024 and 2025

A. *The Assembly*, with respect to the Budget 2023-2024-2025, *notes* that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered budget estimates for the Regular Budget and indicative budget estimates for the Administrative and Operational Services Costs (AOSC) Fund of the Technical Cooperation Programme for each of the financial years 2023, 2024 and 2025;
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 **Regular Budget**:

Recognizes the importance of the new Transformational Objective and its initiatives.

Specifies that the funding through Assessments on States of an amount of CAD 14 977 000 for selected high priority Transformational Objective initiatives, for the 2023-2024-2025 triennium, is an extra-ordinary one-time contribution that shall be treated as a non-consolidated amount and shall not form part of the baseline used for preparing budget estimates for the 2026-2027-2028 triennium.

Resolves that:

1. amounts presented in the following table, in Canadian dollars (CAD) for the financial years 2023, 2024 and 2025 are hereby authorized for expenditure in accordance with the Financial Regulations, and subject to the provisions of this Resolution:

2023-2024-2025 Budget Estimates				
(in CAD)				
	2023	2024	2025	Total
Strategic Objective				
SAFETY	32,825,000	34,178,000	34,881,000	101,884,000
AIR NAVIGATION CAPACITY AND EFFICIENCY	21,460,000	22,241,000	22,630,000	66,331,000
SECURITY AND FACILITATION	14,906,000	15,491,000	16,064,000	46,461,000
ECONOMIC DEVELOPMENT OF AIR TRANSPORT	4,952,000	5,113,000	5,256,000	15,321,000
ENVIRONMENTAL PROTECTION	6,877,000	6,983,000	7,351,000	21,211,000
Transformational Objective	8,041,000	4,642,000	5,326,000	18,009,000
Support to Strategic Objectives	13,909,000	14,398,000	16,215,000	44,522,000
Management & Administration	14,062,000	14,658,000	15,101,000	43,821,000
TOTAL PROPOSED APPROPRIATION	117,032,000	117,704,000	122,824,000	357,560,000
Operational	116,413,000	117,116,000	122,225,000	355,754,000
Capital	619,000	588,000	599,000	1,806,000

2. the annual Total Authorized Appropriation be financed as presented in the table below, in accordance with the Financial Regulations:

2023-2024-2025 Funding Sources				
(in CAD)				
	2023	2024	2025	Total
a) Assessments from States	103,920,000	104,566,000	109,665,000	318,151,000
b) Transfer from ARGF Surplus	8,082,000	8,082,000	8,081,000	24,245,000
c) Operational Reserve	2,364,000	2,364,000	2,364,000	7,092,000
d) Reimbursement from AOSC Fund	1,829,000	1,856,000	1,877,000	5,562,000
e) Miscellaneous Income	780,000	780,000	780,000	2,340,000
f) Incentive Scheme	57,000	56,000	57,000	170,000
TOTAL:	117,032,000	117,704,000	122,824,000	357,560,000

C. *The Assembly*, with respect to the AOSC Fund indicative budget estimates for the **Technical Cooperation Programme**:

Recognizing that the Administrative and Operational Services Cost (AOSC) Fund is mainly financed by fees from implementation of projects assigned to ICAO for execution using funds from external funding sources such as Governments 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 and the amount to be implemented in a given year;

Recognizing that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars (CAD) for the years 2023, 2024 and 2025 represent indicative budget estimates only:

	2023	2024	2025
Estimated Expenditures	9,300,000	9,570,000	9,780,000

Recognizing that technical cooperation is an important means of fostering the development and safety, security, efficiency and sustainability of civil aviation;

Recognizing the circumstances facing the Technical Cooperation Programme of the Organization and the necessity to take continuing management 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 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.

Resolution A41-29: Assessments to the General Fund for 2023, 2024 and 2025

The Assembly resolves:

1. that the amounts to be assessed on Member States for 2023, 2024 and 2025 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out below.

Member States	Draft Scales of Assessment 2023, 2024, 2025
	%
Afghanistan	0.06
Albania	0.06
Algeria	0.08
Andorra	0.06
Angola	0.06
Antigua and Barbuda	0.06
Argentina	0.52
Armenia	0.06
Australia	1.66
Austria	0.56
Azerbaijan	0.16
Bahamas	0.06
Bahrain	0.08
Bangladesh	0.12
Barbados	0.06
Belarus	0.06
Belgium	0.68
Belize	0.06
Benin	0.06
Bhutan	0.06
Bolivia (Plurinational State of)	0.06
Bosnia and Herzegovina	0.06
Botswana	0.06
Brazil	1.56
Brunei Darussalam	0.06

<u>Member States</u>	Draft Scales of Assessment 2023, 2024, 2025
Bulgaria	0.06
Burkina Faso	0.06
Burundi	0.06
Cabo Verde	0.06
Cambodia	0.06
Cameroon	0.06
Canada	2.17
Central African Republic	0.06
Chad	0.06
Chile	0.44
China	13.71
Colombia	0.30
Comoros	0.06
Congo	0.06
Cook Islands	0.06
Costa Rica	0.06
Côte d'Ivoire	0.06
Croatia	0.06
Cuba	0.07
Cyprus	0.06
Czechia	0.24
Democratic People's Republic of Korea	0.06
Democratic Republic of the Congo	0.06
Denmark	0.41
Djibouti	0.06
Dominica	0.06
Dominican Republic	0.06
Ecuador	0.06
Egypt	0.19
El Salvador	0.06
Equatorial Guinea	0.06
Eritrea	0.06
Estonia	0.06
Eswatini	0.06
Ethiopia	0.42

<u>Member States</u>	Draft Scales of Assessment 2023, 2024, 2025
Fiji	0.06
Finland	0.38
France	3.43
Gabon	0.06
Gambia	0.06
Georgia	0.06
Germany	4.78
Ghana	0.06
Greece	0.24
Grenada	0.06
Guatemala	0.06
Guinea	0.06
Guinea-Bissau	0.06
Guyana	0.06
Haiti	0.06
Honduras	0.06
Hungary	0.29
Iceland	0.06
India	0.99
Indonesia	0.51
Iran (Islamic Republic of)	0.32
Iraq	0.09
Ireland	0.64
Israel	0.47
Italy	2.28
Jamaica	0.06
Japan	6.26
Jordan	0.06
Kazakhstan	0.11
Kenya	0.07

<u>Member States</u>	Draft Scales of Assessment 2023, 2024, 2025
Kiribati	0.06
Kuwait	0.18
Kyrgyzstan	0.06
Lao People's Democratic Republic	0.06
Latvia	0.06
Lebanon	0.06
Lesotho	0.06
Liberia	0.06
Libya	0.06
Lithuania	0.06
Luxembourg	0.47
Madagascar	0.06
Malawi	0.06
Malaysia	0.42
Maldives	0.06
Mali	0.06
Malta	0.06
Marshall Islands	0.06
Mauritania	0.06
Mauritius	0.06
Mexico	1.05
Micronesia (Federated States of)	0.06
Monaco	0.06
Mongolia	0.06
Montenegro	0.06
Morocco	0.09
Mozambique	0.06
Myanmar	0.06
Namibia	0.06
Nauru	0.06

<u>Member States</u>	Draft Scales of Assessment 2023, 2024, 2025
Nepal	0.06
Netherlands	1.54
New Zealand	0.30
Nicaragua	0.06
Niger	0.06
Nigeria	0.13
North Macedonia	0.06
Norway	0.52
Oman	0.11
Pakistan	0.13
Palau	0.06
Panama	0.11
Papua New Guinea	0.06
Paraguay	0.06
Peru	0.15
Philippines	0.27
Poland	0.61
Portugal	0.34
Qatar	1.59
Republic of Korea	3.16
Republic of Moldova	0.06
Romania	0.23
Russian Federation	1.89
Rwanda	0.06
Saint Kitts and Nevis	0.06
Saint Lucia	0.06
Saint Vincent and the Grenadines	0.06
Samoa	0.06
San Marino	0.06
Sao Tome and Principe	0.06

<u>Member States</u>	Draft Scales of Assessment 2023, 2024, 2025
Saudi Arabia	1.07
Senegal	0.06
Serbia	0.06
Seychelles	0.06
Sierra Leone	0.06
Singapore	0.76
Slovakia	0.11
Slovenia	0.06
Solomon Islands	0.06
Somalia	0.06
South Africa	0.21
South Sudan	0.06
Spain	1.67
Sri Lanka	0.07
Sudan	0.06
Suriname	0.06
Sweden	0.61
Switzerland	0.96
Syrian Arab Republic	0.06
Tajikistan	0.06
Thailand	0.45
Timor-Leste	0.06
Togo	0.06
Tonga	0.06
Trinidad and Tobago	0.06
Tunisia	0.06
Türkiye	1.37
Turkmenistan	0.06
Tuvalu	0.06
Uganda	0.06

<u>Member States</u>	Draft Scales of Assessment 2023, 2024, 2025
Ukraine	0.06
United Arab Emirates	1.98
United Kingdom	3.37
United Republic of Tanzania	0.06
United States	21.70
Uruguay	0.06
Uzbekistan	0.06
Vanuatu	0.06
Venezuela (Bolivarian Republic of)	0.12
Viet Nam	0.17
Yemen	0.06
Zambia	0.06
Zimbabwe	<u>0.06</u>
	<u>100.00</u>

Resolution A41-30: Working Capital Fund

The Assembly:

1. *Notes that:*

- a) in accordance with Resolution A40-31, 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 detrimental delay in complying with 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 periodically reviews the financial situation of the Organization and the level of the Working Capital Fund.

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 to determine if an increase is urgently needed;
- 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 during ordinary sessions of the Assembly:
 - i) on the adequacy of the level of the Working Capital Fund;
 - 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 A40-31 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.

Resolution A41-31: Amendment of the Financial Regulations

Whereas the Council is respectful of the position of the Assembly in approving the Budgets and Appropriations of the Organization;

Whereas the Council is able to meet on a regular basis to deal with exigencies and developments affecting the amounts appropriated;

Whereas the Council requires the flexibility between Assembly sessions to accommodate changes in the financing needs;

The Assembly resolves, that the amendments as set out below to the headings of Articles I, IV, V, VI, X, and XI; deletion of the footnotes of Doc 7515/16; revisions to Financial Regulations 1.1, 4.3, 4.4, 4.10, 5.6, 5.9, 6.6, 7.2, 7.3, 8.1, 9.1, 9.3, 10.1, 10.2, 10.3, 11.1, 12.1, 13.4, and 13.8; addition of new Financial Regulations 1.2, 1.3, 7.9, and 13.9; and the conversion of Annex A into a new Article XV Definitions; are confirmed pursuant to Financial Regulation 14.1.

Reg. No.	Edited changes	New revised text
Article I Applicability		
	Article I Applicability ¹ and Accountability ¹Articles IV, V and VI govern the Regular Programme Budget, its formulation, approval, execution, and funding and do not apply to Technical Cooperation Programme Funds. Pertinent provisions apply to the Administrative and Operational Services Cost Fund, in particular Regulations 4.1, 4.2, 4.4-4.9 inclusive, 5.1, 5.5, 5.7 and 5.8. See also Article IX.	Article 1 Applicability and Accountability
1.1	These Regulations ² shall govern the financial administration of the International Civil Aviation Organization. ²Annex A provides a Glossary of Terms to be used for the interpretation of these Regulations.	These Regulations shall govern the financial administration of the International Civil Aviation Organization.
1.2	New Regulation	The Secretary General is responsible and accountable to the Council for the financial management and operation of ICAO and may delegate authority for the implementation of specific aspects of the Financial Regulations, documented in the Financial Rules, in line with Article XI.
1.3	New Regulation	The definitions in respect of specific terms used in these Regulations are presented in Article XV.
Article IV The Budget		
	Article IV The Regular Budget	Article IV Regular Budget
4.3	The Secretary General's Regular Budget Estimates shall present the resources necessary to meet the results required to comply with ICAO's obligations under the Chicago Convention and applicable Assembly Resolutions, as they have been incorporated into the Business Plan for which the estimates are presented.	The Secretary General's Regular Budget Estimates shall present the resources necessary to meet the results required to comply with ICAO's obligations under the Chicago Convention and applicable Assembly Resolutions, as they have been incorporated into the Business Plan.

4.4	<p>The Secretary General's Regular Budget Estimates shall be subdivided into Programme, Programme Support, and Management and Administration. While Programme relates to Strategic Objectives, Programme Support and Management and Administration relate to Supporting Strategies. For each Strategic Result and Supporting Strategy, the budget estimates will contain required resources, and also expected results, outputs and key performance indicators to measure progress made towards the attainment of results. Strategic Objectives, Supporting Strategies, and may include any other objective or strategy related to the results-based management structure of the Business Plan.</p>	<p>The Secretary General's Regular Budget Estimates shall be subdivided into Strategic Objectives, Supporting Strategies, and may include any other objective or strategy related to the results-based management structure of the Business Plan.</p>
4.10	<p>The budget resolution, as defined in Regulation 4.7 c), shall be voted and adopted by the Assembly by Strategic Objectives, and Supporting Strategies, and any other objective or strategy related to the results-based management structure of the Business Plan; and by Total Authorized Appropriation.</p>	<p>The budget resolution, as defined in Regulation 4.7 c), shall be voted and adopted by the Assembly by Strategic Objectives, Supporting Strategies and any other objective or strategy related to the results-based management structure of the Business Plan; and by Total Authorized Appropriation.</p>
Article V Appropriations		
	<p>Article V Regular Budget Appropriations³ ³ Non cash expenditures not requiring an outlay of funds, such as depreciation, amortization and goods and services provided to the Organization without charges, are not included in the appropriations but are included in the estimates for authorization purposes.</p>	<p>Article V Regular Budget Appropriations</p>
5.6	<p>The unspent balance of appropriations in any financial year may be carried over to the following year under the authority of the Secretary General for up to 10 per cent per appropriation for each Strategic Objective, or Supporting Strategy or any other objective or strategy that has been voted and adopted by the Assembly, and for any amount above this percentage, under the authority of the Council, irrespective of its authority under Regulation 5.9 to effect transfers between Strategic Objectives or Supporting Strategies, may determine that any unspent balance of appropriations in any financial year be carried over to the following year. The total of expended and carried over appropriations shall not exceed the Total Authorized Appropriation plus amounts carried over from the previous year. Any balance of</p>	<p>The unspent balance of appropriations in any financial year may be carried over to the following year under the authority of the Secretary General for up to 10 per cent per appropriation for each Strategic Objective, Supporting Strategy, or any other objective or strategy that has been voted and adopted by the Assembly; and for any amount above this percentage, under the authority of the Council irrespective of its authority under Regulation 5.9. The total of expended and carried over appropriations shall not exceed the Total Authorized Appropriation plus amounts carried over from the previous year. Any balance of unspent appropriations and appropriations not carried over to the following year shall be cancelled.</p>

	unspent appropriations and appropriations not carried over to the following year shall be cancelled.	
5.9	Transfers from one Strategic Objective, or Supporting Strategy, or any other objective or strategy voted and adopted by the Assembly, to another may be effected by the Secretary General up to an amount not exceeding 20 per cent of the annual appropriation for each of the Strategic Objectives, or Supporting Strategies, or other objective or strategy, to which the transfer is made. Above this percentage, transfers between among Strategic Objectives, or Supporting Strategies, or other objective or strategy, may be effected by the Secretary General, with the prior approval of the Council after obtaining the advice of the Finance Committee. All transfers, including those that fall within the authority of the Secretary General, shall be reported to the Assembly.	Transfers from one Strategic Objective, Supporting Strategy, or any other objective or strategy voted and adopted by the Assembly, to another may be effected by the Secretary General up to an amount not exceeding 20 per cent of the annual appropriation for each of the Strategic Objectives, Supporting Strategies, or other objective or strategy, to which the transfer is made. Above this percentage, transfers among Strategic Objectives, Supporting Strategies, or other objective or strategy, may be effected by the Secretary General, with the prior approval of the Council after obtaining the advice of the Finance Committee. All transfers, including those that fall within the authority of the Secretary General, shall be reported to the Assembly.
Article VI Provision of Funds		
	Article VI Provision of Regular Budget Funds	Article VI Provision of Regular Budget Funds
6.6	The contributions of Member States shall be payable in Canadian dollars assessed partly in Canadian dollars and partly in United States dollars, in a proportion determined by the requirements of the two currencies. To the extent that the Secretary General may find it possible to accept during the financial year other currencies, the Secretary General may invite certain Member States to remit a portion of their contributions in such currencies, of specified amounts, as the Secretary General may designate to the extent that contributions so assessed are fair and equitable.	The contributions of Member States shall be assessed partly in Canadian dollars and partly in United States dollars, in a proportion determined by the requirements of the two currencies. To the extent that the Secretary General may find it possible to accept during the financial year other currencies, the Secretary General may invite certain Member States to remit a portion of their contributions in such currencies, of specified amounts, as the Secretary General may designate to the extent that contributions so assessed are fair and equitable.
Article VII Establishment and Administration of Funds		
7.2	The Secretary General may establish create Funds or Special Accounts within the scope of the Ancillary Revenue Generation Fund referred to in Regulation 7.3 c for the purpose of efficient financial administration of those Funds, Reserves and Special Accounts, established as per Regulation 7.1.	The Secretary General may create Funds or Special Accounts for the purpose of efficient financial administration of those Funds, Reserves and Special Accounts, established as per the Regulation 7.1.

<p>7.3</p>	<p>As far as the General Fund, the Working Capital Fund, and the Ancillary Revenue Generation Fund are concerned:</p> <p>a) the General Fund shall be credited with contributions (including any arrears thereof) from Member States, miscellaneous income and advances made from the Working Capital Fund and shall be debited with all general expenditures of the Organization and reimbursements to the Working Capital Fund.</p> <p>b) the Working Capital Fund shall be utilized to make advances as necessary:</p> <p>i) to the General Fund to finance temporary cash deficits as a result of delays in receipt of income, the sums so advanced to be reimbursed as soon as receipts are available for the purpose;</p> <p>ii) to the relevant Joint Financing Fund for the operation of projects under agreements concluded under Chapter XV of the Convention, for the purpose of defraying expenses pending receipt of contributions assessable to participating States by virtue of these agreements, the outstanding balance of the sums so advanced not to exceed \$100 000 at any time and to be reimbursed as soon as receipts from participating States are available for the purpose; and</p> <p>iii) ii) in cases where the Council has approved appropriations under Regulation 5.2 a) and b), to the relevant special fund created under Regulation 8.4 subject to the limit therein specified.</p> <p>c) the Ancillary Revenue Generation Fund shall be used to record all revenues and expenditures relating to administer self-financing activities and revenue-generating products and services. In the event of a deficit at the end of a financial year, the deficit shall be funded by accumulated surplus or it shall be carried forward to the next year and offset by income in that period, and the deficit shall not be funded by the Regular Budget. Budgetary estimates for the Ancillary Revenue Generation Fund, showing income, expenditure and amounts estimated for transfers to the General Fund to finance the</p>	<p>As far as the General Fund, the Working Capital Fund, and the Ancillary Revenue Generation Fund are concerned:</p> <p>a) the General Fund shall be credited with contributions (including any arrears thereof) from Member States, miscellaneous income and advances made from the Working Capital Fund and shall be debited with all general expenditures of the Organization and reimbursements to the Working Capital Fund.</p> <p>b) the Working Capital Fund shall be utilized to make advances as necessary:</p> <p>i) to the General Fund to finance temporary cash deficits as a result of delays in receipt of income, the sums so advanced to be reimbursed as soon as receipts are available for the purpose; and</p> <p>ii) in cases where the Council has approved appropriations under Regulation 5.2 a) and b), to the relevant special fund created under Regulation 8.4 subject to the limit therein specified.</p> <p>c) the Ancillary Revenue Generation Fund shall be used to administer self-financing and revenue-generating products and services. In the event of a deficit at the end of a financial year, the deficit shall be funded by accumulated surplus or it shall be carried forward to the next year and offset by income in that period, and the deficit shall not be funded by the Regular Budget. Budgetary estimates for the Ancillary Revenue Generation Fund, showing income, expenditure and amounts estimated for transfers to the General Fund to finance the Regular Budget approved by the Council, shall be presented, together with the Regular Budget, to the Assembly for its review and approval. The Secretary General may make such adjustments to the budget estimates, approved by the Assembly, as may be required during the budgetary period concerned in order to further enhance revenue generation, and provide adequate administration and support services to the activities of the Organization, within the terms of these Financial Regulations and the resources available in the Fund, but without reducing the amounts earmarked for transfer to the General Fund. Any surplus not projected to be committed or expensed may be transferred to the General Fund.</p>
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	<p>Regular Budget approved by the Council, shall be presented, together with the Regular Budget, to the Assembly for its review and approval. The Secretary General may make such adjustments to the budget estimates, approved by the Assembly, as may be required during the budgetary period concerned in order to further enhance revenue generation, and provide adequate administration and support services to the activities of the Organization, within the terms of these Financial Regulations and the resources available in the Fund, but without reducing the amounts earmarked for transfer to the General Fund. Any surplus not projected to be committed or expensed may be transferred to the General Fund.</p> <p>d) within the Ancillary Revenue Generation Fund, the following an operational reserve shall be established, at levels set by the Council, 1. an operational reserve, the purpose of which is to guarantee the financial viability and integrity of the Ancillary Revenue Generation Fund. The Reserve shall be fully funded and held in irrevocable and promptly available liquid assets. The decision to make a drawdown from the Operational Reserve shall rest with the Secretary General, who will report all drawdown to the Finance Committee at its next regular session. The elements to be compensated for and covered by the Reserve shall be limited to:</p> <ul style="list-style-type: none"> i) downward fluctuations or shortfalls in resources; ii) uneven cash flows; iii) increases in actual costs as compared to planning estimates or fluctuations in delivery; and iv) other contingencies which result in a loss of resources for which the Ancillary Revenue Generation Fund has made commitments. <p>The decision to make a drawdown from the Operational Reserve shall rest with the Secretary General, who will report all drawdown to the Finance Committee at its next regular session.</p>	<p>d) within the Ancillary Revenue Generation Fund, an operational reserve shall be established, at levels set by the Council, to guarantee the financial viability and integrity of the Ancillary Revenue Generation Fund. The Reserve shall be fully funded and held in irrevocable and promptly available liquid assets. The decision to make a drawdown from the Operational Reserve shall rest with the Secretary General, who will report all drawdown to the Finance Committee at its next regular session. The elements to be compensated for and covered by the Reserve shall be limited to:</p> <ul style="list-style-type: none"> i) downward fluctuations or shortfalls in resources; ii) uneven cash flows; iii) increases in actual costs as compared to planning estimates or fluctuations in delivery; and iv) other contingencies which result in a loss of resources for which the Ancillary Revenue Generation Fund has made commitments.
7.9	New Regulation	Voluntary contributions may be accepted by the Secretary General if the contributions made are

		consistent with the purposes, objectives, policies, principles or functions of the Organization. Such contributions shall be administered as Trust Funds and the status of Voluntary Contributions shall be periodically reported to the Finance Committee.
Article VIII Joint Financing of Air Navigation Facilities and Services		
8.1	Unless the Assembly makes specific provision therefor, projects requiring joint financing under Chapter XV of the Convention shall be financed not from the General Fund, but by assessed contributions or other means agreed to by the interested parties.	Unless the Assembly makes specific provision therefor, projects requiring joint financing under Chapter XV of the Convention shall be financed not from the General Fund, but by assessed contributions or other means agreed to by the interested parties.
Article IX Technical Cooperation		
	Article IX Technical Cooperation ⁴ ⁴The Assembly has approved participation by the Organization in programmes of technical cooperation financed exclusively by extrabudgetary resources, such as those provided by the United Nations Development Programme and through Trust Funds provided by governments and other entities.	Article IX Technical Cooperation
9.1	The Assembly has approved participation by the Organization in programmes of technical cooperation financed exclusively by extra budgetary resources. In accordance with Article VII, Regulation 7.1, the Council authorizes the establishment of such Funds as may be necessary for the administration of programmes of technical cooperation. In line with Regulation 7.2, the Secretary General may establish create and shall administer such those Funds, in support of the Technical Cooperation Programme, in accordance with the applicable provisions of these Financial Regulations and with due regard to the requirements of the organizations, governments and other entities providing the respective funds.	The Assembly has approved participation by the Organization in programmes of technical cooperation financed exclusively by extra budgetary resources. In accordance with Article VII, Regulation 7.1, the Council authorizes the establishment of such Funds as may be necessary for the administration of programmes of technical cooperation. In line with Regulation 7.2, the Secretary General may create and shall administer those Funds, in support of the Technical Cooperation Programme, in accordance with the applicable provisions of these Financial Regulations and with due regard to the requirements of the organizations, governments and other entities providing the respective funds.
9.3	The cost of administration and operation of the Organization's programmes of technical cooperation shall be met by the organizations, governments and other entities providing the funds for technical cooperation and managed through a consolidated an Administrative and Operational Services Cost (AOSC) Fund. For United Nations Development Programme (UNDP) projects, administrative charges shall be determined in coordination with the UNDP, and for all other projects,	The cost of administration and operation of the Organization's programmes of technical cooperation shall be met by the organizations, governments and other entities providing the funds for technical cooperation and managed through an Administrative and Operational Services Cost (AOSC) Fund. Administrative charges shall be determined on the basis of the estimated costs to be incurred by the Organization for the implementation of the project, subject to Regulation 7.7.

	Administrative charges shall be determined on the basis of the estimated costs to be incurred by the Organization for the implementation of the project, subject to Regulation 7.7.	
Article X Depositories and Investments		
	Article X Depositories Banking and Investments	Article X Banking and Investments
10.1	The Secretary General shall designate the bank(s) or other financial institution(s) in which the funds of the Organization shall be kept. The Secretary General shall be accountable for effective cash and investment management in accordance with criteria and standards elaborated in the Financial Rules and any applicable policies.	The Secretary General shall designate the bank(s) or other financial institution(s) in which the funds of the Organization shall be kept. The Secretary General shall be accountable for effective cash and investment management in accordance with criteria and standards elaborated in the Financial Rules and any applicable policies.
10.2	The Secretary General, with the approval of the Finance Committee, shall from time to time designate trustee securities for investment purposes. The Secretary General may make short-term investment of funds in excess of immediate requirements and shall periodically inform the Finance Committee on the status of such investments. Long term investment of funds shall require approval by the Finance Committee.	The Secretary General may make short-term investment of funds in excess of immediate requirements and shall periodically inform the Finance Committee on the status of such investments. Long-term investment of funds shall require approval by the Finance Committee.
10.3	The Secretary General may make investments in such designated trustee securities and shall inform the Finance Committee periodically of such investments. The selection of banking partners and the management of relationships with financial institutions shall be in accordance with criteria and standards elaborated in the Financial Rules and in ICAO guidelines established for cash and investment management.	The selection of banking partners and the management of relationships with financial institutions shall be in accordance with criteria and standards elaborated in the Financial Rules and in ICAO guidelines established for cash and investment management.
Article XI Internal Control and Internal Audit		
	Article XI Internal Control and Internal Audit Oversight	Article XI Internal Control and Internal Oversight
11.1	The Secretary General shall: a) establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy; b) establish and enforce a Procurement Code that regulates the conduct of all procurement activities, including solicitation, evaluations,	The Secretary General shall: a) establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy; b) establish and enforce a Procurement Code that regulates the conduct of all procurement activities, including solicitation, evaluations, and

	<p>and approval of all procurement for goods and services, including third party procurement;</p> <p>b) c) cause all payments to be made on the basis of supporting documents which ensure that the services or goods have been received and have not already been paid for;</p> <p>e) d) designate the officers who may receive monies and, subject to Regulation 11.2, may incur expenditures and make payments on behalf of the Organization; and;</p> <p>e) ensure that refunds of any contributed funds and applicable interest, if any, shall only be made to the original donor entity or a legally administered trust fund on behalf of the entity;</p> <p>d) f) maintain a system of internal controls, in line with the Organization’s Enterprise Risk Management and Internal Control Framework and a separate internal audit oversight function, as described in the OIO Charter, which shall assess and contribute to the improvement of governance, risk management, and control processes; and to the improvement of programme management and the achievement of results provide for an effective current examination and <i>ex post facto</i> review of the operation of the system of internal control. These two measures being provided to shall ensure, <i>inter alia</i>:</p> <p>i) the regularity of the receipt, custody and disposal of all funds and other financial resources of the Organization;</p> <p>ii) the conformity of expenditures with the appropriations or other financial provisions, or with the purposes and rules relating to Funds, Reserves and Special Accounts; and</p> <p>iii) the economical use of the resources of the Organization.</p>	<p>approval of all procurement for goods and services, including third party procurement;</p> <p>c) cause all payments to be made on the basis of supporting documents which ensure that the services or goods have been received and have not already been paid for;</p> <p>d) designate the officers who may receive monies and, subject to Regulation 11.2, may incur expenditures and make payments on behalf of the Organization;</p> <p>e) ensure that refunds of any contributed funds and applicable interest, if any, shall only be made to the original donor entity or a legally administered trust fund on behalf of the entity;</p> <p>f) maintain a system of internal controls, in line with the Organization’s Enterprise Risk Management and Internal Control Framework and a separate internal oversight function as described in the OIO Charter.</p>
<p>Article XII Accounts and Financial Statements</p>		
<p>12.1</p>	<p>The Secretary General shall maintain such accounting records as are necessary and shall submit annual financial statements in accordance with the International Public Sector Accounting Standards (IPSAS) accounting standards adopted by the United</p>	<p>The Secretary General shall maintain such accounting records as are necessary and shall submit annual financial statements in accordance with the International Public Sector Accounting Standards (IPSAS) adopted by the United</p>

	Nations Organizations. The statements shall also include: a) the status of appropriations including: i) the appropriations voted by the Assembly; ii) the said appropriations as modified by any transfers and any new appropriations made under Regulation 5.2, and iii) the amounts charged against the appropriations; and b) credits not budgeted for by the Assembly.	Nations Organizations. The statements shall also include: a) the status of appropriations including: i) the appropriations voted by the Assembly; ii) the said appropriations as modified by any transfers and any new appropriations made under Regulation 5.2, and iii) the amounts charged against the appropriations; and b) credits not budgeted for by the Assembly.
Article XIII External Audit		
13.4	The audit shall be conducted in conformity with generally accepted common auditing standards and, subject to any special direction of the Assembly, in accordance with the additional terms of reference set out in the Annex B to the present Regulations.	The audit shall be conducted in conformity with generally accepted common auditing standards and, subject to any special direction of the Assembly, in accordance with the additional terms of reference set out in the Annex to the present Regulations.
13.8	The report of the External Auditor on the audit of the financial statements and relevant schedules relating to the accounts for the financial period shall include such information as the External Auditor deems necessary with regard to matters referred to in Regulation 13.5 and in the additional terms of reference in the Annex B .	The report of the External Auditor on the audit of the financial statements and relevant schedules relating to the accounts for the financial period shall include such information as the External Auditor deems necessary with regard to matters referred to in Regulation 13.5 and in the additional terms of reference in the <i>Annex</i> .
13.9	New Regulation	As part of a common internal control and audit framework in the United Nations system organizations, the Single Audit Principle shall apply.
	Annex B Additional Terms of Reference Governing the External Audit	Annex Additional Terms of Reference Governing the External Audit
Annex A Glossary of Terms		
	Annex A Glossary of Terms Article XV Definitions	Article XV Definitions
1	“Allotment” or “allocation of funds”: a) when used in respect to the Regular Budget, shall mean the document, electronic or otherwise, which enables and authorizes expenditures against Regular Budget Funds. b) when used with all other Funds, Reserves and Special Accounts, shall mean that funds are available and received by the Organization, thus allowing expenditures to occur.	Allotment” or “allocation of funds”: a) when used in respect to the Regular Budget, shall mean the document, electronic or otherwise, which enables and authorizes expenditures against Regular Budget Funds. b) when used with all other Funds, Reserves and Special Accounts, shall mean that funds are available and received by the Organization, thus allowing expenditures to occur.
2	“Business Plan” shall mean the document that sets the overall direction and provides the framework for guiding ICAO to achieve objectives and strategies. the Business Plan of the Organization, representing the	“Business Plan” shall mean the document that sets the overall direction and provides the framework for guiding ICAO to achieve objectives and strategies.

	operational plan for implementing the Strategic Objectives of the Organization.	
3	“Capital Expenditures” shall mean tangible assets, such as property, plant and equipment, and capitalized intangible assets (also called fixed assets), which are held by the Organization and have a useful life of more than one year.	
4	“Commitment” shall mean an engagement or an obligation to conclude a transaction with a third party, by contract or other means, during the current year or subsequent years.	“Commitment” shall mean an engagement or an obligation to conclude a transaction with a third party, by contract or other means, during the current year or subsequent years.
		“ <i>Ex gratia</i> payment” shall mean a payment made where there is no legal liability but the moral obligation to make such payment is justifiable.
5	“Expenditure” shall mean the sum of disbursements and unliquidated commitments where “disbursement” shall mean the amount paid and shall be used interchangeably with the term “payments”. the use of funds by the Organization or a commitment to pay at a later date cash or equivalent for the acquisition of goods and services, that will generally translate into the operating expenses or capital spending of the Organization.	“Expenditure” shall mean the sum of disbursements and unliquidated commitments where “disbursement” shall mean the amount paid and shall be used interchangeably with the term “payments”.
6	“Expenses” shall mean decreases in economic benefits or service potential during the reporting period in the form of outflows or consumption of assets or incurrences of liabilities that result in decreases in net assets/equity, other than those relating to distributions to owners.	“Expenses” shall mean decreases in economic benefits or service potential during the reporting period in the form of outflows or consumption of assets or incurrences of liabilities that result in decreases in net assets/equity, other than those relating to distributions to owners.
7	“Fixed assets” shall mean property, plant and equipment, and intangible assets capitalized under IPSAS and the Organization’s policy.	“Fixed assets” shall mean property, plant and equipment, and intangible assets capitalized under IPSAS and the Organization’s policy.
8	“Full cost” shall mean all direct and indirect costs attributable to the administration, operation and support of the Organization’s activities.	“Full cost” shall mean all direct and indirect costs attributable to the administration, operation and support of the Organization’s activities.
9	“Fund” or “Special Account” shall mean an account or accounts set aside for a specific purpose the set of accounting records established to record and report on the financial transactions, and the terms may be used interchangeably. Funds may be restricted internally by the Secretariat or externally by a contributor, a Member State, the Council, or the Assembly.	“Fund” or “Special Account” shall mean the set of accounting records established to record and report on the financial transactions, and the terms may be used interchangeably. Funds may be restricted internally by the Secretariat or externally by a contributor, a Member State, the Council, or the Assembly.

10	“Income” relates to funding sources and includes proceeds from the sale of fixed assets.	
11	“Liabilities” shall mean present obligations of the entity arising from past events, the settlement of which is expected to result in an outflow from the entity of resources embodying economic benefits or service potential	“Liabilities” shall mean present obligations of the entity arising from past events, the settlement of which is expected to result in an outflow from the entity of resources embodying economic benefits or service potential
12	“Miscellaneous Income” shall mean any funds earned by the Organization as a result of interest revenue, fees charged for services and indirect costs, and other sundry receipts.	“Miscellaneous Income” shall mean any funds earned by the Organization as a result of interest revenue, fees charged for services and indirect costs, and other sundry receipts.
13	“Revenue” shall mean the gross inflow of economic benefits or service potential during the reporting period when those inflows result in an increase in net assets/equity, other than increases relating to contributions from owners.	
		“Revenue” and “Income” shall mean the increase in economic benefits during the accounting period in the form of inflows or enhancements of assets or decreases of liabilities that result in increases in equity. “Revenue” and “Income” are used inter-changeably in this document.
14	“Revolving Fund” shall mean a Fund established under the Financial Regulations for a particular purpose and financed by an ongoing basis by various sources of funding such as transfers and current operations from other Funds. It may be used to finance specific expenditures, deficits and accumulated deficits in whole or in part.	“Revolving Fund” shall mean a Fund established under the Financial Regulations for a particular purpose and financed by an ongoing basis by various sources of funding such as transfers and current operations from other Funds. It may be used to finance specific expenditures, deficits and accumulated deficits in whole or in part.
		“Single Audit Principle” shall mean that, given a control system where the control and audit functions are based on common methods, they enable auditors of one institution to rely on the work of auditors from another institution instead of re-performing the audit themselves.
15	“Strategic Objectives” shall mean the units into which the programmatic elements of the Business Plan shall be subdivided.	“Strategic Objectives” shall mean the units into which the programmatic elements of the Business Plan shall be subdivided.
16	“Supporting document” shall mean a document justifying a transaction, which is used for control and recording purposes. It also includes electronic forms used for these purposes.	“Supporting document” shall mean a document justifying a transaction, which is used for control and recording purposes. It also includes electronic forms used for these purposes.
17	“Supporting Strategies” shall refer to all management and administrative activities included in the Regular Budget.	“Supporting Strategies” shall refer to all management and administrative activities included in the Regular Budget.

		“Third Party Procurement” shall mean procurement conducted by ICAO at the request of and on behalf of third-parties.
18	“Trustee Security” shall mean those financial instruments approved by the Finance Committee for use in investing the Organization’s funds other than term deposits in the banks and institutions referred to in Regulation 10.1.	
		“Triennium” shall mean a period of three consecutive financial years reflecting the Organization’s planning and budget cycle.
		“Trust Fund” shall mean a Fund established to administer moneys received by ICAO on behalf of and for purposes specified by the contributor. While they are considered extra-budgetary resources, their use must be consistent with the policies, aims, and activities of ICAO.
		“Voluntary contribution” shall mean resources in cash or in kind provided by a donor in support of ICAO’s mandate.
		“Write-Off” shall mean an accounting action that reduces the value of an asset including cash, inventories, receivables or other assets.

Resolution A41-32: Approval of the accounts of the Organization for the financial years 2019, 2020 and 2021 and examination of the Audit Reports thereon

Whereas the Council examined the Financial Statements of the Organization and Reports of the External Auditor for the financial years 2019, 2020 and 2021, and submitted them to the Assembly for its review and approval;

Whereas in accordance with Chapter VIII, Article 49 (f) of the Convention, expenditures have been reviewed;

The Assembly:

1. *Notes* the unqualified Report 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 2019;
2. *Notes* the unqualified Report 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 2020;
3. *Notes* the unqualified Report 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 2021;
4. *Approves* the audited Financial Statements for the financial year 2019;
5. *Approves* the audited Financial Statements for the financial year 2020; and

6. *Approves* the audited Financial Statements for the financial year 2021.

Resolution A41-33: 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 approved the extension of the appointment of the President of the Swiss Federal Audit Office (SFAO) (Switzerland) as External Auditor of ICAO for 2023, 2024, and 2025.
2. *Confirms* the action taken by the Council in appointing the President of the Swiss Federal Audit Office (SFAO) (Switzerland) as the External Auditor of ICAO for the financial years 2023, 2024 and 2025.

— END —

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