



## **PKD Board Procedure for Amendments to the MoU**

## PKD Board Procedure for Amendments to the MoU

Forwarded by: 2009 Chairperson

Reference Document(s): B-RoP/20 dated 15.04.2008

Amendments to the Memorandum of Understanding Regarding Participation and Cost Sharing in the Electronic Machine Readable Travel Documents ICAO Public Key Directory (MoU) will be dealt with through the following procedures:

1. Proposed amendments to the MoU may be submitted by PKD Participants, by the ICAO Secretariat or by the ICAO Council. For proposed amendments submitted by PKD Participants, the State or entity proposing the amendment should provide a written proposed amendment to the PKD Board in the standard format of a PKD Board Discussion Paper setting out the reasons for the proposed amendment, potential impacts on the operation of the PKD including any financial impacts and the timescale for the proposed amendment to be implemented if approved. For proposed amendments referred for consideration by the ICAO Council or by the ICAO Secretariat, the PKD Board Chairperson will circulate the ICAO Council's or the ICAO Secretariat's proposed amendment under cover of a PKD Board Discussion Paper.
2. The PKD Board will provide this proposed amendment to all PKD Participants. All PKD Participants will be asked to provide comments on the proposed amendment by a date specified to enable the PKD Board to take all comments into consideration. The party proposing the amendment will be invited to make a presentation to the PKD Board. If the proposed amendment is of a minor nature, or the party proposing the amendment does not believe that such a presentation is required, consideration of the proposed amendment will be made by the PKD Board based on the written proposal and the comments of other PKD Participants.
3. Following consideration of the proposed amendment, the PKD Board will circulate the voting outcome of the PKD Board to all PKD Participants. The PKD Participants will be asked to indicate to the PKD Board Chairperson by a date specified whether or not they approve the proposed amendment.
4. Indications of approval or otherwise received agreement by the PKD Board Chairperson by the specified date set out at paragraph 3 above will be considered in determining whether a two thirds majority has been met for approval of the proposed amendment. This determination will be based on the votes of all PKD Participants cast for the proposed amendment.
5. Where the two thirds majority has been met for approval, the PKD Board Chairperson will inform the ICAO Secretariat of this providing a summary of the proposed amendment and any accompanying comment. The PKD Board Chairperson will ask the ICAO Secretariat to request the ICAO Council's consideration of the proposed amendment.

6. Where a proposed amendment has been approved by a two thirds majority of PKD Participants and has been approved by the ICAO Council, the amendment will come into force subject to the provisions of paragraph 8.2 of the MoU.
7. The ICAO Secretary General will publish and disseminate any amendments as adopted to all PKD Participants.
8. Where a proposed amendment has been approved by a two thirds majority of PKD Participants but is rejected by the ICAO Council, the PKD Board Chairperson will circulate all known reasons for this decision to all PKD Participants. The PKD Board, after canvassing the views of PKD Participants according to the foregoing procedure may then:
  - (a) accept the ICAO Council decision or
  - (b) resubmit the original proposal to the ICAO Council with an explanation or further supporting documentation or other evidence or
  - (c) submit to the ICAO Council a revised proposal that addresses the issues of concern as expressed by the ICAO Council.

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