



C-DEC 222/12
31/03/21

COUNCIL — 222ND SESSION

TWELFTH MEETING

(VIRTUAL MEETING ON FRIDAY, 19 MARCH AT 1000 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Condolences

1. The Council expressed condolences to the Government and peoples of the United Republic of Tanzania on the occasion of the recent passing away of the country's President, His Excellency, Mr. John Magufuli.

Update from the Small Group on the ICAO Ethics Framework Review

2. The Council resumed (C222/9) consideration of this item based on an oral report from the Small Group on the Ethics Framework Review (SGE).

3. Following consideration, the Council:

- a) recalled the decisions that it had already taken on this item during a previous meeting of the current session (C-DEC 222/9 refers), including the in-principle approval of the proposed Appendices G, H and I to the *Rules of Procedure for the Council*;
- b) took note of the revisions introduced to Appendices G, H, and I, attached to the oral report of the SGE circulated on 17 March 2021, and which were introduced pursuant to additional consultations undertaken by the SGE with Council Representatives and officers of the Secretariat, as well as external entities, including the UN Office of Internal Oversight Services (OIOS) and the UN Ethics Office;
- c) agreed to further amend the text in paragraph 20 of both Appendices G and H, so that the first sentence thereof would now read: "Following consultation of the ICAO Ethics Officer on interim protection measures recommended by the external ethics entity..... shall consider" (*underlined text reflecting amended text*);
- d) took note of residual concerns expressed by some Representatives and the Secretary General as to aspects of the text of Appendices G, H and I, but notwithstanding these concerns, also took note that the majority of Representatives had indicated their support for the adoption of the Appendices; and
- e) requested the Secretariat to proceed forthwith with the preparation of language versions of Appendices G, H, and I, as revised, following which these would then be circulated to Representatives as soon as practicable and in order to ensure compliance

with Rule 63 b) of the *Rules of Procedure for the Council*, on the understanding that the Council would then reconvene on a date to be determined during the Committee phase of the 223rd Session for the purpose of formally adopting the Appendices.

Work Programmes of the Council and its Committees for the 223rd Session

4. The Council considered this item on the basis of C-WP/15140, which presented the work programmes of the Council and its Committee for the 223rd Session. The Council also had for consideration an oral report thereon from the Working Group on Governance and Efficiency (WGGE).

5. The Council agreed that the following items should be added to the work programme for the 223rd Session:

- a) “High-level Conference on COVID-19 – Report on the status of preparation of the Safety Stream”, to be presented as a working paper with an oral report from the ANC; and
- b) appendices containing the work programmes for the Implementation Strategy and Planning Group (ISPG), the Working Group on Governance and Efficiency (WGGE) and the Advisory Group on CORSIA (AGC), respectively.

6. The Council also agreed with the recommendation from the WGGE that the item related to the “Status of the ICAO workforce for 2020” should be included in the work streams of both the WGGE and the HRC, and that the item “Report on Publications for 2020” should also be included in the work programme of the WGGE for the 223rd Session.

7. Subject to the above outlined amendments, the Council approved the Work Programme of the Council and its Committees as outlined in C-WP/15140. It was also understood that the decisions taken by the Council in the course of the current session that affect the Work Programme for the 223rd Session in terms of supplementary items, amendments to existing items, or deferrals of items, and that are not currently reflected, would be incorporated in a revised version of C-WP/15140, which would be issued in due course.

8. The Council also noted the proposed list of informal briefings and informal meetings to take place during the 223rd Session. In addition to those listed, including one on “Families of victims of aircraft accidents”, it was agreed that an additional briefing on the topic of “International Aviation Trust Framework” should be included and that tentatively, an informal briefing on the topic “Preparations for the High-level Conference on COVID-19” might be required. Furthermore, it was agreed that all briefings should preferably be scheduled during the Committee phase of the session and not the Council phase. The Council further agreed that as far as practicable, meetings of the Committees and Working Groups should occur during the Committee phase of the session and not during the Council phase.

Update on the work of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA)

9. The Council considered this item on the basis of C-WP/15157, which presented an update of the work undertaken in relation to the implementation of the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), as well as the proposed structure, process and methodology for the 2022 CORSIA periodic review, including a work programme for CAEP’s technical and analytical contributions thereto. The Council also had for consideration an oral report thereon from the Advisory Group on CORSIA (AGC). In doing so, the Council agreed to waive Rule 26 b) pertaining to the timeline

requirement for the issuance of oral reports, since in this case the oral report had been issued less than 48 hours in advance of this meeting.

10. Following consideration, and on the basis of consensus agreement, the Council:

- a) noted the proposed structure, process and methodology for the 2022 periodic review of CORSIA, and CAEP's views on its possible technical and analytical contribution, as presented in C-WP/15157, and the views expressed in the Oral Report of the Chairperson of the Advisory Group on CORSIA;
- b) noted the Assembly has directed the Council to conduct the review, in accordance with paragraphs 9 (g) and 17 of Resolution A40-19;
- c) approved the Terms of Reference for the 2022 periodic review of CORSIA as attached to the Oral Report of the Chairperson of the AGC;
- d) requested CAEP to continue to analyse the impact of COVID-19 on CORSIA, as requested in paragraph 5(f) of C-DEC 220/13, drawing upon the updated COVID-19 recovery scenarios to present the requested breakdown by ICAO Regions, as well as information on the supply of Emissions Units provided by TAB, and forecast prices for CORSIA eligible emissions units, and to present such analysis for Council's consideration during the 223rd Session, as part of the review;
- e) agreed that on receipt of the analysis requested in paragraph (d), Council would consider what further analyses on the impact of COVID-19 on CORSIA should be requested, including inter alia, the impact of the pandemic on aviation sector growth;
- f) requested CAEP to present the following inputs for the review, as outlined in the Terms of Reference approved in paragraph (c) above, for Council's consideration during the 224th Session:
 - i. assessment of CORSIA's market and cost impact on States and aeroplane operators and on international aviation, including analysis of possible market distortions;
 - ii. further assessment of the impact of COVID-19 on CORSIA, including inter alia, its impact on the baseline beyond the pilot phase, on the different phases of CORSIA implementation, and on the growth factors, as set out in paragraph 5(e) of C-DEC 220/13, and drawing upon the analysis referenced in paragraph (d) above;
 - iii. analyses of forecast prices for CORSIA eligible emissions units through 2026, while drawing upon input from TAB on unit supply; and
 - iv. CAEP's initial assessment on the implementation of CORSIA by States, particularly the functioning of MRV provisions and the effectiveness of monitoring methods, based on lessons learned from implementation since 1 January 2019, and CAEP's initial suggestions for improvements to the scheme;

- g) further requested CAEP to present the following inputs for Council's consideration after the 224th Session:
 - i. CAEP's assessment of potential scenarios for the aviation in-sector CO₂ emissions reductions from aircraft technologies, operational improvements and aviation fuels, drawing upon CAEP's work on the feasibility of a Long Term Aspirational Goal (LTAG) (pursuant to the information sharing envisaged in paragraph 13 of the TOR for the 2022 CORSIA periodic review);
 - ii. CAEP's analysis of administrative costs for the implementation of CORSIA, for aeroplane operators and States, drawing upon the analysis undertaken by CAEP prior to adoption of Annex 16, Volume IV, and relevant information from States as a result of State letter consultation process; and
 - iii. CAEP's assessment of CORSIA's future role in progress towards achieving the ICAO global aspirational goals, taking into account developments under the Paris Agreement, and, to the extent possible, information from State Action Plans, drawing upon CAEP's work on the feasibility of a Long Term Aspirational Goal (LTAG) (pursuant to the information sharing envisaged in paragraph 13 of the TOR for the 2022 CORSIA periodic review);
- h) requested TAB to present the following inputs for the review, as outlined in the Terms of Reference approved in paragraph (c) above, for Council's consideration during the 224th Session:
 - i. analysis of the supply of CORSIA eligible emissions units, including data on eligible emissions unit programme activities including their sectoral and geographic distribution; and
 - ii. TAB's initial observations on its work, including information on transparency, participation and engagement, and suggestions for improvements that would assist TAB's work; and
- i) requested the Secretariat to make the necessary preparations for a State Letter consultation process, as outlined in the Terms of Reference approved in paragraph (c) above, including a draft questionnaire, and to present the draft questionnaire to the AGC for review and comment so that it can be approved by the President of the Council on behalf of the Council as soon as possible and dispatched to States no later than the end of April 2021.

Results of the consultation with Member States on amendments to the ICAO document “CORSIA Sustainability Criteria for CORSIA Eligible Fuels”

11. The Council considered this item on the basis of C-WP/15172 Revision No. 2 and Addendum No. 1, which presented updated information on the results of the State letter consultation with Member States on the proposal to amend the ICAO document *CORSIA Sustainability Criteria for CORSIA Eligible Fuels*, in accordance with the decisions taken by the Council during the 221st and 219th Sessions (C-DEC 221/6 and 219/6, refer). The Council also had for consideration an oral report thereon from the Advisory Group on CORSIA (AGC). In doing so, the Council agreed to waive Rule 26 b) pertaining to the

timeline requirement for the issuance of oral reports, since in this case the oral report had been issued less than 48 hours in advance of this meeting.

12. Following consideration, the Council:

- a) approved, subject to paragraph c) below, the text of the CORSIA Sustainability Criteria Applicable for Batches of CORSIA Sustainable Aviation Fuel Produced by a Certified Fuel Producer on or after 1 January 2024 as set out in the Appendix to the oral report of the Chairperson of the AGC and reproduced in the Attachment to this C-DEC;
- b) requested CAEP to develop further guidance to Sustainability Certification Schemes (SCS) on the application of CORSIA Sustainability Criteria, Themes 3-7, for CORSIA Sustainable Aviation Fuel, to support globally uniform application, including potentially applicable parameters, where possible, and to present such guidance for Council's consideration no later than the 224th Session of Council, so that Council can approve the ICAO Document CORSIA Sustainability Criteria for CORSIA Eligible Fuels together with such guidance material, for their publication;
- c) decided that a decision regarding Themes 3 to 7 will be made upon approval of the ICAO Document CORSIA Sustainability Criteria for CORSIA Eligible Fuels and the guidance material referred to in paragraph b); and
- d) encouraged SCS that may meet the requirements of the CORSIA Eligibility Framework and Requirement for Sustainability Certification Schemes to apply for approval by the Council for CORSIA, with the goal of ensuring a diverse range of approved SCS for CORSIA.

13. In taking this decision, the Council agreed that the text for the sustainability criteria, as approved in paragraph 12 a) above, should be attached to this C-DEC. In addition, the Council also delegated the authority to the President of the Council to consult with and finalize a reference text to be included as "Guidance on the application of the sustainability criteria", the final text of which is attached to this C-DEC.

Any other business

Ukraine International Airlines flight PS 752

14. The Council took note of a statement delivered by the Representative of Canada concerning the recent publication by the Aircraft Accident Investigation Board of the Islamic Republic of Iran of its final report of the investigation into the downing of Ukraine International Airlines flight PS 752, which had occurred on 8 January 2020.

15. Following consideration, the Council:

- a) recalled its previous consideration of this matter as reflected in C-DEC 219/5, C-DEC 220/11 and C-DEC 221/6, and reiterated its deepest condolences and solidarity with the families of the victims;
- b) took note that while some governments had expressed disappointment with the deficiencies and conclusions of the investigation report issued by the Islamic Republic

of Iran, one government in particular had expressed dissatisfaction with the investigation vis-à-vis the perceived absence of full cooperation and proper compliance with the requirements of Annex 13 – *Aircraft Accident and incident Investigation*;

- c) reaffirmed its commitment to support the “Safer Skies” initiative, while at the same time welcoming the wide support that the initiative enjoyed among the Member States of ICAO; and
- d) agreed to again include this matter in the Work Programme of a future session for further consideration.

Chairs of the Appeals Board

16. The Council took note of the report on the selection of candidates for the list of Chairs of the Appeals Board, which had been circulated by the Secretary General on 17 March 2021, in accordance with the procedures outlined in Article XI of *The ICAO Service Code*.

17. Following consideration, the Council endorsed the proposal that the following three candidates all be retained for the purposes of serving as Chair of the Appeals Board, as required:

- Mr. Rowan Milton Downing (Australia)
- Mr. Goolam Hoosen Kader Meeran (United Kingdom, South Africa)
- Mr. Terry Ronald Olson (France)

Secondment of personnel from Member States to the Secretariat

18. In response to a request from the Delegation of the United States, the Secretary General stated that the Secretariat was making efforts to work on a proposal for changes to the human resources practices to adopt flexibility, while ensuring consistency in policy application for all ICAO personnel in accordance with the requirements of the ICAO Service Code.

Secretary General designate

19. At the request from the Representative of Colombia, the Council accepted for the Secretary General designate, Mr. Juan Carlos Salazar, to attend, as an observer, the meetings of the 223rd Session of the Council, and in advance of him formally taking up his duties in the role on 1 August 2021. In doing so, it was understood that this would enable the Secretary General designate to better familiarize himself with issues currently under consideration by the governing body as well as to facilitate the handover process from the incumbent Secretary General.

Farewell

20. The Council bade farewell to Ms. Lucia Jaramillo, a long-standing member of the Spanish language interpretation team.

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ATTACHMENT

**TEXT OF THE CORSIA SUSTAINABILITY CRITERIA
APPLICABLE FOR BATCHES OF CORSIA SUSTAINABLE AVIATION FUEL
PRODUCED BY A CERTIFIED PRODUCER ON OR AFTER 1 JANUARY 2024**

**Chapter 2: CORSIA SUSTAINABILITY CRITERIA APPLICABLE FOR BATCHES OF
CORSIA SUSTAINABLE AVIATION FUEL PRODUCED BY A CERTIFIED FUEL PRODUCER
ON OR AFTER 1 JANUARY 2024**

Theme	Principle	Criteria
1. Greenhouse Gases (GHG)	Principle: CORSIA SAF should generate lower carbon emissions on a life cycle basis.	Criterion 1.1: CORSIA SAF will shall achieve net greenhouse gas emissions reductions of at least 10% compared to the baseline life cycle emissions values for aviation fuel on a life cycle basis.
2. Carbon stock	Principle: CORSIA SAF should not be made from biomass obtained from land with high carbon stock.	Criterion 2.1: CORSIA SAF will shall not be made from biomass obtained from land converted after 1 January 2008 that was primary forests, wetlands, or peat lands and/or contributes to degradation of the carbon stock in primary forests, wetlands, or peat lands as these lands all have high carbon stocks.
		Criterion 2.2: In the event of land use conversion after 1 January 2008, as defined based on the Intergovernmental Panel on Climate Change (IPCC) land categories, direct land use change (DLUC) emissions will shall be calculated. If DLUC greenhouse gas emissions exceed the default induced land use change (ILUC) value, the DLUC value will shall replace the default ILUC value.
3. Water	Principle: Production of CORSIA SAF should maintain or enhance water quality and availability.	Criterion 3.1: Operational practices will shall be implemented to maintain or enhance water quality.
		Criterion 3.2: Operational practices will shall be implemented to use water efficiently and to avoid the depletion of surface or groundwater resources beyond replenishment capacities.
4. Soil	Principle: Production of CORSIA SAFs should maintain or enhance soil health.	Criterion 4.1: Agricultural and forestry best management practices for feedstock production or residue collection will shall be implemented to maintain or enhance soil health, such as physical, chemical and biological conditions.

5. Air	Principle: Production of CORSIA SAF should minimize negative effects on air quality.	Criterion 5.1: Air pollution emissions will shall be limited.
6. Conservation	Principle: Production of CORSIA SAF should maintain or enhance biodiversity, conservation value and ecosystem services.	<p>Criterion 6.1: CORSIA SAF will shall not be made from biomass obtained from areas that, due to are protected for their biodiversity, conservation value, or ecosystem services, are protected by the State having jurisdiction over that area, unless evidence is provided that shows the activity does not interfere with the protection purposes.</p> <p>Criterion 6.2: Low invasive-risk feedstock will shall be selected for cultivation and appropriate controls will shall be adopted with the intention of preventing the uncontrolled spread of cultivated non-native alien species and modified microorganisms.</p> <p>Criterion 6.3: Operational practices will shall be implemented to avoid adverse effects on areas that, due to are protected for their biodiversity, conservation value, or ecosystem services, are protected by the State having jurisdiction over that area.</p>
7. Waste and Chemicals	Principle: Production of CORSIA SAF should promote responsible management of waste and use of chemicals.	<p>Criterion 7.1: Operational practices will shall be implemented to ensure that waste arising from production processes as well as chemicals used are stored, handled and disposed of responsibly.</p> <p>Criterion 7.2: Operational practices Responsible and science-based Operational practices will shall be implemented to limit or reduce pesticide use.</p>
8. Human and labour rights	Principle: Production of CORSIA SAF should respect human and labour rights.	Criterion 8.1: CORSIA SAF production will shall respect human and labour rights.
9. Land use rights and land use	Principle: Production of CORSIA SAF should respect land rights and land use rights including indigenous and/or customary rights.	Criterion 9.1: CORSIA SAF production will shall respect existing land rights and land use rights including indigenous peoples' rights, both formal and informal.
10. Water use rights	Principle: Production of CORSIA SAF should respect prior formal or customary water use rights.	Criterion 10.1: CORSIA SAF production will shall respect the existing water use rights of local and indigenous communities.

11. Local and social development	Principle: Production of CORSIA SAF should contribute to social and economic development in regions of poverty.	Criterion 11.1: CORSIA SAF production will shall strive to, in regions of poverty, improve the socioeconomic conditions of the communities affected by the operation.
12. Food security	Principle: Production of CORSIA SAF should promote food security in food insecure regions.	Criterion 12.1: CORSIA SAF production will shall , in food insecure regions, strive to enhance the local food security of directly affected stakeholders.

Guidance on the application of sustainability criteria

- a) compliance with the sustainability criteria will be certified by an approved Sustainability Certification Scheme (SCS) included in the ICAO document “CORSIA Approved Sustainability Certification Schemes” which is available on the ICAO CORSIA website. An aeroplane operator seeking to claim emissions reductions from the use of CORSIA Sustainable Aviation Fuel (SAF) will provide evidence of the SCS’ certification in its emissions reporting in accordance with Annex 16, Volume IV;
- b) in assessing compliance with the sustainability criteria, an SCS will apply only ICAO-approved sustainability criteria for the certification of CORSIA SAF, on the following basis:
 - i. compliance with Themes 1 and 2 will be assessed by the SCS;
 - ii. compliance with Themes 8, 9 and 10 can be demonstrated to the SCS by a national attestation from the State in whose territory the SAF is produced, without further assessment by the SCS;
 - iii. compliance with Themes 11 and 12 will be demonstrated to the SCS by the economic operator reporting to the SCS the actions being taken to meet the related criteria, without further judgement of those actions by the SCS.
- c) CORSIA sustainability criteria for CORSIA SAF does not set a precedent for, or prejudice the outcome of negotiations in other fora.

— END —