



LEGAL COMMITTEE – 33RD SESSION

(Montréal, 21 April – 2 May 2008)

Agenda Item 8: Report on work done at the Session

DRAFT REPORT ON THE WORK OF THE LEGAL COMMITTEE DURING ITS 33RD SESSION

The attached material comprises the draft Report of the Legal Committee on Agenda Item 2.

Agenda Item 2: Report of the Secretariat

2:1 The Secretariat presented LC/33-WP/2-1, which provided information on Documentation and Working Arrangements, which was noted.

2:2 The Secretariat also presented LC/33-WP/2-2. The main purpose of this paper was to report to the Committee on relevant developments in the work of ICAO in the legal field other than those items on the Committee's work programme, having taken place since the 32nd Session of the Legal Committee.

2:3 The Committee was informed of the legal work undertaken in relation to the establishment of the Public Key Directory (PKD). The PKD allows for the verification and authentication of e-passports worldwide. A Memorandum of Understanding (MoU) regarding participation in the ICAO Public Key Directory (PKD) was developed, which came into effect on 8 March 2007.

2:4 In the environmental field, legal opinions were provided to the Committee on Aviation Environmental Protection (CAEP). Moreover, the Council established the Council Special Group on Legal Aspects of Emissions Charges (CSG-LAEC) which met in September 2005. The Special Group conducted its analysis on the basis of a list of legal questions addressing emissions charges at the local level as well as at the global level, which was prepared by the CAEP Emissions Charges Task Force at a meeting convened in April 2005.

2:5 The Legal Bureau was closely involved in several projects relating to aviation safety, including the development of legal guidance pursuant to Assembly Resolution A35-17: *Protecting information from safety data collection and processing systems in order to improve aviation safety*. Consequently, the Council approved in March 2006 Attachment E of Annex 13 to the *Convention on International Civil Aviation*, "Legal guidance for the protection of information from safety data collection and processing systems". The objective of the guidance material is to prevent the inappropriate use of information collected solely for the purpose of improving aviation safety. The Legal Bureau also contributed to the development of a procedure for transparency and disclosure regarding significant compliance shortcomings with respect to safety-related standards and recommended practices. The procedure was approved by the Council in 2005 (State letter AN 11/41-05/87 dated 12 August 2005), which aims at implementing Article 54 j) of the *Convention on International Civil Aviation*.

2:6 In December 2005, the Council established a Working Group to review the *Rules of Procedure for the Council* (Doc 7559) and the *Rules of Procedure for Standing Committees of the Council* (Doc 8146). The Legal Bureau provided Secretariat services to this Group, whose work resulted in the adoption by the Council of new editions of Docs 7559 and 8146, as well as a revised Delegation of Authority to the President of the Council.

2:7 There had been a significant number of cases against ICAO as a defendant or co-defendant in the courts of different countries on the issue of immunities. In general, ICAO had received assistance and cooperation from the authorities of the respective countries on the issue of immunities. In one instance, a high-level court at the location of Headquarters had rejected an appeal of one former staff member of ICAO on the ground that ICAO has immunity.

2:8 The Committee noted LC/33-WP/2-2.