



C-DEC 223/5
22/06/21

COUNCIL — 223RD SESSION

FIFTH MEETING

(VIRTUAL MEETING ON FRIDAY, 11 JUNE 2021, AT 1000 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Update on ICAO Cybersecurity Activities

1. The Council considered this item on the basis of C-WP/15204, which provided an update on ICAO cybersecurity activities between December 2020 and April 2021. The Council also had for consideration oral reports thereon from both the Air Navigation Commission (ANC) and the Committee on Unlawful Interference (UIC).
2. Following consideration, the Council:
 - a) took note of the progress made on cybersecurity activities since the last update to the Council, and expressed its appreciation to the Secretariat for the improvements made to the reporting format, in particular, the inclusion of a high-level summary of the key activities undertaken in support of the ICAO Cybersecurity Action Plan;
 - b) further took note that the development of a mechanism to monitor and report on the implementation of the ICAO Cybersecurity Action Plan was currently under consideration, and that this activity would require additional resources, including support from the recently established special Task Force of the Secretariat Study Group on Cybersecurity (SSGC), such as in relation to the development of guidance and monitoring tools; and
 - c) also noted that pursuant to C-DEC 222/11, the Secretariat had initiated the work to develop the Terms of Reference (ToRs) for the new ICAO cybersecurity governance entities, and that the draft ToRs would be presented to the Council for adoption during the 224th Session, following due consideration by the relevant subsidiary bodies.

Progress report on the Universal Security Audit Programme Continuous Monitoring Approach (USAP-CMA)

3. The Council considered this item on the basis of C-WP/15205, which provided an update on the implementation of the Universal Security Audit Programme – Continuous Monitoring Approach (USAP-CMA) since the 220th Session of the Council. The Council also had for consideration an oral report thereon from the Committee on Unlawful Interference (UIC).

4. Following consideration, the Council took note of the progress reported in relation to the implementation of the USAP-CMA activities and expressed appreciation for the ongoing efforts made by the Secretariat to adapt its activities and to implement the recommendations of the Secretariat Study Group on the USAP-CMA, despite the challenges posed by the COVID-19 pandemic.

Update on the ICAO Year of Security Culture (YOSC) 2021

5. The Council considered this item on the basis of C-WP/15207, which provided an overview of the aims and objectives of the ICAO *Year of Security Culture 2021* (YOSC), and the progress achieved to date. The Council also had for consideration an oral report thereon from the Committee on Unlawful Interference (UIC).

6. Following consideration, the Council:

- a) took note of the information presented with respect to the activities undertaken in support of the ICAO *Year of Security Culture 2021*;
- b) welcomed the development of security culture guidance and best practices for the aviation community, including the creation of an ICAO Security Culture Website as a means to promote the ICAO YOSC to a wide audience and provide comprehensive, up-to-date information;
- c) expressed support for the aviation community to act as Security Culture Ambassadors;
- d) supported the global delivery of practical security culture events and initiatives throughout 2021 and beyond, including in particular, the ICAO Security Culture Workshop; and
- e) agreed with a proposal from the President of the Council that the Secretariat be requested to publicise the decision on this item to highlight the importance placed by the Council on the initiatives being undertaken in support of the *Year of Security Culture*.

Report on the performance of revenue-generating activities in 2020, with audited financial figures of the Ancillary Revenue Generation Fund (ARGF)

7. The Council considered this item on the basis of C-WP/15190, which presented the report on the financial and operational performance results of the Ancillary Revenue Generation Fund (ARGF) for 2020. The Council also had for consideration an oral report thereon from the Finance Committee (FIC).

8. Following consideration, the Council:

- a) took note that although the 2020 ARGF financial results had suffered a shortfall of CAD 1,494,000, the Fund was nonetheless able to contribute CAD 8,083,000 to the Regular Programme budget and another CAD 1,403,000 to Further Contributions to ICAO Work Programmes;
- b) welcomed the efforts of the Secretariat to ensure that many of the key performance indicators of the ARGF were met, despite the adverse impact of the COVID-19 pandemic;

- c) took note that the COVID-19 pandemic would likely continue to negatively affect the ARGF results in 2021, and in this connection requested the Secretariat to closely monitor these impacts on the ARGF and make programme adjustments as needed, including the continued freeze on non-revenue generating positions and expenditures in the ARGF, throughout 2021; and
- d) acknowledged the concerns expressed by some members of the Finance Committee regarding the perceived lack of transparency vis-à-vis the management of the ARGF surplus, and in this connection, decided that this specific item should be added to the work programme of the Finance Committee with a view to further analysis being undertaken thereon, including the consideration of options that could strengthen oversight by the Council of the surplus.

Financial situation of the Organization and level of the Working Capital Fund (WCF)

9. The Council considered this item on the basis of C-WP/15188, which presented the financial situation of the Organization for the period 1 January to 31 March 2021, and any salient developments since the previous report to the Council (C-WP/15144, refers). The associated documentation also provided preliminary financial information with regard to receipts and disbursements, cash and term deposits, and assessed contributions. The Council also had for consideration an oral report thereon from the Finance Committee (FIC) as well as an e-mail message circulated on 10 June 2021 by the Secretary of the Finance Committee. The latter provided extensive additional information on the question of whether it is possible to write-off long-outstanding arrears of assessments and in which it was concluded that such write-offs cannot be legally envisaged.

10. Following consideration, the Council:

- a) expressed its appreciation to the Secretariat for responding to the difficult financial circumstances in an efficient and satisfactory manner, noting that the status of assessment collections as of 31 March 2021 showed a positive result as compared to the same time in 2020;
- b) continued to encourage Member States to fulfil their obligations to the Organization by paying their assessed contributions, while at the same time acknowledging the need for the Council to provide more comprehensive guidance to the Secretariat on options to ensure that assessed contributions were paid in a more timely manner;
- c) recalled the recommendation of the External Auditor that ICAO recognize the need for impairment of long-outstanding arrears in order to reflect the amount of long-outstanding arrears that may not be collectible, and in this connection, recommended that the Organization explore options to reduce the value of assessments considered as “uncollectible”, while at the same time ensuring that all options would be legally compatible with the provisions and obligations of the Chicago Convention in the context of the payment by Member States of their assessed contributions;
- d) requested the Secretariat to continue to make efforts to encourage Member States to pay long-outstanding assessments, and to examine, as necessary, other possible measures which may be effective in this regard, and in this connection, took note of the intention of the President of the Council to write to those Member States with long-outstanding arrears to remind them again of their financial obligations in this regard.

Mid-triennial review of the implementation of Resolutions and decisions of the 40th Session of the Assembly

11. The Council considered this item on the basis of C-WP/15195, which presented an update of the consolidated report on actions arising from the Resolutions and decisions made by the 40th Session of the ICAO Assembly (A40), taking into consideration the reprioritization of activities to respond to the challenges resulting from the COVID-19 pandemic. The paper also reported on the status of implementation of Council decisions taken since the 40th Session of the ICAO Assembly. The Council had for consideration oral reports thereon from the Air Navigation Commission, the Finance Committee, the Human Resources Committee, the Technical Cooperation Committee, and the Advisory Group on CORSIA, as well as two joint oral reports from the Implementation Strategy and Planning Group and the Working Group on Governance and Efficiency, and the Air Transport Committee and the Committee on Unlawful Interference, respectively.

12. In its consideration of the information presented, the Council took note of the actions carried out by the Secretariat to date in order to implement the A40 resolutions and decisions, subject to the clarifications provided by the subsidiary bodies of the Council in their respective oral reports.

13. With respect to the implementation of resolutions and decisions of the 40th Session of the Assembly relating to policy and administrative subjects as set forth in Appendix A to the working paper, the Council:

- a) took note that further elaboration would be required of the status of Resolution A40-27, *Innovation in Aviation*, in order to better reflect the ongoing work of the Council and the Secretariat in this regard, while at the same time recalling that in the context of this Resolution, the inaugural high-level Industry Consultative Forum (ICF) was scheduled to be convened from 29 to 30 June 2021;
- b) requested the Secretariat to accelerate the progress toward the alignment of technical assistance and technical cooperation activities, and noted that the new ICAO Implementation Support Policy developed by the Implementation Policy Development Group (IPDG) was currently being finalized and would be submitted to the Council for consideration during the 225th Session;
- c) encouraged the Secretariat to ensure the timely implementation of all actions that were currently delayed, so to enable the Council to be in a position to provide a comprehensive report to the 41st Session of the ICAO Assembly; and
- d) requested the Secretariat to ensure the timely implementation of all activities in the TCB Operating Plan for 2021 to 2023, particularly those having a bearing on the delivery of actions under Assembly Resolution A40-24, *Consolidated statement of ICAO policies on technical cooperation and technical assistance*.

14. With respect to the implementation of resolutions and decisions of the 40th Session of the Assembly relating to safety and air navigation capacity and efficiency as set forth in Appendix B to the working paper, the Council:

- a) took note that the proposed actions indicated as “pending identification of resources” would be considered by the ANC as part of the overall prioritization effort of the technical work programme;

- b) also took note that the level of resources required to support these activities would be evaluated further in the context of the preparations of the next triennium budget, and in this connection, welcomed the offer from the Government of Canada to provide an additional voluntary contribution in support of some of these specific activities; and
- c) endorsed the recommendations proposed by the Air Navigation Commission vis-à-vis implementation of actions as contained in paragraphs 5 a), b), and c) of its oral report.

15. With respect to the implementation of resolutions and decisions of the 40th Session of the Assembly relating to security and facilitation, and economic development, as set forth in Appendices C and D to the working paper, respectively, the Council:

- a) stressed the need to take timely action on the items related to Air Crash Victims' Families' Federation International (ACVFFI), which had been delayed due to the reprioritization of resources in order to respond to the COVID-19 pandemic, and in this regard, noted that an oral report on the recent informal briefing that had taken place with the ACVFFI, would be presented to the Council at a subsequent meeting of the current Session; and
- b) took note that while the implementation status of the actions on Council decisions regarding CART were indicated as "completed", the Secretariat would continue its work to support the implementation of the CART recommendations, as required.

16. With respect to the implementation of resolutions and decisions of the 40th Session of the Assembly relating to environmental protection as set forth in Appendix E to the working paper, the Council:

- a) acknowledged that with respect to Assembly Resolution A40-19 on CORSIA, that an increase in the number of Member States volunteering to participate in CORSIA would send a strong signal from ICAO to the UNFCCC COP26 conference (November 2021), and help to reinforce ICAO's continued leadership in addressing emissions from international aviation; and
- b) took note that in advance of the COP 26 event, a proposed ICAO Council Declaration on international aviation and climate change would be presented for consideration at a subsequent meeting of the current session (C-WP/15210 refers)

17. With respect to the implementation of resolutions and decisions of the 40th Session of the Assembly relating to legal subjects as set forth in Appendix F to the working paper, the Council recalled that pursuant to decisions taken during the Fourth Meeting of the current session (C-DEC 223/4 refers), the Secretariat had undertaken to convene the first meeting of the newly established Article 12 Task Force before the end of 2021.

Any other business

Industry Consultative Forum (ICF)

18. The Council took note of the comprehensive update presented by the Chairperson of the Small Ad Hoc Group on the preparations that had been undertaken as well as the proposed format and level

of participation for the inaugural Industry Consultative Forum (ICF), which would be convened from 29 to 30 June 2021.

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