



C-DEC 223/12
7/7/21

COUNCIL — 223RD SESSION

TWELFTH MEETING

(VIRTUAL MEETING ON MONDAY, 28 JUNE 2021, AT 1430 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Interim report into incident involving Ryanair Flight FR4978 in Belarus airspace on 23 May 2021

1. The Council considered this item on the basis of a C-WP/15224, which presented the interim report of the fact-finding investigation team into the incident involving Ryanair Flight FR4978 in Belarus airspace on 23 May 2021. The Council was joined in its deliberations by representatives from the non-Council Member States of Belarus, Ireland, Lithuania, and Poland.
2. Following consideration, the Council:
 - a) recalled its earlier decision on this subject (C-DEC 223/2 refers) in which the Council had initiated a fact-finding investigation in order to determine the relevant facts of this event;
 - b) welcomed the preliminary information provided and recognising the constricted timeframe, expressed appreciation to the Secretariat for the investigative efforts undertaken, while at the same time acknowledging that the information and materials received to date remained insufficient for the purposes of definitively determining the facts and specific sequence of events;
 - c) took note therefore, that the investigation remained ongoing, and in this connection underscored that these efforts should continue to be carried out in a transparent and impartial manner;
 - d) reiterated the importance of establishing the facts of what had happened, and in this connection, expressed appreciation to those Member States that had conveyed documentation and materials to the investigation, and encouraged all relevant stakeholders to continue to collaborate with the investigation and to comply with ICAO's requests for information in a timely manner; and
 - e) requested the Secretariat to present an updated report of the investigation at the first meeting of the 224th Session, which is scheduled to occur on 13 September 2021.

Work Programmes of the Council and its Committees for the 224th Session

3. The Council considered this item on the basis of C-WP/15194, which presented the work programmes of the Council and its Committee for the 224th Session. The Council also had for consideration a joint oral report thereon from the Implementation, Strategy and Planning Group (ISPG) and the Working Group on Governance and Efficiency (WGGE).

4. The Council recalled the recent decisions taken to adopt the revised structure and working methods of the Council Committees and subsidiary bodies (C-DEC 223/3 refers), and in this connection, noted that a comprehensive review of the Work Programme for the 224th Session (CWP/15194) would be undertaken by the Secretariat in order ensure that it reflected the new arrangements for the subsidiary bodies.

5. The Council also agreed with the recommendation from the WGGE that on the basis of the revised Committee structure and revised Terms of Reference, a number of items should be referred to the subsidiary bodies for consideration. These included item 10 (2022 Technical Cooperation Administrative and Operational Services Cost Budget estimates and Update of the 2021 AOSC income and expenditures), 14 (Report on the ICAO Technical Assistance Programme) and 41 (Report on the Evaluation of Technical Assistance to Member States), which should in principle, be considered only by the Technical Cooperation and Implementation Support Committee (TCC). It was also agreed that items 43 (Work Programme of the Office of Internal Oversight (OIO) for 2022) and 46 should (Amendments to the Anti-Fraud and Anti-Corruption (AFAC) Policy) be referred to the newly established Committee on Governance (COG).

6. Furthermore, it was noted that the item related to the “Five-year ICT Strategic Plan”, which had been deferred from the current 223rd Session, would now be reflected in the Work Programme of the Council for the 224th Session. In addition, pursuant to the Council’s consideration during the current session of the “Mid-triennial review of the implementation of Resolutions and decisions of the 40th Session of the Assembly” (C-DEC 223/5 refers), an item relation to “ICAO multilingualism strategy” would also be reflected in the Work Programme of the Council for the 224th 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/15194. 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 224th 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/15194, 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 224th Session, as appended to the joint ISPG/WGGE oral report. In addition to those listed, it was agreed that additional briefings on the outcomes of the ICAO High-level Conference on COVID-19 (HLCC), and on the process for the preparation of the next triennial budget, should also be included. 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.

9. Finally, in relation to item 50 (Status of implementation of recommendations of the Joint Inspection Unit (JIU), it was noted that further consultations would need to be undertaken in due course with the President of the Council on this matter in order to ensure that any JIU recommendations that were addressed specifically to the governing body should first be considered by the newly-established COG.

Secretary General's end-of-term report to the Council

10. The Council considered this item on the basis of C-WP/15182, which presented the Secretary General's end-of-term report. In doing so, the Council agreed to waive the requirement stipulated in rule 26 b) of the *Rules of Procedure for the Council*, pertaining to working papers being distributed at least five working days in advance of the meeting.

11. Following consideration, the Council:

- a) welcomed the comprehensive information presented on the range of initiatives that had been undertaken by the Secretary General over the course of her tenure, and expressed appreciation for her achievements, the extensive efforts and positive results;
- b) expressed a special appreciation for the achievements of the Secretariat during the last period of her tenure, given the unprecedented challenges faced by the Organization and the aviation sector as a whole, as a result of the COVID-19 pandemic;
- c) expressed appreciation for the initiatives undertaken to ensure an effective and productive transition with the Secretary General designate, Mr. Juan Carlos Salazar; and
- d) took note of the contents of the report, and in doing so, acknowledged that a number of significant issues that held implications vis-à-vis the Organization's activities, budget, structure, and staffing levels would need to be drawn to the attention of the Secretary General designate and given further consideration by him in the context of the deliberations on the next triennium budget.

Any other business

Farewell to Secretary General

12. The Council bade farewell to the Secretary General, Dr. Fang Liu, whose tenure would officially end on 31 July 2021. The President of the Council and Representatives joined in thanking the Secretary General for her leadership, dedication, commitment, service and contribution to international civil aviation during the past six years of her tenure as Secretary General, as well as during her prior service as Director, Bureau of Administration and Services.

Solemn Declaration by the Secretary General designate

13. The Secretary General designate, Mr. Juan Carlos Salazar, delivered a statement in which he dedicated himself to serve the Council and ICAO Member States to the best of his abilities in the fulfillment of his role and responsibilities as incoming Secretary General, following which he avowed the following solemn declaration.

“I solemnly undertake to exercise in all loyalty, discretion and conscience, the functions entrusted to me as the Secretary General of the International Civil Aviation Organization, to discharge these functions to the best of my ability and to regulate my official conduct with the interest of the Organization alone in view; to abide by the rules laid down by the Organization, during the term of my service in the Organization, or following the termination of my service, not to disclose any information or a confidential nature; and not to seek or accept from any Government or other authority external to ICAO, any instructions in regard to the discharge of my official responsibilities”.

14. On behalf of the Council, the President congratulated the Secretary General designate on his appointment to the position and expressed the Council's commitment in working with him to strengthen a spirit of cooperation and positive working relationship with the Secretariat.

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