



COUNCIL — 224TH SESSION

THIRD MEETING

(VIRTUAL MEETING ON MONDAY, 25 OCTOBER 2021, AT 1430 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Report into the incident involving Ryanair Flight FR4978 in Belarus airspace on 23 May 2021

1. The Council considered this item on the basis of an oral report presented by the Secretary General, which provided information on work undertaken by the ICAO Fact-finding Investigation Team (FFIT) with respect to the investigation into the incident involving Ryanair Flight FR4978 in Belarus airspace, on 23 May 2021. The Secretary General also delivered an oral update covering the most recent developments that had occurred in the period since the oral report had been issued.
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 circumstances surrounding this event, and in doing so, reiterated the continued importance of establishing the facts of what had happened;
 - b) expressed appreciation for the ongoing efforts of the Secretariat, through the FFIT, to continue to collect and analyse the information received by Member States and stakeholders, and in this connection, noted with satisfaction the progress made to advance the investigation in spite of time and logistical constraints, including in particular that the Secretariat had conducted missions to Poland, Lithuania and Belarus, in order to carry out in-person interviews with those actors in each State connected to the incident;
 - c) took note of the list of evidence currently under consideration by the FFIT, as well as the additional information and materials requested by the FFIT to complete its analysis, and while welcoming the continued engagement and close coordination between ICAO, Member States and relevant stakeholders, also urged stakeholders to continue to cooperate with the FFIT in a transparent and timely manner, with a view to establishing the facts and specific sequence of events which led to the incident;
 - d) further noted that several Member States connected to the incident had issued formal requests to other States for information and assistance in relation to criminal investigations into the event, and in this connection, encouraged all States and stakeholders to accommodate such requests, as appropriate; and
 - e) noted that the work of the FFIT remained ongoing and that efforts are being made for, the final report of the investigation to be presented to the Council at a subsequent meeting of the current Session.

Report on the outcomes of the inaugural ICAO Industry Consultative Forum (ICF)

3. The Council considered this item on the basis of an oral report presented by the Chairperson of the Small Ad hoc Group on the ICAO Industry Consultative Forum (ICF), which outlined the conclusions and recommendations arising from the inaugural meeting of the ICF, held virtually from 29 to 30 June 2021.

4. Following consideration, the Council:

- a) took note of the priority items outlined by the Small Ad Hoc Working Group in its oral report and agreed with the proposed prioritization of the items (i) recovery from COVID-19 pandemic; (ii) environmental sustainability, in particular with regard to climate change; and (iii) digitization, artificial intelligence, and cybersecurity, including in relation to air traffic management;
- b) recalled that in relation to item (i) referred to in the preceding paragraph, the recovery of the aviation sector following the COVID-19 pandemic, had already been identified as a high priority for ICAO, and that the recently concluded High-level Conference on COVID-19 (HLCC), as well as the resultant follow-up actions would seek to address most of the concerns regarding the recovery of the air transport sector;
- c) decided that the next ICF should focus on the specific issue of sustainable aviation fuels (SAF), with the understanding that the discussions with the chief executives invited to the ICF would be at the strategic level, thereby avoiding any duplication of the technical work already being undertaken in other fora, including by CAEP;
- d) requested the Air Navigation Commission, with input from the Secretariat, to review whether the Global Air Navigation Plan (GANP), was adequate in addressing key challenges identified by the ICF in the area of air traffic management and aviation safety, and to consider whether the tools currently available might also be suitable for this purpose;
- e) took note that a number of considerations in relation to ICAO's approach to innovation had been identified at the inaugural ICF and that these would continue to be addressed as part of the ongoing work of the Council's Small Group on Innovation;
- f) agreed to establish a Steering Group on the ICF (SGICF), which would assume the tasks and functions of the Small Ad hoc Group, including responsibility for the organization of future ICF meetings, on the understanding that the work of the SGICF would be supported by the Secretariat;
- g) further agreed to delegate authority to the President of the Council to modify the composition of the SGICF as might be required, given its ongoing role of engaging in wide-ranging consultations with external stakeholders and partners on broad strategic issues affecting the aviation sector, consistent with the tenor of Assembly Resolution A40-27; and
- h) building on the momentum gained during the inaugural meeting of the ICF, invited the SGICF, in consultation with the Secretariat, to explore the feasibility of convening the next ICF with a focus on SAF (*cf.* sub-paragraph c) above) during the month of February 2022, taking into account the potential logistical and resource implications, as well as any other substantive requirements that would be associated with hosting such a major event.

2022 Technical Cooperation Administrative and Operational Services Cost (AOSC) Budget estimates and Update of the 2021 AOSC income and expenditures

Operating Plan for the Technical Cooperation Bureau for the period 2022-2024

5. The Council agreed to consider these two items concurrently.

6. The first item was considered on the basis of C-WP/15237, which provided the 2022 Administrative and Operational Services Cost (AOSC) Fund budgetary estimates approved by the 40th Session of the Assembly on an indicative basis, as well as an update of the AOSC income and expenditures for 2021. The Council also had for consideration an oral report thereon from the Technical Cooperation and Implementation Support Committee.

7. The second item was considered this item on the basis of C-WP/15238, which described project/key activities, deliverables and key performance indicators (KPIs) to be implemented, monitored, measured and reviewed in order to achieve the expected results and key outcomes defined for the Technical Cooperation Programme for the period 2022-2024. The Council also had for consideration an oral report thereon from the Technical Cooperation and Implementation Support Committee.

8. Following consideration, the Council:

- a) encouraged the Secretary General to continue all efforts to facilitate cooperation amongst ICAO Bureaux and Offices, as well as Member States, in order to foster new opportunities to enhance the growth of the Technical Cooperation Programme;
- b) agreed to support this initiative by drawing the attention of national administrations and non-profit organizations engaged in civil aviation assistance programmes, to possible avenues of cooperation with ICAO through its Technical Cooperation Bureau (TCB), while at the same time reiterating the importance of all stakeholders committing to this effort in order to promote cooperation and support for the Technical Cooperation Programme for the benefit of all Member States;
- c) requested the Secretariat to prioritize measures that could have a material impact on TCB's expenditures for the next triennium, such as reviewing the cross-funding arrangement between the Regular Programme Budget and the AOSC Fund, as well as potential cost savings that might be accrued from the transfer of the Procurement function to ADB and the lateral transfer of TCB staff to the Regular Programme, to the extent possible;
- d) requested the Secretariat to identify actions that Council may take in the near-term, with a view to determining further potential measures that could be taken by the 41st session of the Assembly to support TCB in addressing its challenges and improving its performance; and
- e) endorsed the TCB Operating Plan for the period 2022-2024, as presented in the Appendix to C-WP/15238.

Operating Plan for the Global Aviation Training (GAT) Section for the period 2022-2024

9. The Council considered this item on the basis of C-WP/15239, which outlined the project/key activities, deliverables and key performance indicators (KPIs) to be implemented, monitored, measured and reviewed in order to achieve the expected results and key outcomes defined for the Global Aviation Training (GAT) Section for the period 2022-2024. The Council also had for consideration an oral report thereon from the Technical Cooperation and Implementation Support Committee.

10. Following consideration, the Council:

- a) endorsed the Operating Plan for the Global Aviation Training (GAT) Section for the period 2022-2024, as presented in the Appendix to C-WP/15239; and
- b) requested the Secretariat to identify actions in order to harmonize the GAT operational and financial activities and reporting lines.

Customer Satisfaction Survey of Technical Cooperation Activities

11. The Council considered this item on the basis of C-WP/15240, which presented the results of the 2021 Customer Satisfaction Survey of Technical Cooperation Activities that had recently been carried out by an external third party entity (Canmark) on all technical cooperation and technical assistance projects. The Council also had for consideration an oral report thereon from the Technical Cooperation and Implementation Support Committee.

12. Following consideration, the Council:

- a) noted the results of the third-party customer satisfaction survey and the work done by the Secretariat to improve the services it provides to Member States in the development and implementation of their civil aviation projects;
- b) also noted the implementation of the revised customer satisfaction survey methodology and its value in contributing to the continued improvement of TCB's services and strengthening its business development and strategic initiatives; and
- c) further noted that a related Action Plan is under development by the Secretariat.

Report on the ICAO Technical Assistance Programme

13. The Council considered this item on the basis of C-WP/15241, which reported on the ICAO Technical Assistance Programme in the fields of aviation safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport, and environment for the year 2020. The Council also had for consideration an oral report thereon from the Technical Cooperation and Implementation Support Committee.

14. As there were no specific actions to be taken by the Council in relation to this item, the Council agreed to take note of the information contained in the working paper, along with the contents of the oral report presented by the TCC.

Mechanism to address cybersecurity in ICAO

15. The Council commenced consideration of this item on the basis of C-WP/15255, which provided an overview of the progress made in developing the arrangements pertaining to the new

cybersecurity governance structure of ICAO, including draft Terms of Reference and Rules of Procedure for the new Cybersecurity Committee (CSC). The Council also had for consideration oral reports thereon from the Air Navigation Commission (ANC) and the Aviation and Security Committee (ASC).

16. Due to time constraints, the Council was unable to conclude its consideration of this item. Accordingly, it was agreed to resume consideration of the item at the next meeting of the session.

Any other business

Request from the Government of Belarus dated 8 September 2021

17. The Council took note of the contents of the letter dated 8 September 2021 from the Minister of Transport and Communications of the Republic of Belarus concerning a request to the Council presented in accordance with Article 54 n) of the *Convention on International Civil Aviation* (Chicago Convention). It was recalled that the President of the Council had circulated the letter to Representatives on 12 September 2021. In this connection, the Council also had for consideration PRES memo SS/3235, which informed the Council of a further exchange of letters with the Republic of Belarus in this regard.

18. Following consideration, the Council:

- a) agreed to amend the Work Programme of the 224th Session to include an additional item relating to the request from the Republic of Belarus; and
- b) agreed to invite Albania, Austria, Belarus, Belgium, Bulgaria Croatia, Cyprus, Czechia, Denmark, Estonia, Hungary, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Malta, Montenegro, North Macedonia, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Sweden, Switzerland, and Ukraine to participate in the Council's consideration of this item on the grounds of special interests, as well as to invite Liechtenstein and the European Union to be represented as Observers.

Upload onto ICAO TV of selected meetings of the Council

19. At the invitation of the President of the Council, and following consideration, the Council agreed in-principle that as from the current 224th session, video recordings of selected meetings of the Council could be uploaded to the ICAO TV platform, by way of raising awareness among Member States, external stakeholders, and the public, of the activities and work undertaken by the Council during its sessions. It was understood that the upload of the video recording would not occur until the Council had approved the C-DEC from the relevant meeting. It was also understood that during the intervening period following the conclusion of a meeting, but prior to the approval of the relevant C-DEC, Representatives could raise an objection to the upload of a video recording by informing the President accordingly. It was further understood that the video recordings of Council proceedings would be uploaded only on the basis of unanimous agreement by the Council.

Appointment of an Alternate on the Air Navigation Commission (ANC)

20. It was noted that in the absence of comments by 24 August 2021, to the President of the Council's email dated 17 August 2021, Mr. Alwaleed Abdullaziz Alenzi, from the Government of Saudi Arabia, had been appointed to serve as Alternate to Mr. Ibrahim Aljabri on the ANC with effect from 30 August 2021.

Request from Observers to participate in closed meetings of the Council

21. It was noted that pursuant to email notifications circulated by the President of the Council in July and August 2021, and in accordance with Rule 32 a) of the *Rules of Procedure for the Council*, the Council had agreed to invite Ms. Delphine Micheaux Naudet (European Union), Mr. Michael Rossell (ACI), Mr. Nico Voorbach (CANSO), Mr. Michael Comber (IATA), Mr. Andreas Meyer (IBAC), and Mr. Daniel Carnelly and Ms. Nina Brooks (ICCAIA), to participate as Observers during the 224th Session of the Council's consideration in closed session, of items related to aviation safety and security, as appropriate.

Council Aviation Recovery Taskforce (CART)

22. In the absence of comments by 1 October 2021, to the President of the Council's email dated 27 September 2021, it was noted that the President on behalf of the Council had approved the revised recommendations and the relevant amendments to the Take-off: Guidance for Air Travel through the COVID-19 Public Health Crisis (TOGD).

Commission of Experts of the Supervisory Authority of the International Registry (CESAIR)

23. In the absence of comments by 5 October 2021, to the President's memorandum PRES SS/3219 dated 28 September 2021, it was noted that the President on behalf of the Council had approved the proposed changes to the *Regulations and Procedures for the International Registry* (Doc 9864).

Amendments to the Regional Supplementary Procedures (Doc 7030/5) (EUR/NAT-S 21/01)

24. Pursuant to PRES memorandum PRES SS/3162 dated 12 July 2021 concerning the approval of amendment to EUR/NAT-S 21/01 – EUR 3, 4, 9 to Doc 7030/5, it was noted that the President, on behalf of the Council and in accordance with the established procedure, has approved the amendments.

Council working papers presented for information

25. As the President of the Council had not received any requests to have the following information papers tabled for consideration, it was considered that the Council had noted the information provided therein:

- C-WP/15234 – *Financial situation of the Organization and level of the Working Capital Fund (WCF)*
- C-WP/15235 – *Status of the Recommendations for the Triennial Budget outlined in the FIC Guidance Package*
- C-WP/15273 – *Report on CAEP membership*

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