



C-DEC 224/10
15/11/21

COUNCIL — 224TH SESSION

TENTH MEETING

(VIRTUAL MEETING ON WEDNESDAY, 10 NOVEMBER 2021 AT 1000 HOURS AND AT 1430 HOURS)

SUMMARY OF DECISIONS

OPEN MEETING

Guidance for Sustainability Certification Schemes (SCS) on the application of CORSIA Sustainability Criteria

1. The Council considered this item on the basis of C-WP/15263, which presented the CAEP recommendations on the guidance to Sustainability Certification Schemes (SCS) on the application of CORSIA Sustainability Criteria, Themes 3 to 7, for CORSIA Sustainable Aviation Fuel (SAF), together with the ICAO document, *CORSIA Sustainability Criteria for CORSIA Eligible Fuels*. The Council also had for consideration an oral report thereon from the Climate and Environment Committee (CEC).

2. Following consideration, the Council:

- a) expressed appreciation for the cooperative and constructive discussions that have characterized the work of the CEC and Council Representatives on this subject, as well as for the exhaustive technical work undertaken by the CAEP to address the request of the Council (C-DEC 222/12 refers), which was instrumental in supporting the Council and helped facilitate this consensus agreement on SAF;
- b) approved the CAEP recommendations on the guidance to SCS on the application of CORSIA Sustainability Criteria, Themes 3 to 7, for CORSIA Sustainable Aviation Fuel after the pilot phase, as provided in Appendix A of C-WP/15263;
- c) approved the ICAO document, *CORSIA Sustainability Criteria for CORSIA Eligible Fuels*, as provided in Appendix B of C-WP/15263, subject to the inclusion of the new paragraph ii) under the “Guidance on the application of sustainability criteria” for Themes 3 to 7 (page B-4 of Appendix B to C-WP/15263, refers), as follows:

“....

- ii. compliance with Themes 3 to 7 will be assessed by SCS taking into account the guidance approved by the Council and in accordance with the following procedure:
 - a) prior to an SCS conducting an assessment in a State in which it never operated before, the SCS will consult with the competent authority of the State concerned, if required, in order to discuss the detailed process of assessment and for the SCS to be fully aware of the national and local requirements applying to the production of SAF. In the case of States that establish such requirement, the assessment by SCS will only take place after such

consultations and common understanding between the competent authority and SCS on the detailed process of assessment by the SCS. With a view to implementing this consultation process, Member States which require consultation will notify ICAO which competent authority should be contacted by the SCS; and

- b) in the case of diverging approaches between the competent authority and the SCS, the Member State concerned may refer the matter to the ICAO Council to review the disagreement relating to the interpretation and application of the guidance for Themes 3 to 7. The review may include the support of relevant UN domain experts, as appropriate, on the request of the Member State. The Member State concerned will participate in this review process.”
- d) in line with the procedure outlined in paragraph ii) b), as agreed in paragraph c) above, requested the Secretariat, with the support of CAEP as appropriate, to elaborate the principles that could be used as the basis for a guidance document that may be adopted by the Council in reviewing those cases where there may be a disagreement between the SCS and a Member State on the interpretation and application of the guidance for Themes 3 to 7;
- e) agreed that at a future session, it would be necessary to review the terms of this decision concerning the application of CORSIA Sustainability Criteria, Themes 3 to 7 after the pilot phase, in light of the experience gained through its implementation, and with a view to resolving any unforeseen issues that may arise, as required; and
- f) noted that the CAEP guidance, together with the ICAO document *CORSIA Sustainability Criteria for CORSIA Eligible Fuels*, as approved in paragraphs 2 b) and c) above, respectively, would be published on the CORSIA public website at the earliest opportunity, in accordance with C-DEC 222/12, paragraph 12 b).

3. It was recorded that one Delegation expressed their reservation with the Council’s decision on this item, and that the substance of the reservation would be reflected in the minutes to this meeting.

High-level meeting on the feasibility of a long-term aspirational goal for international CO₂ emissions reduction

4. The Council considered this item on the basis of C-WP/15260, which reported the results of the 2021 ICAO Global Aviation Dialogues (GLADs) on the feasibility of a long-term global aspirational goal for international aviation (LTAG). The paper presented a proposal for convening the 2022 LTAG-GLADs and subsequent ICAO High-level Meeting on LTAG. The Council also had for consideration an oral report thereon from Climate and Environment Committee (CEC).

5. Following consideration, the Council:

- a) took note of the results of the 2021 LTAG Global Aviation Dialogues (GLADs), which took place in May 2021 as a series of five regional virtual events;
- b) encouraged the Secretariat to reach out to Member States regarding their participation in the 2022 LTAG-GLADs (28 March to 8 April 2022), so that States are well-informed for the subsequent discussions during the ICAO High-level Meeting on LTAG, and to this end, requested the Secretariat to also disseminate the questions and materials to be discussed at the 2022 LTAG-GLADs participants in advance of the events;

- c) approved, in principle, the convening of the High-level Meeting on LTAG in 2022, as well as the proposed meeting agenda as presented in Appendix C to C-WP/15260, on the understanding that agenda item 2 reflected therein would be amended to read as follows: “Means of implementation for a long-term global aspirational goal for international aviation”;
- d) requested the Secretariat to submit, for further consideration of the Council during the 225th Session, the proposed logistical arrangements for the High-level meeting on LTAG, including the final dates, venue, agenda, timing of sessions and other organizational modalities, and in this connection, agreed to establish a Small ad hoc Group comprising of Council Representatives that would be tasked specifically with facilitating the drafting of recommendations and expected outcomes of the High-level Meeting, with the support of the Secretariat; and
- e) agreed to delegate authority to the President of the Council to determine the composition of the Small ad hoc Group on the High-level Meeting on LTAG (SGHLM), on the understanding that due consideration would be given to ensuring equitable gender and geographical representation, while also ensuring that the broad range of views on this issue would be suitably reflected in the composition.

Results of the Committee on Aviation Environmental Protection (CAEP) Steering Group (SG) Meeting and other updates

6. The Council considered this item on the basis of C-WP/15261, which reported on the results of the CAEP Steering Group meeting, held virtually from 5 to 15 July 2021 including specific recommendations for the Council approval, and presented further technical input on the 2022 CORSIA periodic review. The Council also had for consideration an oral report thereon from the Climate and Environment Committee (CEC).

7. Following consideration, the Council:

- a) expressed appreciation to the Chairperson and Members of the CAEP for their tireless efforts on a range of issues and also for the continuous and invaluable guidance provided, which has facilitated deliberations in the Council;
- b) agreed with the proposed procedure for the approval of the CAEP recommendations on the 2021 version of the ICAO CORSIA CO₂ Estimation and Reporting Tool (CERT) and supporting technical documentation, as described in paragraph 1.10 of C-WP/15261;
- c) approved the CAEP recommendations on topics related to the management of emissions units, as described in paragraphs 1.11 to 1.14 and Appendix A of C-WP/15261;
- d) approved the CAEP recommendations on amendments to the ICAO document *CORSIA Default Life Cycle Emissions Values for CORSIA Eligible Fuels*, as described in paragraph 1.15 and Appendix B of C-WP/15261;
- e) requested CAEP to provide further input during the 225th Session of the Council, in line with the Council’s request regarding the 2022 CORSIA periodic review during its 222nd Session (C-DEC 222/12, refers), and including further assessment of COVID-19 impacts on CORSIA;

- f) requested CAEP to provide an informal briefing of the Council during the 225th Session, in relation to the CAEP input to the 2022 CORSIA periodic review, taking into account the views expressed to the analyses presented pursuant to paragraph 10 f) i) of C-DEC 222/12 on possible market distortions and the impact to aeroplane operators, prior to consideration by the CEC and the Council;
- g) took note of the comments made by several Representatives in the course of the consideration of this item in relation to paragraph 2 of the CEC oral report; and
- h) pursuant to paragraph f) above, and on the understanding that the timing of the informal briefing on the 2022 CORSIA periodic review would be after the CAEP/12 Meeting (7 to 18 February 2022), requested the Secretariat to consider the feasibility of making interpretation services available for the informal briefing, with a view to facilitating subsequent deliberations of the CEC and Council in this regard, during the 225th Session.

Suspension of the meeting

8. Due to time constraints and in accordance with rule 41 a) of the *Rules of Procedure for the Council*, the Council agreed at 1305 hours on Wednesday, 10 November 2021 to suspend the meeting until 1430 hours on the same day, at which time it would resume consideration of the remaining items on the Order of Business.

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

9. The Council resumed its consideration (C-224/7) of this item on the basis of C-WP/15264, as well as an oral update from the President of the Council and the Chairperson of the Climate and Environment Committee (CEC).

10. Following consideration, the Council:

- a) recalled its earlier discussion on this item (C-DEC 224/7), while taking note of the actions taken by the President of the Council and Chairperson of the CEC to conduct informal consultations as appropriate, with a view to fostering a consensus in this regard; and
- b) requested the Climate and Environment Committee to continue the analysis of the information contained in Appendices E and F of C-WP/15264 regarding the State Letter replies on the 2022 CORSIA periodic review, with the support of the Secretariat and, as considered necessary by the Committee, to identify any technical assessment that should be undertaken by CAEP, in addition to the scope of CAEP input as agreed in C-DEC 222/12, and to report to the Council at the 225th Session.

Outcome of the Ministerial Plenary Sessions of the High-level Conference on COVID-19

11. The Council considered this item on the basis of C-WP/15277, which reported on the outcome of the Ministerial Plenary Sessions held during the ICAO High-level Conference on COVID-19 (HLCC), which was convened virtually, from 12 to 22 October 2021.

12. Following consideration, the Council:

- a) expressed appreciation to the Small Ad Hoc Group on the HLCC, the President of the Council, the Secretary General and the Secretariat, for their considerable efforts and total dedication in ensuring a successful outcome of the HLCC, particularly given the unique set of challenges associated with convening an event of this nature and scope in a virtual setting;
- b) welcomed the highly constructive and significant discussions undertaken during the Ministerial Plenary Sessions, which culminated in the broad support achieved for the final Ministerial Declaration adopted by the Conference, as reflected in Appendix B to C-WP/15277; and
- c) took note of the lessons learned from the convening of the HLCC Ministerial Plenary Sessions, including in terms of the benefits and drawbacks of holding such high-level deliberations in a virtual setting, and further noted the next steps to be taken by the Secretariat, arising from the Conference recommendations and the Declaration, as outlined in paragraph 5 of the working paper.

Proposal for amendment of the Air Navigation Plan — Middle East Region (Doc 9708) concerning the establishment of a Doha Flight Information Region (FIR)/Search and Rescue Region (SRR)

13. The Council considered this item on the basis of an oral report by the President of the Council, which reported on the status of the ongoing discussions in relation to the establishment of a Doha Flight Information Region (FIR) and Search and Rescue Region (SRR).

14. Following consideration, the Council:

- a) recalling its previous decisions on the matter (C-DEC 223/8 and C-DEC 223/9, refer), took note of the information contained in the oral report, including in particular the establishment of the Technical Operational Group (TOG), to facilitate negotiations among the States concerned on this complex issue, with the support of the Secretariat;
- b) further noted the key outcomes attained by the TOG thus far, as outlined in paragraph 4 of the oral report;
- c) expressed appreciation to the President of the Council for his effective leadership on this issue and in bringing together all parties in a sustained effort to find an amicable and long-lasting resolution; and
- d) reiterated the importance of good relations, collaboration and mutual agreement by all the parties concerned to ensuring the effective implementation of the Doha FIR/SRR in a timely manner, and in this connection, took note of the President of the Council's intention to continue to support the discussions under the TOG, with a view to finalizing the Council's existing decisions on this matter during the 225th Session.

Revised ICAO Ethics Framework – Update on the Memoranda of Understanding

15. The Council considered this item on the basis of an oral report presented by the Secretary General, which provided an update on the proposed Memoranda of Understanding (MoUs) between ICAO and United Nations Office of Internal Oversight Services (OIOS) as well as with the United Nations Ethics Office (UNEO). In so doing, the Council agreed to waive Rule 26 b) of the *Rules of Procedure for the Council* (Doc 7559) pertaining to the timeline requirement for the issuance of oral reports, since in this case,

the oral report had been issued less than three working days in advance of the meeting. The Council also had for consideration an oral update provided by the Chairperson of the Small Group on Ethics (SGE).

16. Following consideration, the Council:

- a) recalling its previous decisions in this regard (C-DEC 222/9, C-DEC 223/1 and C-DEC 223/10, refer), took note of the information presented by the Secretary General outlining the process to finalize the proposed MoUs between ICAO and the United Nations Office of Internal Oversight Services (OIOS), as well as with the United Nations Ethics Office, and the substance of the discussions thereunder;
- b) welcomed confirmation that the final agreement with the UN OIOS had been signed by the current Secretary General in October 2021, and had since been submitted to OIOS for signature;
- c) requested the Secretary General to continue to pursue efforts to likewise conclude the agreement with UNEO as soon as practicable and following final clearance by the UNEO;
- d) took note of the information provided by the Chairperson of the Small Group on Ethics (SGE) in relation to the actions taken pursuant to C-DEC 223/10, particularly with regard to the consultations undertaken by the SGE with the UN OIOS and the ICAO Staff Advisory Committee (SAC), the outcomes of which were expected to be presented to the Council for further consideration during the 226th Session in the context of the Secretariat's reporting on the implementation of the new arrangements under the revised Ethics Framework (C-DEC 223/10, para. 2, f) refers); and
- e) further noted that the Secretary General would take into consideration the comments made during the Council's consideration on this item at this meeting, including in relation to a number of pending issues, and in this regard, requested the Secretariat to continue to keep the Council apprised of developments by way of further updates at future sessions.

Any other business

ICAO TV

17. It was recalled that the Council had previously given in-principle agreement to uploading onto the ICAO TV platform the recordings of selected meetings of the Council (C-DEC 224/3 refers). It was further recalled that the recording of a meeting would be uploaded only after a C-DEC from the relevant meeting had been approved and on the basis of no objection having been raised by any Representative. On this basis, it was noted that the recording of the Third Meeting of the current session would be uploaded accordingly onto the ICAO TV platform.

Informal briefing – Friday, 12 November 2021

18. Representatives were informed that following the conclusion of the informal briefing on the “State of the industry”, which was scheduled to occur as a hybrid event at 1430 hours on Friday, 12 November 2021, the President of the Council would be hosting a reception in the Delegates Lounge for participants.