



C-DEC 226/13  
23/6/22

## **COUNCIL — 226TH SESSION**

### **THIRTEENTH MEETING**

**(HYBRID MEETING ON MONDAY, 20 JUNE 2022, AT 1430 HOURS)**

### **SUMMARY OF DECISIONS**

#### **OPEN MEETING**

#### **Draft Assembly working paper – Consolidated statement of continuing ICAO policies and practices related to environmental protection – Carbon Offsetting and Reductions Scheme for International Aviation (CORSIA)**

1. The Council resumed its consideration of C-WP/15394 on the basis of a draft decision of the Council thereon, which pursuant to C-DEC 226/12, had been circulated to the Council in advance of the present meeting.
2. Following consideration, the Council, by a majority decision:
  - a) took note of the information presented in C-WP/15394, as well as the oral report by the CEC thereon, and in doing so, agreed to the proposed amendment to paragraph 3 of the oral report in relation to the re-ordering of the text so that the wording at the end of the first sentence would now be: “Some Members expressed the same position and supported the proposals to be further discussed”;
  - b) without prejudice to the outcome of the Council’s ongoing discussions with respect to the CORSIA baseline after the pilot phase, further noted that a majority had expressed support for maintaining the CORSIA scheme, without any changes to be made to the rest of its design elements, and that there had been wide convergence in support of the draft Assembly Resolution, as attached to C-WP/15394;
  - c) notwithstanding the majority view indicated in the preceding sub-paragraph, also acknowledged the concerns expressed by a substantial number of Delegations with respect to the need to address the impacts of the COVID-19 pandemic on the implementation of CORSIA, and the concerns regarding the use of individual growth factors;
  - d) mindful that the concerns expressed in sub-paragraph c) above could be further addressed in operative clause 17 of the draft Assembly Resolution taking into account paragraph 4 of C-DEC 225/13, which recalled that the CAEP inputs during the 225th Session had considered potential market distortions in 2030-2035, which should continue to be closely monitored, and in this connection, reaffirmed the need for the regular and systematic assessment of CORSIA, such as updates on market and cost

impacts to States, aeroplane operators and on international aviation, in each of the CORSIA periodic reviews, starting in 2022;

- e) building upon the analyses delivered by CAEP during the 225th Session on the impacts of COVID-19 on CORSIA and its baseline (CWP/15326, Appendix A and C-DEC 225/13, refer), agreed to request that CAEP undertake further analyses to estimate the offsetting requirements and the regional breakdown, using the average of 2019 and 2020 emissions as the agreed baseline, in accordance with Assembly Resolution A40-19, as well as the following scenarios for the CORSIA baseline after the pilot phase (2024 to 2035):
  - i. 2019 emissions only;
  - ii. a percentage of 2019 emissions, which reflects an equivalent level to the average of 2019 and 2020 emissions; and
  - iii. the mid-point between the baseline scenarios i) and ii) above;
- f) further requested that the updated analyses from CAEP, as identified in sub-paragraph e) above, should be distributed to the Council as soon as possible, and preferably by the end of June 2022, in order to facilitate the discussions and review by the Council in August 2022, when it would also consider the results of the ICAO High-level Meeting on LTAG; and
- g) taking into account the concerns expressed on the impacts of COVID-19 pandemic on the implementation of CORSIA, noted that a decision on the CORSIA baseline could be an effective tool to rebalance and address these impacts vis-à-vis CORSIA offsetting requirements.

3. In a spirit of inclusivity, and in reaffirming its intention to continue to work constructively toward reaching a consensus on this subject to the extent possible, the Council agreed that further consideration of the draft Assembly working paper, including in relation to the text of the draft Assembly Resolution, would be addressed in a subsequent meeting of the 226th Session in August 2022.

4. It was recorded that five Delegations had expressed a reservation in relation to parts of the text of this decision of the Council. In this connection, it was further understood that the substance of the reservations would be reflected accordingly in the summary minutes of this meeting (C-MIN 226/13), which would be issued in due course.

### **Report on the 38th Session of the Legal Committee**

5. The Council considered this item on the basis of C-WP/15402, which presented a summary report on the outcome of the 38th Session of the Legal Committee, held virtually from 22 to 25 March 2022.

6. Following consideration, the Council:

- a) took note of information presented in C-WP/15402 in relation to the 38th Session of the Legal Committee;
- b) recalled that in relation to paragraph 4.1 of C-WP/15402, the Council had previously considered the draft Assembly working paper – Work Programme of the Organization in the legal field (C-WP/15400), and in this connection, had approved the draft

Assembly working paper, including the General Work Programme of the Legal Committee, on the understanding that the Council reserved the right to give additional directions to the Legal Committee, if necessary (C-DEC 226/4 refers); and

- c) noted that, in due course, the Secretary General, following consultations with the Chairperson of the Legal Committee and the President of the Council, would present, for the Council's consideration and approval, a proposal regarding the convening of the 39th Session of the Legal Committee.

**Draft Assembly working paper – The implementation of Resolutions A39-24 and A40-14 and the role of the ICAO CAPSCA Programme**

7. The Council considered this item on the basis of C-WP/15407, which presented a draft Assembly working paper on the progress of implementation of Resolutions A37-13, A39-24, A40-14, the ongoing work of the CAPSCA under the supervision of the Medical Provisions Study Group (MPSG) in view of lessons learnt from disease outbreaks and the recent COVID-19 pandemic, and proposals to strengthen the CAPSCA programme. The Council also had for consideration oral reports thereon from the Air Navigation Commission (ANC) and Air Transport Committee (ATC), respectively. In doing so, the Council agreed to waive the requirement in Rule 26 of the *Rules of Procedure for the Council*, given that the oral reports of the ANC and ATC had not been made available at least 72 hours before this meeting.

8. Following consideration, the Council:

- a) took note of the information presented in C-WP/15407, as well as the associated oral reports by the ANC and ATC thereon;
- b) approved the draft Assembly working paper attached to C-WP/15407, subject to the amendments requested by the ATC and ANC, as consolidated and appended to the ANC oral report, as well as the changes agreed on by the Council in the course of its consideration of this item, including in relation to operative clauses 1 and 9 of the draft Assembly Resolution being reflected, with the latter amendment consisting of dividing operative clause 9 into two separate clauses, such that in addition to requesting support from States, ICAO should also be requested to explore means to strengthen the CAPSCA framework, and delegated authority to the President to thereafter approve the revised working paper on its behalf for subsequent submission to the 41st Session of the Assembly; and
- c) consistent with the preceding sub-paragraph b), agreed that a review of the CAPSCA framework, structure and governance arrangement, should be undertaken at a future session, taking into account the experience gained and lessons learned during the COVID-19 pandemic.

9. It was understood that the substance of the comments made in the course of the Council's consideration of this item, including the details of the proposed amendments to the draft Assembly working paper and associated Assembly Resolution would be reflected accordingly in the summary minutes of this meeting (C-MIN 226/13), which would be issued in due course.

**Any other business**

**Monkey pox**

10. The Council took note of the information conveyed by the Secretariat in relation to the recent outbreak of the monkey pox virus in a number of Member States, including in Canada and the province of Québec, and while acknowledging that the risk to public health remained generally low, further noted that ICAO, in coordination with WHO, and the aviation industry, continued to monitor the evolution of the situation closely, and would keep the Council apprised of developments, as needed.

**Calendar of meetings**

11. The Council noted that the fourteenth meeting of the current session would be convened in the afternoon on Wednesday, 22 June 2022, at 14:30 hours, rather than in the morning.

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