



A40-WP/587
EX/252
1/10/19

ASSEMBLY — 40TH SESSION
EXECUTIVE COMMITTEE

DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEM 26

The attached material on Agenda Item 26 is submitted for consideration by the Executive Committee.

Agenda Item 26: Other high-level policy issues to be considered by the Executive Committee

Commercial space

26.1 A40-WP/15 presented by the Council provided an overview of the emergence of commercial space transport (CST) and its overlap with the existing air transport sector. While CST operations do not yet occur on a regular basis, the Committee considered it important to monitor their development as they may become regular in the next decade. The Committee noted the work already undertaken by ICAO as described in A40-WP/15 and agreed that the number of operations was increasing, as was the effect of those operations on international civil aviation. It was noted that the activities referred to in A40-WP/15 will be subject to the resources available in the 2020-2022 Regular Programme Budget and/or from extra budgetary contributions.

26.2 The Committee agreed that the proposed resolution, contained in A40-WP/15, should be amended to reflect the need for ICAO to coordinate with the United Nations system, in particular with the United Nations Office for Outer Space Affairs (UNOOSA) and the United Nations Committee on the Peaceful Uses of Outer Space (COPUOS) and that the actions of the Secretariat should be coordinated with both offices. The resolution was amended as follows:

Resolution 26/xx: Commercial space transport (CST):

Whereas Article 44 of the Convention on International Civil Aviation states that among the aims and objectives of ICAO are development of the principles and techniques of international air navigation and fostering of the planning and development of international air transport so as to meet the needs of the people of the world for safe, regular and economical air transport;

Whereas Article 37 of the Convention on International Civil Aviation states that the Organization “...shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with [...] and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.”

Whereas the Thirteenth Air Navigation Conference (AN-Conf/13) considered the technical aspects of commercial space transport (CST), in particular its intersection with aviation and the Council endorsed the AN-Conf/13 Recommendation on CST;

Recognizing the interrelation between international air and outer space law principles in regards to CST operations;

Recognizing the relevance of ICAO’s mandate in: the accommodation of CST in air space; the joint use of infrastructure; the co-location of airports and spaceports; the use of aircraft as launchers; and the phases of flight of space vehicles that use the interaction with the atmosphere to derive lift;

Recognizing the need to work closely with various United Nations entities, in particular the United Nations Office for Outer Space Affairs and the United Nations Committee on Peaceful Uses of Outer Space

The Assembly:

1. *Reaffirms* the role of ICAO in developing policy guidance in the areas where international CST operations intersect with international civil aviation in coordination with the United Nations Office of Outer space;
2. *Directs* the Council to instruct the Secretary General to consult States on the role of ICAO and to further coordinate with States, governmental and non-governmental organizations, the private sector, academia and the relevant United Nations system entities to monitor the progress and evolution of commercial space transport and to address emerging issues, including the impact on international civil aviation operations.

26.3 The Committee reviewed A40-WP/126, presented by the International Federation of Air Traffic Controllers' Association (IFATCA), the International Federation of Air Line Pilots' Associations (IFALPA) and the International Air Transport Association (IATA) considered concerns over the continued impact by Commercial Space operations on airspace access and the request to formalize the development of provisions for the integration of commercial space operations into controlled airspace. The Committee noted that this was already discussed during the 13th Air Navigation Conference which concluded that at this time, there is no ICAO State that has mature provisions that would form the basis of such provisions. However, ANConf/13 did encourage States to share any relevant practices in relation to the overlap between Space and Aviation operations so that safety is maintained at the highest degree possible. The Committee agreed with the position of the 13th Air Navigation Conference.

Innovation

26.4 A40-WP/14, presented by the Council, recognized that new technologies and concepts of operations are rapidly becoming available across the aviation industry sector. These innovations carry significant potential in improving aviation safety, security, sustainability, accessibility and affordability across the globe. They can also lead to more efficient and streamlined aviation regulatory processes. It is therefore vital that the global international civil aviation sector take timely action to monitor and evaluate these developments in order for them to deliver on their potential benefits, and for ICAO to do so in a manner that leaves no country behind from the start. The Committee agreed with the assessment provided in A40/WP/14. The Committee noted that the budget of the Organization was limited and presented a significant constraint to its ability to keep pace with innovations. The Committee agreed that an assessment of the process of ICAO with respect to the uptake of innovation was required.

26.5 The Committee reviewed A40-WP/113, presented by France, Italy and Sweden, recognizes that the aviation sector is undergoing increasingly rapid changes in terms of technology, threats and public expectations and that States and the Organization are finding it increasingly difficult to keep pace with the acceleration of these developments. It recommended that a closer association with the aeronautics industry, not only at the expert level but also at the executive management level, could enable States and ICAO to react more quickly

26.6 The Committee agreed with the spirit of the paper, that a closer association with the industry at the executive level could indeed have potential benefits to the organization; however, it noted that there would need to be clear terms of reference with such an engagement and that more study and reflection is required. In this context, the Committee did not support the draft Assembly Resolution as it

was considered too prescriptive and premature. The Committee did however agree that the dialogue between industry and ICAO should be intensified and that the Council should be directed to address the matter. In line with this, the Committee agreed to add an additional resolving clause to the draft resolution of A40-WP/14.

Resolution 26/xx: Innovation in aviation

Whereas Article 44 of the *Convention on International Civil Aviation* states that among the aims and objectives of ICAO are development of the principles and techniques of international air navigation and fostering of the planning and development of international air transport so as to meet the needs of the people of the world for safe, regular and economical air transport;

Whereas Article 37 of the Convention stipulates that ICAO shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with [...] and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate;

Whereas several ICAO Conferences have recognized the real and potential benefits and challenges that innovation can bring to the safety, efficiency, security, facilitation and to the economic and environmental sustainability of air transport and that Member States should be provided the opportunity to realize these benefits in a manner that leaves no country behind;

Recognizing that ICAO provisions apply to all civil airspace users, and the absence of normative activity at the global level may hamper the realization of innovative technological solutions and prevent the materialization of their benefits in aviation; and to that end ICAO can benefit from continued interaction with industry to identify the latest technological developments their timely integration;

Recognizing that the nature and pace of innovations require regulators at the national, regional and global level avail themselves of new methodologies that facilitate the timely evaluation and assessment of technological developments;

The Assembly:

1. *Urges* all Member States that have experience in facilitating the introduction of innovation in civil aviation, and that have evolved their regulatory methods to better evaluate and assess the application of such innovations, to share their experience with other States through ICAO;
2. *Directs* the Council to assess the need, as well as the resources required, to evolve the processes of the Organization, in order to keep pace with innovations that affect the sustainable development of civil aviation;
3. *Directs* the Council on the basis of the conclusions arising from the assessment to be undertaken pursuant to operative clause 2, to develop, high-level policies to address the findings of the aforementioned assessment and subsequently provide a framework that will help ensure the timely development of global policies and standards that support the continuing improvement of safety, efficiency, security, facilitation, economic and environmental performance;

4. *Directs* the Council to instruct the Secretary General to further liaise with States, governmental and non-governmental organizations, the private sector, academia and the relevant United Nations system entities in order to establish an inclusive dialogue at strategic level that will encourage further collaboration and sharing of experience in relation to innovation; and

5. *Directs* the Council to urgently consider the establishment of a regular high-level body with industry to provide strategic advice to the Council concerning innovation in aviation.

26.7 A40-WP/383, presented by the Dominican Republic, outlined the potential of free and open-source software (FOSS) for the development of the global air navigation system, as well as the importance for ICAO to consider partnerships with open-source software foundations, as well as other in the sector, to assist in this process. The Committee noted the importance of FOSS in the innovation community and that it would be part of the Assembly requests submitted for the consideration of the Council.

26.8 The Committee reviewed A40-WP/320, presented by Singapore and co-sponsored by Australia, Cook Islands, Fiji, Lao PDR, Marshall Islands, Nauru, North Macedonia, Palau, Papua New Guinea, Samoa, Trinidad and Tobago, the United Kingdom and CANSO reported on the 7th World Civil Aviation Chief Executive Forum (WCACEF/7), held in Singapore in 2019, which discussed the approach to technology adoption in aviation. The forum was attended by 115 leaders in international aviation from 75 States and 14 International Organizations. Delegates agreed on the need to leverage on technology for the advancement of aviation, especially in air traffic management. They also recognized challenges faced with the fast pace of technological advancement, requiring collaborative partnerships to reap optimal benefits for the whole aviation ecosystem. The Forum affirmed the need for long-term collaboration among partners and stakeholders to optimize the aviation ecosystem, and reiterated the importance of the long-standing ICAO framework of principles and policies to promote and integrate technological advances. The Committee welcomed A40-WP/320 and noted the actions suggested in the paper. The Committee agreed that the content of the paper be considered by the Council in its assessment of the ICAO process with respect to the uptake of innovation.

26.9 The Committee reviewed A40-WP/342, presented by the Civil Air Navigation Services Organization (CANSO), the International Air Transport Association (IATA) and the International Federation of Air Line Pilots' Associations (IFALPA), which outlined the expected growth of the Unmanned Aircraft Systems (UAS) sector, and requested ICAO to consider establishing a framework through which it can work with industry on developing provisions for new airspace entrants. The Committee noted that this was consistent with the outcome of the 13th Air Navigation Conference, as well as with A40-WP/14, presented by the Council. The Committee agreed that UAS should be a key focus under the assessment that the Assembly will submit for the consideration of the Council.

26.10 The Committee reviewed A40-WP/268, presented by ICCAIA and CANSO on Artificial Intelligence and Digitalization in Aviation, as well as A40-WP/327 on New Operational Concepts Involving Autonomous Systems; A40-WP/317 on Automated Formation Flight, and A40-WP/459 on Innovation in Aviation, presented by ICCAIA. The four papers provided an overview of various emerging and potential operational uses of their respective subjects and called on ICAO to explore options for allowing the industry and other stakeholders to address the demand for new provisions that would support them. The Committee noted the contents of the papers and the depth and breadth of technical work still required to develop such Standards and Recommended Practices (SARPs). The Committee further noted

that the Legal Committee is already looking into an RPAS study and that interested parties might consider submitting a paper during the next session of the Legal Committee on the issue of studying the legal implications of autonomy in flight.

26.11 The Committee reviewed A40-WP/292, presented by the United Arab Emirates, which described challenges related to the development of regulatory provisions to enable urban air mobility operations. A40-WP/292 requested ICAO to prioritize work on this subject, including the development of SARPs and guidance material, and to develop associated processes. The Committee agreed that the information in the paper will be considered by the Council in its assessment of its procedures, as well as in its established processes for the prioritization of its work programme.

26.12 The Committee noted that all activities grouped under the Innovation batch are unfunded and may not be undertaken without additional resources. The Committee recommended that the proposals be reviewed, taking into consideration existing priorities funded through the 2020-2022 Budget and the availability of extra-budgetary resources. In this regard, the Committee also encouraged ICAO to consider new methods to enable ICAO access to extra budgetary resources and expertise.

Regional cooperation

26.13 The Committee reviewed A40-WP/136, presented by Qatar, which recognized a need to ensure better harmonization and consistency across geographical areas delineated as ICAO Regions in terms of national regulations, operational requirements and procedures, based on SARPs. It is proposed that ICAO review the existing regional cooperation policy originally developed a decade ago, taking into account that existing regional organizations and regional civil aviation bodies may cover States belonging to two or more regional offices and have been established on the basis of a common culture, history and language. The Committee agreed that to ensure better cooperation between ICAO and regional organizations, as well as regional civil aviation bodies, ICAO should review the existing regional cooperation policy originally developed nearly a decade ago.

26.14 The Information paper WP/424 on Technical cooperation with the Civil Aviation Organization and Civil aviation international and regional organizations provided by the Arab Civil Aviation Organization was noted.

Pandemics, health events and aircraft disinfection

26.15 The Committee noted that A40-WP/5, presented by the Council, on the Report on aircraft disinfection and vector control measures was already discussed under Agenda item 14: Facilitation programmes.

26.16 The Committee reviewed A40-WP/132, presented by the International Air Transport Association (IATA), calling for collaboration by all parties in preparing for and responding to pandemics and public health emergencies; especially with regards to States adhering to the World Health Organization (WHO) guidance during these events. It further requests the Council to continue to work with international parties and further develop the work of the Collaborative Arrangement for the Prevention and management of public health events in Civil Aviation (CAPSCA). The Committee supported IATA's proposals, recognized that several initiatives were in place that address the issues raised in the paper and urged States to collaborate with CAPSCA and WHO. The Committee agreed that

ICAO should further develop the work of CAPSCA, subject to existing priorities funded through the 2020-2022 Budget and the availability of extra-budgetary resources.

26.17 Information paper A40-WP/546 from Canada and Information paper A40-WP/90 from IAC were noted.

Miscellaneous

26.18 The Committee reviewed A40-WP/318, presented by Indonesia, inviting the Assembly to instruct ICAO to review provisions related to aerodromes and identify and develop ICAO provisions to support airport operational procedures in disaster management. The Committee noted the effort of the Directorate General of Civil Aviation (DGCA) Indonesia, in cooperation with other national agencies and the United Nations Development Programme (UNDP), for airport preparedness in case of natural disaster, and acknowledged that ICAO Annexes provide SARPs relating to emergency planning and response, as well as border control formalities relating to relief flights following natural or man-made disasters. However, the Committee noted that the current provisions are mostly limited to preparing an aerodrome to cope with an emergency occurring at the aerodrome or in its vicinity. The Committee also noted that ICAO and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) are co-chairing a group of aviation and humanitarian stakeholders in order to ensure that relevant guidance and tools are available to provide timely and coordinated airborne assistance after a natural disaster. The Committee recommended that the Council review the proposal, considering existing priorities funded through the 2020-2022 Budget and the availability of extra-budgetary resources.

26.19 The Committee supported the concerns raised in A40-WP/442 relating to the difficulties that some Member States may experience with obtaining entry visa to participate to ICAO meetings in Headquarters, the Regional Offices, as well as in any other States. With regard to meetings organized in Headquarters, the Committee was informed that these concerns were immediately brought to the attention of the Canadian authorities upon receipt of A40-WP/442, and that the Canadian authorities, in coordination with the immigration authorities concerned, committed to further facilitate the issuance of the appropriate entry visa to the delegates of ICAO meetings. The Canadian delegation re-assured that all possible efforts would be made towards timely issuance of the entry visas to duly nominated delegates, subject to timely coordination with ICAO. The same facilitation shall be provided by the Secretariat to the delegates of ICAO meetings held in the host States of ICAO Regional Offices, as well as in other States, on the condition that formal requests for visa-related support will be received by the Secretariat at ICAO Regional Offices, in coordination with Headquarters, as may be required.

26.20 The Committee reviewed A40-WP/135, presented by Qatar, which emphasized the usefulness of ICAO's Global Plans and associated roadmaps, as established in the current and future ICAO Business Plan in support of the realization of the five Strategic Objectives. A40-WP/135 calls for the development of global plans in support of all ICAO's Strategic Objectives, i.e. develop new global plans in support of the Economic Development of Air Transport and Environmental Protection Objectives and their consistency with the already existing three global plans. The working paper emphasizes the importance of linking these global plans to the ICAO Business Plan. The Committee noted that the possible development of Global Plans in the Strategic Objectives of Economic Development of Air Transport (GATP) and Environmental Protection has been discussed by the Council (refer to A40-WP/22-EC/7 for a possible GATP) and that further discussion by the Council on this subject would be needed.

26.21 The Committee reviewed A40-WP/167, presented by the International Transport Workers' Federation (ITF), containing a proposal for an international cabin crew day as a means to recognize and promote the critical safety role of cabin crew members in aviation and as a way to attract and retain the next generation of cabin crew. The paper noted the existing date of 31 May as a cabin crew day, which was celebrated by many States, international organizations and operators. In this respect, the Committee noted information paper A40-WP/500 on an international Air Crash Victims day. Considering the request for several international aviation days, the Committee recommended that the Council assesses these requests in a holistic manner and report back to the next Assembly.

26.22 Information paper A40-WP/541 by Saudi Arabia; information paper A40-WP/480 by ACI; information paper A40-WP/483 by Honduras, Belize, Guatemala, El Salvador, Nicaragua and Costa Rica, members of COCESNA; information paper A40-WP/500 by the Air Crash Victims Families Group; and information paper A40-WP/501 by ITF, were noted.

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