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ASSEMBLY — 41ST SESSION

EXECUTIVE COMMITTEE

**DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEM 12**

The attached material on Agenda Item 12 is submitted for consideration by the Executive Committee.

Agenda Item 12: Outcomes of the High-level Conference on COVID-19

12.1 At its fifth meeting, the Executive Committee considered the subject of the Outcomes of High-level Conference on COVID-19 based on the Council report on: Outcome of the Ministerial Plenary of the High-level Conference on COVID-19 (WP/26), Outcomes of the Facilitation Stream of the High-level Conference on COVID-19 (WP/20), as well as on the Implementation of Resolutions A37-13, A39-24, A40-14, the ICAO CAPSCA programme and medical provisions during public health events (WP/57 Revision No.1). The Committee also considered the Council's proposal of a new Assembly Resolution, *Declaration on air transport facilitation affirming global commitment to enable the safe and efficient recovery of aviation from the COVID-19 pandemic, and to make aviation more resilient in the future*; one amended Assembly Resolution, *Maintaining health and sustaining safe international air transport during public health emergencies affecting air travel* to supersede Resolution A37-13: *Prevention of spread of communicable disease through air travel*; and one proposed Amendment to Assembly Resolution A39-24: *Strategy on disaster risk reduction and response mechanisms in aviation*. In addition, seven papers were submitted by States and observers: WPs/213, 201, 321, 363, 102 Revision No.1, 63 and 203. The following Information Papers were submitted under this agenda item: 570, 546, 521, 583 and 590.

12.2 In WP/26, the Council reports on the outcomes of the three Ministerial Plenary Sessions held during the High-level Conference on COVID-19 (HLCC) in October 2021, including a summary of the discussions, the Ministerial Declaration adopted at the Conference and the follow-up actions requested from ICAO to provide support and assistance to States. In considering the report of the Council, the Committee emphasized the importance of States to implement the HLCC Ministerial Declaration to support the aviation recovery, resilience and sustainability. While recognizing the need for a combination of existing budgetary resources and supplemental extra-budgetary contributions to support the follow-up actions by ICAO, the Committee encouraged ICAO to provide assistance to States to facilitate the implementation of the Declaration.

12.3 The Council, in WP/20, reports on the outcomes of the Facilitation (FAL) Stream of the (HLCC), which include 79 recommendations endorsed by the Ministerial Plenary of the Conference. Following discussions, the Committee noted the importance of implementing the HLCC FAL Stream recommendations, and that implementation by ICAO will require considerable work and extra-budgetary resources to support the non-budgeted work. The Committee urges States to action the HLCC 2021 FAL Stream recommendations and to support ICAO by providing extra-budgetary contributions for implementation. The Committee agreed to submit for adoption Resolution 12/1.

Resolution 12/1 Declaration on air transport facilitation affirming global commitment to enable the safe and efficient recovery of aviation from the COVID-19 pandemic, and to make aviation more resilient in the future

Whereas Facilitation is the efficient management of border control processes to expedite clearance of aircraft, passengers/crew, baggage and cargo;

Whereas implementation of the Standards and Recommended Practices in Annex 9 — *Facilitation* is essential to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail and manage challenges in border controls and airport processes so as to maintain the efficiency of air transport operations;

Recognizing the importance of an effective crisis response framework for future public health-related crises that draws on relevant guidance, best practices, integrated risk management approaches, and lessons learnt from the COVID-19 pandemic to enable the international aviation community to rapidly respond to a public health-related crisis; and building resilience to future similar outbreaks;

Further recognizing the need for mutual recognition of health proofs between States when used for cross-border travel; and interoperable long-term solutions that use digital travel documents and health-related credentials;

Acknowledging the challenges faced by States and the wider air transport industry in maintaining safe and efficient operations in response to the COVID-19 pandemic, and in protecting the health and safety of the travelling public and aviation personnel due to the continuing impacts of COVID-19, including insufficient coordination and collaboration among civil aviation authorities, public health entities, other Government authorities and industry in implementing Annex 9 — *Facilitation* provisions; and

Recalling the High-level Conference on COVID-19 (HLCC 2021) held on 12 to 22 October 2021, and the outcomes of the Facilitation Stream endorsed by the Ministerial Plenary.

The Assembly

1. *Urges* Member States to consider the harmonization of the various measures to allow mutual recognition and trust information shared regarding COVID-19 status of travellers among the States, taking into consideration data protection prescripts applicable in States;
2. *Urges* Member States to communicate public health-related entry requirements to the travelling public and all stakeholders in the aviation community in a timely manner, and regularly assess the possibility of eminent public health threats and promptly apply contingency measures;
3. *Requests* Member States to endeavour to integrate the verification of digital and non-digital health proofs for border crossing in order to facilitate the validation of deployed health credentials into their inspection systems, to the extent possible, noting that for some States, verification of health proofs is not always undertaken at border control points;
4. *Urges* Member States to adopt a policy of mutual recognition of health proofs, and an appropriate regulatory framework that considers all data protection and privacy requirements for use of health proofs for travel and incorporates appropriate safeguards;
5. *Requests* Member States to promote global interoperability in all passenger processing efforts, whether involving manual or automated processes or some combination thereof;
6. *Requests* Member States to support the development and implementation of innovative non-contact technologies and technological equipment which, as well as facilitating air travel, can mitigate the spread of communicable diseases;
7. *Requests* Member States to support vaccination certificates in line with the WHO recommendations and these vaccination certificates, when issued digitally, should be interoperable, taking

into account the specifications of the ICAO Technical Report Visible Digital Seal for non-constrained environments (VDS-NC), and other interoperable formats from regional or global intergovernmental bodies, or internationally recognized organizations;

8. *Requests* Member States requesting health-related documentation or contact details to consider developing health digital platforms taking into account non-digital options where passengers can lodge all relevant details and apply to obtain a notification of approval to travel by the States of destination and transit;

9. *Urges* Member States to conduct comprehensive risk assessments considering their contextual factors, risk tolerance and the practical application in aviation of the public health related Annex 9 provisions;

10. *Urges* Member States to implement multi-sector communication, coordination and collaboration between all relevant stakeholders including industry in the development of a national aviation plan in preparation for an outbreak of a communicable disease posing a public health risk, and to ensure coordination and harmonization between the various State actors responsible for management of public health emergencies;

11. *Urges* Member States to ensure coordination between civil aviation and health authorities to allow a seamless implementation of relevant health-related Annex 9 — *Facilitation* provisions, taking into account a multi-layered risk based approach to establish their health measures;

12. *Requests* ICAO to collaborate with relevant international organizations and industry to develop a crisis response framework for future health-related crises that draws on the Council Aviation Recovery Taskforce (CART) recommendations and guidance, Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) guidance, industry best practices, integrated risk management approaches, States' responses and lessons learnt from COVID-19 that would enable the international aviation community to rapidly respond to a health-related crisis;

13. *Requests* ICAO to continue work towards interoperable long-term solutions that use digital travel documents and health-related credentials established by States, taking into account existing solutions and global limitations; and

14. *Requests* ICAO to continue to monitor new developments and collaborate with relevant stakeholders to further develop the guidance material supporting the implementation of the health-related provisions of Annex 9 — *Facilitation*.

12.4 Australia, in WP/213, reports the need for ICAO and its Member States to maintain the momentum of the ICAO Council's Aviation Recovery Task Force (CART) recommendations and guidance, to establish a stronger global facilitation framework supporting a globally consistent aviation response by States and industry to future global health crises, including the need for improved understanding and implementation of Annex 9 – *Facilitation* obligations. The Committee urges the Council to collaborate and coordinate with States, international organizations and the World Health Organization (WHO) to develop

a framework for preparing and responding to future public health emergencies, to develop relevant guidance material and to provide assistance with implementation.

12.5 The Republic of Korea, in WP/201, presents the need to establish a formal mechanism to minimize confusion of air travellers. Following discussions, the Committee, noted the challenges faced by air travellers, air crew and airline workers regarding the different entry requirements and the availability of relevant information on a common platform. The Committee recalled that ICAO implemented the COVID-19 Response and Recovery Implementation Centre (CRRIC), noting that ICAO can further refine and enhance the platform, including more frequent updating. The Committee urges States to increase their efforts to make use of ICAO resources and tools made available to them and enhance collaboration and coordination regarding implementation of measures to prevent the spread of communicable disease by air transport.

12.6 The Council, in WP/57 Revision No.1, outlines the governance of the ICAO CAPSCA Programme and the progress of the implementation of Resolutions A37-13, A39-24, A40-14, highlighting lessons learned from the pandemic and the recommendations from the HLCC and the CAPSCA global symposium. The Committee supported the formalizing of CAPSCA and agreed to refer it to the ICAO Council for further consideration. The Committee further supported the activities of CAPSCA and the Medical Provisions Study Group (MPSG) in collaboration with the Air Transport Regulatory Panel. The Committee urges States to support ICAO with adequate and additional funding extra-budgetary contributions and emphasizes the importance of implementing Resolutions A39-24 and A40-14. The Committee further agreed to submit for adoption by the Plenary Resolution 12/2 to supersede Resolution A37-13.

Resolution 12/2 Maintaining health and sustaining safe international air transport during public health emergencies affecting air travel

Whereas Article 14 of the *Convention on International Civil Aviation* states that “Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft”;

Whereas Article 44 of the *Convention on International Civil Aviation* states that “The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to ...[m]eet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

Whereas the General Assembly of the United Nations endorsed the Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015–2030 adopted by the Third United Nations World Conference on Disaster Risk Reduction;

Whereas Article 14(1) of the World Health Organization International Health Regulations (2005) states that “WHO shall cooperate and coordinate its activities, as appropriate, with other competent intergovernmental organizations or international bodies in the implementation of these Regulations, including through the conclusion of agreements and other similar arrangements”;

Whereas ICAO Resolution A37-13 states that “the protection of the health of passengers and crews on international flights is an integral element of safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner”;

Whereas ICAO Resolution A39-24 states that “all States can benefit from integrating disaster risk reduction strategies into their Air Transport Sector Strategic Plans”, directs ICAO to “establish a crisis response policy and disaster risk reduction strategy in aviation” and to “ensure that ICAO participate, when applicable and in alignment with its Strategic Objectives, in appropriate mechanisms put in place to support the cross-sectorial implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 and the United Nations Plan of Action on Disaster Risk Reduction for Resilience”;

Whereas ICAO Resolution A40-14 states that “a need for cross-sector information sharing and collaboration in the prevention and management of public health emergencies has been identified at various international meetings and conferences”;

Whereas Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 9 — *Facilitation*, Annex 11 — *Air Traffic Services*, Annex 14 — *Aerodromes*, Volume I — *Aerodrome Design and Operations to the Convention on International Civil Aviation*, Annex 18 — *The Safe Transport of Dangerous Goods by Air*, Annex 19 — *Safety Management and the Procedures for Air Navigation Service — Air Traffic Management* (Doc 4444) contain several Standards and Recommended Practices and Procedures relating to health measures that should be taken by Contracting States in order to manage medical certification of aviation licence holders, safeguard the health and safety of aviation personnel and passengers, support aviation personnel in the performance of their duties, and support the continuous, safe and orderly operation of global air services during public health emergencies”;

Whereas the ICAO Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) programme, the National Air Transport Facilitation Programmes (NATFPs) and the National Air Transport Facilitation Committees (NATFCs) are appropriate mechanisms to improve communication and collaboration as well as harmonize public health preparedness and response plans;

Whereas Annex 9 new Chapter 10 entitled “Health-related Provisions” builds upon the lessons learned from the COVID-19 pandemic to maintain health and sustain safe international air transport during public health emergencies affecting air travel;

Whereas the ICAO CAPSCA Global Symposium held on 29 – 31 March 2022 was very supportive of proposals to be considered to strengthen CAPSCA and to build aviation resilience for future public health emergencies;

Whereas the ICAO CAPSCA Global Symposium recognized the need to audit the implementation by States of provisions contained in Chapter 10 “Health-related Provisions” of Annex 9 in order to identify the assistance to be provided to States; and

Whereas the ICAO Medical Provisions Study Group (MPSG) and other relevant ICAO working groups, are the appropriate bodies to develop an Aviation Health Management Plan and *Procedures for Air Navigation Services (PANS) – Health* to supplement the ICAO SARPs, supported by a digitized information-sharing platform.

The Assembly:

1. *Directs* ICAO to strengthen its crisis management capacity, including by establishing a crisis response framework and mechanism based on the experience gained during the COVID-19 crisis;
2. *Directs* ICAO to explore means to ~~strengthen~~ formalize the CAPSCA framework;
3. *Directs* ICAO to continue to engage with WHO and other relevant organizations establishing formalized collaboration agreements to strengthen CAPSCA and public health related Facilitation activities;
4. *Directs* ICAO to continue to collaborate with the WHO and other public health groups, with other relevant aviation medicine and other relevant specialist medical organizations, with Planning and Implementation Regional Groups (PIRGs) and the Regional Aviation Safety Groups (RASGs) and working with the Air Navigation Commission, with aviation subject matter expert groups including such as the Personnel Training and Licensing Panel, and the Safety Management Panel to enable the sharing of information and resources for purposes of global harmonization relating to the prevention and management of public health emergencies;
5. *Approves* the development of an Aviation Health Management Plan by CAPSCA under the direction of the MPSG supporting implementation efforts of comprehensive management of health in aviation, by consolidating the various references to medical and health-related SARPs contained in the Annexes to the Convention into a comprehensive repository for the management of health in aviation in order to:
 - a. manage medical certification of aviation licence holders;
 - b. safeguard the health and safety of aviation personnel and passengers;
 - c. design appropriate auditing frameworks and capacity-building assistance mechanisms for the implementation of health-related SARPs; and
 - d. support the continuous, safe, and orderly operation of global air services during public health events affecting air travel (including, but not limited to communicable diseases);
6. *Directs* ICAO to give duly consideration to the development of a *Procedures for Air Navigation Services (PANS) – Health* in order to further support States in implementing health-related ICAO SARPs;
7. *Urges* Contracting States to ensure that the medical, public health and aviation sectors collaborate to develop a national preparedness plan for aviation which addresses Public Health Emergencies of International Concern (PHEIC) and/or other public health emergencies as appropriate, which is integrated with the general national preparedness plan and aligned with the Sendai Disaster Risk Reduction Framework;
8. *Urges* Contracting States to ensure that the national preparedness plan for aviation complies with the ICAO SARPs, PANS and the World Health Organization International Health Regulations (2005) and is based on scientific principles and on the guidelines from ICAO and the World Health Organization;
9. *Urges* Contracting States to establish requirements for the involvement of stakeholders such as aviation medical experts, airport operators, aircraft operators, air navigation service providers and others as appropriate, in the development of relevant health-related plans in aviation;

10. *Urges* Contracting States to participate in the Collaborative Arrangement for the Prevention and Management of Public Health Events in Civil Aviation (CAPSCA) programme, to strengthen the programme and ensure that its goals are achieved;

11. *Urges* Contracting States to support the activities of subject matter expert groups (e.g. the MSPG and Facilitation Panel (FALP)) to protect the health and safety of aviation personnel and passengers that could affect either health or pose a risk to safe air travel during public health emergencies; and

12. *Declares* that this resolution supersedes Resolution A37-13.

12.7 Colombia, co-sponsored by Bolivia, Brazil, Dominican Republic, Guatemala, Guyana, Mexico, Panama, Paraguay, Peru, Suriname, Uruguay and Venezuela (Bolivarian Republic of), in WP/321 promotes mutual support and cooperation among States for a harmonized and inclusive approach to prevent the spread of communicable diseases by international air travel. The Committee noted the importance of State sovereignty, State capacity and resources and urges States to collaborate to implement harmonized measures, to the greatest extent possible, including agreements, to prevent the spread of communicable disease by air transport.

12.8 Colombia, Peru and Uruguay and supported by Bolivia (Plurinational State of), Guatemala, Panama, Paraguay and Venezuela (Bolivarian Republic of), in WP/363 highlights the benefits of recognizing and implementing a common health corridor in pandemic readiness to harmonize measures in the event of pandemics. The Committee urges States to increase collaboration and coordination, including signing of general regional bilateral and/or multilateral agreements, noting that such agreements should not replace existing air service agreements, highlighting the need to work in close cooperation with the Air Transport Regulation Panel (ATRP) and the Facilitation Panel (FALP) in order to ensure consistencies between different policies.

12.9 Czechia, on behalf of the European Union and its Member States, the other Member States of the European Civil Aviation Conference and EUROCONTROL, in WP/102 Revision No.1 proposes an amendment to Assembly Resolution A39-24 and advocates for the evolution of the current global crisis management framework toward a multilayer crisis management approach to support a predictable and harmonized operational response to crisis. The Committee recognized the value of such a framework, noted that ICAO has commenced work on the development of a structure and mechanisms to implement a global crisis management framework, that implementation by ICAO will require considerable work and extra-budgetary resources to support the non-budgeted work and urges States to support ICAO with extra-budgetary contributions. The Committee agreed to submit for adoption the proposed amendment to Assembly Resolution A39-24.

Resolution 12/3 Strategy on disaster risk reduction and response mechanism in aviation

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

Whereas the General Assembly of the United Nations endorsed the Sendai Declaration and the Sendai Framework for Disaster Risk Reduction 2015–2030 adopted by the Third United Nations World Conference on Disaster Risk Reduction;

Mindful that natural disasters damage the social and economic infrastructure of all countries, and the long-term consequences of natural disasters are especially severe for developing countries and hamper their sustainable development;

Mindful that States are primarily responsible for prevention and reduction of disaster risk and any response undertaken by the Organization should be guided by, and in concert with, the State(s) affected;

Recognizing that Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 9 — *Facilitation*, Annex 11 — *Air Traffic Services*, Annex 14 — *Aerodromes* and Annex 19 — *Safety Management* provide Standards and Recommended Practices (SARPs) for States relating to emergency planning and response, as well as border control formalities relating to relief flights following natural or man-made disasters;

Recognizing that disaster risk reduction is an important function of the United Nations System and should receive continued attention, and stressing the need for the international community to demonstrate the firm political determination required to utilize scientific and technical knowledge to reduce vulnerability to natural disasters and environmental hazards, taking into account the particular needs of developing countries;

Recognizing that all States have a vital need for disaster-resilient aviation infrastructure to promote socio-economic development and, in times of need, to support the timely and efficient distribution of aid; ~~and~~

Recognizing that all States can benefit from integrating disaster risk reduction strategies into their Air Transport Sector Strategic Plans; ~~and~~

Recognizing that there is a need to coordinate at the most appropriate level the political and operational response to natural or man-made disasters reaching regional or global scale;

The Assembly:

1. *Urges* States to recognize the significant role of aviation in the context of disaster risk reduction at the national level, including in their Air Transport Sector Strategic Plans;

2. *Urges* States to take into consideration the disaster risk reduction priorities as contained in the Sendai Framework for Disaster Risk Reduction 2015–2030, as well as the best practices of member States, in the development of their State emergency response plans as well as in the emergency response plan requirements for aviation service providers;

3. *Directs* the Council to establish a crisis response policy and disaster risk reduction strategy in aviation that would institutionalize and guide the Organizations strategic approach and tactical responses to aviation-specific crises that could affect the safety or continuity of international civil aviation;

4. *Directs* the Council to assist States in implementing disaster risk reduction strategies in aviation with priority given to Least Developed Countries (LDCs), Landlocked Developing Countries (LLDCs) and Small Island Developing States (SIDS);

5. *Instructs* the Secretary General to establish an ICAO network of crisis coordination structures and associated coordination mechanisms and arrangement between ICAO, regions, States and industry

~~supporting coordinated political and operational crisis response and assistance at the most appropriate level in coordination with the States affected and neighbouring States, for crises response and assistance;~~

6. *Instructs* the Secretary General to continue working collaboratively within the United Nations System to ensure timely, coordinated and high-quality assistance to all States where disaster losses pose a threat to people's health and development; and

7. *Instructs* the Secretary General to ensure that ICAO participate, when applicable and in alignment with its Strategic Objectives, in appropriate mechanisms put in place to support the cross-sectorial implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 and the United Nations Plan of Action on Disaster Risk Reduction for Resilience.

12.10 The International Air Transport Association (IATA), in WP/63, highlights that the fragmented nature of measures imposed by States has created confusion for both travellers and operators, which has hampered the recovery in international aviation. Following discussions, the Committee noted the recommendations in the paper and that the recommendation from an audit regarding ICAO's response to COVID-19 will be considered for implementation. It further noted the ongoing work regarding the recommended frameworks and CAPSCA working plans, requested stakeholders to collaborate with ICAO and noted that outcomes will be dependent on ICAO resources.

12.11 The International Transport Workers' Federation (ITF), in WP/203, proposes measures that build on lessons learned from the COVID-19 pandemic, to be implemented in response to future infectious disease outbreaks. The Committee, in considering the paper noted the important role of CART in the management of COVID-19, that an ICAO review has been conducted and that ongoing work to develop and implement harmonized crisis response plans include cabin operations. The Committee further noted the need for coordination and collaboration between stakeholders for implementation. On the matter of formalizing CAPSCA, the Committee agreed to refer to the ICAO Council for further consideration.

12.12 Information papers provided by Brazil (WP/546), Indonesia (WP/521), Oman (WP/583) and the International Transport Workers' Federation (WP/590) were noted.

— END —