

PROVISIONAL EDITION  
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# RESOLUTIONS

ADOPTED BY THE ASSEMBLY



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INTERNATIONAL CIVIL AVIATION ORGANIZATION



# RESOLUTIONS ADOPTED AT THE 37TH SESSION OF THE ASSEMBLY

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## RESOLUTIONS ADOPTED AT THE 37TH SESSION OF THE ASSEMBLY

### PROVISIONAL EDITION

#### **A37-1: Principles for a code of conduct on the sharing and use of safety information**

*Whereas* ensuring the safety of international civil aviation is the responsibility of Member States both collectively and individually;

*Whereas* the Convention and its Annexes provide the legal and operational framework upon which Member States can build a civil aviation safety system based on mutual trust and recognition, requiring that all Member States fulfil their obligations in implementing the Standards and Recommended Practices (SARPs) and in adequately performing safety oversight;

*Recalling* that mutual trust between States, as well as public confidence in the safety of air transportation is contingent upon access to adequate information regarding the implementation of international SARPs;

*Recalling* that transparency and the sharing of such information are fundamental tenets of a safe air transportation system and that one of the objectives of sharing information is to ensure a consistent, fact-based and transparent response to safety concerns at the State and at the global levels;

*Recognizing* that the safety information in the possession of individual States, aviation industry and aviation organizations regarding the existence of operational hazards has the potential to provide a clearer perspective on existing and emerging areas of risk and the opportunity for timely interventions to improve safety when shared and acted upon collectively;

*Recognizing* that there is a need to develop principles of confidentiality and transparency to ensure that safety information is used in an appropriate, fair and consistent manner, solely to improve aviation safety and not for inappropriate purposes, including for the purpose of gaining economic advantage; and

*Mindful* that the use of such information for other than safety-related purposes may inhibit the provision of such information, with an adverse effect on aviation safety:

*The Assembly:*

1. *Instructs* the Council to develop a Code of Conduct for the Sharing and Use of Safety Information based on the following principles, among others

- a) Member States will collect and share relevant and appropriate safety information to ensure that they can effectively discharge their individual and collective responsibilities for the safety of international civil aviation;
- b) Member States will utilize safety information to assist in ensuring that operations under their oversight are conducted in full compliance with applicable SARPs and other regulations;
- c) Member States, aviation industry and aviation organizations will ensure that shared safety information is used in an appropriate, fair and consistent manner, solely to improve aviation safety;

- d) Member States, aviation industry and aviation organizations will use caution in disclosing information, keeping in mind equally the need for transparency and the possibility that such disclosure may inhibit the future provision of such information; and
- e) Member States receiving safety information from another State, will agree to provide levels of confidentiality and uphold principles for disclosure equivalent to those provided by the State generating the information.

**A37-2: Non-disclosure of certain accident and incident records**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Whereas* it is essential that cognizance be taken that it is not the purpose of the investigation of accidents and incidents to apportion blame or liability;

*Recognizing* that it is essential that all relevant information be made available to the accident investigators to facilitate the establishment of the causes and/or contributing factors of accidents and incidents in order to enable preventative action to be taken;

*Recognizing* that the prevention of accidents is essential to safeguard the continued confidence in air transport;

*Recognizing* that public attention will continue to focus on States' investigative actions, including calls for access to accident and incident records;

*Recognizing* that the protection of certain accident and incident records from inappropriate use is essential to ensure the continued availability of all relevant information to accident investigators in future investigations;

*Recognizing* that the use of information, derived from accident investigations, for disciplinary, civil, administrative and criminal proceedings is generally not a means to improve aviation safety;

*Recognizing* that the measures taken so far to ensure the protection of certain accident and incident records may not be sufficient, and *noting* the issuance by ICAO of legal guidance to assist States in this regard;

*Recognizing* that the legal guidance in Attachment E to Annex 13 has assisted many States in the development and implementation of means to protect certain accident and incident records from inappropriate use;

*Considering* that a balance needs to be struck between the need for the protection of safety information and the need for the proper administration of justice, and that protection should be to a level commensurate with the nature of the information each source generates, as well as with the purpose of disclosure of such information;

*Mindful* that the accident investigation authorities and the civil aviation authorities acknowledged the need for further study by ICAO on the protection of safety information; and

*Recognizing* the recommendations of the High-level Safety Conference 2010 to establish a multidisciplinary group to address the protection of certain safety information:

*The Assembly:*

1. *Urges* Contracting States to continue to examine and if necessary adjust their laws, regulations and policies to protect certain accident and incident records in compliance with paragraph 5.12 of Annex 13, in order to mitigate impediments to accident and incident investigations, in consideration of the legal guidance for the protection of information from safety data collection and processing systems issued by ICAO;

2. *Instructs* the Council to consider to enhance, in view of the results of the work of the multidisciplinary group, the provisions on the protection of certain accident and incident records with the aim of facilitating the implementation of Annex 13 provisions addressing the protection of safety information, taking into account the necessary interaction between safety and judicial authorities in the context of open reporting culture; and

3. *Declares* that this resolution supersedes Resolution A36-8.

**A37-3: Protecting information from safety data collection and processing systems in order to improve aviation safety**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Recognizing* the importance of the free communication of safety information amongst the stakeholders of the aviation system;

*Recognizing* that the protection of safety information from inappropriate use is essential to ensure the continued availability of all relevant safety information, to enable proper and timely preventive actions to be taken;

*Concerned* by a trend for safety information to be used for disciplinary and enforcement actions and to be admitted as evidence in judicial proceedings;

*Noting* the importance of a balanced environment in which disciplinary action is not taken as consequence of actions by operational personnel that are commensurate with their experience and training, but where gross negligence or wilful violations are not tolerated;

*Mindful* that the use of safety information for other than safety-related purposes may inhibit the provision of such information, with an adverse effect on aviation safety;

*Considering* that a balance needs to be struck between the need for the protection of safety information and the need for the proper administration of justice, and that protection should be to a level commensurate with the nature of the information each source generates, as well as with the purpose of disclosure of such information;

*Recognizing* that technological advances have made possible new safety data collection, processing and exchange systems, resulting in multiple sources of safety information that are essential in order to improve aviation safety;

*Noting* that existing international laws, as well as national laws and regulations in many States, may not adequately address the manner in which safety information is protected from inappropriate use;

*Noting* the issuance by ICAO of legal guidance aimed at assisting States enact national laws and regulations to protect information gathered from safety data collection and processing systems, while allowing for the proper administration of justice;

*Recognizing* that the legal guidance in Attachment E to Annex 13 has assisted many States in the development and implementation of means to protect information gathered from safety data collection and processing systems;

*Mindful* that the civil aviation authorities acknowledged the need for a further study by ICAO on the protection of safety information; and

*Recognizing* the recommendations of the High-level Safety Conference 2010 to establish a multidisciplinary group to address the protection of certain safety information:

*The Assembly:*

1. *Urges* all Contracting States to continue to examine their existing legislation and adjust as necessary, or enact laws and regulations to protect information gathered from all relevant safety data collection and processing systems based, to the extent possible, on the legal guidance developed by ICAO;

2. *Urges* the Council to cooperate with Contracting States and appropriate international organizations regarding the development and implementation of guidance to support the establishment of effective safety-reporting systems, and the achievement of a balanced environment where valuable information derived from all relevant safety data collection and processing systems is readily accessible, while respecting principles of administration of justice and freedom of information;

3. *Instructs* the Council to consider to enhance, in view of the results of the work of the multidisciplinary group, the provisions on the protection of information gathered from safety data collection and processing systems (SDCPS) with a view to ensure and sustain the availability of safety information required for the management of safety, taking into account the necessary interaction between safety and judicial authorities in the context of open reporting culture; and

4. *Declares* that this resolution supersedes Resolution A36-9.

**A37-4: ICAO global planning for safety**

*Whereas* ICAO strives to achieve the goal of a safe and orderly development of civil aviation through cooperation among Contracting States and other stakeholders;

*Whereas* to realize this goal, the Organization has established Strategic Objectives in the fields of, inter alia, safety and efficiency;

*Recognizing* the importance of a global framework to support the Strategic Objectives of ICAO;

*Recognizing* the importance of regional and national plans and initiatives based on the global framework for effective implementation; and



*Recognizing* that further progress in improving global safety and efficiency of civil aviation is best achieved through a cooperative, collaborative and coordinated approach in partnership with all stakeholders under the leadership of ICAO;

*The Assembly:*

1. *Resolves* that ICAO shall implement and keep current the Global Aviation Safety Plan (GASP) and the Global Air Navigation Plan (GANP) to support the relevant Strategic Objectives of the Organization;
2. *Resolves* that these global plans shall be implemented and kept current in close cooperation and coordination with all concerned stakeholders;
3. *Resolves* that these global plans shall provide the framework in which regional, subregional and national implementation plans will be developed and implemented thus ensuring harmonization and coordination of efforts aimed at improving international civil aviation safety and efficiency;
4. *Calls upon* States and *invites* other stakeholders to cooperate in the development and implementation of regional, subregional and national plans based on the framework of the global plans;
5. *Instructs* the Council to provide a report on the implementation and evolution of the global plans to future regular sessions of the Assembly;
6. *Instructs* the Secretary General to promote, make available and effectively communicate the GANP, GASP and its associated Global Aviation Safety Roadmap (GASR) global plans; and
7. *Declares* that this Assembly resolution supersedes Assembly Resolution A36-7 on the ICAO Global Aviation Safety Plan (GASP).

## **APPENDIX**

### **Global Aviation Safety Plan**

*Reaffirming* that the primary objective of the Organization continues to be the improvement of safety and an associated reduction in the number of accidents and related fatalities within the international civil aviation system;

*Recognizing* that safety is a shared responsibility involving ICAO, Contracting States and all other stakeholders;

*Recognizing* the safety benefits that can be drawn from partnerships between States and industry such as the Commercial Aviation Safety Team (CAST), the European Strategic Safety Initiative (ESSI), the Regional Aviation Safety Group-Pan-American (RASG-PA) and the African and Indian Ocean Islands Safety Enhancement Team (ASET);

*Recognizing* that the High-level Safety Conference (2010) reaffirmed the need for the ICAO safety framework to continuously evolve to ensure its sustained effectiveness and efficiency in the changing regulatory, economic and technical environment;

*Noting* that the expected increase in international civil aviation traffic will result in an increasing number of aircraft accidents unless the accident rate is reduced;

*Realizing* the need to maintain the public's confidence in air transport through the dissemination of safety information;

*Recognizing* that a proactive approach in which safety risks are identified and managed is of paramount importance to the achievement of further improvements in aviation safety;

*Recognizing* that regional aviation safety groups should be implemented by ICAO, taking into account the needs of the various regions and building on the already existing structures and forms of cooperation;

*Noting with satisfaction* the Global Aviation Safety Roadmap as developed by key industry partners acting as the Industry Safety Strategy Group (ISSG) with ICAO and which forms the basis for the Global Aviation Safety Plan (GASP);

*Noting* the intent to continuously apply the GASP as a tool to enhance safety by focusing action where it is most needed; and

*Noting* the unified strategy established by ICAO to resolve safety-related deficiencies:

*The Assembly:*

1. *Stresses* the need for continuous improvement of aviation safety through a reduction in the number of accidents and related fatalities in air transport operations in all parts of the world, particularly in States where safety records are significantly worse than the worldwide average;

2. *Stresses* that limited resources of the international aviation community should be used in the first place to support States or regions whose safety performance is not at an acceptable level and where political willingness exists to improve safety oversight functions;

3. *Urges* Contracting States to support the GASP objectives by:

- a) implementing the State Safety Programme (SSP);
- b) expeditiously implementing safety management systems across the aviation industry to complement the existing regulatory framework;
- c) sharing operational safety intelligence among States and relevant aviation stakeholders;
- d) ensuring that the travelling public has access to easily understandable safety-related information to enable informed decisions;
- e) creating an environment in which the reporting and sharing of information is encouraged and facilitated and in which remedial action is undertaken in a timely fashion when deficiencies are reported; and
- f) reporting accident and incident data as required to ICAO;

4. *Urges* Contracting States, regional safety oversight organizations and international organizations concerned to work with all stakeholders to implement the GASP objectives and GASR methodology objectives and to implement these methodologies to reduce the number and rate of aircraft accidents;

5. *Urges* Contracting States to demonstrate the political will necessary for taking remedial actions to address deficiencies including those identified by Universal Safety Oversight Audit Programme (USOAP) audits and through the application of GASP objectives and the ICAO regional planning process;

6. *Urges* States to fully exercise safety oversight of their operators in full compliance with applicable Standards and Recommended Practices (SARPs), and assure themselves that foreign operators flying in their territory receive adequate oversight from their own State and take appropriate action when necessary to preserve safety;

7. *Urges* States to develop sustainable safety solutions to fully exercise their safety oversight responsibilities. This can be achieved by sharing resources, utilizing internal and/or external resources, such as regional and subregional safety oversight organizations and the expertise of other States; and

8. *Urges* Contracting States, the industry and financing institutions to provide the needed support for the coordinated implementation of the ICAO Global Aviation Safety Plan, avoiding duplication of efforts.

**A37-5: The Universal Safety Oversight Audit Programme (USOAP)  
continuous monitoring approach**

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Whereas* Article 37 of the Convention requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to all matters in which such uniformity will facilitate and improve air navigation;

*Whereas* safety oversight, and the safety of international civil aviation in general, is the responsibility of Contracting States, both collectively and individually, it also depends on the active collaboration of ICAO, Contracting States, industry and all other stakeholders in the implementation of the Global Aviation Safety Plan (GASP);

*Whereas* the DGCA/06 Conference made recommendations to allow public access to appropriate information on safety oversight audits and to develop an additional mechanism to rapidly resolve significant safety concerns (SSCs) identified under USOAP;

*Whereas* the High Level Safety Conference (HLSC) 2010 made recommendations for ICAO to develop criteria for the sharing of SSCs with interested stakeholders and to assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

*Whereas* the HLSC 2010 made recommendations for ICAO to enter into new agreements and amend existing agreements for the sharing of confidential safety information with international entities and organizations in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

*Recalling* that the 32nd Session of the Assembly resolved that a Universal Safety Oversight Audit Programme (USOAP) be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

*Whereas* the implementation of the USOAP has been a major achievement for aviation safety, successfully meeting the mandate given by Resolutions A32-11 and A35-6 and providing the ability to evaluate contracting States' oversight capabilities and identify areas of improvement;

*Recalling* that Assembly Resolution A33-8 requested the Council to ensure the long-term financial sustainability of the USOAP, phasing in all of its activities into the Regular Programme budget;

*Recalling* the objectives of the USOAP, which seeks to ensure that Contracting States are adequately discharging their responsibilities for safety oversight;

*Recognizing* that it is essential that the USOAP continue to cover all safety-related Annex provisions in order to promote the adequate implementation of safety-related Standards and Recommended Practices;

*Recognizing* that the Secretary General has taken appropriate steps to ensure the establishment of an independent quality assurance mechanism to monitor and assess Programme quality;

*Recognizing* that the effective implementation of State action plans is essential to enhance the overall safety of global air navigation;

*Recognizing* the safety enhancement contributions resulting from audits conducted by international and regional organizations, including those organizations that have agreements with ICAO such as the European Aviation Safety Agency (EASA), International Air Transport Association (IATA) and European Organisation for the Safety of Air Navigation (EUROCONTROL);

*Recognizing* that transparency and the sharing of safety information is one of the fundamental tenets of a safe air transportation system; and

*Recognizing* that regional safety oversight organizations (RSOOs) have an important role in the USOAP CMA and that, wherever applicable, the word "States" below should be read to include RSOOs:

*The Assembly:*

1. *Expresses its appreciation* to the Secretary General on the successful implementation of the USOAP Comprehensive System Approach;

2. *Directs* the Secretary General, from 1 January 2011, to evolve the USOAP to a continuous monitoring approach (CMA), which will incorporate the analysis of safety risk factors and be applied on a universal basis in order to assess States' oversight capabilities;

3. *Directs* the Secretary General to ensure that the CMA continues to maintain as core elements the key safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 8 — *Airworthiness of Aircraft*, Annex 11 — *Air Traffic Services*, Annex 13 — *Aircraft Accident and Incident Investigation*, and Annex 14 — *Aerodromes*;

4. *Directs* the Secretary General to continue to ensure the maintenance of the quality assurance mechanism established to monitor and assess Programme quality, and the transparency of all aspects of the continuous monitoring process;

5. *Directs* the Council to develop criteria for the sharing of SSCs with interested stakeholders and assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

6. *Directs* the Secretary General to make all safety oversight-related information generated by the CMA available to all Contracting States through the ICAO restricted website;

7. *Directs* the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety; for the sharing of confidential safety information in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

8. *Directs* the Secretary General to continue to enhance the Flight Safety Information Exchange (FSIX), for the purpose of facilitating the sharing of safety-critical information among Contracting States, industry and other stakeholders, as appropriate;

9. *Calls on* all Contracting States able to do so to second qualified and experienced technical staff to ICAO on a long- or short-term basis, with a view to enabling the Organization to continue to successfully implement the Programme;

10. *Urges* all Contracting States to submit to ICAO, in a timely manner, and keep up to date all the information and documentation requested by ICAO for the purpose of ensuring the effective implementation of the USOAP-CMA;

11. *Urges* all Contracting States to cooperate with ICAO and as much as practicable to accept Continuous Monitoring activities scheduled by the Organization, including audits and validation missions, in order to facilitate the smooth functioning of the USOAP-CMA;

12. *Urges* all Contracting States to share with other Contracting States critical safety information which may have an impact on the safety of international air navigation and to facilitate access to all relevant safety information;

13. *Encourages* Contracting States to make full use of available safety information when performing their safety oversight functions, including during inspections as provided for in Article 16 of the Convention;

14. *Reminds* Contracting States of the need for surveillance of all aircraft operations, including foreign aircraft within their territory and to take appropriate action when necessary to preserve safety;

15. *Directs* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USOAP-CMA; and

16. *Declares* that Resolutions A35-6: *Transition to a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)* and A36-4: *Application of a continuous monitoring approach for the ICAO Universal Safety Oversight Audit Programme (USOAP) beyond 2010*, as well as articles one to six of A36-2: *Unified strategy to resolve safety-related deficiencies* have been superseded by this resolution.

**A37-6: Runway safety**

*Whereas* runway accidents constitute a large portion of all accidents and have resulted in a great number of fatalities;

*Whereas* runway excursions are the highest single occurrence category of all accidents over the last ten years for all commercial and general aviation operations of fixed-wing aircraft above 5 700 kg certified maximum take-off mass;

*Whereas* there are several areas of technological development underway in the aviation industry that show great promise in the prevention and mitigation of runway accidents and serious incidents:

*The Assembly:*

1. *Urges* States to take measures to enhance runway safety, including the establishment of runway safety programmes using a multidisciplinary approach, that include at least regulators, aircraft operators, air navigation services providers, aerodrome operators and aircraft manufacturers to prevent and mitigate the effects of runway excursions, runway incursions and other occurrences related to runway safety;

2. *Resolves* that ICAO shall actively pursue runway safety using a multidisciplinary approach; and

3. *Invites* States to monitor runway safety events and related precursors as part of the safety data collection and processing system established under their State Safety Programmes.

### **Associated Practices**

1. The runway safety programmes should be based on inter-organizational safety management including the creation of local runway safety teams that address prevention and mitigation of runway excursions, runway incursions and other occurrences related to runway safety.

2. The Council should further develop provisions to assist States in establishing runway safety programmes.

3. States should be encouraged to participate in global and regional seminars and workshops to exchange safety information and best practices on runway safety.

### **A37-7: Comprehensive Regional Implementation Plan for Aviation Safety in Africa**

*Whereas* ICAO continues to play its leadership role to reduce serious deficiencies in the Africa-Indian Ocean (AFI) Region which are detrimental to the functioning and further development of international civil aviation;

*Noting* that actions taken by ICAO under the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (the AFI Plan) have begun to demonstrate positive progress in enhancing aviation safety in the continent;

*Recognizing* that success in fully achieving the objectives of the AFI Plan mainly depends on the efforts made by the African States themselves;

*Recognizing* that many Contracting States in the AFI Region, despite the efforts they make, would, in the immediate future, require continued technical and/or financial support from ICAO and other stakeholders to comply with the requirements of the Chicago Convention and its Annexes;

*Recognizing* that many African States cannot, on their own, support an effective and sustainable national safety oversight system and therefore have to be urged and supported to establish regional safety oversight organizations;

*Recalling* Recommendation 4/5 of the Special Africa-Indian Ocean Regional Air Navigation Meeting (SP AFI/08 RAN) on the establishment of regional accident investigation agencies alongside the development and establishment of regional safety oversight organizations, thus enabling States to meet their international obligations in the area of accident investigation by collaborating and sharing resources;

*Noting* that ICAO, under its AFI Comprehensive Implementation Programme (ACIP), has begun to support many African States to establish a Regional Safety Oversight Organizations and Regional Accident Investigation Agencies;

*Noting* the recommendations of the ICAO and AFCAC joint meeting on enhancement of aviation safety in Africa held in N'djamena, Chad on 13 May 2010;

*Noting* that regional organizations initiated or established in the AFI Region will continue to require ICAO support for the near future and until they are solidly established and self-supporting;

*Recognizing* the benefit of continuing to coordinate, under the ICAO umbrella, activities of all stakeholders providing assistance to States in the AFI Region;

*Recognizing* that ICAO will require additional resources to successfully carry out the support it provides to States in the AFI Region; and

*Noting* that strong Regional Offices would be a positive catalyst for the enhancement of aviation safety in the AFI Region:

*The Assembly:*

1. *Welcomes* the considerable effort made by African States and regional organizations to enhance aviation safety;
2. *Declares* that the implementation of ACIP programme activities will continue within the work programme of the African Regional Offices;
3. *Urges* the Secretary General to ensure that the African Regional Offices are provided with the required personnel and financial resources to ensure the effective continuation of the work programme initiated by ACIP;
4. *Urges* Contracting States of the AFI Region to commit to and accelerate the establishment of regional safety oversight organizations and regional accident investigation agencies, where required, and strengthen cooperation across the region in order to make the optimum use of available resources;
5. *Instructs* the Council to notify States, industry and donors of the priority projects arising from the gap analysis;
6. *Urges* States, industry and donors to implement priority projects identified by the gap analysis, performed in accordance with the Global Aviation Safety Plan (GASP);
7. *Urges* States, industry and donors to make contributions in cash and kind towards the implementation of the AFI Plan and *instructs* the Council to recognize all such contributions;

8. *Urges* African States, ICAO and AFCAC to jointly address deficiencies identified through the safety oversight audits and implement the recommendations made by the ICAO/AFCAC joint meeting on aviation safety in Africa;

9. *Instructs* the Council to monitor the implementation of the recommendations of the joint ICAO/AFCAC meeting on aviation safety in Africa;

10. *Instructs* the Council to ensure a stronger ICAO leadership role in coordinating activities, initiatives and implementation strategies aimed specifically at implementing priority projects to achieve sustainable improvement of flight safety in the AFI Region and to allocate resources to the relevant Regional Offices accordingly;

11. *Instructs* the Council to monitor and measure the status of implementation in the AFI Region throughout the triennium and to report to the next ordinary session of the Assembly on the progress made; and

12. *Declares* that this resolution supersedes Resolution A36-1.

**A37-8: Regional cooperation and assistance to resolve safety-related deficiencies**

*Whereas* a primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

*Whereas* ensuring the safety of international civil aviation is also the responsibility of Contracting States both collectively and individually;

*Whereas* in accordance with Article 37 of the *Convention on International Civil Aviation* each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards, procedures and organization in relation to aircraft, personnel, airports, airways and auxiliary services in all matters in which uniformity will facilitate and improve air navigation;

*Whereas* the improvement of the safety of international civil aviation on a worldwide basis requires the active collaboration of all stakeholders;

*Whereas* the Convention and its Annexes provide the legal and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Contracting States implement the SARPs as far as practicable and adequately perform safety oversight;

*Whereas* the results of the Universal Safety Oversight Audit Programme (USOAP) indicate that several Contracting States have not yet been able to establish a satisfactory national safety oversight system;

*Whereas* ICAO plays a leadership role in facilitating the implementation of SARPs and the rectification of safety-related deficiencies;

*Whereas* the High-level Safety Conference (2010) recommended that States should support ICAO in efforts to foster the development and sustainability of regional safety oversight organizations and should participate and actively support regional safety oversight organizations whenever possible;



*Whereas* ICAO has a Policy on Regional Cooperation which is committed to render assistance, advice and any other form of support, to the extent possible, in the technical and policy aspects of international civil aviation to Contracting States in carrying out their responsibilities pertaining to the *Convention on International Civil Aviation* and ICAO Strategic Objectives, inter alia by promoting regional cooperation through close partnerships with regional organizations and regional civil aviation bodies;

*Recognizing* that not all Contracting States have the requisite human, technical and financial resources to adequately perform safety oversight;

*Recognizing* that the establishment of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations, has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and harmonization on a larger scale; and

*Recognizing* that the assistance available to Contracting States experiencing difficulties in correcting deficiencies identified through the safety oversight audits would be greatly enhanced by coordination amongst all Contracting States, ICAO and other concerned parties in civil aviation operations:

*The Assembly:*

1. *Directs* the Council to promote the concept of regional cooperation for the purpose of enhancing safety and safety oversight, including the establishment of regional safety oversight organizations;

2. *Directs* the Council to continue to partner with Contracting States, industry and other stakeholders for coordinating and facilitating the provision of financial and technical assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations, in order to enhance safety and strengthen safety oversight capabilities;

3. *Directs* the Council to continue the analysis of relevant safety-critical information for determining effective means of providing assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations;

4. *Directs* the Council to continue implementing an Implementation Support and Development – Safety (ISD-Safety) Programme to provide assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations;

5. *Urges* Contracting States to develop and further strengthen regional and sub-regional cooperation in order to promote the highest degree of aviation safety;

6. *Encourages* Contracting States to foster the creation of regional or sub-regional partnerships to collaborate in the development of solutions to common problems to build State safety oversight capability, and to participate in, or provide tangible support for, the strengthening and furtherance of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations;

7. *Encourages* Contracting States to establish partnerships with other States, industry, air navigation service providers, financial institutions and other stakeholders to strengthen safety oversight capabilities, in order to better discharge State responsibilities and foster a safer international civil aviation system;

8. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the Programme; and

9. *Declares* that this resolution supersedes Resolutions A36-2 and A36-3.

**A37-9: Halon replacement**

*Whereas* halons contribute to climate change and are no longer being produced by international agreement because they are ozone-depleting chemicals, and have been used as fire-extinguishing agents in commercial transport aircraft for 45 years;

*Recognizing* that more needs to be done because the available halon supplies are dwindling and that the environmental community continues to be concerned that halon alternatives have not been developed for all fire extinguishing systems in civil aircraft;

*Recognizing* that the Minimum Performance Standard for each application of halon has been developed already by the International Aircraft Systems Fire Protection Working Group with participation by industry and regulatory authorities;

*Recognizing* that there are stringent aircraft-specific requirements for each application of halon that must be met before a replacement can be implemented;

*Recognizing* that the production and import/export of halon is prohibited by international agreement, thus halon is mainly available by recycling existing supplies. Thus recycling of halon gas needs to be rigorously controlled to prevent the possibility of contaminated halon being supplied to the aviation industry;

*Recognizing* that any strategy must depend on alternatives that do not pose an unacceptable environmental or health risk as compared to the halons they are replacing; and

*Recognizing* that while halon alternatives for lavatories are available, and that progress has been made in the development of halon alternatives in hand-held fire extinguishers, more work is needed in the development of halon alternatives for cargo compartment and engine/auxiliary power unit fire extinguishing systems, and that regular reviews are necessary to evaluate and understand the implication of potential halon alternatives on the industry and the environment:

*The Assembly:*

1. *Agrees* with the urgency of the need to continue developing and implementing halon alternatives for civil aviation;

2. *Urges* States to intensify development of acceptable halon alternatives for fire extinguishing systems in cargo compartments and engine/auxiliary power units, and to continue work towards improving halon alternatives for hand-held fire extinguishers;

3. *Directs* the Council to establish a mandate for the replacement of halon:

— in lavatory fire extinguishing systems used in aircraft produced after a specified date in the 2011 timeframe;

— in hand-held fire extinguishers used in aircraft produced after a specified date in the 2016 timeframe; and

- in engine and auxiliary power unit fire extinguishing systems used in aircraft for which application for type certification will be submitted after a specified date in the 2014 timeframe;

4. *Directs* the Council to conduct regular reviews of the status of potential halon alternatives to support the agreed upon implementation dates given the evolving situation regarding the suitability of potential halon alternative agents as they continue to be identified, tested, certified and implemented;

5. *Urges* States to advise their aircraft manufacturers, approved maintenance organizations, air operators, chemical suppliers, and fire-extinguishing companies to verify the quality of halon in their possession or provided by suppliers through effective testing or certification to an international or State recognized quality standard. States are also urged to require that the quality systems of air operators, approved maintenance organizations, and manufacturers provide a means for requesting from halon suppliers certification documentation attesting to the quality of halon to an established and recognized international standard;

6. *Encourages* ICAO to continue collaboration with the International Aircraft Systems Fire Protection Working Group and the United Nations Environment Programme's (UNEP) Ozone Secretariat through its Technology and Economic Assessment Panel's Halons Technical Options Committee on the topic of halon alternatives for civil aviation;

7. *Urges* States to inform ICAO regularly of their halon reserves and directs the Secretary General to report the results to the Council. Further, the Council is directed to report on the status of halon reserves at the next ordinary session of the Assembly;

8. *Resolves* that the Council shall report to the next ordinary session of the Assembly on progress made developing halon alternatives for cargo compartments and engine/auxiliary power unit fire extinguishing systems as well as the status of halon alternatives for hand-held fire extinguishers; and

9. *Declares* that this resolution supersedes Resolution A36-12.

**A37-10: Proficiency in the English language used for radiotelephony communications**

*Whereas* to prevent accidents, ICAO introduced language provisions to ensure that air traffic personnel and pilots are proficient in conducting and comprehending radiotelephony communications in the English language, including requirements that the English language shall be available on request at all stations on the ground serving designated airports and routes used by international air services;

*Recognizing* that the language provisions reinforce the requirement to use ICAO standardized phraseology in all situations for which it has been specified;

*Recognizing* that Contracting States have made substantial efforts to comply with the language proficiency requirements;

*Recognizing* that some Contracting States encounter considerable difficulties in implementing the language proficiency requirements including the establishment of language training and testing capabilities;

*Recognizing* that some Contracting States required additional time to implement the language proficiency provisions beyond the applicability date;

*Whereas* in accordance with Article 38 of the Convention any Contracting State which finds it impracticable to comply in all respects with any international standard or procedure is obliged to give immediate notification to ICAO;

*Whereas* in accordance with Article 39 b) of the Convention any person holding a licence not satisfying in full the conditions laid down in the international standard relating to the class of licence or certificate held, shall have endorsed on or attached to the licence all the particulars in which this person does not satisfy such conditions; and

*Whereas* pursuant to Article 40 of the Convention no personnel having certificates or licences so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered:

*The Assembly:*

1. *Urges* the Contracting States to use ICAO standardized phraseology in all situations for which it has been specified;

2. *Directs* the Council to continue to support Contracting States in their implementation of the language proficiency requirements;

3. *Urges* Contracting States to assist each other in their implementation of the language proficiency requirements;

4. *Urges* Contracting States that have not complied with the language proficiency requirement by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk, as required, for pilots, air traffic controllers and aeronautical station operators involved in international operations on the ICAO website as outlined in accordance with the associated practices below and ICAO guidance material;

5. *Urges* Contracting States to waive the permission requirement under Article 40 of the Convention, in the airspace under their jurisdiction for pilots who do not yet meet the ICAO Language Proficiency Requirements, for a period not exceeding three years after the applicability date of 5 March 2008, provided that the States which issued or rendered valid the licences have made their implementation plans available to all other Contracting States and have notified ICAO of the differences pertaining to language provisions;

6. *Urges* Contracting States not to restrict their operators, conducting commercial or general aviation operations, from entering the airspace under the jurisdiction or responsibility of other States where air traffic controllers or radio station operators do not yet meet the language proficiency requirements for a period not exceeding three years after the applicability date of 5 March 2008, provided that those States have made their implementation plans available to all other Contracting States and have notified ICAO of the differences pertaining to language provisions;

7. *Urges* Contracting States not yet fully compliant on 5 March 2011 to continue to provide ICAO with regularly updated implementation plans including progress achieved in meeting their timelines for full compliance;

8. *Urges* Contracting States after 5 March 2011 to take a flexible approach towards States that do not yet meet the Language Proficiency Requirements, yet are making progress as evidenced in their implementation plans. Decisions concerning operations should be made on a non-discriminatory basis and not be made for the purpose of gaining economic advantage;

9. *Directs* the Council to monitor the status of implementation of the Language Proficiency Requirements and take necessary actions to advance safety and maintain the regularity of international civil aviation;

10. *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding the implementation of the ICAO language proficiency requirements; and

11. *Declares* that this resolution supersedes Resolution A36-11.

### **Associated practices**

Contracting States that did not meet the Language Proficiency Requirements by 5 March 2008 should:

1. Develop implementation plans for the Language Proficiency Requirements that include the following:

- a) a timeline for adoption of the Language Proficiency Requirements in their national regulations;
- b) a timeline for establishment of language training and assessment capabilities;
- c) a description of a risk-based prioritization system for the interim measures to be put in place until full compliance with the Language Proficiency Requirements is achieved;
- d) timelines, with identifiable milestones, for full implementation of the Language Proficiency Requirements;
- e) a procedure for endorsing licences to indicate the holders' language proficiency level; and
- f) designation of a national focal point in relation to the English language proficiency implementation plan;

2. Make their language proficiency implementation plans available to all other Contracting States by posting their plans on the ICAO website and update them on a regular basis until full implementation has been achieved;

3. Notify ICAO of differences to the language proficiency Standards and Recommended Practices; and

4. Publish differences to the Language Proficiency Requirements in relation to the provision of air navigation services in their Aeronautical Information Publications.

### **A37-11: Performance-based navigation global goals**

*Whereas* a primary objective of ICAO is that of ensuring the safe and efficient performance of the global Air Navigation System;

*Whereas* the improvement of the performance of the air navigation system on a harmonized, worldwide basis requires the active collaboration of all stakeholders;

*Whereas* the Eleventh Air Navigation Conference recommended that ICAO, as a matter of urgency, address and progress the issues associated with the introduction of area navigation (RNAV) and required navigation performance (RNP);

*Whereas* the Eleventh Air Navigation Conference recommended that ICAO develop RNAV procedures supported by global navigation satellite system (GNSS) for fixed wing aircraft, providing high track and velocity-keeping accuracy to maintain separation through curves and enable flexible approach line-ups;

*Whereas* the Eleventh Air Navigation Conference recommended that ICAO develop RNAV procedures supported by GNSS for both fixed and rotary wing aircraft, enabling lower operating minima in obstacle-rich or otherwise constrained environments;

*Whereas* Resolution A33-16 requested the Council to develop a programme to encourage States to implement approach procedures with vertical guidance (APV) utilizing such inputs as GNSS or distance measuring equipment (DME)/DME, in accordance with ICAO provisions;

*Recognizing* that not all airports have the infrastructure to support APV operations and not all aircraft are currently capable of APV;

*Recognizing* that many States already have the requisite infrastructure and aircraft capable of performing straight-in approaches with lateral guidance (LNAV approaches) based on the RNP specifications and that straight in approaches provide demonstrated and significant safety enhancements over circling approaches;

*Recognizing* that the Global Aviation Safety Plan has identified Global Safety Initiatives (GSIs) to concentrate on developing a safety strategy for the future that includes the effective use of technology to enhance safety, consistent adoption of industry best practices, alignment of global industry safety strategies and consistent regulatory oversight;

*Recognizing* that the Global Air Navigation Plan has identified Global Plan Initiatives (GPIs) to concentrate on the incorporation of advanced aircraft navigation capabilities into the air navigation system infrastructure, the optimization of the terminal control area through improved design and management techniques, the optimization of the terminal control area through implementation of RNP and RNAV SIDs and STARs and the optimization of terminal control area to provide for more fuel efficient aircraft operations through FMS-based arrival procedures; and

*Recognizing* that the continuing development of diverging navigation specifications would result in safety and efficiency impacts and penalties to States and industry;

*Noting with satisfaction* that planning and implementation regional groups (PIRGs) have completed regional PBN implementation plans; and

*Recognizing* that not all States have developed a PBN implementation plan by the target date of 2009:

*The Assembly:*

1. *Urges* all States to implement RNAV and RNP air traffic services (ATS) routes and approach procedures in accordance with the ICAO PBN concept laid down in the *Performance-based Navigation (PBN) Manual* (Doc 9613);

2. *Resolves* that:

a) States complete a PBN implementation plan as a matter of urgency to achieve:

- 1) implementation of RNAV and RNP operations (where required) for en route and terminal areas according to established timelines and intermediate milestones;
- 2) implementation of approach procedures with vertical guidance (APV) (Baro-VNAV and/or augmented GNSS), including LNAV only minima, for all instrument runway ends, either as the primary approach or as a back-up for precision approaches by 2016 with intermediate milestones as follows: 30 per cent by 2010, 70 per cent by 2014; and
- 3) implementation of straight-in LNAV only procedures, as an exception to 2) above, for instrument runways at aerodromes where there is no local altimeter setting available and where there are no aircraft suitably equipped for APV operations with a maximum certificated take-off mass of 5 700 kg or more;

b) ICAO develop a coordinated action plan to assist States in the implementation of PBN and to ensure development and/or maintenance of globally harmonized SARPs, Procedures for Air Navigation Services (PANS) and guidance material including a global harmonized safety assessment methodology to keep pace with operational demands;

3. *Urges* that States include in their PBN implementation plan provisions for implementation of approach procedures with vertical guidance (APV) to all runway end serving aircraft with a maximum certificated take-off mass of 5 700 kg or more, according to established timelines and intermediate milestones;

4. *Instructs* the Council to provide a progress report on PBN implementation to the next ordinary session of the Assembly, as necessary;

5. *Requests* the Planning and Implementation Regional Groups (PIRGs) to include in their work programme the review of status of implementation of PBN by States according to the defined implementation plans and report annually to ICAO any deficiencies that may occur; and

6. *Declares* that this resolution supersedes Resolution A36-23.

### **A37-12: ICAO global planning for sustainability**

*Whereas* the enhancement of the efficiency of aviation operations is a key element of the ICAO Strategic Objectives;

*Having adopted* Resolution A35-15, a consolidated statement of continuing ICAO policies and practices related to a global air traffic management (ATM) system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems;

*Noting* the acceptance of 30 November 2006 by the Council of the new version of the Global Air Navigation Plan (GANP); and

*Recognizing* that many States are developing new generation plans for their own air navigation modernization:

*The Assembly:*

1. *Instructs* the Council to amend the GANP to include a framework that will allow ICAO to easily analyze the impact of States' air navigation modernization plans on the global system and then take appropriate action as needed to ensure global harmonization;
2. *Calls upon* States, planning and implementation regional groups (PIRGs) and the aviation industry to utilize the guidance provided in the GANP for planning and implementation activities;
3. *Urges* Contracting States, industry and financing institutions to provide the necessary support for coordinated implementation of the GANP, avoiding duplication of effort;
4. *Urges* States that are developing new generation plans for their own air navigation modernization to share their plans in a timely manner with ICAO to ensure global compatibility and harmonization;
5. *Instructs* the Council to ensure that the GANP is continuously maintained up to date in light of further operational and technical developments, in close collaboration with States and other stakeholders; and
6. *Instructs* the Council to organize a Twelfth Air Navigation Conference in 2012, to develop longer-term planning for ICAO based on an update of the GANP.

**A37-13: Prevention of spread of communicable disease through 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 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 A35-12 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* 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* 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 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 to manage public health emergencies of international concern and to prevent the spread of communicable disease by air travel; and



*Whereas* the ICAO Cooperative Arrangement for the Prevention of Spread of Communicable Disease through Air Travel (CAPSCA) project is an appropriate measure to improve and harmonize preparedness plans:

*The Assembly:*

1. *Urges* Contracting States and regional safety oversight organizations to ensure that the public health sector and the aviation sector collaborate to develop a national preparedness plan for aviation which addresses public health emergencies of international concern and which is integrated with the general national preparedness plan;
2. *Urges* Contracting States to develop a national preparedness plan for aviation that is in compliance with the World Health Organization International Health Regulations (2005) and which are based on scientific principles and on the guidelines from ICAO and the World Health Organization;
3. *Urges* Contracting States, and regional safety oversight organizations as appropriate, to establish requirements for the involvement of stakeholders such as airport operators, aircraft operators and air navigation service providers in the development of a national preparedness plan for aviation; and
4. *Urges* Contracting States to join and participate in the Cooperative Arrangement for the Prevention of Spread of Communicable Disease through Air Travel (CAPSCA) project, where available, to ensure that its goals are achieved, unless equivalent measures are already in place.

**A37-14: Non-chemical disinsection of the aircraft cabin and flight deck for international flights**

*Whereas* ICAO Assemblies have demonstrated a concern for the quality of life and the environment in which human beings work and live, including matters related to engine emissions, the ozone layer, aircraft noise, smoking and invasive alien species;

*Whereas* the 35th session of the Assembly declared 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* the 2005 revisions to the International Health Regulations, which strengthen public health security in travel and transportation and minimize public health risk, expanded the definition of disinsection to include the control as well as the killing of insect vectors;

*Whereas* concern has been expressed that the current practice by some States of requiring the use of insecticides to disinsect aircraft can result in discomfort and adverse health effects to aircraft crews and passengers, which may potentially result in a medical emergency;

*Whereas* there are conflicting reports concerning the efficacy of insecticides used for disinsection and the effectiveness of existing insecticide-based disinsection protocols;

*Whereas* recent outbreaks of vector borne diseases highlight the need to control the transportation of insect vectors by air; and

*Whereas* some recently conducted research has shown non-chemical methods of disinsection to be efficacious in preventing mosquitoes and other flying insects from entering an aircraft:

*The Assembly:*

1. *Requests* that the Council urge the World Health Organization to continue to explore methods of disinsection of the cabin and flight deck in which:
  - a) information on advances of both chemical and non-chemical disinsection is reviewed;
  - b) the efficacy and safety of non-chemical disinsection are compared with the efficacy and safety of pesticide based disinsection; and
  - c) recommendations are made on acceptable disinsection practices;
2. *Requests* the Council to encourage the exploration of non-chemical approaches to aircraft disinsection of the cabin and flight deck;
3. *Encourages* Contracting States to allow the evaluation of non-chemical aircraft disinsection technology on flights over their territories, without prejudice to existing disinsection requirements;
4. *Encourages* Contracting States, in collaboration with the World Health Organization, to develop and adopt performance based criteria for disinsection requirements;
5. *Urges* Contracting States to ensure that aircraft operators are made aware of requirements for aircraft disinsection. Information provided should include whether or not the State requires disinsection, for which routes, and which methods of disinsection are acceptable;
6. *Requests* the Council to report on the implementation of this Resolution at the next ordinary session of the Assembly; and
7. *Declares* that this Resolution supersedes Resolution A36-24.

**A37-15: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation**

*Whereas* in Resolution A15-9 the Assembly resolved to adopt in each session for which a Technical Commission is established a consolidated statement of continuing policies related specifically to air navigation up to date as at the end of that session;

*Whereas* a statement of continuing policies and associated practices related specifically to air navigation as they existed at the end of the 36th Session of the Assembly was adopted by the Assembly in Resolution A36-13<sup>1</sup>, Appendices A to W inclusive;

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A36-13, Appendices A to W inclusive, and has amended the statement to reflect the decisions taken during the 37th Session; and

*Whereas* the statement of continuing policies in Resolution A36-13 is hereby superseded:

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<sup>1</sup> The full text of Resolution A36-13 and its appendices appears on pages II-2 to II-24 of Assembly Resolutions in Force (as of 28 September 2007) (Doc 9902).

*The Assembly:*

1. *Resolves that:*
  - a) the Appendices attached to this resolution constitute the consolidated statement of continuing air navigation policies and associated practices of the Organization as they exist at the close of the 37th Session of the Assembly; and
  - b) the practices associated with the individual policies in the appendices constitute guidance intended to facilitate and ensure implementation of the respective policies; and
2. *Declares that this resolution supersedes Resolution A36-13 with its Appendices A to W inclusive.*

## **APPENDIX A**

### **Formulation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)**

...

7. The applicability dates of amendments to SARPs and PANS shall be so established as to allow the Contracting States sufficient time for their implementation;
8. No Annex or PANS document shall be amended more frequently than once per calendar year.

#### **Associated practices**

1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system-level, functional and performance requirements. The Council should continue seeking the most appropriate means of development, translation, processing and dissemination of technical specifications.

2. Contracting States should comment fully and in detail on the proposals for amendment of SARPs and PANS or at least should express their agreement or disagreement on their substance. They should be allowed at least three months for this purpose. Furthermore, Contracting States should receive at least 30 days of notification of the intended approval or adoption of detailed material on which they are not consulted.

3. Contracting States should be allowed a full three months for notifying disapproval of adopted SARPs amendments; in establishing a date for notifying disapproval the Council should take into account the time needed for transmission of the adopted amendments and for receipt of notifications from States.

...

## APPENDIX O

### Coordination and cooperation of civil and military air traffic

*Whereas* the airspace is a resource common to both civil and military aviation, and given that many air navigation facilities and services are provided and used by both civil and military aviation;

*Whereas* the Preamble of the *Convention on International Civil Aviation* stipulates that signatories thereto had “agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically”;

*Whereas* Article 3 *a)* of the Convention states that “the Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft” and Article 3 *d)* requires that “contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft”;

*Recognizing* that growing civil air traffic and mission-oriented military air traffic would benefit greatly from a more flexible use of airspace used for military purposes and that satisfactory solutions to the problem of cooperative access to airspace have not evolved in all areas;

*Whereas* the flexible use of airspace by both civil and military air traffic may be regarded as the ultimate goal, improvement in civil/military coordination and cooperation, offers an immediate approach towards more effective airspace management; and

*Recalling* that the ICAO Global ATM Operational Concept states that all airspace should be a usable resource, any restriction on the use of any particular volume of airspace should be considered transitory, and all airspace should be managed flexibly:

*The Assembly resolves that:*

1. the common use by civil and military aviation of airspace and of certain facilities and services shall be arranged so as to ensure the safety, regularity and efficiency of civil aviation as well as to ensure the requirements of military air traffic are met;
2. the regulations and procedures established by Contracting States to govern the operation of their state aircraft over the high seas shall ensure that these operations do not compromise the safety, regularity and efficiency of international civil air traffic and that, to the extent practicable, these operations comply with the rules of the air in Annex 2;
3. the Secretary General shall provide guidance on best practices for civil/military coordination and cooperation;
4. Contracting States may include, when appropriate, representatives of military authorities in their delegations to ICAO meetings; and
5. ICAO serves as an international forum that plays a role in facilitating improved civil/military cooperation, collaboration and the sharing of best practices, and to provide the necessary follow-up activities that build on the success of the Global Air Traffic Management Forum on Civil/Military Cooperation (2009) with the support of civil/military partners.

### **Associated practices**

1. Contracting States should as necessary initiate or improve the coordination and cooperation between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.

2. When establishing the regulations and procedures mentioned in Resolving Clause 2, the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question.

3. The Council should ensure that the matter of civil and military coordination and cooperation in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings, in accordance with Resolving Clauses 3, 4 and 5 above.

### **APPENDIX P**

#### **The provision of adequate aerodromes**

*Whereas* major improvements to the physical characteristics of aerodromes are required at many locations;

*Whereas* in certain cases these improvements will involve considerable outlay and it would be inadvisable to plan such work without taking into account future developments;

*Whereas* States and aerodrome authorities will continue to need to know the general trends in aerodrome requirements which succeeding generations of aircraft will most likely produce;

*Whereas* many serious problems can be avoided if the operating requirements of new aircraft are such as to permit them to operate economically without further demands on the physical characteristics of aerodromes;

*Whereas* the operation of aerodromes has many advantages, environmental considerations have imposed limitations upon the operation of aircraft at some locations. In view of the capacity problems currently experienced globally, account should be taken of the introduction into service of newer quieter aircraft; and

*Whereas* there is a growing trend for aerodromes to be operated by autonomous entities, the obligation of States to ensure safe aerodrome facilities and services remains unaffected:

*The Assembly resolves that:*

1. the technical requirements for aerodromes shall be kept under review by the Organization;
2. there is a need for future generations of aircraft to be designed so that they are capable of being operated efficiently, and with the least possible environmental disturbance, from aerodromes used for the operation of present-day aircraft;
3. States shall undertake certification of aerodromes;
4. States should ensure that safety management systems are introduced at their aerodromes;  
and
5. States should place greater emphasis on the management of aerodrome operations, with runway safety given a high priority.

### **Associated practices**

1. In the light of the results of the continuing review mentioned in Resolving Clause 1 above, the Council, taking into account the requirement to improve still further existing safety levels, should:

- a) develop additional guidance material on future developments;
- b) develop procedures for the management of aerodrome operations; and
- c) keep Contracting States informed of developments.

2. The Council should continue to draw the attention of aircraft manufacturers and operators to the policy expressed in Resolving Clause 2.

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## **APPENDIX U**

### **Cooperation among Contracting States in investigations of certain aircraft accidents**

*Whereas* it is incumbent on the State in which an accident occurs to institute an inquiry into the circumstances of the accident in conformity with Article 26 of the Convention;

*Whereas*, owing to the growing sophistication and complexity of modern aircraft, the conduct of an accident investigation requires participation by experts from many specialized technical and operational fields and access to specially equipped facilities for investigation;

*Whereas* many Contracting States do not have such specialized technical and operational expertise and appropriate facilities;

*Whereas* it is essential for flight safety and accident prevention that accidents be thoroughly investigated and reported and that the effectiveness of the investigations should not be unduly hampered by considerations of cost; and

*Whereas* the costs of salvage and investigation of major aircraft accidents may place a heavy financial burden on the resources of the State where the accident occurred:

*The Assembly resolves* to recommend that Contracting States cooperate in the investigation of major aircraft accidents or accidents in which the investigation requires highly specialized experts and facilities and that to this end Contracting States and regional safety oversight organizations, to the extent possible, *inter alia*:

- a) provide, on request by other Contracting States, expert assistance and facilities for the investigation of major aircraft accidents; and
- b) afford opportunity to Contracting States seeking investigation experience to attend investigations of major aircraft accidents, in the interest of developing and furthering investigation expertise.

### **Associated practices**

1. Contracting States should be encouraged to support the convening of regional accident investigation workshops with a view to exchanging information on each State's investigation legislation and procedures, on the sharing of knowledge and expertise in investigation management and techniques, on the availability of experts and facilities and on practices in dealing with encountered accident investigation difficulties.

2. Contracting States should be encouraged to facilitate the participation of investigators of accident investigation authorities as observers in investigations in other States for training purposes and orientation visits.

3. Contracting States and regional safety oversight organization should be encouraged to assess their needs and capabilities in the field of aircraft accident investigation and prevention with a view to developing training curricula for basic accident investigation and prevention courses. The use of regional training centres for such courses should be fully explored as well as the incorporation of the TRAINAIR methodology which provides for internationally standardized training.

4. Contracting States should be encouraged to refer to the model Memorandum of Understanding (MOU) developed by ICAO in 2007 for use by States to encourage mutual cooperation during the investigation of aircraft accidents and serious incidents. The model MOU is available on the ICAO FSIX website.

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#### **A37-16: The Safety Fund (SAFE)**

*Whereas* under Article 44 of the *Convention on International Civil Aviation* the aims and objectives of ICAO *inter alia* are to foster planning and development of international air transport so as to ensure the safe and orderly growth of international civil aviation, meet the needs of the people of the world for safe, regular and economical air transport, and promote safety of flight in international air navigation;

*Whereas* Articles 69 to 76 of the Convention provide that the Council may make arrangements as appropriate with a view to finding means for the improvement of air navigation facilities of Contracting States as required so as to ensure safe, regular, efficient and economical operation of international air services;

*Whereas*, under Article 70 of the Convention, the Council may, in the circumstances arising under the provision of Article 69, make arrangements with Contracting States relating to the financing of air navigation facilities;

*Considering* that, in some cases, Contracting States may not have access to the necessary resources for improvements to their air navigation facilities, in particular for the remedy of safety-related deficiencies identified through the ICAO Universal Safety Oversight Audit Programme (USOAP);

*Whereas* most developing States experience difficulties in gaining access to many financial market sources, particularly foreign capital markets, for funding their airport and air navigation services infrastructure, including safety-related components of that infrastructure;

*Whereas* the High-level Safety Conference (HLSC) 2010 identified several States and regions of the world that are in need of assistance in the development of sustainable levels of aviation safety, and particularly in the development of funding models that would guarantee sustainability in the provision of infrastructure and services for adequate air transport activity;

*Whereas* the HLSC 2010 made a recommendation that ICAO should work with States and Regional Organizations requiring assistance to develop appropriate funding models to ensure the sustainable provision of infrastructure and services based on the level of activity for adequate air transport activity; and

*Whereas* the Council decided to establish the Safety Fund (SAFE) with the objective of improving the safety of civil aviation through the use of a performance-based approach which will limit administrative costs and will not impose any costs on the Regular Programme Budget of the Organization, while ensuring that voluntary contributions to the fund are used in a responsible, useful and timely manner:

*The Assembly:*

1. *Expresses appreciation* to Contracting States and international organizations for their contributions to ICAO Funds associated with improving the safety of civil aviation;
2. *Urges* Contracting States, international organizations and public and private parties associated with international civil aviation to make voluntary contributions to SAFE;
3. *Requests* that the Council support the smooth functioning of the SAFE through consistent monitoring of progress made by the SAFE in funding safety-related projects; and
4. *Requests* that the Council make every effort to attract contributions to the SAFE from States and other contributors.

**A37-17: Consolidated statement on the continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference**

*Whereas* it is considered desirable to consolidate Assembly resolutions on the policies related to the safeguarding of international civil aviation against acts of unlawful interference in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized;

*Whereas* in Resolution A36-20 the Assembly resolved to adopt at each session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the consolidated statement of continuing ICAO policies in Resolution A36-20, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 37th Session:

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference, as these policies exist at the close of the 37th Session of the Assembly;
2. *Resolves* to request that the Council submit for review at each ordinary session a consolidated statement of continuing ICAO policies related to the safeguarding of international civil aviation against acts of unlawful interference; and
3. *Declares* that this resolution supersedes Resolution A36-20.



## APPENDIX A

### General policy

*Whereas* the development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to general security;

*Whereas* acts of unlawful interference against civil aviation have become the main threat to its safe and orderly development;

*Whereas* the threat of terrorist acts, including those posed by the use of aircraft as a weapon of destruction, by the targeting of aircraft by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket-propelled grenades, by carrying on board liquids, gels and aerosols as component parts of an improvised explosive device, by sabotage or attempted sabotage using an improvised explosive device, by the unlawful seizure of aircraft, or by attack on aviation facilities and other acts of unlawful interference against civil aviation, has a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endangering the lives of persons on board and on the ground and undermining the confidence of the peoples of the world in the safety of international civil aviation;

*Whereas* all acts of unlawful interference against international civil aviation constitute a grave offence in violation of international law;

*Recalling* Assembly Resolutions A33-1 and A36-19 and the recommendations of the High-level, Ministerial Conference on Aviation Security held in February 2002;

*Noting* actions taken so far by the Council, in particular the adoption of the ICAO Aviation Security Plan of Action in June 2002, as well as the new preventive measures, strengthening the means available to the Organization in order to counter new and existing threats to civil aviation; and

*Endorsing* the ICAO Comprehensive Aviation Security Strategy and its seven strategic focus areas, as adopted by the Council on 17 February 2010, which provides the framework for ICAO's aviation security activities for the next two triennia (2011-2016), to succeed the current Aviation Security Plan of Action:

*The Assembly:*

1. *Strongly condemns* all acts of unlawful interference against civil aviation wherever and by whomsoever and for whatever reason they are perpetrated;

2. *Notes* with abhorrence acts and attempted acts of unlawful interference aimed at the destruction in flight of civil aircraft in commercial service including any misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;

3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;

4. *Calls upon* all Contracting States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures, individually and in cooperation with one another, to prevent acts of unlawful interference and to punish the perpetrators, planners, sponsors, and financiers of conspirators in any such acts;

5. *Reaffirms* ICAO's responsibility to facilitate the consistent and uniform resolution of questions which may arise between Contracting States in matters affecting the safe and orderly operation of international civil aviation throughout the world;

6. *Directs* the Council to continue, as an urgent priority, its work relating to measures for prevention of acts of unlawful interference, on the basis of the strategic direction provided under the ICAO Comprehensive Aviation Security Strategy, and ensure that this work is carried out with the highest efficiency and responsiveness;

7. *Expresses appreciation* to Contracting States for the voluntary contributions in the form of human and financial resources to the Aviation Security Plan of Action during the 2008-2010 triennium and encourages the continuation of such voluntary contributions in order to fund additional aviation security activities beyond those budgeted for under the regular programme; and

8. *Urges* all Contracting States to continue to financially support the Organization's aviation security activities through the ICAO Comprehensive Aviation Security Strategy.

## APPENDIX B

### **International legal instruments, enactment of national legislation and conclusion of appropriate agreements for the suppression of acts of unlawful interference with civil aviation**

#### a) *International legal instruments*

*Whereas* the protection of civil aviation from acts of unlawful interference has been enhanced by the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), by the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), by the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971), by the *Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1988), by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), by the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), by the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010), and by bilateral agreements for the suppression of such acts;

#### *The Assembly:*

1. *Urges* Contracting States which have not yet done so to become parties to the *Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Tokyo, 1963), to the *Convention for the Suppression of Unlawful Seizure of Aircraft* (The Hague, 1970), to the *Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation* (Montréal, 1971) and the 1988 *Supplementary Protocol to the Montréal Convention*, to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montréal, 1991), to the *Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing, 2010), and to the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing, 2010). Lists of States Parties to aviation security legal instruments can be found on [www.icao.int](http://www.icao.int) under the ICAO Treaty Collection;

2. *Calls upon* States not yet parties to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* to give effect, even before ratification, acceptance, approval or accession, to the principles of that instrument and calls upon States which manufacture plastic explosives to implement the marking of such explosives as soon as possible; and

3. *Requests* the Council to direct the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague, Montréal and Beijing Conventions, to the 1988 *Supplementary Protocol to the Montréal Convention*, to the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* and to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* and to provide assistance requested by States encountering any difficulties in becoming parties to these instruments.

b) *Enactment of national legislation and conclusion of appropriate agreements*

*Whereas* deterrence of acts of unlawful interference with civil aviation can be greatly facilitated through the enactment by Contracting States of national criminal laws providing severe penalties for such acts:

*The Assembly:*

1. *Calls upon* Contracting States to give special attention to the adoption of adequate measures against persons committing, planning, sponsoring, financing or facilitating acts of unlawful seizure of aircraft, acts of sabotage or attempted sabotage or other acts or attempted acts of unlawful interference against civil aviation, and in particular to include in their legislation rules for the severe punishment of such persons; and

2. *Calls upon* Contracting States to take adequate measures relating to the extradition or prosecution of persons committing acts of unlawful seizure of aircraft, acts of sabotage or attempted sabotage or other acts or attempted acts of unlawful interference against civil aviation by adopting appropriate provisions in law or treaty for that purpose or by strengthening existing arrangements and by concluding appropriate agreements for the suppression of such acts which would provide for the extradition of persons committing criminal attacks on international civil aviation.

## APPENDIX C

### Implementation of technical security measures

*Whereas* protection of civil aviation against acts of unlawful interference requires continued vigilance and development and implementation of positive safeguarding action by the Organization and its Member States;

*Whereas* a clear need exists for the strengthening of security to be applied to all phases and processes associated with the carriage of persons, their cabin and hold baggage, cargo, mail, courier and express parcels;

*Whereas* Machine Readable Travel Documents strengthen security by improving the integrity of documents which verify the identity of travellers and air crew;

*Whereas* such Machine Readable Travel Documents also enable high-level cooperation among States to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

*Whereas* the use of Machine Readable Travel Documents and other passenger information tools can also be employed for security purposes, adding an important layer to the international civil aviation system, in order to detect terrorists and prevent acts of unlawful interference well before the aircraft boarding process;

*Whereas* the responsibility for ensuring that security measures are applied by government agencies, airport authorities and aircraft operators rests with the Contracting States;

*Whereas* the implementation of the security measures advocated by ICAO is an effective means of preventing acts of unlawful interference with civil aviation; and

*Whereas* countermeasures for protection of civil aviation can only be effective through employment of highly trained security personnel, in addition to background checks, certification and quality control:

*The Assembly:*

1. *Urges* the Council to continue to attach the highest priority to the adoption of effective measures for the prevention of acts of unlawful interference commensurate with the current threat to the security of international civil aviation, to take into account the innovative and evolving nature of that threat, and to keep up to date the provisions of Annex 17 to the Chicago Convention from a threat and risk perspective;

2. *Requests* that the Council complete, in addition to the International Explosives Technical Commission (IETC) mandate as prescribed by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, studies into methods of detecting explosives or explosive materials, especially into the marking of those explosives of concern, other than plastic explosives, with a view to the evolution, if needed, of an appropriate comprehensive legal regime;

3. *Urges* all States on an individual basis and in cooperation with other States to take all possible measures for the prevention of acts of unlawful interference, in particular, those required or recommended in Annex 17 to the *Convention on International Civil Aviation* as well as those recommended by the Council;

4. *Urges* Contracting States to intensify their efforts for the implementation of existing Standards and Recommended Practices (SARPs), and procedures relating to aviation security, to monitor such implementation, to take all necessary steps to prevent acts of unlawful interference against international civil aviation and to give appropriate attention to the guidance material contained in the *ICAO Security Manual for Safeguarding Civil Aviation Against Acts of Unlawful Interference* (Doc 8973) and available on the ICAO restricted website;

5. *Encourages* Contracting States to promote aviation security as a fundamental component of national, social and economic priorities, planning and operations;

6. *Encourages* Contracting States, pursuant to their domestic laws, regulations and aviation security programmes, and in accordance with applicable SARPs and the capacity of each State, to promote the implementation of aviation security measures in a practical manner to:

- a) broaden existing cooperation mechanisms amongst States and industry, as appropriate, for information exchange and the early detection of security threats to civil aviation operations;
- b) share expertise, best practices and information relating to preventive security measures, including screening and inspection techniques, the detection of explosives, airport security behavioural detection, screening and credentialing of airport staff, human resource development and the research and development of relevant technologies;

- c) utilize modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals; and
- d) replace restrictions on the carriage of liquids, aerosols and gels (LAGs) by the screening of LAGs when appropriate explosive detection technology becomes more widely available;

7. *Calls upon* Contracting States to examine information exchange mechanisms including the use of liaison officers and further use of Advance Passenger Information (API) provided by air carriers, to reduce the risk to passengers, while ensuring the protection of privacy and civil liberties;

8. *Calls upon* Contracting States, while respecting their sovereignty, to minimize disruption to air travel resulting from confusion or inconsistent interpretation of standards by cooperating and coordinating actions in order to implement SARPs and guidance consistently, efficiently and effectively and by providing clear, well-timed and readily available information to the travelling public;

9. *Calls upon* Contracting States, when requesting another State to apply security measures to protect aircraft flying into its territory, to take fully into account the security measures already in place in the requested State and, where appropriate, to recognize those measures as equivalent;

10. *Urges* those Contracting States that have not already done so, to begin issuing only machine readable passports in accordance with the specifications of Doc 9303, Part 1;

11. *Requests* the Council to direct the Secretary General to:

- a) ensure that the provisions of Annex 17 and Annex 9 — *Facilitation* are compatible with and complementary to each other, provided that the effectiveness of security measures is not compromised;
- b) where relevant, include items dealing with aviation security on the agenda of ICAO meetings;
- c) continue to promote the adoption of effective security processes and concepts, through awareness raising regional and sub-regional aviation security events at the request of States concerned;
- d) develop and update the ICAO Training Programme for Aviation Security and Aviation Security Training Packages (ASTPs);
- e) oversee, develop and promote the aviation security training centres (ASTCs) network within the existing framework to ensure training standards are maintained and sound levels of cooperation are achieved;
- f) continue to work with the Aviation Security Panel to address new and existing threats to civil aviation, and to develop appropriate preventive measures, including the screening of airport staff with access to secured airport facilities, enhanced screening of passengers and baggage, appropriate security controls for cargo, the supply chain and service providers, as well as the selection and training of persons executing and implementing security measures; and

- g) promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements;

12. *Directs* the Council to require the Secretary General to update and amend at appropriate intervals the Security Manual and develop new guidance material, including detailed guidance material on liquids, aerosols and gels, and human factors, as required, designed to assist Contracting States in responding to new and existing threats to aviation and implementing the specifications and procedures related to civil aviation security;

13. *Directs* the Council to instruct the Aviation Security Panel to identify and develop a risk assessment methodology for aviation security and to include risk-based assessment with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document; and

14. *Directs* the Council to instruct the Aviation Security Panel to continually assess its terms of reference and governing procedures to ensure there are no constraints on the Panel's ability to consider the full scope of aviation security issues.

## **APPENDIX D**

### **Action of States concerned with an act of unlawful interference**

#### *a) Acts of unlawful interference*

*Whereas* acts of unlawful interference continue seriously to compromise the safety, regularity and efficiency of international civil aviation;

*Whereas* the safety of flights of aircraft subjected to acts of unlawful seizure may be further jeopardized by the denial of navigation aids and air traffic services, the blocking of runways and taxiways and the closure of airports; and

*Whereas* the safety of passengers and crew of an aircraft subjected to an act of unlawful seizure may also be further jeopardized if the aircraft is permitted to take off while still under seizure:

#### *The Assembly:*

1. *Expresses concern* about the challenges posed to security of civil aviation by new and existing threats and the changing modus operandi used in perpetrating acts of unlawful interference;
2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague, and Montréal Conventions, and the 1988 Supplementary Protocol to the Montréal Convention;
3. *Recommends* that States take into account the above considerations in the development of their policies and contingency plans for dealing with acts of unlawful interference;
4. *Urges* Contracting States to provide assistance to an aircraft subjected to an act of unlawful seizure, including the provision of navigation aids, air traffic services and permission to land;
5. *Urges* Contracting States to ensure that an aircraft subjected to an act of unlawful seizure which has landed in its territory is detained on the ground unless its departure is necessitated by the overriding duty to protect human life;

6. *Recognizes* the importance of consultations between the State where an aircraft subjected to an act of unlawful seizure has landed and the State of the operator of that aircraft as well as notification by the State where the aircraft has landed to the States of assumed or stated destination;

7. *Urges* Contracting States to cooperate for the purpose of providing a joint response in connection with an act of unlawful interference, as well as utilizing, if necessary, the experience and capabilities of the State of the operator, the State of manufacture and the State of registration of an aircraft which has been subjected to an act of unlawful interference, while taking measures in their territory to free the passengers and crew members of that aircraft;

8. *Condemns* any failure by a Contracting State to fulfil its obligations to return without delay an aircraft which is being illegally detained and to submit to competent authorities or extradite without delay the case of any person accused of an act of unlawful interference with civil aviation;

9. *Condemns* the reporting of false threats to civil aviation and *calls upon* Contracting States to prosecute the perpetrators of such acts in order to prevent the disruption of civil aviation operations; and

10. *Calls upon* Contracting States to continue to assist in the investigation of such acts and in the apprehension and prosecution of those responsible.

b) *Reporting on acts of unlawful interference*

*Whereas* official reports filed by States concerned with acts of unlawful interference should provide credible information and constitute the basis for evaluation and analysis of acts; and

*Whereas* the ICAO online database of acts of unlawful interference is an effective tool for the prompt dissemination of information related to aviation security incidents, and is readily accessible by Contracting States:

*The Assembly:*

1. *Notes* with concern that many States experiencing acts of unlawful interference often do not provide the Council with the official reports on such acts;

2. *Urges* States to fulfil their obligations under Article 11 of The Hague Convention and Article 13 of the Montréal Convention as well as under Annex 17, following occurrences of unlawful interference, to forward to the Council, as soon as possible, all relevant information required by those Articles and SARPs in order to enable the Secretariat to retain accurate and complete information and to analyse trends and new threats to civil aviation;

3. *Directs* the Council to direct the Secretary General, within a reasonable time from the date of a specific occurrence of unlawful interference, to request that concerned States forward to the Council in accordance with their national law all relevant information concerning such an occurrence, including, particularly, information relating to extradition or other legal proceedings; and

4. *Requests* that the Council direct the Secretary General, in conjunction with the Aviation Security Panel, to monitor, collate, verify and analyse reported acts of unlawful interference, inform States of trends and potential and new threats, and develop appropriate guidance to deter new and existing threats.

**APPENDIX E**  
**The ICAO Universal Security Audit Programme**

*Whereas* the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution A36-20, Appendix E;

*Whereas* the primary objective of the Organization continues to be that of ensuring the safety and security of international civil aviation worldwide;

*Whereas* the establishment of an effective security oversight system by States supports the implementation of international aviation security Standards and contributes to this objective;

*Recalling* that the ultimate responsibility to ensure both the safety and security of civil aviation rests with Member States;

*Recalling* that the 36th Session of the Assembly directed the Council to ensure the continuation of the USAP following the initial cycle of audits at the end of 2007 focusing, wherever possible, on a State's capability to provide appropriate national oversight of its aviation security activities through the effective implementation of the critical elements of a security oversight system; and expanding future audits to include relevant security-related provisions of Annex 9 — *Facilitation*;

*Considering* that the USAP has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution, and that the programme has validated an increased level of implementation of ICAO security Standards;

*Recognizing* that the effective implementation of State corrective action plans to address the deficiencies identified through the audit is an integral and crucial part of the audit process in order to achieve the overall objective of enhancing global aviation security;

*Considering* the introduction of a limited level of transparency with respect to ICAO aviation security audit results, balancing the need for States to be aware of unresolved security concerns with the need to keep sensitive security information out of the public realm;

*Considering* the approval by the Council of a mechanism to address significant security concerns (SSeCs) in a timely manner;

*Recognizing* the importance of a coordinated strategy for facilitating assistance to States through the high-level Secretariat Audit Results Review Board;

*Recognizing* that the continuation of the USAP is essential to create mutual confidence in the level of aviation security between Member States and to encourage the adequate implementation of security-related Standards; and

*Recognizing* the need to consider the future nature and direction of the USAP following the completion of the current audit cycle in 2013 and the direction given by the Council to conduct a study to assess the feasibility of extending the continuous monitoring approach (CMA) to the USAP after the conclusion of the current audit cycle:

*The Assembly:*

1. *Notes* with satisfaction that the ICAO Universal Security Audit Programme (USAP) has proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution;



2. *Expresses its appreciation* to Member States for their cooperation in the audit process and for making available security experts to be certified as USAP auditors to serve as short-term experts in the conduct of audits, as well as long-term experts to act as USAP audit team leaders;
3. *Requests* the Council to establish a mechanism to validate the implementation of State corrective action plans through the conduct of ICAO coordinated validation missions or other means when sufficient evidence is presented by a State to warrant such a mission;
4. *Endorses* the policy of transparency of security audit results for the second cycle of the USAP, particularly relating to the prompt notification of the existence of significant security concerns;
5. *Urges* all Member States to give full support to ICAO by:
  - a) accepting the audit missions as scheduled by the Organization, in coordination with relevant States;
  - b) facilitating the work of the audit teams;
  - c) preparing and submitting to ICAO the required pre-audit documentation; and
  - d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during the audit, as well as other post-audit documentation;
6. *Urges* all Member States, if requested by another State, to share the results of the audit carried out by ICAO and the corrective actions taken by the audited State, as appropriate and consistent with their sovereignty; and
7. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP, including its decision with regard to the study to assess the feasibility of extending the CMA to the USAP after the conclusion of the current audit cycle in 2013.

## **APPENDIX F**

### **Assistance to States in establishing aviation security oversight capacity for the protection of international civil aviation**

*Whereas* the implementation of technical measures for prevention of acts of unlawful interference with international civil aviation requires financial resources and training of personnel; and

*Whereas* notwithstanding assistance given, some countries, in particular developing countries, lack aviation security oversight capacity and still face difficulties in fully implementing preventive measures due to insufficient financial, technical and material resources:

*The Assembly:*

1. *Directs* the Council to request the Secretary General to facilitate and coordinate technical assistance and support for States that need to improve their security oversight and airport security as identified in the Universal Security Audit Programme (USAP) reports;
2. *Invites* developed countries to give assistance to the countries which are not able to implement programmes of recommended technical measures for the protection of aircraft on the ground and, in particular, in the processing of passengers, their cabin and hold baggage, and cargo, mail, courier and express parcels;

3. *Invites* Contracting States to consider requesting assistance from ICAO and other international organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;
4. *Invites* Contracting States to take advantage of ICAO short-term remedial assistance and longer-term State assistance projects to remedy deficiencies identified during audits;
5. *Directs* the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;
6. *Urges* all States that have the means to do so to increase technical, financial and material assistance to countries in need of such assistance to improve aviation security through bilateral and multilateral efforts, that are fully coordinated, through ICAO;
7. *Urges* Contracting States to utilize ICAO ASTCs for security training;
8. *Urges* Contracting States and organizations to share with ICAO information on their assistance programmes and activities in order to promote the efficient and effective use of resources;
9. *Directs* the Council to request the Secretary General to facilitate the coordination of assistance programmes and activities by collecting information on such initiatives; and
10. *Urges* the international community to consider increasing assistance to States and enhancing cooperation amongst them, in order to be able to benefit from the achievement of the aims and objectives of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, in particular through the International Explosives Technical Commission (IETC).

## APPENDIX G

### **Action by the Council with respect to multilateral and bilateral cooperation in different regions of the world**

*Whereas* the rights and obligations of States under the international legal instruments on aviation security and under the SARPs adopted by the Council on aviation security could be complemented and reinforced in multilateral and bilateral cooperation between States;

*Whereas* the multilateral and bilateral agreements on air services represent the main legal basis for international commercial carriage by air of passengers, baggage, cargo and mail; and

*Whereas* provisions on aviation security should form an integral part of the multilateral and bilateral agreements on air services:

*The Assembly:*

1. *Recognizes* that success in eliminating threats to civil aviation can only be achieved through the concerted effort of everyone concerned and a close working relationship between national agencies and aviation security regulators of all Contracting States;
2. *Urges* all Contracting States to insert into their multilateral and bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986 and the model agreement adopted by the Council on 30 June 1989;

3. *Urges* all Contracting States, who have not yet done so, to participate in the ICAO Aviation Security Point of Contact (PoC) Network, established for the communication of imminent threats to civil air transport operations, with the objective of providing a network of international aviation security contacts within each State;

4. *Urges* the Council to request the Secretary General to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Contracting States;

5. *Requests* that the Council continue to:

- a) gather the results of States' experience in cooperating with each other to prevent acts of unlawful interference with international civil aviation;
- b) analyse differing circumstances and trends in preventing threats to international civil aviation in different regions of the world; and
- c) prepare recommendations for strengthening measures to deter and prevent such acts of unlawful interference; and

6. *Directs* the Council to act with the requisite urgency and expedition to address new and existing threats to civil aviation, seeking to mitigate unnecessary disruption to air travel as a result of confusion or inconsistent implementation or interpretation of necessary measures, facilitating a common and consistent response by States, and encouraging clear communication by States to the travelling public.

## **APPENDIX H**

### **International and regional cooperation in the field of aviation security**

*Recognizing* that the threat posed to civil aviation requires development of an effective global response by States and concerned international and regional organizations:

*The Assembly:*

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Airline Pilots' Associations (IFALPA) and other stakeholders to continue their cooperation with ICAO, to the maximum extent possible, to safeguard international civil aviation against acts of unlawful interference;

2. *Directs* the Council to take into account the G8 Secure and Facilitated International Travel Initiative (SAFTI) and to continue its collaboration with this group and other relevant groups of States such as the Asia-Pacific Economic Cooperation Secure Trade in the Asia and Pacific Region (STAR) initiative in its work relating to development of countermeasures against the threat posed by man-portable air defence systems (MANPADS) and encourage their implementation by all Contracting States; and

3. *Directs* the Council to continue its cooperation with the United Nations Counter-Terrorism Committee (CTC), in the global effort to combat terrorism.

## Declaration On Aviation Security

The Assembly, *recognizing* the need to strengthen aviation security worldwide, in light of the continuing threat to civil aviation, including the attempted sabotage of Northwest Airlines flight 253 on 25 December 2009; and *acknowledging* the value of the joint declarations on civil aviation security emanating from regional conferences held with a view to enhancing international cooperation, hereby *urges* Member States to take the following actions to enhance international cooperation to counter threats to civil aviation:

- 1) strengthen and promote the effective application of ICAO Standards and Recommended Practices, with particular focus on Annex 17 — *Security*, and develop strategies to address current and emerging threats;
- 2) strengthen security screening procedures, enhance human factors and utilize modern technologies to detect prohibited articles and support research and development of technology for the detection of explosives, weapons and prohibited articles in order to prevent acts of unlawful interference;
- 3) develop enhanced security measures to protect airport facilities and improve in-flight security, with appropriate enhancements in technology and training;
- 4) develop and implement strengthened and harmonized measures and best practices for air cargo security, taking into account the need to protect the entire air cargo supply chain;
- 5) promote enhanced travel document security and the validation thereof using the ICAO Public Key Directory (PKD) in conjunction with biometric information, and the commitment to report on a regular basis, lost and stolen passports to the INTERPOL Lost and Stolen Travel Documents Database to prevent the use of such travel documents for acts of unlawful interference against civil aviation;
- 6) improve Member States' ability to correct deficiencies identified under the Universal Security Audit Programme (USAP) by ensuring the appropriate availability of audit results among Member States, which would enable better targeting of capacity-building and technical assistance efforts;
- 7) provide technical assistance to States in need, including funding, capacity building and technology transfer to effectively address security threats to civil aviation, in cooperation with other States, international organizations and industry partners;
- 8) promote the increased use of cooperation mechanisms among Member States and with the civil aviation industry, for information exchange on security measures in order to avoid redundancy, where appropriate, and for early detection and dissemination of information on security threats to civil aviation, including through the collection and transmission of advance passenger information (API) and passenger name record (PNR) data, as an aid to security, whilst ensuring the protection of passengers' privacy and civil liberties; and
- 9) share best practices and information in a range of key areas, such as: screening and inspection techniques, including assessments of advanced screening technology for the detection of weapons and explosives; document security and fraud detection; behaviour detection and threat-based risk analysis; screening of airport employees; the privacy and dignity of persons; and aircraft security.

**A37-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality**

*Whereas* in Resolution A36-22 the Assembly resolved to continue to adopt at each ordinary Session a consolidated statement of continuing ICAO policies and practices related to environmental protection;

*Whereas* Resolution A36-22 consists of an introductory text and a number of Appendices concerning specific but interrelated subjects;

*Considering* the need to reflect developments that have taken place since the 36th Session of the Assembly in the field of aircraft noise and engine emissions; and

*Considering* the need to define a specific ICAO policy to address aviation's impact on global climate (A37-19: Consolidated statement of continuing ICAO policies and practices related to environmental protection - Climate change ), the increasing concern on aviation and climate change and as part of ICAO's policies and practices related to environmental protection:

*The Assembly:*

1. *Resolves* that the Appendices attached to this Resolution and listed below, together with A37-19: *Consolidated statement of continuing ICAO policies and practices related to environmental protection - Climate change*, constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection, as these policies exist at the close of the 37th Session of the Assembly:

Appendix A — General

Appendix B — Development of Standards, Recommended Practices and Procedures and/or guidance material relating to the quality of the environment

Appendix C — Policies and programmes based on a “balanced approach” to aircraft noise management

Appendix D — Phase-out of subsonic jet aircraft which exceed the noise levels in Volume I of Annex 16

Appendix E — Local noise-related operating restrictions at airports

Appendix F — Land-use planning and management

Appendix G — Supersonic aircraft — The problem of sonic boom

Appendix H — Aviation impact on local air quality

2. *Requests* the Council to submit the ICAO policies and practices related to environmental protection for review at each ordinary session of the Assembly; and

3. *Declares* that this resolution, together with A37-19 *Consolidated statement of continuing ICAO policies and practices related to environmental protection - Climate change*, supersede Resolution A36-22.

## APPENDIX A

### General

*Whereas* the preamble to the *Convention on International Civil Aviation* states that ‘the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world . . .’ and Article 44 of that Convention states that ICAO should ‘develop the principles and techniques of international air navigation and . . . foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport’;

*Whereas* many of the adverse environmental effects of civil aviation activity can be reduced by the application of comprehensive measures embracing technological improvements, more efficient air traffic management and operational procedures and the appropriate use of airport planning, land-use planning and management and market-based measures;

*Whereas* all ICAO Contracting States agreed to continue to pursue all aviation matters related to the environment and also maintain the initiative in developing policy guidance on these matters, and not leave such initiatives to other organizations;

*Whereas* other international organizations are emphasising the importance of environmental policies affecting air transport;

*Whereas* the sustainable growth of aviation is important for future economic growth and development, trade and commerce, cultural exchange and understanding among peoples and nations; therefore prompt action must be taken to ensure that it is compatible with the quality of the environment and develops in ways that alleviate adverse impacts;

*Whereas* reliable and best available information on the environmental effects of aviation is essential for the development of policy by ICAO and its Contracting States;

*Whereas* as far as there are recognized interdependencies of the environmental effects from aviation, such as noise and engine emissions, they need to be considered when defining source control and operational mitigation policies;

*Whereas* airspace management and design can play a role in addressing the impacts of aviation greenhouse gas emissions on the global climate, and the related economic and institutional issues need to be addressed by States, either individually or collectively on a regional basis;

*Whereas* cooperation with other international organizations is important to progress the understanding of aviation’s impacts on the environment and in order to develop the appropriate policies to address these impacts; and

*Recognizing* the importance of research and development in fuel efficiency and alternative fuels for aviation that will enable international air transport operations with a lower environmental impact:

*The Assembly:*

1. *Declares* that ICAO, as the lead United Nations (UN) Agency in matters involving international civil aviation, is conscious of and will continue to address the adverse environmental impacts that may be related to civil aviation activity and acknowledges its responsibility and that of its Contracting States to achieve maximum compatibility between the safe and orderly development of civil

aviation and the quality of the environment. In carrying out its responsibilities, ICAO and its Contracting States will strive to:

- a) limit or reduce the number of people affected by significant aircraft noise;
  - b) limit or reduce the impact of aviation emissions on local air quality; and
  - c) limit or reduce the impact of aviation greenhouse gas emissions on the global climate;
2. *Emphasizes* the importance of ICAO continuing to demonstrate its leadership role on all international civil aviation matters related to the environment and *requests* the Council to maintain the initiative in developing policy guidance on these matters, which recognises the seriousness of the challenges which the sector faces;
  3. *Requests* the Council to assess regularly the present and future impact of aircraft noise and aircraft engine emissions and to continue to develop tools for this purpose;
  4. *Requests* the Council to maintain and update knowledge of the interdependencies and trade-offs related to measures to mitigate the impact of aviation on the environment so as to optimise decision making;
  5. *Requests* the Council to establish a set of aviation environmental indicators which States could use to evaluate the performance of aviation operations and the effectiveness of standards, policies and measures to mitigate aviation's impacts on the environment;
  6. *Requests* the Council to disseminate information on the present and future impact and trends of aircraft noise and aircraft engine emissions and on ICAO policy and guidance material in the environmental field, in an appropriate manner, such as through regular reporting and workshops;
  7. *Invites* States to continue their active support for ICAO's environment-related activities, and urges Contracting States to support activities not foreseen in the budget by providing a reasonable level of voluntary contributions;
  8. *Invites* States and international organizations to provide the necessary scientific information and data to enable ICAO to substantiate its work in this field;
  9. *Encourages* the Council to continue to cooperate closely with international organizations and other UN bodies on the understanding of aviation impacts on the environment and on the establishment of policies to address such impacts; and
  10. *Urges* States to refrain from environmental measures that would adversely affect the orderly and sustainable development of international civil aviation.

## **APPENDIX B**

### **Development of Standards, Recommended Practices and Procedures and/or guidance material relating to the quality of the environment**

*Whereas* the problem of aircraft noise in the vicinity of many of the world's airports, which continues to arouse public concern and limit airport infrastructure development, requires appropriate action;

*Whereas* the scientific community is improving the understanding of uncertainties associated with the environmental impact of aircraft emissions at both the local and global levels, this impact remains a cause of concern and requires appropriate action;

*Recognizing* that there are interdependencies related to design and operations of aircraft when addressing concerns related to noise, local air quality, and climate change;

*Whereas* the Council has established a Committee on Aviation Environmental Protection (CAEP) for the purpose of assisting in the further development of Standards, Recommended Practices and Procedures and/or guidance material on aircraft noise and engine emissions;

*Whereas* the Council has adopted Annex 16, Volume I — *Aircraft Noise*, which comprises noise certification standards for subsonic aircraft (except Short Take Off and Landing /Vertical Take Off and Landing aeroplanes) and has notified Contracting States of this action;

*Whereas* the Council has adopted Annex 16, Volume II — *Aircraft Engine Emissions*, which comprises emissions certification Standards for new aircraft engines and has notified Contracting States of this action;

*Whereas* the Council has initiated work on the development and adoption of an aircraft CO<sub>2</sub> Standard and has notified Contracting States of this action;

*Whereas* ICAO policy guidance on measures to address environmental concerns related to aircraft noise and engine emissions has been published; and

*Whereas* the Council has adopted medium and long term technology goals for reduction of noise and oxides of nitrogen (NO<sub>x</sub>) while making significant progress on technology and operational goals for aircraft fuel burn reduction:

*The Assembly:*

1. *Welcomes* the continuing benefits of the more stringent aircraft noise Standard in Annex 16, Volume I, Chapter 4 that took effect on 1 January 2006 and the work initiated in 2010 on assessing scenarios for more stringent noise Standards;

2. *Welcomes* the consideration by the Council in May 2010 of the new, more stringent Standards for emissions of NO<sub>x</sub> proposed to be implemented on 31 December 2013 as well as consideration of a production cut-off for aircraft engines not meeting the current standards for emissions of NO<sub>x</sub> proposed to be implemented on 31 December 2012;

3. *Welcomes* the plan approved by the Council in May 2010 for development of an aircraft CO<sub>2</sub> Standard;

4. *Requests* the Council, with the assistance and cooperation of other bodies of the Organization and of other international organizations, to continue with vigour the work related to the development of Standards, Recommended Practices and Procedures and/or guidance material dealing with the impact of aviation on the environment;

5. *Welcomes* the adoption by the Council in May 2010 of the medium- and long-term technology goals for reducing aircraft noise and engine emissions of NO<sub>x</sub>;

6. *Requests* the Council, with the assistance and cooperation of other bodies of the Organization and of other international organizations, to establish medium and long term technology and



operational goals related to aircraft fuel burn, in addition to the recent development of NO<sub>x</sub> and noise reduction goals;

7. *Requests* the Council to ensure that its Committee on Aviation Environmental Protection (CAEP) pursues its work programme in the noise and emissions fields expeditiously in order that appropriate solutions can be developed as quickly as possible, and that the necessary resources are made available to do so;

8. *Urges* Contracting States from regions of the world that are currently under-represented in CAEP to participate in the Committee's work;

9. *Requests* the Council to provide States and International Organizations information on available measures to reduce the impact of aviation operations on the environment so that action can be taken using the appropriate measures;

10. *Urges* Contracting States to follow, where appropriate, the ICAO provisions developed pursuant to Clause 4 of this Appendix; and

11. *Requests* the Council to continue the work on developing and employing scenarios for assessing the future environmental impact of aviation emissions and to cooperate with other international organizations in this area.

## APPENDIX C

### **Policies and programmes based on a 'balanced approach' to aircraft noise management**

*Whereas* a goal of ICAO is to promote the highest practicable degree of consistency in international civil aviation, including environmental regulations;

*Whereas* the uncoordinated development of national and regional policies and programmes for the alleviation of aircraft noise could hinder the role of civil aviation in economic development;

*Whereas* the severity of the aircraft noise problem at many airports has given rise to measures which limit aircraft operations and has provoked vigorous opposition to the expansion of existing airports or construction of new airports;

*Whereas* ICAO has accepted full responsibility for pursuing a course aimed at achieving maximum compatibility between the safe, economically effective and orderly development of civil aviation and the quality of the environment, and is actively pursuing the concept of a 'balanced approach' for the reduction of aircraft noise and guidance on how States might apply such an approach;

*Whereas* the balanced approach to noise management developed by ICAO consists of identifying the noise problem at an airport and then analysing the various measures available to reduce noise through the exploration of four principal elements, namely reduction at source, land-use planning and management, noise abatement operational procedures and operating restrictions, with the goal of addressing the noise problem in the most cost-effective manner;

*Whereas* the assessment of present and future impact of aviation noise is an essential tool for the development of policy by ICAO and its Contracting States;

*Whereas* the process for implementation and decisions between elements of the balanced approach is for Contracting States and it is ultimately the responsibility of individual States to develop appropriate solutions to the noise problems at their airports, with due regard to ICAO rules and policies;

*Whereas* the ICAO guidance developed to assist States in implementing the balanced approach (*Guidance on the Balanced Approach to Aircraft Noise Management* (Doc 9829)) has been subsequently updated;

*Recognizing* that solutions to noise problems need to be tailored to the specific characteristics of the airport concerned, which calls for an airport-by-airport approach, and that similar solutions could be applied if similar noise problems are identified at airports;

*Recognizing* that measures to address noise may have significant cost implications for operators and other stakeholders, particularly those from developing countries;

*Recognizing* that States have relevant legal obligations, existing agreements, current laws and established policies which may influence their implementation of the ICAO 'balanced approach';

*Recognizing* that some States may also have wider policies on noise management; and

*Considering* that the improvements in the noise climate achieved at many airports through the replacement of Chapter 2 compliant aircraft (aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16) by quieter aircraft should be safeguarded by taking account of the sustainability of future growth and should not be eroded by incompatible urban encroachment around airports:

*The Assembly:*

1. *Calls upon* all ICAO Contracting States and international organizations to recognize the leading role of ICAO in dealing with the problems of aircraft noise;

2. *Urges* States to:

- a) adopt a balanced approach to noise management, taking full account of ICAO guidance (Doc 9829), relevant legal obligations, existing agreements, current laws and established policies, when addressing noise problems at their international airports;
- b) institute or oversee a transparent process when considering measures to alleviate noise, including:
  - 1) assessment of the noise problem at the airport concerned based on objective, measurable criteria and other relevant factors;
  - 2) evaluation of the likely costs and benefits of the various measures available and, based on that evaluation, selection of measures with the goal to achieve maximum environmental benefit most cost-effectively; and
  - 3) provision for dissemination of the evaluation results, for consultation with stakeholders and for dispute resolution;

3. *Encourages* States to:

- a) promote and support studies, research and technology programmes aimed at reducing noise at source or by other means taking into account interdependencies with other environmental concerns;

- b) apply land-use planning and management policies to limit the encroachment of incompatible development into noise-sensitive areas and mitigation measures for areas affected by noise, consistent with Appendix F to this Resolution;
  - c) apply noise abatement operational procedures, to the extent possible without affecting safety and considering interdependencies with other environmental concerns; and
  - d) not apply operating restrictions as a first resort but only after consideration of the benefits to be gained from other elements of the balanced approach and in a manner which is consistent with Appendix E to this Resolution and taking into account the possible impact of such restrictions at other airports;
4. *Requests* States to:
- a) work closely together to ensure the harmonization of programmes, plans and policies to the extent possible;
  - b) ensure that the application of any measures to alleviate noise are consistent with the non-discrimination principle in Article 15 of the Chicago Convention; and
  - c) take into consideration the particular economic conditions of developing countries;
5. *Invites* States to keep the Council informed of their policies and programmes to alleviate the problem of aircraft noise in international civil aviation;
6. *Requests* the Council to:
- a) assess continuously the evolution of the impact of aircraft noise;
  - b) ensure that the guidance on the balanced approach in Doc 9829 is current and responsive to the requirements of States; and
  - c) promote the use of the balanced approach, for example through workshops; and
7. *Calls upon* States to provide appropriate support for this work on ICAO guidance and any additional work on methodologies, and for the assessment of the impact or effectiveness of measures under the balanced approach as necessary.

## **APPENDIX D**

### **Phase-out of subsonic jet aircraft which exceed the noise levels in Volume I of Annex 16**

*Whereas* certification standards for subsonic jet aircraft noise levels are specified in Volume I of Annex 16;

*Whereas* for the purpose of this Appendix, a phase-out is defined as withdrawal of a noise-based category of aircraft from international operations at all airports in one or more States;

*Whereas* the Committee on Aviation Environmental Protection has concluded that a general phase-out of Chapter 3 aircraft operations by all the countries which imposed a phase-out on operations of Chapter 2 aircraft is not supported on cost-benefit grounds;

*Whereas* some States have implemented or initiated phase-outs of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16, or are considering so doing;

*Recognizing* that the noise standards in Annex 16 are not intended to introduce operating restrictions on aircraft;

*Recognizing* that operating restrictions on existing aircraft may increase the costs of airlines and could impose a heavy economic burden, particularly on aircraft operators which may not have the financial resources to re-equip their fleets, such as those from developing countries; and

*Considering* that resolution of problems due to aircraft noise must be based on the mutual recognition of the difficulties encountered by States and a balance among their different concerns:

*The Assembly:*

1. *Urges* States not to introduce any phase-outs of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16 before considering:

- a) whether the normal attrition of existing fleets of such aircraft will provide the necessary protection of noise climates around their airports;
- b) whether the necessary protection can be achieved by regulations preventing their operators from adding such aircraft to their fleets through either purchase, or lease/charter/interchange, or alternatively by incentives to accelerate fleet modernization;
- c) whether the necessary protection can be achieved through restrictions limited to airports and runways the use of which has been identified and declared by them as generating noise problems and limited to time periods when greater noise disturbance is caused; and
- d) the implications of any restrictions for other States concerned, consulting these States and giving them reasonable notice of intention;

2. *Urges* States which, despite the considerations in Resolving Clause 1 above, decide to phase out aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16:

- a) to frame any restrictions so that Chapter 2 compliant aircraft of an individual operator which are presently operating to their territories may be withdrawn from these operations gradually over a period of not less than 7 years;
- b) not to restrict before the end of the above period the operations of any aircraft less than 25 years after the date of issue of its first individual certificate of airworthiness;
- c) not to restrict before the end of the period the operations of any presently existing wide-body aircraft or of any fitted with engines that have a by-pass ratio higher than 2 to 1; and
- d) to inform ICAO, as well as the other States concerned, of all restrictions imposed;

3. *Strongly encourages* States to continue to cooperate bilaterally, regionally and inter-regionally with a view to:

- a) alleviating the noise burden on communities around airports without imposing severe economic hardship on aircraft operators; and
- b) taking into account the problems of operators of developing countries with regard to Chapter 2 aircraft presently on their register, where they cannot be replaced before the end of the phase-out period, provided that there is proof of a purchase order or leasing contract placed for a replacement Chapter 3 compliant aircraft and the first date of delivery of the aircraft has been accepted;

4. *Urges* States not to introduce measures to phase out aircraft which comply, through original certification or recertification, with the noise certification standards in Volume I, Chapters 3 or 4 of Annex 16;

5. *Urges* States not to impose any operating restrictions on Chapter 3 compliant aircraft, except as part of the balanced approach to noise management developed by ICAO and in accordance with Appendices C and E to this Resolution; and

6. *Urges* States to assist aircraft operators in their efforts to accelerate fleet modernization and thereby prevent obstacles and permit all States to have access to lease or purchase aircraft compliant with Chapter 3, including the provision of multilateral technical assistance where appropriate.

## APPENDIX E

### Local noise-related operating restrictions at airports

*Whereas* certification standards for subsonic jet aircraft noise are specified in Volume I of Annex 16;

*Whereas* for the purposes of this Appendix an operating restriction is defined as any noise-related action that limits or reduces an aircraft's access to an airport;

*Whereas* Appendix C to this Resolution calls for States to adopt a balanced approach to noise management when addressing noise problems at their international airports;

*Whereas* the scope for further reductions in noise at source is limited in that past improvements in noise reduction technology are being gradually assimilated into the fleet but no significant breakthroughs in technology are anticipated in the foreseeable future;

*Whereas* at many airports, land-use planning and management and noise abatement operational procedures are already being used and other noise mitigation measures are in place, although urban encroachment continues in certain cases;

*Whereas* implementation of the phase-out of aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16 (as provided for in Appendix D to this Resolution) has been completed in some States and, assuming continued growth in aviation activity, without further action the number of people exposed to aircraft noise at some airports in those States may increase;

*Whereas* there are significant regional differences in the extent to which aircraft noise is expected to be a problem over the next two decades and some States have consequently been considering placing

operating restrictions on certain aircraft which comply with the noise certification standards in Volume I, Chapter 3 of Annex 16;

*Whereas* if operating restrictions on Chapter 3 aircraft are introduced at certain airports, this should be based on the balanced approach and relevant ICAO guidance (Doc 9829) and should be tailored to the specific requirements of the airport concerned;

*Whereas* these restrictions could have a significant economic impact on fleet investments of aircraft operators from States other than those in which the restrictions are imposed;

*Recognizing* that these restrictions go beyond the policy established in Appendix D to this Resolution and other relevant policy guidance developed by ICAO;

*Recognizing* that ICAO places no obligation on States to impose operating restrictions on Chapter 3 aircraft;

*Recognizing* that the noise standards in Annex 16 were not intended to introduce operating restrictions on aircraft and, specifically, that the new standard contained in Annex 16, Volume I, Chapter 4 is based on the understanding that it is for certification purposes only; and

*Recognizing* in particular that States have legal obligations, laws, existing arrangements and established policies which may govern the management of noise problems at their airports and could affect the implementation of this Appendix:

*The Assembly:*

1. *Urges* States to ensure, wherever possible, that any operating restrictions be adopted only where such action is supported by a prior assessment of anticipated benefits and of possible adverse impacts;

2. *Urges* States not to introduce any operating restrictions at any airport on aircraft which comply with Volume I, Chapter 3 of Annex 16 before:

- a) completing the phase-out of aircraft which exceed the noise levels in Volume I, Chapter 3 of Annex 16, at the airport concerned; and
- b) fully assessing available measures to address the noise problem at the airport concerned in accordance with the balanced approach described in Appendix C;

3. *Urges* States which, despite the considerations in Resolving Clause 2 above, permit the introduction of restrictions at an airport on the operations of aircraft which comply, either through original certification or recertification, with Volume I, Chapter 3 of Annex 16:

- a) to base such restrictions on the noise performance of the aircraft, as determined by the certification procedure conducted consistent with Annex 16, Volume I;
- b) to tailor such restrictions to the noise problem of the airport concerned in accordance with the balanced approach;
- c) to limit such restrictions to those of a partial nature wherever possible, rather than the complete withdrawal of operations at an airport;

- d) to take into account possible consequences for air transport services for which there are no suitable alternatives (for example, long-haul services);
- e) to consider the special circumstances of operators from developing countries, in order to avoid undue hardship for such operators, by granting exemptions;
- f) to introduce such restrictions gradually over time, where possible, in order to take into account the economic impact on operators of the affected aircraft;
- g) to give operators a reasonable period of advance notice;
- h) to take account of the economic and environmental impact on civil aviation; and
- i) to inform ICAO, as well as the other States concerned, of all such restrictions imposed; and

4. *Further urges* States not to permit the introduction of any operating restrictions aimed at the withdrawal of aircraft that comply, through either original certification or recertification, with the noise standards in Volume I, Chapter 4 of Annex 16.

## APPENDIX F

### Land-use planning and management

*Whereas* land-use planning and management is one of the four principal elements of the balanced approach to noise management;

*Whereas* the number of people affected by aircraft noise is dependent on the way in which the use of land surrounding an airport is planned and managed, and in particular the extent to which residential development and other noise sensitive activities are controlled;

*Whereas* activity may increase significantly at most airports and there is a risk that future growth may be constrained by inappropriate land use near airports;

*Whereas* the phase-out of subsonic jet aircraft which comply with the noise certification standards in Volume I, Chapter 2 of Annex 16 but which exceed the noise levels in Volume I, Chapter 3 of Annex 16 has succeeded at many airports in reducing the size of the noise contours depicting the areas where people are exposed to unacceptable noise levels as well as in reducing the total number of people exposed to noise;

*Considering* it essential that these improvements should be preserved to the greatest extent practicable for the benefit of local communities;

*Recognizing* that the new standard contained in Annex 16, Volume I, Chapter 4 has increased the opportunities for operators to replace aircraft in their fleets by quieter aircraft;

*Recognizing* that while land-use management includes planning activities that may primarily be the responsibility of local authorities, it nevertheless affects airport capacity, which in turn has implications for civil aviation; and

*Whereas* guidance material on appropriate land-use planning and noise mitigation measures is included in the Airport Planning Manual (Doc 9184), Part 2 — Land Use and Environmental Control, which has recently been updated:

*The Assembly:*

1. *Urges* States that have phased out operations of Chapter 2 aircraft at their airports as provided for in Appendix D to this Resolution, whilst preserving the benefits for local communities to the greatest extent practicable, to avoid inappropriate land use or encroachment whenever possible in areas where reductions in noise levels have been achieved;

2. *Urges* States to ensure that the potential reductions in noise levels to be gained from the introduction of quieter aircraft, particularly those complying with the new Chapter 4 standard, are also not avoidably compromised by inappropriate land use or encroachment;

3. *Urges* States, where the opportunity still exists to minimize aircraft noise problems through preventive measures, to:

- a) locate new airports at an appropriate place, such as away from noise-sensitive areas;
- b) take the appropriate measures so that land-use planning is taken fully into account at the initial stage of any new airport or of development at an existing airport;
- c) define zones around airports associated with different noise levels taking into account population levels and growth as well as forecasts of traffic growth and establish criteria for the appropriate use of such land, taking account of ICAO guidance;
- d) enact legislation, establish guidance or other appropriate means to achieve compliance with those criteria for land use; and
- e) ensure that reader-friendly information on aircraft operations and their environmental effects is available to communities near airports; and

4. *Requests* the Council to:

- a) ensure that the guidance on land use in Doc 9184 is current and responsive to the requirements of States; and
- b) consider what steps might be taken to promote land-use management, particularly in those parts of the world where the opportunity may exist to avoid aircraft noise problems in the future.

## **APPENDIX G**

### **Supersonic aircraft — The problem of sonic boom**

*Whereas* since the introduction of supersonic aircraft in commercial service action has been taken to avoid creating unacceptable situations for the public due to sonic boom, such as interference with sleep and injurious effects to persons and property on land and at sea caused by the magnification of the sonic boom; and

*Whereas* the States involved in the manufacture of such supersonic aircraft, as well as other States, continue to carry out research into the physical, physiological and sociological effects of sonic boom:



*The Assembly:*

1. *Reaffirms* the importance it attaches to ensuring that no unacceptable situation for the public is created by sonic boom from supersonic aircraft in commercial service;
2. *Instructs* the Council, in the light of the available information and availing itself of the appropriate machinery, to review the Annexes and other relevant documents, so as to ensure that they take due account of the problems which the operation of supersonic aircraft may create for the public and, in particular, as regards sonic boom, to take action to achieve international agreement on measurement of the sonic boom, the definition in quantitative or qualitative terms of the expression “unacceptable situations for the public” and the establishment of the corresponding limits; and
3. *Invites* the States involved in the manufacture of supersonic aircraft to furnish ICAO in due course with proposals on the manner in which any specifications established by ICAO could be met.

## **APPENDIX H**

### **Aviation impact on local air quality**

*Whereas* there are growing concerns about the impact of aviation on the atmosphere with respect to local air quality and the associated human health and welfare impacts;

*Whereas* the evidence of this impact from emissions of NO<sub>x</sub> and particulate matter (PM) from aircraft engines on local surface and regional air quality is now more compelling;

*Recognizing* that the scientific community is improving the understanding of uncertainties associated with the impact from emissions of NO<sub>x</sub> and PM from aircraft engines on the global climate;

*Recognizing* that there are interdependencies related to design and operations of aircraft when addressing concerns related to noise, local air quality, and climate change;

*Recognizing* that ICAO has established technical Standards and fostered the development of operational procedures that have reduced significantly local air quality pollution from aircraft;

*Whereas* many pollutants such as soot and unburned hydrocarbons from aircraft engines affecting local and regional air quality, have declined dramatically over the last few decades;

*Whereas* recent progress in operational procedures such as continuous descent operations has resulted in further reduction of emissions from aircraft;

*Whereas* an assessment of trends in aviation emissions of NO<sub>x</sub>, PM, and other gaseous emissions shows increasing global emissions values;

*Whereas* the impacts of aviation emissions of NO<sub>x</sub>, PM, and other gaseous emissions need to be further assessed and understood;

*Recognizing* the robust progress made in understanding impacts of non-volatile component of PM emissions while the scientific and technical work continues on better assessment of volatile component of PM emissions;

*Whereas* the impacts of aviation emissions on local and regional air quality is part of the total emissions in the affected area and should be considered in the broader context of all sources that contribute to the air quality concerns;

*Whereas* the actual local air quality and health impacts of aviation emissions depend on a series of factors among which are the contribution to the total concentrations and the number of people exposed in the area being considered;

*Whereas* Article 15 of the *Convention on International Civil Aviation* contains provisions regarding airport and similar charges, including the principle of non-discrimination, and ICAO has developed policy guidance for Contracting States regarding charges (*ICAO's Policies on Charges for Airports and Air Navigation Services*, Doc 9082) including specific guidance on noise-related charges and emissions-related charges for local air quality;

*Whereas* the ICAO Council had adopted on 9 December 1996 a policy statement of an interim nature on emission-related charges and taxes in the form of a resolution wherein the Council strongly recommends that any such levies be in the form of charges rather than taxes, and that the funds collected should be applied in the first instance to mitigating the environmental impact of aircraft engine emissions;

*Whereas* such charges should be based on the costs of mitigating the environmental impact of aircraft engine emissions to the extent that such costs can be properly identified and directly attributed to air transport;

*Whereas* the ICAO Council has adopted policy and guidance material related to the use of emission-related charges to address the impact of aircraft engine emissions at or around airports;

*Noting* that the ICAO Council has published information on environmental management systems (EMS) that are in use by aviation stakeholders; and

*Noting* that the ICAO Council has developed an Airport Air Quality Guidance Manual which has been subsequently updated:

*The Assembly:*

1. *Requests* the Council to monitor and develop its knowledge of, in cooperation with other relevant international organizations such as WHO, the effects of aviation emissions of PM, NO<sub>x</sub> and other gases on human welfare and health, and to disseminate information in this regard;

2. *Requests* the Council to continue its work to develop technologically feasible, environmentally beneficial and economically reasonable standards to further reduce the impact of local air pollution from aircraft;

3. *Requests* the Council to develop certification requirements for non-volatile PM emissions while continuing to monitor progress in scientific and technical understanding of volatile and non-volatile components of PM emissions;

4. *Requests* the Council to ensure that the interdependencies between measures to reduce aircraft noise and engine emissions that affect local air quality as well as global climate are given due consideration;

5. *Requests* the Council continue its work to develop long-term technology and operational goals with respect to aviation environmental issues, including NO<sub>x</sub> emissions from aircraft;

6. *Requests* the Council continue to foster operational and air traffic improvements that reduce the impact of local air pollution from aircraft;

7. *Encourages* action by Contracting States, and other parties involved, to limit or reduce international aviation emissions affecting local air quality through voluntary measures and to keep ICAO informed;

8. *Welcomes* the development and promotion of guidance material on issues related to the assessment of airport-related air quality and requests the Council to actively pursue this activity, aiming for the completion of the Airport Air Quality guidance in 2011;

9. *Requests* the Council to work with States and stakeholders in promoting and sharing best practices applied at airports in reducing the adverse effects of aviation emissions on local air quality;

10. *Welcomes* the development of the guidance on emission charges related to local air quality and *requests* the Council to keep up-to-date such guidance and *urges* Contracting States to share information on the implementation of such charges; and

11. *Urges* Contracting States to ensure the highest practical level of consistency and take due account of ICAO policies and guidance on emissions charges related to local air quality.

**A37-19: Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change**

*Whereas* ICAO and its member States recognize the critical importance of providing continuous leadership to international civil aviation in limiting or reducing its emissions that contribute to global climate change;

*Reemphasizing* the vital role which international aviation plays in global economic and social development and the need to ensure that international aviation continues to develop in a sustainable manner;

*Whereas* the ultimate objective of the United Nations Framework Convention on Climate Change (UNFCCC) is to achieve stabilization of greenhouse gas (GHG) concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system;

*Whereas* the Kyoto Protocol, which was adopted by the Conference of the Parties to the UNFCCC in December 1997 and entered into force on 16 February 2005, calls for developed countries (Annex I Parties) to pursue limitation or reduction of greenhouse gases from “aviation bunker fuels” (international aviation) working through ICAO (Article 2.2);

*Acknowledging* that international aviation emissions, currently accounting for less than 2 per cent of total global CO<sub>2</sub> emissions, are projected to grow as a result of the continued development of the sector;

*Whereas* a comprehensive assessment of aviation’s impact on the atmosphere is contained in the special report on *Aviation and the Global Atmosphere*, published in 1999, which was prepared at ICAO’s request by the Intergovernmental Panel on Climate Change (IPCC) in collaboration with the Scientific Assessment Panel to the Montreal Protocol on Substances that Deplete the Ozone Layer;

*Whereas* the IPCC special report recognized that the effects of some types of aircraft emissions are well understood, it revealed that the effects of others are not, and identified a number of key areas of scientific uncertainty that limit the ability to project aviation's full impacts on climate and ozone;

*Whereas* ICAO requested that the IPCC include an update of the main findings of the special report in its Fourth Assessment Report, published in 2007 and its Fifth Assessment Report to be published in 2014;

*Noting* the scientific view that the increase in global average temperature above pre-industrial levels ought not to exceed 2°C;

*Acknowledging* the principles and provisions on common but differentiated responsibilities and respective capabilities, and with developed countries taking the lead under the UNFCCC and the Kyoto Protocol;

*Also acknowledging* the principles of non-discrimination and equal and fair opportunities to develop international aviation set forth in the Chicago Convention;

*Recognizing* that this Resolution does not set a precedent for or prejudge the outcome of negotiations under the UNFCCC and its Kyoto Protocol nor represent the position of the Parties to the UNFCCC and its Kyoto Protocol;

*Noting* that, consistent with Assembly Resolution A36-22, the High-level Meeting on International Aviation and Climate Change in October 2009 (HLM-ENV/09) endorsed the Programme of Action on International Aviation and Climate Change which included global aspirational goals in the form of fuel efficiency, a basket of measures and the means to measure progress;

*Recognizing* that the aspirational goal of 2 per cent annual fuel efficiency improvement is unlikely to deliver the level of reduction necessary to stabilize and then reduce aviation's absolute emissions contribution to climate change, and that goals of more ambition will need to be considered to deliver a sustainable path for aviation;

*Noting* that, to promote sustainable growth of aviation, a comprehensive approach, consisting of work on technology and standards, and on operational and market-based measures to reduce emissions is necessary;

*Noting* that the HLM-ENV/09 declared that ICAO would establish a process to develop a framework for market based measures in international aviation, taking into account the conclusions of the HLM-ENV/9 and outcome of the UNFCCC COP 15 and bearing in mind relevant ICAO Assembly resolutions and the appendices with a view to complete this process expeditiously;

*Noting* that the Conference on Aviation and Alternative Fuels in November 2009 (CAAF/09) endorsed the use of sustainable alternative fuels for aviation, particularly the use of drop-in fuels in the short to mid-term, as an important means of reducing aviation emissions;

*Also noting* that the CAAF/09 established an ICAO Global Framework for Aviation Alternative Fuels (GFAAF);

*Recognizing* the different circumstances among States in their capacity to respond to the challenges associated with climate change and the need to provide necessary support, in particular to developing countries and States having particular needs;

*Affirming* that specific measures to assist developing States as well as to facilitate access to financial support, technology transfer and capacity building should be initiated;

*Whereas* the Kyoto Protocol provides for different flexible instruments (such as the Clean Development Mechanism — CDM) which would benefit projects involving developing States;

*Affirming* that addressing GHG emissions from international aviation requires the active engagement and cooperation of States and the industry, and *noting* the collective commitments announced by Airports Council International (ACI), Civil Air Navigation Services Organisation (CANSO), International Air Transport Association (IATA), and International Coordinating Council of Aerospace Industries Associations (ICCAIA) on behalf of the international air transport industry to continuously improve CO<sub>2</sub> efficiency by an average of 1.5 per cent per annum from 2009 until 2020, to achieve carbon neutral growth from 2020 and reducing its carbon emissions by 50 per cent by 2050 compared to 2005 levels;

*Recognizing* the need to monitor and report the potential impacts of climate change on international aviation operations and related infrastructure; and

*Recognizing* the progress made by ICAO in its implementation of the Climate Neutral UN initiative and the significant support provided by ICAO to the initiative, in particular through the development of a common methodology for calculating GHG emissions from air travel:

*The Assembly:*

1. *Resolves* that this Resolution, together with Resolution A37-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection - General provisions, noise and local air quality, supersede Resolution A36-22 and constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection;

2. *Requests* the Council to:

- a) ensure that ICAO exercise continuous leadership on environmental issues relating to international civil aviation, including GHG emissions;
- b) continue to study policy options to limit or reduce the environmental impact of aircraft engine emissions and to develop concrete proposals and provide advice as soon as possible to the Conference of the Parties of the UNFCCC, encompassing technical solutions and market-based measures, and taking into account potential implications of such measures for developing as well as developed countries; and
- c) continue to cooperate with organizations involved in policy-making in this field, notably with the Conference of the Parties to the UNFCCC;

3. *Reiterates* that:

- a) ICAO should continue to take initiatives to promote information on scientific understanding of aviation's impact and action undertaken to address aviation emissions and continue to provide the forum to facilitate discussions on solutions to address aviation emissions; and
- b) emphasis should be on those policy options that will reduce aircraft engine emissions without negatively impacting the growth of air transport especially in developing economies;

4. *Resolves* that States and relevant organizations will work through ICAO to achieve a global annual average fuel efficiency improvement of 2 per cent until 2020 and an aspirational global fuel efficiency improvement rate of 2 per cent per annum from 2021 to 2050, calculated on the basis of volume of fuel used per revenue tonne kilometre performed;

5. *Agrees* that the goals mentioned in paragraph 4 above would not attribute specific obligations to individual States, and the different circumstances, respective capabilities and contribution of developing and developed States to the concentration of aviation GHG emissions in the atmosphere will determine how each State may voluntarily contribute to achieving the global aspirational goals;

6. *Also resolves* that, without any attribution of specific obligations to individual States, ICAO and its member States with relevant organizations will work together to strive to achieve a collective medium term global aspirational goal of keeping the global net carbon emissions from international aviation from 2020 at the same level, taking into account:

- a) the special circumstances and respective capabilities of developing countries;
- b) that the different circumstances, respective capabilities and contribution of States to the concentration of aviation GHG emissions in the atmosphere will determine how each State may contribute to achieving the global aspirational goals;
- c) that some States may take more ambitious actions prior to 2020, which may offset an increase in emissions from the growth of air transport in developing States;
- d) the maturity of aviation markets;
- e) the sustainable growth of the international aviation industry; and
- f) that emissions may increase due to the expected growth in international air traffic until lower emitting technologies and fuels and other mitigating measures are developed and deployed;

7. *Agrees* to review, at its 38th Session, the goal mentioned in paragraph 6 above in light of progress towards the goal, new studies regarding the feasibility of achieving the goal, and relevant information from States;

8. *Requests* the Council to explore the feasibility of a long term global aspirational goal for international aviation, through conducting detailed studies assessing the attainability and impacts of any goals proposed, including the impact on growth as well as costs in all countries, especially developing countries, for the progress of the work to be presented to the 38th Session of the ICAO Assembly. Assessment of long term goals should include information from member States on their experiences working towards the medium term goal;

9. *Encourages* States to submit their action plans outlining their respective policies and actions, and annual reporting on international aviation CO<sub>2</sub> emissions to ICAO;

10. *Invites* those States that choose to prepare their action plans to submit them to ICAO as soon as possible preferably by the end of June 2012 in order that ICAO can compile the information in relation to achieving the global aspirational goals, and the action plans should include information on the basket of measures considered by States, reflecting their respective national capacities and circumstances, and information on any specific assistance needs;

11. *Requests* the Council to facilitate the dissemination of economic and technical studies and best practices related to aspirational goals and to provide guidance and other technical assistance for the preparation of States' action plans prior to the end of June 2012, in order for States to conduct their necessary studies and to voluntarily submit their action plans to ICAO;

12. *Resolves* that a *de minimis* threshold of international aviation activity of 1 per cent of total revenue ton kilometres should apply to the submission of States' action plans as follows:

- a) States below the threshold are not expected to submit action plans towards achieving the global goals; and
- b) States below the threshold but that otherwise have agreed to voluntarily contribute to achieving the global goals are expected to submit action plans;

13. *Requests* the Council, with the support of member States, to undertake work to develop a framework for market-based measures (MBMs) in international aviation, including further elaboration of the guiding principles listed in the Annex, for consideration by the 38th Session of the ICAO Assembly;

14. *Urges* States to respect the guiding principles listed in the Annex, when designing new and implementing existing MBMs for international aviation, and to engage in constructive bilateral and/or multilateral consultations and negotiations with other States to reach an agreement;

15. *Resolves* on a *de minimis* threshold of international aviation activity, consistent with the guiding principles in the Annex, of 1 per cent of total revenue ton kilometres to MBMs as follows:

- a) commercial aircraft operators of States below the threshold should qualify for exemption for application of MBMs that are established on national, regional and global levels; and
- b) States and regions implementing MBMs may wish to also consider an exemption for other small aircraft operators;

16. *Requests* the Council to review the *de minimis* threshold to MBMs in paragraph 15, taking into account specific circumstances of States and potential impacts on the aviation industry and markets, and with regard to the guiding principles listed in the Annex, by the end of 2011;

17. *Urges* States to review existing and planned MBMs for international aviation to ensure their consistency with the guiding principles listed in the Annex and the provisions in paragraphs 15 and 16 above;

18. *Requests* the Council, with the support of member States and international organizations, to continue to explore the feasibility of a global MBM scheme by undertaking further studies on the technical aspects, environmental benefits, economic impacts and the modalities of such a scheme, taking into account the outcome of the negotiations under the UNFCCC and other international developments, as appropriate, and report the progress for consideration by the 38th Session of the ICAO Assembly;

19. *Recognizes* that in the short term voluntary carbon offsetting schemes constitute a practical way to offset CO<sub>2</sub> emissions, and *invites* States to encourage their operators wishing to take early actions to use carbon offsetting, particularly through the use of credits generated from internationally recognized schemes such as the CDM;

20. *Requests* the Council to collect information on the volume of carbon offsets purchased in relation to air transport, and to continue to develop and disseminate best practices and tools, such as the

ICAO Carbon Emissions Calculator, that will help harmonize the implementation of carbon offset programmes;

21. *Requests* the Council to regularly report CO<sub>2</sub> emissions from international aviation to the UNFCCC, as part of its contribution to assessing progress made in the implementation actions in the sector based on information approved by its member States;

22. *Requests* the Council to:

- a) study, identify and develop processes and mechanisms to facilitate the provision of technical and financial assistance, as well as facilitate access to existing and new financial resources, technology transfer and capacity building, to developing countries and report on its progress, including processes and mechanisms developed, results achieved as well as further recommendations, preliminarily by the end of 2012 and at the 38th Session of the Assembly; and
- b) initiate specific measures to assist developing States as well as to facilitate access to financial resources, technology transfer and capacity building;

23. *Requests* States to:

- a) promote scientific research aimed at continuing to address the uncertainties identified in the IPCC special report on Aviation and the Global Atmosphere and in the Fourth Assessment report;
- b) ensure that future international assessments of climate change undertaken by IPCC and other relevant United Nations bodies include updated information, if any, on aircraft-induced effects on the atmosphere;
- c) accelerate investments on research and development to bring to market even more efficient technology by 2020;
- d) accelerate the development and implementation of fuel efficient routings and procedures to reduce aviation emissions;
- e) accelerate efforts to achieve environmental benefits through the application of satellite-based technologies that improve the efficiency of air navigation and work with ICAO to bring these benefits to all regions and States;
- f) reduce legal, security, economic and other institutional barriers to enable implementation of the new ATM operating concepts for the environmentally efficient use of airspace;
- g) develop policy actions to accelerate the appropriate development, deployment and use of sustainable alternative fuels for aviation;
- h) work together through ICAO and other relevant international bodies, to exchange information and best practices; and
- i) consider measures to support sustainable aviation alternative fuels research and development, investments in new feedstock cultivations and production facilities, as well as incentives to stimulate commercialisation and use of sustainable alternative fuels for aviation to accelerate the reduction of aviation CO<sub>2</sub> emissions;



24. *Requests* the Council to:

- a) continue to develop and keep up-to-date the guidance for member States on the application of policies and measures aimed at reducing or limiting the environmental impact of emissions from aviation, and conduct further studies with respect to mitigating the impact of aviation on climate change;
- b) encourage States to cooperate in the development of predictive analytical models for the assessment of aviation impacts;
- c) continue evaluating the costs and benefits of the various measures, including existing measures, with the goal of addressing aircraft engine emissions in the most cost-effective manner, taking into account the interests of all parties concerned, including potential impacts on developing world;
- d) provide the necessary guidance and direction to ICAO's Regional Offices to assist member States with studies, evaluations and development of procedures, in collaboration with other States in the region, to limit or reduce GHG emissions on a global basis and work together collaboratively to optimize the environmental benefits that can be achieved through their various programmes;
- e) develop a global CO<sub>2</sub> Standard for aircraft aiming for 2013;
- f) further elaborate on relevant fuel efficiency metrics, including for international business aviation, and develop medium and long term technological and operational goals for aircraft fuel burn;
- g) encourage member States and invite industry to actively participate in further work on sustainable alternative fuels for aviation;
- h) work with financial institutions to facilitate access to financing infrastructure development projects dedicated to sustainable aviation alternative fuels and incentives to overcome initial market hurdles;
- i) continue to develop the necessary tools to assess the benefits associated with ATM improvements, and intensify its efforts on the development of new guidance on operational measures to reduce international aviation emissions;
- j) implement an emphasis on increasing fuel efficiency in all aspects of the ICAO's Global Air Navigation Plan, and encourage States and stakeholders to develop air traffic management that optimize environmental benefits and to promote and share best practices applied at airports in reducing the adverse effects of GHG emissions of civil aviation;
- k) identify appropriate standard methodologies and a mechanism to measure/estimate, monitor and verify global GHG emissions from international aviation, and States support the work of ICAO on measuring progress through the reporting of annual data on traffic and fuel consumption;
- l) request States to continue to support the efforts of ICAO on enhancing the reliability of measuring/estimating global GHG emissions from international aviation;

- m) undertake a study on the possible application of CDM of the Kyoto Protocol to international aviation;
- n) monitor and disseminate relevant information on the potential impacts of climate change on international aviation operations and related infrastructure, in cooperation with other relevant international organizations and the industry; and
- o) continue to cooperate with the Climate Neutral UN initiative, remain at the forefront of developing methods and tools for quantifying aviation's GHG emissions with respect to the initiative, and further develop and implement the strategy for reducing GHG emissions and enhancing in-house sustainability management practices of the Organization.

### **Annex**

The guiding principles for the design and implementation of market-based measures (MBMs) for international aviation:

- a) MBMs should support sustainable development of the international aviation sector;
- b) MBMs should support the mitigation of GHG emissions from international aviation;
- c) MBMs should contribute towards achieving global aspirational goals;
- d) MBMs should be transparent and administratively simple;
- e) MBMs should be cost-effective;
- f) MBMs should not be duplicative and international aviation CO<sub>2</sub> emissions should be accounted for only once;
- g) MBMs should minimize carbon leakage and market distortions;
- h) MBMs should ensure the fair treatment of the international aviation sector in relation to other sectors;
- i) MBMs should recognize past and future achievements and investments in aviation fuel efficiency and in other measures to reduce aviation emissions;
- j) MBMs should not impose inappropriate economic burden on international aviation;
- k) MBMs should facilitate appropriate access to all carbon markets;
- l) MBMs should be assessed in relation to various measures on the basis of performance measured in terms of CO<sub>2</sub> emissions reductions or avoidance, where appropriate;
- m) MBMs should include *de minimis* provisions;
- n) where revenues are generated from MBMs, it is strongly recommended that they should be applied in the first instance to mitigating the environmental impact of

aircraft engine emissions, including mitigation and adaptation, as well as assistance to and support for developing States; and

- o) where emissions reductions are achieved through MBMs, they should be identified in States' emissions reporting.

### **Reservations to Resolution A37-19**

The following reservations were recorded by the delegations indicated below in respect of specific articles of Resolution A37-19 and are available at <http://www.icao.int/Assembly37/docs/>

Paras 6, 12, 14, 15, 16	Argentina, Bolivia, Brazil, Cuba, India, Iran, Iraq, Libyan Arab Jamahiriya, Pakistan, Saudi Arabia, Venezuela
Paras. 6c), 15	Australia
Paras. 6, 14, 15, 17	Belgium on behalf of EU and its member States and the other ECAC members
Paras. 6 c), 15,	Canada
Paras. 6, 14, 15	China
Para. 6c)	Japan
Paras. 12, 15	Russian Federation
Para. 15	Singapore, United Arab Emirates
Paras. 6, 15	United States

**A37-20: Consolidated statement of continuing ICAO policies in the air transport field**

**Introduction**

*Whereas* the *Convention on International Civil Aviation* establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly, regular, efficient, economical, harmonious and sustainable manner and it is therefore one of the purposes of ICAO to support principles and arrangements in order that international air transport services may be established on the basis of equality of opportunity, sound and economic operation, mutual respect of the rights of States and taking into account the general interest;

*Whereas* air transport is a major factor in promoting and fostering sustained economic development at national as well as international levels;

*Whereas* it is becoming increasingly difficult, particularly for developing countries, to secure the necessary resources required to optimize the opportunities and meet the challenges inherent in the development of air transport, and to keep pace with the challenges posed by demands on air transport;

*Whereas* the Organization prepares guidance, studies and statistics on the development of air transport for Contracting States on a continuing basis and these should be kept current, focused and relevant and should be disseminated to Contracting States through the most effective means;

*Whereas* Contracting States are required to provide accurate and factual statistical data and other information in order that the Organization may prepare this guidance;

*Whereas* the Organization is moving toward management by objective with more focus on implementation over standard setting;

*Whereas* guidance developed by the Organization, and action taken by the Organization in implementing its Strategic Objectives, should assist Contracting States in developing policies and practices that facilitate the globalization, commercialization and liberalization of international air transport; and

*Whereas* it is important for Contracting States to participate in the work of the Organization in the air transport field:

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies in the air transport field, as these policies exist at the close of the 37th Session of the Assembly:

Appendix A — Economic regulation of international air transport

Appendix B — Statistics

Appendix C — Forecasting, planning and economic analyses

Appendix D — Facilitation

Appendix E — Taxation

Appendix F — Airports and air navigation services

Appendix G — Air carrier economics

Appendix H — Air mail

2. *Urges* Contracting States to have regard to these policies and their continuing elaboration by the Council in documents identified in this consolidated statement and by the Secretary General in manuals and circulars;

3. *Urges* Contracting States to make every effort to fulfil their obligations, arising out of the Convention and Assembly resolutions, to support the work of the Organization in the air transport field, and, in particular, to provide as completely and promptly as possible the statistical and other information asked for by the Organization for its air transport studies;

4. *Requests* the Council to attach particular importance to the problem of financing the development of the human and technical resources necessary to ensure the best possible contribution of air transport to the economic and social well-being of developing countries;

5. *Requests* the Council, when it considers that it would be of benefit in assisting its work on any air transport issues, to consult expert representatives from Contracting States by the most appropriate means, including the establishment of panels of such qualified experts, reporting to the Air Transport Committee or of Secretariat study groups, and working by correspondence or by meetings;

6. *Requests* the Council to convene Conferences or Divisional meetings, in which all Contracting States may participate, as the principal means of progressing the resolution of issues of worldwide importance in the air transport field, when such meetings are justified by the number and importance of the issues to be dealt with and where there is the likelihood of constructive action upon them;

7. *Requests* the Council to provide for workshops, seminars and other such meetings as may be required to disseminate ICAO's air transport policies and associated guidance to and amongst Contracting States;

8. *Requests* the Council to keep the consolidated statement of ICAO's air transport policies under review and advise the Assembly as appropriate when changes are needed to the statement; and

9. *Declares* that this resolution supersedes Resolution A36-15.

## APPENDIX A

### Economic regulation of international air transport

#### Section I. Agreements and arrangements

*Whereas* the basic principles of sovereignty, fair and equal opportunity, non-discrimination, interdependence, harmonization and cooperation set out in the Convention have served international air transport well and continue to provide the basis for its future development;

*Whereas* multilateralism in commercial rights to the greatest possible extent continues to be an objective of the Organization;

*Whereas* within the framework of the Convention, Contracting States have many differing regulatory goals and policies but share a fundamental objective of participation through reliable and sustained involvement in the international air transport system;

*Whereas* one of the objectives of the Convention is that international air transport services may be operated soundly and economically and in that regard the International Air Services Transit Agreement (IASTA) facilitates the achievement of that objective for the Contracting States who are already parties to it;

*Whereas* the Assembly has repeatedly stressed the obligation of each Contracting State to comply with Article 83 of the Convention by registering with the Council as soon as possible all arrangements relating to international civil aviation, in accordance with the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*;

*Whereas* undue delays and non-compliance relating to the registration of aeronautical agreements and arrangements are not desirable for the accuracy and completeness of regulatory information and for enhancing transparency;

*Whereas* the establishment of international air transport fares and rates should be fair, transparent and designed to promote the satisfactory development of air services;

*Whereas* consumer interest should be given due regard in the development of policy and regulation of international air transport;

*Whereas* there is a need to adapt to the changing regulatory and operating environment in the air transport field and the Organization has accordingly developed policy guidance for the regulation of international air transport, including model clauses and template air services agreements, for optional use by States in bilateral or regional agreements; and

*Noting* that the Organization has developed and provided to States an innovative meeting facility, the ICAO Air Services Negotiation Conference (ICAN), which facilitates and improves the efficiency of their air services negotiations and consultations:

*The Assembly:*

1. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport and in assisting and facilitating liberalization as necessary;
2. *Urges* Contracting States that have not yet become parties to the International Air Services Transit Agreement (IASTA) to give urgent consideration to so doing;
3. *Urges* all Contracting States to register cooperative agreements and arrangements relating to international civil aviation with ICAO in accordance with Article 83 of the Convention and the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*;
4. *Urges* Contracting States to keep the Council fully informed of serious problems arising from the application of air services agreements or arrangements and of any developments which tend toward the objective of multilateralism in the exchange of commercial rights;
5. *Encourages* Contracting States to make use of and benefit from the ICAO Air Services Negotiation Conference facility;
6. *Requests* the Council to continue to cooperate with regional and subregional bodies in their examination and development of measures of cooperation, including liberalized arrangements, and

the results of these measures, in order to see whether similar or other measures should at the appropriate time be recommended to Contracting States for application on a wider basis;

7. *Requests* the Council to continue the comparative and analytical study of the policies and practices of Contracting States and airlines concerning commercial rights and the provisions of air services agreements and to inform all Contracting States of any new developments in international cooperation, including liberalized arrangements, with respect to commercial rights;

8. *Requests* the Council to keep under review the machinery for establishing the Organization's policy guidance on the regulation of international air transport, and to revise or update it as required;

9. *Requests* the Council to review periodically the rules for registration of aeronautical agreements and arrangements with a view to simplifying the process of registration;

10. *Requests* the Secretary General to remind Contracting States of the importance of registration without undue delay, of aeronautical agreements and arrangements and to provide such assistance to Contracting States as they may require in registering their aeronautical agreements and arrangements with the Council; and

11. *Requests* the President of the Council and the Secretary General to promote universal adherence to and implementation of the International Air Services Transit Agreement (IASTA) and to urge Contracting States to inform the Secretariat of their intentions with respect to adherence to the agreement.

## **Section II. Cooperation in regulatory arrangements**

*Whereas* certain economic, financial and operational constraints unilaterally introduced at the national level affect the stability of, and tend to create unfair discriminatory trading practices in, international air transport and might be incompatible with the basic principles of the Convention and the orderly and harmonious development of international air transport;

*Whereas* the provision of regular and reliable air transport services is of fundamental importance to the development of the economies of States, especially the developing States, including those dependent on tourism;

*Whereas* the strict application of the criterion of substantial ownership and effective control for the authorization of an airline to exercise route and other air transport rights could deny many States a fair and equal opportunity to operate international air services and to optimize the benefits to be derived therefrom;

*Whereas* air carrier designation and authorization for market access should be liberalized at each State's pace and discretion progressively, flexibly and with effective regulatory control in particular regarding safety and security;

*Whereas* the broadening or the flexible application of the criteria for airline designation and authorization could help create an operating environment in which international air transport may develop and flourish in a stable, efficient and economical manner, and contribute to the participation objectives of States in the liberalization process, without prejudice to States' obligations for aviation safety and security;

*Whereas* the realization of developmental objectives among such States is increasingly being promoted by cooperative arrangements in the form of regional economic groupings and functional

cooperation symbolic of the affinity and community of interest which are particularly shared among developing States belonging to such regional economic integration movements; and

*Whereas* the exercise of route and other air transport rights of a developing State having such community of interest by an airline substantially owned and effectively controlled by another developing State or States or its or their nationals sharing the same community of interests will serve to promote the foregoing interests of developing States:

*The Assembly:*

1. *Urges* Contracting States to avoid adopting unilateral measures that may affect the orderly and harmonious development of international air transport and to ensure that domestic policies and legislation are not applied to international air transport without taking due account of its special characteristics;

2. *Urges* Contracting States to accept such designations and allow such airlines to exercise the route rights and other air transport rights of a State or States, in particular developing States, within the same grouping, under mutually acceptable terms and conditions including air transport agreements negotiated or to be negotiated by the parties concerned;

3. *Urges* Contracting States to recognize the concept of community of interest within regional or subregional economic groupings as a valid basis for the designation by one developing State or States of an airline of another developing State or States within the same regional economic grouping where such airline is substantially owned and effectively controlled by such other developing State or States or its or their nationals;

4. *Urges* Contracting States to give consideration to the use of alternative criteria for airline designation and authorization, including those developed by ICAO, and to adopt a flexible and positive approach to accommodate other States in their efforts to liberalize air carrier ownership and control without compromising safety and security;

5. *Invites* Contracting States with experience in various forms of joint operation of international air services to submit to the Council, on a continuing basis, full information concerning their experience, so that the Organization may have in this particular field all information that might be of assistance to Contracting States;

6. *Requests* the Council, when approached, to render all feasible assistance to Contracting States wishing to enter regional or subregional economic groupings with respect to the operation of international air services; and

7. *Requests* the Council to give assistance, when approached, to Contracting States that take the initiative in developing cooperative arrangements for the joint ownership and operation of international air services, directly among themselves or whose airlines develop such arrangements, and to promptly circulate to States information concerning such cooperative arrangements.

### **Section III. Airline product distribution**

*Whereas* the advancement of information and electronic technologies have had a significant impact on the way the airline industry is doing business, particularly on its product distribution; and

*Whereas* ICAO has developed a Code of Conduct for the Regulation and Operation of Computer Reservation Systems (CRSs) for States to follow, and two related Model Clauses for optional use by States in their air services agreements:



*The Assembly:*

1. *Requests* the Council to monitor developments in airline product distribution and related regulatory practices, and disseminate information to Contracting States on significant developments; and
2. *Requests* the Council to review whether there is a continued need for the ICAO CRS Code and Model Clauses in light of the industry and regulatory changes.

#### **Section IV. Trade in services**

*Whereas* on the issue of including aspects of international air transport under the General Agreement on Trade in Services (GATS), ICAO has actively promoted an understanding by all parties concerned of the provisions of the *Convention on International Civil Aviation* and of the particular mandate and role of ICAO in international air transport:

*The Assembly:*

1. *Reaffirms* the need for ICAO to continue to explore future regulatory arrangements and develop recommendations and proposals to meet the challenges facing international air transport, responding to the internal and external changes affecting it;
2. *Recognizes* that such arrangements should create an environment in which international air transport may develop and continue to flourish in an orderly, efficient and economical manner without compromising safety and security, while ensuring the interests of all Contracting States and their effective and sustained participation in international air transport;
3. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport;
4. *Urges* Contracting States that participate in trade negotiations, agreements and arrangements relating to international air transport to:
  - a) ensure internal coordination in their national administrations and in particular the direct involvement of aeronautical authorities and the aviation industry in the negotiations;
  - b) ensure that their representatives are fully aware of the provisions of the *Convention on International Civil Aviation*, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements;
  - c) take into account their rights and obligations vis-à-vis those of ICAO Member States which are not members of the World Trade Organization;
  - d) examine carefully the implications of any proposed inclusion of an additional air transport service or activity in the GATS bearing in mind, in particular, the close linkage between economic, environmental, safety and security aspects of international air transport;
  - e) promote a full understanding of the role and mandate of ICAO in developing policy guidance on economic regulation, including liberalization of international air transport, and consider using this guidance; and

- f) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the GATS;

5. *Requests* the World Trade Organization, its Member States and Observers to accord due consideration to:

- a) the particular regulatory structures and arrangements of international air transport and the liberalization taking place at the bilateral, subregional and regional levels;
- b) ICAO's constitutional responsibility for international air transport and, in particular, for its safety and security; and
- c) ICAO's existing policy and guidance material on the economic regulation of international air transport and its continued work in the field; and

6. *Requests* the Council to:

- a) continue to exert a global leadership role in facilitating and coordinating the process of economic liberalization while ensuring safety, security and environmental protection in international air transport;
- b) pursue in a proactive manner developments in trade in services that might impinge on international air transport and inform Contracting States accordingly; and
- c) promote continued effective communication, cooperation and coordination between ICAO, the World Trade Organization, and other intergovernmental and non-governmental organizations dealing with trade in services.

## **Section V. Elaboration of policy guidance**

*Whereas* governments have international obligations and responsibilities in the economic regulation of international air transport;

*Whereas* economic liberalization and the evolution of air transport industry will continue to bring about opportunities, challenges and issues with respect to the regulation of international air transport; and

*Whereas* the Organization has addressed many of the regulatory issues and compiled related policies and guidance material:

*The Assembly:*

1. *Urges* Contracting States in their regulatory functions to have regard to the policies and guidance material developed by ICAO on economic regulation of international air transport, such as those contained in Doc 9587, *Policy and Guidance Material on the Economic Regulation of International Air Transport*; and

2. *Requests* the Council to ensure that these policies and guidance material are current and responsive to the requirements of Contracting States, and to develop guidance on emerging issues of general interest where required.

## APPENDIX B

### Statistics

*Whereas* ICAO's Statistics Programme provides an independent and global foundation for the purpose of fostering the planning and sustainable development of international air transport;

*Whereas* each Contracting State has undertaken that its international airlines shall file the statistics requested by the Council in accordance with Article 67 of the Convention;

*Whereas* the Council has also laid down requirements for statistics on domestic airline operations, international airports, and international route facilities, pursuant to Articles 54 and 55 of the Convention;

*Whereas* the Council has laid down requirements for data collection on civil aircraft on register pursuant to Article 21 of the Convention;

*Whereas* there is a need for the Organization to collect data from States on annual aviation fuel consumption to be used to address emerging challenges of sustainable development of air transport;

*Whereas* the nomination by States of focal points for aviation statistics will facilitate the timely filing of statistics and data requested by ICAO;

*Whereas* the Council has adopted a policy of management by objective which requires collection of pertinent data and analysis to measure the performance of the Organization as a whole and of its constituent parts in meeting the Strategic Objectives of the Organization;

*Whereas* the development of ICAO's integrated statistical database for validation and storage of data provides Contracting States and other users with an efficient online system for the retrieval of statistical data;

*Whereas* a number of Contracting States are still not filing, or have not been filing completely, the statistics requested by the Council; and

*Whereas* cooperation amongst international organizations active in the area of collection and distribution of aviation statistics may enable reduction in the burden of filing statistics:

*The Assembly:*

1. *Urges* Contracting States to nominate focal points for aviation statistics, and to make every effort to provide the statistics required by ICAO on time and to submit them electronically whenever possible;

2. *Requests* the Council, calling on national experts in the relevant disciplines as required, to examine on a regular basis the statistical data collected by ICAO in order to meet more effectively the needs of the Organization and its Member States, and to establish the necessary metrics to monitor the performance of the Organization in meeting its Strategic Objectives, to improve the uniformity of the statistics, the completeness and timeliness of reporting by Contracting States, and the form and content of analyses; and

3. *Requests* the Council to:

- a) continue to explore ways of closer cooperation with other international organizations active in the collection and distribution of aviation statistics; and

- b) make arrangements, on an appropriate basis, for assistance to be given upon request to Contracting States by personnel of the Secretariat for the improvement of their civil aviation statistics and their statistical reporting to the Organization.

## APPENDIX C

### Forecasting, planning and economic analyses

*Whereas* ICAO's independence in carrying out investigations into trends and in applying economic analyses provides a necessary foundation for fostering the planning and sustainable development of international air transport;

*Whereas* Contracting States require global and regional forecasts of future civil aviation developments for various purposes;

*Whereas* the Council, in carrying out its continuing functions in the economic field, must foresee future developments likely to require action by the Organization and must initiate such action in good time;

*Whereas* the Organization has to regularly assess its performance against its Strategic Objectives with particular focus on safety, security, environmental protection and sustainable development of air transport; and

*Whereas* the Organization requires specific forecasts and economic support for airports and air navigation systems planning and environmental monitoring and planning purposes:

*The Assembly:*

1. *Requests* the Council to prepare and maintain, as necessary, forecasts of future trends and developments in civil aviation of both a general and a specific kind, including, where possible, local and regional as well as global data, and to make these available to Contracting States and support data needs of safety, security, environment and efficiency;

2. *Requests* the Council to develop methodologies and procedures for the preparation of forecasts, the analyses of cost-benefit or cost-effectiveness, and the development of business cases to meet the needs of the Organization, the regional air navigation planning groups and, as required, other systems or environmental planning bodies of the Organization; and

3. *Requests* the Council to make arrangements to collect and develop material on current forecasting methods both for the purposes described in clauses 1 and 2 and for dissemination to Contracting States from time to time as guidance in their own forecasting, planning and economic analyses.

## APPENDIX D

### Facilitation

#### Section I. Development and implementation of facilitation provisions

*Whereas* Annex 9 — *Facilitation*, was developed as a means of articulating the obligations of Contracting States under Articles 22, 23 and 24 of the Convention and standardizing procedures for meeting the legal requirements referred to in Articles 10, 13, 14, 29 and 35;

*Whereas* implementation of the Standards and Recommended Practices in Annex 9 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;

*Whereas* it is essential that Contracting States continue to pursue the objective of maximizing efficiency and security in such clearance operations;

*Whereas* the Convention on the Rights of Persons with Disabilities and its Optional Protocol, that had been adopted in December 2006 by the United Nations General Assembly, entered into force on 3 May 2008;

*Whereas* the development of specifications for machine readable travel documents by the Organization has proved effective in the development of systems that expedite the movement of international passengers and crew members through clearance control at airports while enhancing immigration compliance programmes; and

*Whereas* the development of a set of standard signs to facilitate the efficient use of airport terminals by travellers and other users has proved effective and beneficial:

*The Assembly:*

1. *Urges* Contracting States to give special attention to increasing their efforts to implement Annex 9 Standards and Recommended Practices;

2. *Requests* the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of Contracting States with respect to administration of border controls, cargo and passengers, the protection of passenger and crew health and the accessibility to air transport by persons with disabilities;

3. *Requests* the Council to ensure that the provisions of Annex 9 — *Facilitation*, and Annex 17 — *Security*, are compatible with and complementary to each other;

4. *Requests* the Council to ensure that its specifications and guidance material in Doc 9303, *Machine Readable Travel Documents*, remain up to date in the light of technological advances and to continue to explore technological solutions aimed at improving clearance procedures; and

5. *Requests* the Council to ensure that Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, is current and responsive to the requirements of Contracting States.

## **Section II. International cooperation in protecting the security and integrity of passports**

*Whereas* the passport is the basic official document that denotes a person's identity and citizenship and is intended to inform the State of transit or destination that the bearer can return to the State which issued the passport;

*Whereas* international confidence in the integrity of the passport is essential to the functioning of the international travel system;

*Whereas* the veracity and validity of machine readable travel documents (MRTDs) depends on the documentation used to establish identity, confirm citizenship or nationality and assess entitlement of the passport applicant (i.e. 'breeder' documentation);

*Whereas* Member States of the United Nations have resolved, under the Global Counter-Terrorism Strategy adopted on 8 September 2006, to step up efforts and cooperation at every level, as appropriate, to improve the security of manufacturing and issuing identity and travel documents and to prevent and detect their alteration or fraudulent use;

*Whereas* Resolution 1373 adopted by the United Nations Security Council on 28 September 2001, decided that all States shall prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;

*Whereas* high-level cooperation among States is required in order to strengthen resistance to passport fraud, including the forgery or counterfeiting of passports, the use of forged or counterfeit passports, the use of valid passports by impostors, the use of expired or revoked passports, and the use of fraudulently obtained passports;

*Whereas* the use of stolen blank passports, by those attempting to enter a country under a false identity, is increasing worldwide; and

*Whereas* ICAO provides assistance to States in all matters related to MRTDs including project planning, implementation, education, training and system evaluation services, and has set up the Public Key Directory (PKD) to strengthen the security of biometrically-enhanced MRPs (ePassports):

*The Assembly:*

1. *Urges* Contracting States to intensify their efforts to safeguard the security and integrity of the breeder documentation;
2. *Urges* Contracting States to intensify their efforts to safeguard the security and integrity of their passports, to protect their passports against passport fraud, and to assist one another in these matters;
3. *Urges* those Contracting States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 1;
4. *Urges* Contracting States to ensure that the expiration date of non-machine readable passports falls before 24 November 2015;
5. *Urges* those Contracting States requiring assistance in implementing MRTD standards and specifications to contact ICAO without delay;
6. *Requests* the Council to take appropriate measures to establish guidance on breeder documentation;
7. *Requests* the Council to continue the work on enhancing the effectiveness of controls on passport fraud by implementing the related SARPs of Annex 9 and developing guidance material to assist Contracting States in maintaining the integrity and security of their passports and other travel documents;
8. *Urges* those States issuing ePassports to join the ICAO PKD; and all receiving States to verify the digital signatures associated with the passports; and
9. *Urges* those Contracting States that are not already doing so, to provide routine and timely submissions of lost and stolen passport data to Interpol's Automated Search Facility/Stolen and Lost Travel Document Database.

### **Section III. National and international action and cooperation on facilitation matters**

*Whereas* there is a need for continuing action by Contracting States to improve the effectiveness and efficiency of clearance control formalities;

*Whereas* the establishment and active operation of national facilitation committees is a proven means of effecting needed improvements;

*Whereas* cooperation on facilitation matters amongst Contracting States and with the various national and international parties interested in facilitation matters has brought benefits to all concerned; and

*Whereas* such cooperation has become vital in the light of the proliferation of non-uniform passenger data exchange systems that adversely affect the viability of the air transport industry:

*The Assembly:*

1. *Urges* Contracting States to establish and utilize national facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;

2. *Urges* Contracting States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;

3. *Urges* Contracting States to take all necessary steps, through national facilitation committees or other appropriate means, for:

a) regularly calling the attention of all interested departments of their governments to the need for:

1) making the national regulations and practices conform to the provisions and intent of Annex 9; and

2) working out satisfactory solutions for day-to-day problems in the facilitation field; and

b) taking the initiative in any follow-up action required;

4. *Urges* Contracting States to encourage the study of facilitation problems by their national and other facilitation committees and to coordinate the findings of their committees on facilitation problems with those of other Contracting States with which they have air links;

5. *Urges* neighbouring and bordering States to consult one another about common problems that they may have in the facilitation field whenever it appears that these consultations may lead to a uniform solution of such problems;

6. *Urges* Contracting States to encourage their aircraft operators to continue to cooperate intensively with their governments as regards:

a) identification and solution of facilitation problems; and

b) developing cooperative arrangements for the prevention of illicit narcotics trafficking, illegal immigration and other threats to national interests;

7. *Urges* Contracting States to call upon international operators and their associations to participate to the extent possible in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of passenger and cargo traffic at international terminals;

8. *Urges* Contracting States, in their use of electronic data interchange systems, to ensure that their passenger data requirements conform to international standards adopted by relevant United Nations agencies for this purpose; and

9. *Urges* States and operators, in cooperation with interested international organizations, to make all possible efforts to speed up the handling and clearance of air cargo, while ensuring the security of the international supply chain.

## APPENDIX E

### Taxation

*Whereas* international air transport plays a major role in the development and expansion of international trade and travel and the imposition of taxes on aircraft, fuel, and consumable technical supplies used for international air transport, taxes on the income of international air transport enterprises and on aircraft and other movable property associated with the operation of aircraft in international air transport, and taxes on its sale or use, may have an adverse economic and competitive impact on international air transport operations;

*Whereas* ICAO policies in Doc 8632, *ICAO's Policies on Taxation in the Field of International Air Transport*, make a conceptual distinction between a charge and a tax in that 'a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis';

*Whereas* it is a matter of great concern that taxes are increasingly being imposed by some Contracting States in respect of certain aspects of international air transport and that charges on air traffic, several of which can be categorized as taxes on the sale or use of international air transport, are proliferating;

*Whereas* the matter of aircraft engine emission-related levies is addressed in Assembly Resolution A37-18, *Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality (Appendix H, Aviation impact on local air quality)*; and

*Whereas* the resolution in Doc 8632 supplements Article 24 of the Convention and is designed to recognize the uniqueness of international civil aviation and the need to accord tax exempt status to certain aspects of the operations of international air transport:

*The Assembly:*

1. *Urges* Contracting States to follow the resolution of the Council as contained in Doc 8632, *ICAO's Policies on Taxation in the Field of International Air Transport*; and

2. *Requests* the Council to ensure that the guidance and advice contained in Doc 8632 are current and responsive to the requirements of Contracting States.



## APPENDIX F

### Airports and air navigation services

#### Section I. Charging policy

*Whereas* ICAO policies in Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services* make a conceptual distinction between a charge and a tax in that 'a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis';

*Whereas* the matter of aircraft engine emission-related levies and market-based measures is addressed separately in Assembly Resolution A37-18, *Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality (Appendix H, Aviation impact on local air quality)*, and in Assembly Resolution A37-19, *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*;

*Whereas* Article 15 of the Convention establishes the basis for the application and disclosure of charges for airports and air navigation services;

*Whereas* the Council has been directed to formulate recommendations for the guidance of Contracting States with regard to the principles on which providers of airports and air navigation services for international civil aviation may charge to recover the costs of their provision and derive other revenue therefrom, and with regard to the methods that may be employed to that effect; and

*Whereas* the Council has adopted and revised, as necessary, and published in Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services*:

*The Assembly:*

1. *Urges* Contracting States to ensure that Article 15 of the Convention is fully respected;
2. *Urges* Contracting States to base the recovery of the costs of the airports and air navigation services they provide or share in providing for international civil aviation on the principles set forth in Article 15 of the Convention and additionally in Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services*, regardless of the organizational structure under which the airports and air navigation services are operated;
3. *Urges* Contracting States to ensure that airport and air navigation services charges are applied towards defraying the costs of providing facilities and services for civil aviation;
4. *Urges* Contracting States to make every effort pursuant to Article 15 of the Convention to publish and communicate to the Organization any charges that may be imposed or permitted to be imposed by a Contracting State for the use of air navigation facilities and airports by the aircraft of any other Contracting State;
5. *Encourages* Contracting States to adopt the principles of non-discrimination, cost-relatedness, transparency and consultation with users, as espoused in Doc 9082, in their national legislation, regulation or policies, as well as in air services agreements, to ensure compliance by airports and air navigation services providers; and

6. *Requests* the Council to ensure that the guidance and advice contained in Doc 9082 are current and responsive to the requirements of Contracting States.

## **Section II. Economics and management**

*Whereas* in handling growing volumes of traffic the global costs of providing airports and air navigation services continue to rise;

*Whereas* Contracting States are placing increased emphasis on improving efficiency and cost-effectiveness in the provision of airports and air navigation services;

*Whereas* a balance should be maintained between the respective financial interests of providers of airports and air navigation services on the one hand and air carriers and other users on the other and which should be based on promoting cooperation between providers and users;

*Whereas* Contracting States have called on the Organization to provide advice and guidance aimed at promoting equitable recovery of airport and air navigation services costs;

*Whereas* Contracting States are increasingly assigning the operation of airports and air navigation services to commercialized and privatized entities, which may have less awareness and knowledge of States' obligations specified in the Convention and its Annexes and of ICAO's policies and guidance material in the economic field, and are using multinational facilities and services to meet the commitments they have assumed under Article 28 of the Convention; and

*Whereas* the Council has adopted provisional policy guidance on the allocation of Global Navigation Satellite System (GNSS) costs to ensure an equitable treatment of all users:

*The Assembly:*

1. *Reminds* Contracting States that with regard to airports and air navigation services they alone remain responsible for the commitments they have assumed under Article 28 of the Convention regardless of what entity or entities operate the airports or air navigation services concerned;

2. *Urges* Contracting States to cooperate in the recovery of costs of multinational air navigation facilities and services and to consider the use of the provisional Council policy guidance on the allocation of GNSS costs;

3. *Requests* the Council to continue to develop ICAO's policy and guidance material with a view to contributing to increased efficiency and improved cost-effectiveness in the provision and operation of airports and air navigation services, including the foundation for a sound cooperation between providers and users;

4. *Requests* the Council to continue its refinement of its policy guidance on the allocation of GNSS costs and the coordination of technical, legal and economic aspects, including cost-efficient interoperability;

5. *Requests* the Council to promote ICAO's policies on user charges and related guidance material, including organizational and managerial advice, in order to increase the awareness and knowledge of these among States and commercialized and privatized airports and air navigation services entities;

6. *Requests* the Council to keep the economic situation of airports and air navigation services under review and make reports thereon to Contracting States at appropriate intervals; and

7. *Urges* Contracting States to make every effort to provide with the least possible delay the financial data relating to their airports and air navigation services to enable Council to provide such advice and prepare such reports.

## **APPENDIX G**

### **Air carrier economics**

*Whereas* there is a continuing interest among users, including international organizations with interests in tourism, aviation and trade, in the level of international air carrier costs of operation and appropriate revenue yields;

*Whereas* the objective studies by ICAO on international air transport costs and revenues are widely used by Contracting States and other international organizations, have promoted neutrality and have resulted in a more equitable system of revenue sharing; and

*Whereas* ICAO requires air carrier revenue, cost and operational data to assist the Council in assessment of the effectiveness of measures proposed for the implementation of the Strategic Objectives of the Organization, and for environmental planning, investment studies and other purposes:

*The Assembly:*

1. *Requests* the Council to instruct the Secretary General to issue periodically a study on regional differences in the level of international air transport operating costs, analysing how differences in operations and input prices may affect their levels and the impact that changes in costs may have on air transport tariffs; and

2. *Urges* Contracting States to make every effort to obtain from their international air carriers with the least possible delay the cost, revenue and other data requested by ICAO.

## **APPENDIX H**

### **Air mail**

*Whereas* the Assembly has given ongoing directions with regard to ICAO's work in the field of international air mail:

*The Assembly:*

1. *Urges* Contracting States to take into account the effects on international civil aviation whenever policy is being formulated in the field of international air mail, and particularly at meetings of the Universal Postal Union (UPU); and

2. *Directs* the Secretary General to furnish to the UPU, on request and, as stipulated in relevant cooperation arrangements between UPU and ICAO, information of a factual character which may be readily available.

**A37-21: Cooperation with regional organizations and regional civil aviation bodies**

*Whereas* Resolution A1-10, which was adopted at the first Assembly in 1947 and is still applicable, authorizes the Council to make appropriate arrangements with public international organizations whose activities affect international civil aviation, through informal working arrangements, wherever practicable;

*Whereas* Resolution A27-17, pertaining to the relationship between ICAO and the regional civil aviation bodies states, inter alia, that ICAO supports the work and activities of any existing or future regional civil aviation bodies and directs the Council to conclude with each civil aviation body appropriate working arrangements;

*Whereas* in pursuance of these Resolutions, ICAO has developed various arrangements of cooperation with the regional civil aviation bodies;

*Whereas* ICAO's Policy on Regional Cooperation provides that ICAO is committed to render assistance, advice and other forms of support, to the extent possible, to Contracting States in carrying out their responsibilities pertaining to the Convention on International Civil Aviation and ICAO Strategic Objectives; and

*Whereas* ICAO will implement its Policy on Regional Cooperation through close partnerships with regional organizations and regional civil aviation bodies:

*The Assembly:*

1. *Endorses* ICAO's Policy and Framework on Regional Cooperation;
2. *Encourages* regional organizations and regional civil aviation bodies to enter into suitable arrangements with ICAO, in accordance with ICAO's Policy and Framework on Regional Cooperation;
3. *Urges* States to support their regional organizations and regional civil aviation bodies in entering into suitable arrangements with ICAO;
4. *Encourages* States to implement Standards and Recommended Practices of the Annexes to the Convention on International Civil Aviation both individually and through regional cooperation;
5. *Encourages* States which do not have a regional body to endeavour to form one;
6. *Directs* the Council to ensure, through cooperative arrangements, that both ICAO and the regional civil aviation bodies encourage States to harmonize operational regulations, requirements and procedures based on Standards and Recommended Practices;
7. *Requests* the Secretary General to implement the Action Plan approved by the Council to improve cooperation with regional organizations and regional civil aviation bodies;
8. *Requests* the Secretary General to establish a synergy between ICAO and each regional civil aviation body in accordance with arrangements as reflected by Memoranda of Cooperation concluded by them, thereby obviating duplication of work;
9. *Requests* the Secretary General to organize periodic meetings between ICAO and the regional civil aviation bodies and periodic examination of progress; and

10. *Requests* that the Council deliver to the next ordinary session of the Assembly a report on the overall implementation of ICAO's Policy on Regional Cooperation and progress made.

**A37-22: Consolidated Statement of Continuing ICAO Policies in the Legal Field**

*Whereas* it is considered desirable to consolidate Assembly resolutions on the Organization's policies in the legal field in order to facilitate their implementation and practical application by making their texts more readily available, understandable and logically organized:

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of continuing ICAO policies in the legal field, up to date as these policies exist at the close of the 37th Session of the Assembly;
2. *Resolves* to continue to adopt at each ordinary session a consolidated statement of continuing ICAO policies in the legal field; and
3. *Declares* that this resolution supersedes Resolution A36-26.

**APPENDIX A**

**General Policy**

*Whereas* international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and

*Whereas* it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends:

*The Assembly:*

*Reaffirms* the important role of law in the avoidance and resolution of conflicts and disputes among the nations and peoples of the world and, in particular, in the achievement by the Organization of its aims and objectives.

**APPENDIX B**

**Procedure for approval of draft conventions  
on international air law**

*The Assembly resolves:*

That the following constitutes the procedure for the approval of draft conventions:

1. Any draft convention which the Legal Committee considers as ready for presentation to the States as a final draft shall be transmitted to the Council, together with a report thereon.
2. The Council may take such action as it deems fit, including the circulation of the draft to the Contracting States and to such other States and International Organizations as it may determine.

3. In circulating the draft convention, the Council may add comments and afford States and organizations an opportunity to submit comments to the Organization within a period of not less than four months.

4. Such draft convention shall be considered, with a view to its approval, by a conference which may be convened in conjunction with a session of the Assembly. The opening date of the conference shall be not less than six months after the date of transmission of the draft as provided in paragraphs 2 and 3 above. The Council may invite to such a conference any non-Contracting State whose participation it considers desirable, and shall decide whether such participation carries the right to vote. The Council may also invite international organizations to be represented at the conference by observers.

## APPENDIX C

### **Ratification of ICAO international instruments**

*The Assembly:*

*Recalling* its Resolution A36-26, Appendix C relating to the ratification of the Protocols of Amendment to the Chicago Convention and of the private air law and other instruments which have been developed and adopted under the auspices of the Organization;

*Noting* with concern the continuing slow progress of ratification of the aforementioned Protocols of Amendment, including in particular those introducing Articles 3 *bis* and 83 *bis* to the Chicago Convention, and the final paragraphs (relating to the Arabic and Chinese texts);

*Recognizing* the importance of these amendments to international civil aviation, in particular to the viability of the Chicago Convention, and the consequent urgent need to accelerate the entry into force of these amendments not yet in force;

*Recognizing* the need to accelerate the ratification and entry into force of air law instruments developed and adopted under the auspices of the Organization;

*Conscious* of the fact that only a universal participation in these Protocols of Amendment and other instruments would secure and enhance the benefits of unification of the international rules which they embody:

*Urges* all Contracting States which so far have not done so to ratify those Amendments to the Chicago Convention which are not yet in force [i.e. those amending the final paragraph to add Arabic and Chinese to the authentic texts of the Convention] as soon as possible;

*Urges* all Contracting States which have not yet done so to ratify the Protocols introducing Articles 3 *bis* and 83 *bis* and amending Articles 50(a) (1990) and 56 (1989) of the Chicago Convention;

*Urges* all Contracting States which so far have not done so to ratify the other international air law instruments, in particular the Montreal Convention of 1999, the Cape Town instruments of 2001, the two Montreal Conventions of 2 May 2009, the Beijing Convention and the Beijing Protocol of 2010, as soon as possible;

*Urges* States which have ratified the instruments in question to provide to the Secretary General copies of the text and documents they have used in the process of ratification and implementation of such instruments and which may serve as an example assisting other States in the same process; and

*Directs* the Secretary General to take all practical measures within the Organization's means in cooperation with States to provide assistance, if requested, to States encountering difficulties in the process of ratification and implementation of the air law instruments, including the organization of and the participation in workshops or seminars to further the process of ratification of the international air law instruments.

## **APPENDIX D**

### **The teaching of air law**

*The Assembly*, considering the undoubted importance for the Organization and the States of the specialized teaching of air law and the desirability of fostering knowledge of this important subject:

*Invites* the Council to take all possible action to promote the teaching of air law in those States where it is not yet available;

*Urges* the States to adopt appropriate measures which would further the achievement of the above objective; and

*Calls upon* Contracting States and interested parties to contribute to the Assad Kotaite Graduate and Postdoctoral Fellowship Fund.

## **APPENDIX E**

### **Adoption of national legislation on certain offences committed on board civil aircraft (unruly/disruptive passengers)**

*The Assembly:*

*Recognizing* that, under the Preamble and Article 44 of the *Convention on International Civil Aviation*, one of the aims and objectives of the Organization is to foster the planning and development of international air transport so as to meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

*Noting* the increase of the number and gravity of reported incidents involving unruly or disruptive passengers on board civil aircraft;

*Considering* the implications of these incidents for the safety of the aircraft and the passengers and crew on board these aircraft;

*Mindful* of the fact that the existing international law as well as national law and regulations in many States are not fully adequate to deal effectively with this problem;

*Recognizing* the special environment of aircraft in flight and inherent risks connected therewith, as well as the need to adopt adequate measures of national law for the purpose of enabling States to prosecute criminal acts and offences constituting unruly or disruptive behaviour on board aircraft;

*Encouraging* the adoption of national legal rules enabling States to exercise jurisdiction in appropriate cases to prosecute criminal acts and offences constituting unruly or disruptive behaviour on board aircraft registered in other States;

*Therefore:*

*Urges* all Contracting States to enact as soon as possible national law and regulations to deal effectively with the problem of unruly or disruptive passengers, incorporating so far as practical the provisions set out below; and

*Calls on* all Contracting States to submit to their competent authorities for consideration of prosecution all persons whom they have a reasonable ground to consider as having committed any of the offences set out in the national laws and regulations so enacted, and for which they have jurisdiction in accordance with these laws and regulations.

### **Model Legislation on Certain Offences Committed on Board Civil Aircraft**

#### **Section 1: Assault and Other Acts of Interference against a Crew Member on Board a Civil Aircraft**

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- 1) assault, intimidation or threat, whether physical or verbal, against a crew member if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;
- 2) refusal to follow a lawful instruction given by the aircraft commander, or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board or for the purpose of maintaining good order and discipline on board.

#### **Section 2: Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board a Civil Aircraft**

- 1) Any person who commits on board a civil aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.
- 2) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:
  - a) assault, intimidation or threat, whether physical or verbal, against another person;
  - b) intentionally causing damage to, or destruction of, property;
  - c) consuming alcoholic beverages or drugs resulting in intoxication.

#### **Section 3: Other Offences Committed on Board a Civil Aircraft**

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- 1) smoking in a lavatory, or smoking elsewhere in a manner likely to endanger the safety of the aircraft;
- 2) tampering with a smoke detector or any other safety-related device on board the aircraft;



- 3) operating a portable electronic device when such act is prohibited.

#### **Section 4: Jurisdiction**

1. The jurisdiction of (*Name of State*) shall extend to any offence under Sections 1, 2, or 3 of this Act if the act constituting the offence took place on board:

- 1) any civil aircraft registered in (*Name of State*); or
- 2) any civil aircraft leased with or without crew to an operator whose principal place of business is in (*Name of State*) or, if the operator does not have a principal place of business, whose permanent residence is in (*Name of State*); or
- 3) any civil aircraft on or over the territory of (*Name of State*); or
- 4) any other civil aircraft in flight outside (*Name of State*), if
  - a) the next landing of the aircraft is in (*Name of State*); and
  - b) the aircraft commander has delivered the suspected offender to the competent authorities of (*Name of State*), with the request that the authorities prosecute the suspected offender and with the affirmation that no similar request has been or will be made by the commander or the operator to any other State.

2. The term “in flight” as used in this section means the period from the moment when power is applied for the purpose of takeoff until the moment when the landing run ends.

### **APPENDIX F**

#### **A Practical Way Forward on Legal and Institutional Aspects of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems**

*Whereas* the global implementation of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) systems, which, *inter alia*, is intended to provide safety-critical services for aircraft navigation, has made substantial progress since its inception at the 10th Air Navigation Conference in 1991 and received enthusiastic endorsement at the 11th Air Navigation Conference in 2003;

*Whereas* the existing legal framework for CNS/ATM systems, namely the Chicago Convention, its Annexes, Assembly Resolutions (especially including the Charter of GNSS Rights and Obligations), associated ICAO guidance (especially including the Statement of ICAO Policy on CNS/ATM Systems Implementation and Operation), regional navigation plans, and exchanges of letters between ICAO and the States operating satellite navigation constellations has enabled the technical implementation achieved thus far;

*Whereas* ICAO has devoted substantial resources to the study of the legal and institutional aspects of CNS/ATM systems in the ICAO Assembly, the Council, the Legal Committee, and a Panel of Legal and Technical Experts and a Study Group, building a detailed record and developing an understanding of the issues, challenges, and concerns facing the global community; and

*Whereas* there is a need to also consider regional initiatives to develop measures addressing any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention:

*The Assembly:*

1. *Recognizes* the importance of Item No. 3 of the General Work Programme of the Legal Committee “Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS) and the regional multinational organisms, of the establishment of a legal framework”, and resolutions or decisions by the Assembly and the Council relating to it;
2. *Reaffirms* that there is no need to amend the Chicago Convention for the implementation of CNS/ATM systems;
3. *Invites* Contracting States to also consider using regional organizations to develop mechanisms necessary to address any legal or institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention, and public international law;
4. *Encourages* the facilitation of technical assistance in implementation of CNS/ATM systems by ICAO, regional organizations and industry;
5. *Invites* Contracting States, other multilateral agencies and private financiers to consider development of additional sources of funding for assistance to States and regional groups in implementation of CNS/ATM;
6. *Directs* the Secretary General to monitor and, where appropriate, assist in the development of contractual frameworks to which parties may accede, *inter alia*, on the basis of the structure and model proposed by the Members of the European Civil Aviation Conference and the other regional civil aviation commissions, and on international law;
7. *Invites* the Contracting States to transmit regional initiatives to the Council; and
8. *Directs* the Council to register such regional initiatives, to consider their value and to make them public as soon as possible (in accordance with Articles 54, 55 and 83 of the Chicago Convention).

**A37-23: Promotion of the Beijing Convention and the Beijing Protocol of 2010**

*Referring to* its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization; and

*Recognizing* the importance of broadening and strengthening the global aviation security regime to meet new and emerging threats;

*The Assembly:*

1. *Urges* all States to support and encourage the universal adoption of the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention of 2010) and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol of 2010);
2. *Urges* all States to sign and ratify the Beijing Convention and Beijing Protocol of 2010 as soon as possible; and

3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a Member State.

**A37-24: Promotion of the Montreal Convention of 1999**

*Referring to* its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization;

*Recognizing* the importance of achieving a universal regime to govern airline liability to passengers and shippers on international flights; and

*Recognizing* the desirability of an equitable, fair and convenient system that allows full compensation for losses:

*The Assembly:*

1. *Urges* all States to support and encourage the universal adoption of the *Convention for the Unification of Certain Rules for International Carriage by Air*, done at Montreal on 28 May 1999 (Montreal Convention of 1999);

2. *Urges* all States that have not done so to become Parties to the Montreal Convention of 1999 as soon as possible; and

3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a State.

**A37-25: ICAO Policy on the Language services**

*Whereas* the provision of adequate levels of service in the working languages of ICAO pursuant to the relevant Assembly resolutions and decisions, is highly important to the world-wide dissemination of ICAO documentation, in particular the Standards and Recommended Practices (SARPs), and to the proper functioning of the Organization and its standing bodies;

*Whereas* it is essential to maintain parity and quality of service in all working languages of the Organization; and

*Whereas* it is vitally important to ensure a unified and harmonized understanding of ICAO Publications by all Contracting States in all ICAO working languages, in order to maintain the safety and security of international civil aviation and to minimize the impact of aviation on the environment:

*The Assembly:*

1. *Reaffirms* that multilingualism is one of the fundamental principles to achieve goals of ICAO as the specialized UN agency;

2. *Reaffirms* its previous resolutions regarding the strengthening of the working languages of ICAO;

3. *Recognizes* that language services are an integral part of any ICAO programme;

4. *Resolves* that parity and quality of service in all of the working languages of ICAO be the continuous objective of the Organization;

5. *Resolves* that the introduction of a new language should not affect the quality of service in the other working languages of the Organization;
6. *Resolves* that the Council continue to monitor language services, which will be a subject of review;
7. *Requests* the Secretary General to develop and implement a quality management system in the field of language services;
8. *Requests* the Secretary General of ICAO to adhere to UN best practices related to the language Services, including temporary recruitment of staff at peak periods and the level of outsourcing translations and interpretation;
9. *Requests* the Council to consider the need for amendment of Doc 7231/11 “ICAO Publication Regulations” to provide dissemination of ICAO publications in all working languages of ICAO;
10. *Invites* those Member States who represent ICAO’s working languages, if they so desire, to support ICAO through the establishment of officially recognized centres for translation of ICAO publications and by the secondment of competent staff to the ICAO Secretariat, including the Regional Offices, in order to reduce backlogs and support special events; and
11. *Declares* that this Resolution supersedes Assembly Resolution A31-17.

**A37-26: Budgets for 2011, 2012 and 2013**

**A.** *The Assembly*, with respect to the Budget 2011-2012-2013, *notes* that:

1. in accordance with Article 61 of the Convention, the Council has submitted and the Assembly has considered annual budget estimates [indicative estimates for the Administrative and Operational Services Costs of the Technical Co-operation Programme (AOSC)] for each of the financial years 2011, 2012 and 2013;
2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization.

**B.** *The Assembly*, with respect to the Technical Co-operation Programme:

*Recognizing* that the AOSC are mainly financed by fees from implementation of projects assigned to ICAO for execution by external funding sources such as Governments, the United Nations Development Programme and other sources;

*Recognizing* that the Technical Co-operation Programme cannot be determined with a high degree of precision until such time as the Governments of donor and recipient countries have decided on the relevant projects;

*Recognizing* that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars (CAD) for the years 2011, 2012 and 2013 represent indicative budget estimates only:

<b>2011</b>	<b>2012</b>	<b>2013</b>
10,700,000	11,000,000	11,600,000

*Recognizing* that technical co-operation is an important means of fostering the development and safety of civil aviation;

*Recognizing* the circumstances facing the Technical Co-operation Programme of the Organization and the necessity to take continuing measures; and

*Recognizing* that in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;

*Resolves* that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Co-operation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations.

C. *The Assembly*, with respect to the Regular Programme:

*Resolves* that:

1. separately for the financial years 2011, 2012 and 2013, the following amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution:

<b>Programme</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>
SAFETY	22,815,000	23,437,000	24,913,000	71,165,000
SECURITY	13,403,000	13,771,000	13,866,000	41,040,000
ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT OF AIR TRANSPORT	11,431,000	11,843,000	12,311,000	35,585,000
<b>Programme Support</b>	19,748,000	20,714,000	22,143,000	62,605,000
<b>Management &amp; Administration</b>	13,265,000	13,475,000	14,080,000	40,820,000
<b>Management &amp; Administration - Governing Bodies</b>	6,932,000	7,004,000	7,951,000	21,887,000
<b>TOTAL AUTHORIZED APPROPRIATION</b>	<b>87,594,000</b>	<b>90,244,000</b>	<b>95,264,000</b>	<b>273,102,000</b>
Operational	86,555,000	89,554,000	94,681,000	270,790,000
Capital	1,039,000	690,000	583,000	2,312,000

2. the separate annual Total Authorized Appropriation be financed as follows in Canadian dollars, in accordance with the Financial Regulations:

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>
a) Assessments on States	82,024,000	84,256,000	88,727,000	255,007,000
b) Transfer from ARGF Surplus	4,370,000	4,688,000	5,082,000	14,140,000
c) Miscellaneous Income	1,200,000	1,300,000	1,455,000	3,955,000

**TOTAL: 87,594,000 90,244,000 95,264,000 273,102,000**

3. separately for the financial years 2011, 2012 and 2013, the following additional amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution to be financed without increasing Assessment of States through Reimbursement from AOSC fund of \$5,311,500 and by the Transfer from Incentive Scheme for Long-Outstanding Arrears Account of \$2,202,200:

<b>Programme</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>Total</b>
SAFETY	119,000	977,000	888,000	1,984,000
SECURITY	71,000	73,000	76,000	220,000
ENVIRONMENTAL PROTECTION AND SUSTAINABLE DEVELOPMENT OF AIR TRANSPORT	48,000	49,000	51,000	148,000
<b>Programme Support</b>	387,000	399,000	425,000	1,211,000
<b>Management &amp; Administration</b>	1,262,000	1,295,000	1,349,000	3,906,000
<b>Management &amp; Administration - Governing Bodies</b>	14,000	15,000	16,000	45,000
<b>TOTAL AUTHORIZED APPROPRIATION</b>	<b>1,901,000</b>	<b>2,808,000</b>	<b>2,805,000</b>	<b>7,514,000</b>

**A37-27: Assessments to the General Fund for 2011, 2012 and 2013**

*The Assembly:*

1. *Resolves* that the amounts to be assessed on Contracting States for 2011, 2012 and 2013 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out below.

	<u>2011</u>	<u>2012</u>	<u>2013</u>
	%	%	%
<b>Afghanistan</b>	0.06	0.06	0.06
<b>Albania</b>	0.06	0.06	0.06
<b>Algeria</b>	0.11	0.11	0.11
<b>Andorra</b>	0.06	0.06	0.06
<b>Angola</b>	0.06	0.06	0.06
<b>Antigua and Barbuda</b>	0.06	0.06	0.06
<b>Argentina</b>	0.25	0.25	0.25
<b>Armenia</b>	0.06	0.06	0.06
<b>Australia</b>	1.72	1.72	1.72
<b>Austria</b>	0.65	0.65	0.65
<b>Azerbaijan</b>	0.06	0.06	0.06
<b>Bahamas</b>	0.06	0.06	0.06
<b>Bahrain</b>	0.13	0.13	0.13
<b>Bangladesh</b>	0.06	0.06	0.06
<b>Barbados</b>	0.06	0.06	0.06
<b>Belarus</b>	0.06	0.06	0.06
<b>Belgium</b>	0.82	0.82	0.82
<b>Belize</b>	0.06	0.06	0.06
<b>Benin</b>	0.06	0.06	0.06
<b>Bhutan</b>	0.06	0.06	0.06
<b>Bolivia (Plurinational State of)</b>	0.06	0.06	0.06
<b>Bosnia and Herzegovina</b>	0.06	0.06	0.06
<b>Botswana</b>	0.06	0.06	0.06
<b>Brazil</b>	1.33	1.33	1.33
<b>Brunei Darussalam</b>	0.06	0.06	0.06
<b>Bulgaria</b>	0.06	0.06	0.06
<b>Burkina Faso</b>	0.06	0.06	0.06
<b>Burundi</b>	0.06	0.06	0.06
<b>Cambodia</b>	0.06	0.06	0.06
<b>Cameroon</b>	0.06	0.06	0.06
<b>Canada</b>	2.55	2.55	2.55
<b>Cape Verde</b>	0.06	0.06	0.06
<b>Central African Republic</b>	0.06	0.06	0.06
<b>Chad</b>	0.06	0.06	0.06
<b>Chile</b>	0.28	0.28	0.28
<b>China</b>	4.06	4.06	4.06
<b>Colombia</b>	0.22	0.22	0.22
<b>Comoros</b>	0.06	0.06	0.06
<b>Congo</b>	0.06	0.06	0.06
<b>Cook Islands</b>	0.06	0.06	0.06

	<u>2011</u>	<u>2012</u>	<u>2013</u>
	%	%	%
<b>Costa Rica</b>	0.06	0.06	0.06
<b>Côte d'Ivoire</b>	0.06	0.06	0.06
<b>Croatia</b>	0.07	0.07	0.07
<b>Cuba</b>	0.07	0.07	0.07
<b>Cyprus</b>	0.06	0.06	0.06
<b>Czech Republic</b>	0.27	0.27	0.27
<b>Democratic People's Republic of Korea</b>	0.06	0.06	0.06
<b>Democratic Republic of the Congo</b>	0.06	0.06	0.06
<b>Denmark</b>	0.56	0.56	0.56
<b>Djibouti</b>	0.06	0.06	0.06
<b>Dominican Republic</b>	0.06	0.06	0.06
<b>Ecuador</b>	0.06	0.06	0.06
<b>Egypt</b>	0.17	0.17	0.17
<b>El Salvador</b>	0.06	0.06	0.06
<b>Equatorial Guinea</b>	0.06	0.06	0.06
<b>Eritrea</b>	0.06	0.06	0.06
<b>Estonia</b>	0.06	0.06	0.06
<b>Ethiopia</b>	0.08	0.08	0.08
<b>Fiji</b>	0.06	0.06	0.06
<b>Finland</b>	0.50	0.50	0.50
<b>France</b>	4.92	4.92	4.92
<b>Gabon</b>	0.06	0.06	0.06
<b>Gambia</b>	0.06	0.06	0.06
<b>Georgia</b>	0.06	0.06	0.06
<b>Germany</b>	6.56	6.56	6.56
<b>Ghana</b>	0.06	0.06	0.06
<b>Greece</b>	0.50	0.50	0.50
<b>Grenada</b>	0.06	0.06	0.06
<b>Guatemala</b>	0.06	0.06	0.06
<b>Guinea</b>	0.06	0.06	0.06
<b>Guinea-Bissau</b>	0.06	0.06	0.06
<b>Guyana</b>	0.06	0.06	0.06
<b>Haiti</b>	0.06	0.06	0.06
<b>Honduras</b>	0.06	0.06	0.06
<b>Hungary</b>	0.22	0.22	0.22
<b>Iceland</b>	0.06	0.06	0.06
<b>India</b>	0.73	0.73	0.73
<b>Indonesia</b>	0.26	0.26	0.26
<b>Iran (Islamic Republic of)</b>	0.20	0.20	0.20
<b>Iraq</b>	0.06	0.06	0.06



	<u>2011</u>	<u>2012</u>	<u>2013</u>
	%	%	%
<b>Ireland</b>	0.65	0.65	0.65
<b>Israel</b>	0.39	0.39	0.39
<b>Italy</b>	3.52	3.52	3.52
<b>Jamaica</b>	0.06	0.06	0.06
<b>Japan</b>	9.08	9.08	9.08
<b>Jordan</b>	0.06	0.06	0.06
<b>Kazakhstan</b>	0.06	0.06	0.06
<b>Kenya</b>	0.06	0.06	0.06
<b>Kiribati</b>	0.06	0.06	0.06
<b>Kuwait</b>	0.23	0.23	0.23
<b>Kyrgyzstan</b>	0.06	0.06	0.06
<b>Lao People's Democratic Republic</b>	0.06	0.06	0.06
<b>Latvia</b>	0.06	0.06	0.06
<b>Lebanon</b>	0.06	0.06	0.06
<b>Lesotho</b>	0.06	0.06	0.06
<b>Liberia</b>	0.06	0.06	0.06
<b>Libyan Arab Jamahiriya</b>	0.09	0.09	0.09
<b>Lithuania</b>	0.06	0.06	0.06
<b>Luxembourg</b>	0.31	0.31	0.31
<b>Madagascar</b>	0.06	0.06	0.06
<b>Malawi</b>	0.06	0.06	0.06
<b>Malaysia</b>	0.47	0.47	0.47
<b>Maldives</b>	0.06	0.06	0.06
<b>Mali</b>	0.06	0.06	0.06
<b>Malta</b>	0.06	0.06	0.06
<b>Marshall Islands</b>	0.06	0.06	0.06
<b>Mauritania</b>	0.06	0.06	0.06
<b>Mauritius</b>	0.06	0.06	0.06
<b>Mexico</b>	1.72	1.72	1.72
<b>Micronesia (Federated States of)</b>	0.06	0.06	0.06
<b>Monaco</b>	0.06	0.06	0.06
<b>Mongolia</b>	0.06	0.06	0.06
<b>Montenegro</b>	0.06	0.06	0.06
<b>Morocco</b>	0.10	0.10	0.10
<b>Mozambique</b>	0.06	0.06	0.06
<b>Myanmar</b>	0.06	0.06	0.06
<b>Namibia</b>	0.06	0.06	0.06
<b>Nauru</b>	0.06	0.06	0.06
<b>Nepal</b>	0.06	0.06	0.06
<b>Netherlands</b>	1.85	1.85	1.85

	<u>2011</u>	<u>2012</u>	<u>2013</u>
	%	%	%
<b>New Zealand</b>	0.30	0.30	0.30
<b>Nicaragua</b>	0.06	0.06	0.06
<b>Niger</b>	0.06	0.06	0.06
<b>Nigeria</b>	0.06	0.06	0.06
<b>Norway</b>	0.61	0.61	0.61
<b>Oman</b>	0.07	0.07	0.07
<b>Pakistan</b>	0.15	0.15	0.15
<b>Palau</b>	0.06	0.06	0.06
<b>Panama</b>	0.06	0.06	0.06
<b>Papua New Guinea</b>	0.06	0.06	0.06
<b>Paraguay</b>	0.06	0.06	0.06
<b>Peru</b>	0.10	0.10	0.10
<b>Philippines</b>	0.16	0.16	0.16
<b>Poland</b>	0.59	0.59	0.59
<b>Portugal</b>	0.48	0.48	0.48
<b>Qatar</b>	0.41	0.41	0.41
<b>Republic of Korea</b>	2.41	2.41	2.41
<b>Republic of Moldova</b>	0.06	0.06	0.06
<b>Romania</b>	0.15	0.15	0.15
<b>Russian Federation</b>	1.46	1.46	1.46
<b>Rwanda</b>	0.06	0.06	0.06
<b>Saint Kitts and Nevis</b>	0.06	0.06	0.06
<b>Saint Lucia</b>	0.06	0.06	0.06
<b>Saint Vincent and the Grenadines</b>	0.06	0.06	0.06
<b>Samoa</b>	0.06	0.06	0.06
<b>San Marino</b>	0.06	0.06	0.06
<b>Sao Tome and Principe</b>	0.06	0.06	0.06
<b>Saudi Arabia</b>	0.77	0.77	0.77
<b>Senegal</b>	0.06	0.06	0.06
<b>Serbia</b>	0.06	0.06	0.06
<b>Seychelles</b>	0.06	0.06	0.06
<b>Sierra Leone</b>	0.06	0.06	0.06
<b>Singapore</b>	1.07	1.07	1.07
<b>Slovakia</b>	0.11	0.11	0.11
<b>Slovenia</b>	0.07	0.07	0.07
<b>Solomon Islands</b>	0.06	0.06	0.06
<b>Somalia</b>	0.06	0.06	0.06
<b>South Africa</b>	0.42	0.42	0.42
<b>Spain</b>	2.47	2.47	2.47
<b>Sri Lanka</b>	0.07	0.07	0.07

	<u>2011</u>	<u>2012</u>	<u>2013</u>
	%	%	%
<b>Sudan</b>	0.06	0.06	0.06
<b>Suriname</b>	0.06	0.06	0.06
<b>Swaziland</b>	0.06	0.06	0.06
<b>Sweden</b>	0.74	0.74	0.74
<b>Switzerland</b>	0.95	0.95	0.95
<b>Syrian Arab Republic</b>	0.06	0.06	0.06
<b>Tajikistan</b>	0.06	0.06	0.06
<b>Thailand</b>	0.50	0.50	0.50
<b>The Former Yugoslav Republic of Macedonia</b>	0.06	0.06	0.06
<b>Timor-Leste</b>	0.06	0.06	0.06
<b>Togo</b>	0.06	0.06	0.06
<b>Tonga</b>	0.06	0.06	0.06
<b>Trinidad and Tobago</b>	0.06	0.06	0.06
<b>Tunisia</b>	0.06	0.06	0.06
<b>Turkey</b>	0.63	0.63	0.63
<b>Turkmenistan</b>	0.06	0.06	0.06
<b>Uganda</b>	0.06	0.06	0.06
<b>Ukraine</b>	0.10	0.10	0.10
<b>United Arab Emirates</b>	1.07	1.07	1.07
<b>United Kingdom</b>	5.68	5.68	5.68
<b>United Republic of Tanzania</b>	0.06	0.06	0.06
<b>United States</b>	25.00	25.00	25.00
<b>Uruguay</b>	0.06	0.06	0.06
<b>Uzbekistan</b>	0.06	0.06	0.06
<b>Vanuatu</b>	0.06	0.06	0.06
<b>Venezuela (Bolivarian Republic of)</b>	0.22	0.22	0.22
<b>Viet Nam</b>	0.10	0.10	0.10
<b>Yemen</b>	0.06	0.06	0.06
<b>Zambia</b>	0.06	0.06	0.06
<b>Zimbabwe</b>	<u>0.06</u>	<u>0.06</u>	<u>0.06</u>
	<b><u>100.00</u></b>	<b><u>100.00</u></b>	<b><u>100.00</u></b>

**A37-28: Working Capital Fund**

*The Assembly:*

1. *Notes that:*

- a) in accordance with Resolution A36-34, the Council has reported upon, and the Assembly has considered, the adequacy of the level of the Working Capital Fund and the related borrowing authority;

- b) in recent years, the accumulation of contributions in arrears has constituted, together with the delays in payment of current year contributions, a growing obstacle to the implementation of the work programme while creating financial uncertainty;
- c) the relatively long budgetary cycle of ICAO, namely three years, has a bearing on the determination of the prudent level of the Working Capital Fund and borrowing authority, as only the Assembly can levy assessments on Contracting States;
- d) given the number of permanent staff in ICAO, there is an irreducible minimum which the Organization has to pay out each month to meet the staff costs. This amount is not amenable to short term reduction through adjusting the work programme, since permanent staff remain in post and have to be paid in any event;
- e) on average, by September of each year, the cumulative receipt of assessments was short of estimated disbursement by an average of 10.0 per cent compared to 5.0 per cent for the last triennium;
- f) based on past trends, there is only a limited risk that the level of the Working Capital Fund may not be sufficient to cover the needs in the foreseeable future;
- g) experience has shown that payments are not made at the beginning of the year when contributions are due and that ICAO cannot rely on contributions being paid even by the end of the year to which they relate and that such unacceptable avoidance of their financial obligations under the Convention by some Contracting States is leading to a financial crisis within the Organization that could impact all Contracting States;
- h) as long as the cash flow remains uncertain, ICAO would need the Working Capital Fund as a buffer on which it could draw to meet its unavoidable cash commitments; and
- i) the Council reviewed the level of the Working Capital Fund in November 2009 and determined that the need for the increase in the level of \$ 6.0 million was not needed for the present time.

2. *Resolves that:*

- a) the level of the Working Capital Fund remain at \$ 6.0 million;
- b) the Council shall review the level of the Working Capital Fund no later than November 2010, 2011, 2012 and 2013, to determine if an increase is urgently needed during that year or for the following year;
- c) if the Council determines that it is warranted, the level of the Working Capital Fund shall be established at a level no higher than \$ 8.0 million, subject to increases resulting from advances paid by new States becoming members of the Organization after approval of the scales. Such adjustment to the Working Capital Fund will be based on the scales of assessment in effect for the year for which the increase in the level of the Working Capital Fund is approved;
- d) the Secretary General be authorized, with the prior approval of the Finance Committee of the Council, to finance regular and supplementary appropriations that

cannot be financed from the General Fund and the Working Capital Fund, by borrowing externally amounts needed to meet immediate obligations of the Organization, and that the Secretary General be required to repay such amounts as rapidly as possible; the outstanding total of such indebtedness of the Organization at no time to exceed \$3.0 million during the triennium;

- e) the Council shall report to the next ordinary session of the Assembly:
  - i) on the adequacy of the level of the Working Capital Fund in the light of experience during 2010, 2011 and 2012;
  - ii) whether the financial position of the General Fund and the Working Capital Fund would indicate the need for assessing Contracting States for cash deficits caused by arrears of contributions; and
  - iii) on the appropriateness of the level of the borrowing authority; and
- f) Resolution A36-34 is no longer effective and is hereby superseded; and

3. *Urges:*

- a) all Contracting States to pay their assessments as early as possible in the year in which they fall due in order to lessen the likelihood of the Organization having to draw on the Working Capital Fund and resort to external borrowing; and
- b) the Contracting States in arrears to meet their obligations to the Organization as promptly as possible, as called for by Resolution A37-32.

**A37-29: Amendment of the Financial Regulations**

*Whereas* the Council is respectful of the position of the Assembly in approving the Budgets and Appropriations of the Organization;

*Whereas* the Council is able to meet on a regular basis to deal with exigencies and developments affecting the amounts appropriated; and

*Whereas* the Council requires the flexibility between Assembly sessions to accommodate changes in the financing needs:

*The Assembly resolves that:*

- 1. The amendments as set out in the Appendix of A37-WP/57, AD/14 to Financial Regulation 5.2 are approved effective 1 January 2011 and to other Financial Regulations are confirmed pursuant to Financial Regulation 14.1.

**A37-30: Approval of the accounts of the Organization for the financial years 2007, 2008 and 2009 and examination of the Audit Reports thereon**

*Whereas* the accounts of the Organization for the financial years 2007, 2008 and 2009 and the Audit Reports thereon, submitted by the Auditor General of Canada (2007) and the Cour des comptes of

France (2008 and 2009) - a member of the Joint Panel of External Auditors of the United Nations and Specialized Agencies - as the External Auditor of ICAO, have been submitted to the Assembly after being circulated to Contracting States;

*Whereas* the Council has examined the Audit Reports and submitted them to the Assembly for its review; and

*Whereas* in accordance with Chapter VIII Article 49 (f) of the Convention, expenditures have been reviewed:

*The Assembly:*

1. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2007 and the comments by the Secretary General in response to the recommendations in the Audit Report;
2. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2008 and the comments by the Secretary General in response to the recommendations in the Audit Report;
3. *Notes* the Report of the External Auditor on the audited accounts for the financial year 2009 with related comments by the Secretary General in response to the recommendations in the Audit Report, and the report on the status of the implementation of the External Auditor's prior years' recommendations;
4. *Approves* the audited accounts for the financial year 2007;
5. *Approves* the audited accounts for the financial year 2008; and
6. *Approves* the audited accounts for the financial year 2009.

**A37-31: Appointment of the External Auditor**

*The Assembly:*

1. *Notes* that:
  - a) the Financial Regulations provide that, subject to confirmation by the Assembly, the Council shall appoint an External Auditor to the Organization; and
  - b) the Council approved the extension of appointment to the First President of the Cour des Comptes as External Auditor of ICAO for 2011, 2012 and 2013 for the same fee as charged for the current triennium.
2. *Confirms* the action taken by the Council in appointing Mr. Didier Migaud, First President of the Cour des Comptes, as the External Auditor of ICAO for the financial years 2011, 2012 and 2013.

**A37-32: Discharge by Contracting States of financial obligations to the Organization and action to be taken in case of their failure to do so**

*Whereas* Article 62 of the *Convention on International Civil Aviation* provides that the Assembly may suspend the voting power in the Assembly and in the Council of any Contracting State that fails to discharge, within a reasonable period, its financial obligations to the Organization;

*The Assembly:*

*Considering* that Article 6.5 of the *ICAO Financial Regulations* provides that contributions from Contracting States shall be considered due and payable in full as of the first day of the financial year to which they relate;

*Noting* that in recent years the accumulation of contributions in arrears has increased considerably and has constituted, together with the delays in payment of current year contributions, an obstacle to the implementation of the work programme and created serious cash flow difficulties:

*Urges* that all Contracting States in arrears make suitable arrangements for liquidating their arrears; and

*Urges* all Contracting States and, in particular, the States elected to the Council, to take all necessary measures to pay their contributions on time;

*Resolves that, with effect from 1 January 2011:*

1. all Contracting States should recognize the necessity to pay their contributions at the beginning of the year in which they fall due, in order to avoid the need for the Organization to draw on the Working Capital Fund to make good the shortfall;

2. the Secretary General be directed to dispatch to all Contracting States, at least three times in the year, schedules showing the current amounts due for the current year and up to 31 December of the previous year;

3. the Council be authorized to discuss and conclude arrangements with Contracting States, whose contributions are in arrears for three or more years, for the settlement of accumulated arrears to the Organization, any such settlements or arrangements to be reported to the next session of the Assembly;

4. all Contracting States that are three years or more in arrears in the payment of their contributions should:

- a) effect without delay payment of the amounts outstanding with respect to advances to the Working Capital Fund, the current year contribution, and partial settlement of their arrears in the amount of 5 per cent of the arrears; and
- b) conclude within six months of the date of the payment referred to in sub-paragraph a) above, if they have not already done so, an agreement with the Organization for the settlement of the balance of their arrears, such agreement to provide for the payment annually, in full, of their current contributions and the balance of the arrears in instalments over a period of no more than ten years, which period may, at the discretion of the Council, be extended, to a maximum of twenty years in respect of special cases, i.e. those Contracting States which are classified by the United Nations as Least Developed Countries;

5. the Council should further intensify the current policy of inviting Contracting States in arrears to make settlement proposals for the liquidation of long-outstanding arrears of contributions in accordance with the provisions of Resolving Clause 4 above, taking full account of the economic position of the States concerned including the possibility of accepting other currencies in accordance with the provisions of Article 6.6 of the Financial Regulations, to the extent that the Secretary General can use these currencies;

6. the voting power in the Assembly and the Council be suspended for those Contracting States in arrears for an amount equal to or in excess of the total assessments for the three preceding financial years and of those Contracting States not in compliance with agreements entered into in accordance with Resolving Clause 4 b) above, such suspension to be revoked immediately upon the settlement of outstanding amounts due under agreements; and

7. the voting power of a Contracting State suspended under Resolving Clause 6 may also be restored by action of the Assembly or the Council provided:

- a) it has already concluded with the Council an agreement that provides for the settlement of its outstanding obligations and for the payment of current contributions and has complied with the terms of that agreement; or
- b) the Assembly is satisfied that the State's willingness to reach an equitable settlement of its financial obligations to the Organization has been demonstrated;

8. any State whose voting power has been suspended by the Assembly under Article 62 of the Convention may have it restored by the Council under the conditions stipulated in Resolving Clause 7 a) above, provided that a willingness on its part to reach an equitable settlement of its financial obligations to the Organization has been demonstrated;

9. the following additional measures be applied to those Contracting States whose voting rights have been suspended under Article 62 of the Convention:

- a) lose eligibility to host meetings, conferences, workshops and seminars which are funded, in whole or in part, by the Regular Programme;
- b) receive only the same free documentation as that provided to non-Contracting States, including those available in electronic media, and any other documents that are essential for safety, regularity or efficiency of international air navigation;
- c) Nationals or Representatives lose eligibility for nomination to elected offices;
- d) for purposes of recruitment to posts in the Secretariat, if all other circumstances are equal, candidates from States in arrears would be considered as having the status of candidates from a State that has already achieved the desired level of representation (under equal geographical representation principles), even if it has not achieved that level; and
- e) lose the right to participate in the ICAO Familiarization Course;

10. only those States which have no outstanding annual assessed contributions except for the current year's assessment will be eligible for election to the Council, Committees, and bodies;

11. the Secretary General be directed to report to Council any voting rights deemed to be suspended and suspension revoked under Clause 6, and to apply measures stipulated in Clause 9 accordingly; and

12. this Resolution supersedes Assembly Resolution A36-33.





