



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A35-WP/334
EX/121
6/10/04

ASSEMBLY — 35TH SESSION

EXECUTIVE COMMITTEE

**DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEMS 17 AND 19**

The attached material on Agenda Items 17 and 19 is submitted for consideration by the Executive Committee.

Agenda Item 17: Enhancement of ICAO Standards

17:1 At its tenth meeting, the Executive Committee considered the subject of Enhancement of ICAO Standards on the basis of a report by the Council (A35-WP/36) together with working papers presented by South Africa on the Review of air traffic service routes (A35-WP/206); the International Air Transport Association (IATA) on Harmonization and efficiency guiding the standard making process (A35-WP/74) and the International Business Aviation Council (IBAC) on Harmonizing States' regulations for international fractional ownership operations (A35-WP/40). In addition, information papers were presented by China on China's implementation of Annex 13 (A35-WP/263) and by the United States on future challenges of the operation of powered lift category/tiltrotor class aircraft in international air navigation (A35-WP/103).

17:2 The Committee welcomed the measures presented in WP/36 that have been taken to improve the development and adoption process of SARPs and supported the new measures planned by the Council and the Air Navigation Commission to further improve the process and to develop a more efficient mechanism for collecting and publishing differences. The Committee was supportive of the measures proposed in A35-WP 74 and proposed that the Council and the ANC take them into consideration in their future work.

17:3 The Committee supported the need for a policy and criteria for making determinations regarding the "commercial air transport" or non-commercial "general aviation" nature of international aircraft operation that was advocated in A35-WP/40. It noted, however, that several studies on the subject were being conducted by Contracting States and it would be more efficient for ICAO to wait for these studies to become available to avoid duplication. It was understood that the ICAO study would be conditional to the availability of resources and prioritization by Council.

17:4 The Committee also supported the action proposed in A35-WP/206 on improving the efficiency of the routes structured noting the financial and environmental savings that could be achieved.

Agenda Item 19: Health and well-being of passengers and crews

19:1 At its tenth meeting the Committee considered the subject of the health and well-being of passengers on the basis of a report of the Council on health issues associated with air transport (A35-WP/34) and papers presented by China (A35-WP/264); Canada, Czech Republic and the United States (A35-WP/209); 41 Contracting States, Members of the European Civil Aviation Conference (ECAC) (A35-WP/122); and the International Transport Workers' Federation (A35-WP/176). Papers presented by Singapore (A35-WP/148) and the United States (A35-WP/210) were available for information only.

19:2 In his introduction of A35-WP/34, the Director of the Air Navigation Bureau emphasized that passenger health issues had attracted intense media interest and given rise to much public concern in recent years. The outbreak of SARS in 2003 had caused severe disruptions of air traffic in the affected areas. In cooperation with WHO, ICAO had taken action, and by establishing a set of protective measures had helped stop the spread of SARS by air travel and restore the travelling public's confidence in the safety of air travel. Also in 2003, ICAO had established a multi-disciplinary working group on passenger health issues to explore the medical, legal and operational aspects of protecting passenger and crew health and preventing the spread of contagious disease. ICAO had also participated in the work on air passenger health issues initiated by ECAC and had contributed to the World Health Organization's research programme on deep vein thrombosis or DVT. A draft resolution for adoption by the Assembly was appended to WP/34.

19:3 In WP/264, presented by China, the need for new or improved regulations for handling communicable diseases in air transport was emphasized. A "pre-emptive" approach, including effective contingency planning for airports, was advocated. The working paper proposed the development of SARPs related to a contingency plan for airports and to the health and well-being of passengers and crew. The Committee noted the working paper and expressed agreement.

19:4 WP/209, presented by Canada, Czech Republic and the United States, reported that the concern that aircraft disinsection by means of pyrethroids may cause discomfort to some crew members and passengers had led to the development of a non-chemical approach to disinsection, based on a directed air stream around the doors of the parked aircraft. A draft resolution for adoption by the Assembly was appended to the paper, to encourage exploration of this approach. The Committee agreed that the proposed method merited further scientific evaluation, and that all Contracting States in a position to do so should conduct further research on non-chemical disinsection methods and report the results to ICAO. However, several delegates felt it would be premature to ask States to accept non-chemical disinsection without proving the efficacy of the method. In view of this the Committee agreed not to retain that resolving clause.

19:5 In WP/122, ECAC provided an overview of the work done on passenger health issues within the European Civil Aviation Conference since the 33rd ICAO Assembly. The Committee noted the progress made by ECAC, in particular the Manual on air passenger health issues, and strongly agreed that States should ensure that appropriate measures be taken to protect passengers' health during air travel.

19:6 WP/176, presented by the International Transport Workers' Federation, discussed the history of safety and health regulation in the cabin of civil aircraft. It was the opinion of the ITF that consistent, global regulation of safety and health hazards faced by cabin crews and passengers had been lacking. To remedy this situation, the ITF recommended that Contracting States consider the cabin as a workplace, and as such grant ultimate authority for its regulation to appropriate occupational safety and health authorities,

rather than traditional aviation safety authorities. The Committee noted the working paper and saw merit in ITF participation in future safety and health initiatives.

19:7 Having noted WP/34 presented by the Council, the Committee noted the work of the ICAO multi-disciplinary working group on air passenger health issues, the successful outcome of the anti-SARS-project, and the importance of better communication between ICAO and WHO. The Committee agreed that Standards and Recommended Practices related to the health of passengers and crews should be developed, and requested the Council to review the health section of the aircraft 'General Declaration' in Annex 9 - *Facilitation*. The Committee requested the Council, as a matter of priority, to develop Standards and Recommended Practices in the appropriate Annex(es) to the Convention in order to address contingency plans to prevent the spread of communicable diseases by air transport and to address requirements for medical facilities and services that may be required in airports. The Committee also recommended that corresponding guidance material be finalized and published. The Committee recommended that Contracting States adopt a harmonized contingency phased response plan to address any future recurrence of SARS or the outbreak of a communicable disease of similar import to public health.

19:8 The Committee agreed to recommend that the Assembly adopt the following resolution, which was presented in WP/34, with the amendments agreed to by the Committee shown below:

**RESOLUTION FRAMED BY THE EXECUTIVE COMMITTEE
AND RECOMMENDED FOR ADOPTION BY THE ASSEMBLY**

Resolution 19/1

**Protection of the health of passengers and crews
and prevention of the spread of communicable disease through
international travel**

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: ... meet the needs of the peoples of the world for safe, regular, efficient and economical air transport";

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 the worldwide transmission of communicable diseases by means of air transport, and the threat thereof, have increased in past years;

Whereas Assembly Resolution A29-15 urges all contracting States to take necessary measures to restrict smoking progressively on all international passenger flights with the objective of implementing complete smoking bans by 1 July 1996;

Whereas the increasing number of elderly and handicapped persons travelling by air and the increasing duration of international flights may pose additional risks to the health of passengers and may give rise to more frequent medical emergencies on board;

Whereas ICAO forecasts a five per cent annual increase in the number of passengers in the foreseeable future, thus potentially increasing the occurrence of medical emergencies during air travel;

Whereas the communication technologies have made possible in-flight diagnosis and treatment of passengers by doctors based at ground facilities;

Whereas health issues are becoming a consideration for some in their decision to fly or not, with a potential for highly detrimental impact on the economy of airlines and airports;

Whereas there is a need to coordinate for global application the considerable activity and progress on health issues by ICAO, some contracting States, the European Civil Aviation Conference (ECAC), the World Health Organization (WHO), the World Tourism Organization (WTO-OMT) and international organizations such as the Aerospace Medical Association (AsMA), International Academy of Aviation and Space Medicine (IAASM), International Air Transport Association (IATA), and Airports Council International (ACI);

The Assembly:

1. *Declares* that the protection of the health of passengers and crews on international flights is an integral element of ~~aviation safety~~ safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner;
2. *Requests* the ~~ICAO~~ Council to review existing SARPs related to passenger and crew health and develop new SARPs where appropriate with due consideration of global health issues and recent developments in air transport operations;
3. *Requests* the ~~ICAO~~ Council to support further research on the consequences of air transport on the health of passengers and crews;
4. *Requests* the ~~ICAO~~ Council to establish suitable institutional arrangements to coordinate efforts by contracting States and other members of the international civil aviation community aimed at protecting the health of passengers and crews;
5. *Requests* the ~~ICAO~~ Council as a matter of priority to develop Standards and Recommended Practices in the appropriate Annexes to the Convention in order to address contingency plans to prevent the spread of communicable diseases by air transport;
6. *Urges* all contracting States, in the meantime, to ensure the implementation of existing SARPs related to the health of passengers and crews;
7. *Requests* the ~~ICAO~~ Council to report on the implementation of this resolution in all aspects to the next ordinary Session of the Assembly.

19:9 The Committee further agreed to recommend that the Assembly adopt the following resolution, which was presented in WP/209, with the amendments agreed to by the Committee shown below:

**RESOLUTION FRAMED BY THE EXECUTIVE COMMITTEE
AND RECOMMENDED FOR ADOPTION BY THE ASSEMBLY**

Resolution 19/2

**Non-chemical aircraft disinsection of the cabin and
flight deck for international passenger flights**

Whereas all nations benefit from the safe, secure, efficient and effective operation of the international civil aviation system;

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

Whereas ICAO Assemblies have recognized a responsibility to achieve maximum compatibility between civil aviation operation and the quality of the human environment;

Whereas there is concern that the current practice by some States of requiring the use of insecticides to disinsect aircraft can result in discomfort and raises questions about possible adverse health effects to aircraft crews and passengers; and

Whereas recently conducted research has shown non-chemical methods of disinsection to be efficacious in preventing the entry into aircraft of mosquitoes and other flying insects.

The Assembly:

- 1) Requests the ICAO Council to cooperate with the World Health Organization in evaluating non-chemical approaches to aircraft disinsection;
- 2) Requests the ICAO Council to encourage the exploration of non-chemical approaches to aircraft disinsection of the cabin and flight deck; and
- ~~3) Asks Contracting States to consider accepting aircraft disinsection using non-chemical methods in lieu of chemical disinsection; and~~
- 4) 3) Requests the ICAO Council to report on the implementation of this Resolution in all its aspects to the next ordinary Session of the Assembly.

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