

PROVISIONAL EDITION

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# RESOLUTIONS

ADOPTED BY THE ASSEMBLY



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INTERNATIONAL CIVIL AVIATION ORGANIZATION



# RESOLUTIONS ADOPTED AT THE 36TH SESSION OF THE ASSEMBLY

## PROVISIONAL EDITION

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## RESOLUTIONS ADOPTED AT THE 36TH SESSION OF THE ASSEMBLY

### PROVISIONAL EDITION

#### **A36-1: Comprehensive Regional Implementation Plan for Aviation Safety in Africa**

*Whereas* it is essential that there be increased coordinated efforts under ICAO leadership 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 the Council of ICAO has already taken steps to address safety issues through the development of a Comprehensive Regional Implementation Plan for Aviation Safety in Africa (the AFI Plan);

*Recognizing* that many Contracting States in the AFI Region may not have the technical or financial resources to comply with the requirements of the Chicago Convention and its Annexes and therefore have to rely on ICAO and other stakeholders for expertise and assistance;

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

*Recognizing* that ICAO may require additional resources to successfully carry out its coordination role;

*Considering* the willingness of the international community to assist the AFI Region in giving, as soon as possible, a concrete and substantial content to the AFI Plan;

*The Assembly:*

1. *Urges* Contracting States of the AFI Region to commit to the achievement of the goals and objectives of the AFI Plan and to ongoing transparency with regard to the progress accomplished;
2. *Encourages* Contracting States of the AFI Region to strengthen cooperation across the region in order to make the optimum use of available resources through regional and sub-regional projects in all sectors of civil aviation, with a high priority in the field of safety oversight;
3. *Instructs* the Council to notify States, industry and donors of the priority projects arising from the gap analysis, performed in accordance with the Global Aviation Safety Plan (GASP);
4. *Encourages* all Contracting States, industry and donors to undertake projects that address the priorities identified through the gap analysis, which is to be consistent with the GASP and other principles laid out in the AFI Plan;
5. *Instructs* the Council to establish a mechanism to receive voluntary contributions from the parties willing to contribute to ICAO's coordination of the plan or implementation activities undertaken within the AFI Plan;
6. *Instructs* the Council to coordinate the contributions towards the implementation of the AFI Plan;

7. *Instructs* the Council to ensure a stronger ICAO leadership role in coordinating activities, initiatives and implementation strategies aimed specifically at meeting the goals and objectives of the Plan, in order to achieve sustained improvement of flight safety in the AFI Region and to allocate resources to the relevant Regional Offices accordingly;

8. *Instructs* the Council to implement the AFI Plan in line with programme management and business plan principles and practices;

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

10. *Instructs* the Council to ensure the continued development of new working relationships integrating the capabilities of the bureaux at Headquarters with the resources of Regional Offices, Contracting States and industry stakeholders.

### **A36-2: Unified strategy 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* 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 identified under USOAP;

*Whereas* ICAO can coordinate and facilitate the provision of assistance to States in need for the purpose of rectifying deficiencies identified through the ICAO USOAP;

*Whereas* the International Financial Facility for Aviation Safety (IFFAS) has been established to assist Contracting States in financing safety-related projects to correct deficiencies primarily identified through USOAP and for which they cannot otherwise provide or obtain necessary financial resources;



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

*Recognizing* that the establishment of regional and sub-regional safety oversight systems, 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;

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

*Recognizing* the safety enhancement contributions resulting from audits conducted by international and regional organizations, to include 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 sharing of safety information is one of the fundamental tenets of a safe air transportation system; and

*Recognizing* that knowledge of the identity of the State of Registry and State of the Operator of foreign aircraft operating in a State provides vital information for the surveillance of those operations;

*The Assembly:*

1. *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;

2. *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;

3. *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;

4. *Reminds* Contracting States to share their pertinent data concerning aircraft registrations with ICAO, pursuant to Article 21 of the Chicago Convention, and in accordance with the rules to be established by Council governing this information sharing system;

5. *Requests* the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety;

6. *Directs* the Council to apply and review, as necessary, the procedures to inform Contracting States, within the scope of Article 54 j) of the Chicago Convention, in the case of a State having significant shortcomings with respect to ICAO safety related SARPs in order for other Contracting States to take action in an adequate and timely manner;

7. *Directs* the Council to promote the concept of regional and sub-regional safety oversight systems, including regional safety oversight organizations;

8. *Urges* Contracting States to develop and further strengthen regional and sub-regional cooperation and, whenever feasible, partnership initiatives with other States, industry, air navigation service providers, financial institutions and other stake holders to strengthen safety oversight capabilities in order to foster a safer international civil aviation system and to better discharge State responsibilities;

9. *Encourages* 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 regional safety oversight systems, including regional safety oversight organizations;

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

11. *Invites* Contracting States to use the services of ICAO to resolve safety-related deficiencies;

12. *Invites* Contracting States experiencing difficulties in financing measures necessary to correct safety-related deficiencies to take advantage of the funding opportunity offered by financial institutions, to include development banks and other donors;

13. *Requests* the Council, in conjunction with the development banks and other donors, to develop an annual report on global deficiencies in both aviation infrastructure and oversight mechanisms and, in particular, to specify those deficiencies that need to be treated on a priority basis, in order to assist donors to identify opportunities for improvements and allocate support by Contracting States;

14. *Requests* the Secretary General to continue to investigate ways in which the identification of measures may be undertaken at national and regional levels to support States' development of ATM safety oversight capabilities and procedures;

15. *Requests* the Council to instruct the Secretary General to establish a task for developing guidelines on optimal levels of staffing needed for safety related functions within a civil aviation authority;

16. *Directs* the Council to strengthen the Implementation Support and Development (ISD) Programme to ensure its continued effectiveness; and

17. *Declares* that this resolution supersedes Resolution A35-7.

### **A36-3: Implementation Support and Development (ISD) Programme – Safety**

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

*Whereas* the safety of international civil aviation also depends on the active collaboration of all stakeholders;

*Whereas* effective implementation of the Global Aviation Safety Plan (GASP) requires the strengthening of collaborative efforts by ICAO, Contracting States, industry and all other stakeholders;

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

*Recognizing* that the Assembly at its 35th Session adopted A35-7, Unified strategy to resolve safety-related deficiencies;

*Recognizing* that the Secretary General has taken steps to establish the ICAO Unified Strategy Programme;

*The Assembly:*

1. *Directs* the Council to continue to implement an Implementation Support and Development (ISD) Programme based on:

- a) transparency and sharing of safety-critical information;
- b) promotion of the establishment of regional safety oversight systems and assistance to States;
- c) safety information analysis and exchange; and
- d) partnership with Contracting States, industry and other stakeholders for coordinating and facilitating the provision of financial and technical assistance to States in need for the purpose of rectifying deficiencies identified through the ICAO USOAP;

2. *Directs* the Council to strengthen the Implementation Support and Development (ISD) Programme by identifying and re-allocating adequate resources within the Organization and developing clearly defined objectives;

3. *Directs* the Council to further encourage States, able to do so, to support the ISD programme through the secondment of specialists and provision of other resources, in order that it can be successfully implemented;

4. *Directs* the Council to support enhancements to the Flight Safety Information Exchange (FSIX) database for the purpose of facilitating the sharing of safety-critical information as appropriate among Contracting States, industry and other stakeholders;

5. *Directs* the Council to continue the analysis of relevant safety-critical information for determining effective means of providing assistance to States in need and also for determining actions to be taken in relation to those States that have not rectified safety deficiencies; and

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

**A36-4: Application of a continuous monitoring approach for the ICAO Universal Safety Oversight Audit Programme (USOAP) beyond 2010**

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

*Whereas* promoting the implementation of international standards contributes to this objective;

*Recalling* that the 32nd Session of the Assembly resolved that a universal safety oversight audit programme be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

*Whereas* the ICAO Universal Safety Oversight Audit Programme (USOAP) has been successful in meeting the mandate given by Resolutions A32-11 and A35-6;

*Recalling* that the ultimate responsibility for safety oversight rests with Contracting States, who shall continuously review their respective safety oversight capabilities;

*Recalling* that the 35th Session of the Assembly recognized that the establishment of regional and sub-regional safety oversight organizations has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and promotion of uniformity on a larger scale; and

*Recognizing* the need to address the future nature and direction of the USOAP following the completion of the current audit cycle in 2010;

*The Assembly:*

1. *Expresses* its appreciation to the Secretary General on the continuing success in the implementation of the comprehensive systems approach for the USOAP;

2. *Directs* the Council to make appropriate changes to USOAP to incorporate the analysis of safety risk factors, including the corresponding guidance material, and apply them on a universal basis, following the completion of the current audit cycle in 2010, to assess, on an on-going basis, States' compliance with their oversight obligations and adapt the audit planning and scope accordingly;

3. *Directs* the Council to examine the feasibility, among the various options that could be considered, of a new approach based on the concept of continuous monitoring, to be implemented at the end of the current audit cycle in 2010. In so doing, the Council shall continue 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*; and

4. *Requests* that the Council report to the next ordinary Session of the Assembly on the overall implementation plan for this new auditing approach to commence after 2010.

**A36-5: International Financial Facility for Aviation Safety (IFFAS)**

*Whereas* under Article 44 of the Chicago Convention 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* under Article 69 of the Chicago Convention, if the Council is of the opinion that the airports and air navigation facilities of a Contracting State are not reasonably adequate for the safe, regular, efficient and economical operation of international air services, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose;

*Whereas* in pursuance of Resolution A32-11, the Council has brought into effect, from 1 January 1999, a Universal Safety Oversight Audit Programme, and the results of the initial audits of almost all Contracting States under that Programme have been received;

*Whereas* these audits have revealed that a number of Contracting States have to draw on scarce resources from other national priorities in order to implement effective safety oversight and that these States will require various degrees of assistance to meet their safety oversight responsibilities;

*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 33rd Session of the Assembly, satisfied with the Council's study demonstrating the need for an IFFAS, endorsed the establishment of IFFAS;

*Considering* that assistance rendered by IFFAS has contributed substantially toward IFFAS achieving the objectives of improving aviation safety, through the implementation of the necessary corrective measures identified in the ICAO Universal Safety Oversight Audit Programme (USOAP); and

*Whereas* IFFAS is continuing to provide funding for safety-related projects under the guidance of the Council and the Council continues to receive annual reports from the IFFAS Governing Body on the implementation of IFFAS projects;

*The Assembly:*

1. *Expresses appreciation* to Contracting States and international organizations for their contributions and pledges to IFFAS and urges States and international organizations (private and public) having association with international aviation, airlines, airports, providers of air navigation services, manufacturers of airframes, engines and avionics, other members of the aerospace industry, and civil society, to make voluntary financial or in-kind contributions to IFFAS;

2. *Invites* Contracting States experiencing difficulties in financing measures necessary to correct safety-related deficiencies identified through the ICAO Universal Safety Oversight Audit Programme (USOAP) as an element of the Global Aviation Safety Plan (GASP) to take advantage of the assistance which can be offered by IFFAS in the financing of such measures by direct funding or as a facilitator and catalyst for other sources of funding, in order to ensure that required aviation safety standards be maintained globally;

3. *Notes* the steady progress made by IFFAS since its establishment and valuable services provided in the implementation of safety-related projects;

4. *Notes* the various constraints under which IFFAS is functioning including the heavy administrative costs incurred;

5. *Requests* that the Council support the smooth functioning of IFFAS through consistent monitoring of progress made by IFFAS in funding safety-related projects and to continue its efforts in promoting and expanding IFFAS while at the same time reducing costs to a minimum;

6. *Requests* that the Council make every effort to attract contributions to IFFAS from States and other contributors;

7. *Requests* that the Council submit to the next ordinary session of the Assembly a report regarding IFFAS activities, including performance assessment and audited financial statements; and

8. *Declares* that this resolution supersedes Resolution A35-8.

**A36-6: State Recognition of the Air Operator Certificate of Foreign Operators and Surveillance of their Operations**

*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 fulfil their obligations in implementing the Standards and Recommended Practices as far as practicable and in adequately performing safety oversight;

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

*Recalling* that recognition as valid of certificates and licences of other Contracting States is governed by Article 33 of the Convention and applicable Standards;

*Recalling* that ultimate responsibility for safety oversight rests with Contracting States, who shall continuously review their respective safety oversight capabilities;

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

*Recalling* Assembly Resolution A35-7, which, *inter alia*, urged Contracting States to share critical safety information and reminded them of the need for surveillance of all aircraft operations;

*Recalling* the Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety in 2006, that called upon States to base the recognition as valid of certificates and licences of other States exclusively on safety considerations and not for the purpose of gaining economic advantage; and recommended, *inter alia*, that:

- a) ICAO should develop guidelines and procedures to assist States in securing the highest practicable degree of uniformity in the recognition of certificates and licences as valid and in the surveillance of foreign aircraft operations in their territory;
- b) States should establish operating rules, in accordance with the Convention and on a non-discriminatory basis, governing the admission and surveillance of foreign air operators within their territories;
- c) States should include a safety clause in their bilateral air service agreements based on the model safety clause developed by ICAO.

*Whereas* the Convention establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly and harmonious 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;

*Recognizing* that the non-harmonization of operational requirements and measures governing admission of air operators from other States may have a detrimental impact on the safety, efficiency and regularity of their operations; and

*Recognizing* that the uncoordinated development of national policies and programmes for the surveillance of air operators from other States could hinder the role of international civil aviation in socioeconomic development;

*The Assembly:*

1. *Reminds* Contracting States of the need for exercising safety oversight of their operators in full compliance with applicable SARPs, as well as assuring themselves that foreign operators flying in their territory receive adequate oversight from their own State and taking appropriate action when necessary to preserve safety;

2. *Urges* all Contracting States to establish requirements and procedures for the authorization and surveillance of operations by an operator certificated by another Contracting State, and to take appropriate action when necessary to preserve safety;

3. *Urges* all Contracting States to insert into their bilateral agreements on air services a clause on aviation safety, taking into account the model clause attached to the Resolution adopted by the Council on 13 June 2001;

4. *Urges* Contracting States to recognize as valid the Air Operator Certificate (AOC) issued by other Contracting States for the purpose of flight over their territories, including landings and take-offs, provided that the requirements under which the certificate was issued are equal to or above the minimum applicable Standards specified in Annex 6, Parts I and III, Section II;

5. *Urges* the Secretary General to continue to develop guidelines and procedures to verify the conditions for recognition as valid of certificates and licences, in keeping with Article 33 of the Convention and applicable Standards;

6. *Urges* Contracting States to establish operating rules governing the admission of foreign air operators within their territories, in accordance with the Convention and on a non-discriminatory basis, and in harmonisation with ICAO Standards, guidelines and procedures, having due regard to the need to minimize the cost and burden to the Contracting States and to the operator;

7. *Urges* Contracting States to refrain from unilateral implementation of specific operational requirements and measures governing admission of operators from other Contracting States which would adversely affect the orderly development of international civil aviation.

#### **A36-7: ICAO Global Planning for Safety and Efficiency**

*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, sub-regional 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, sub-regional 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; and

6. *Instructs* the Secretary General to make available the global plans on the ICAO public website;

7. *Declares* that this Assembly resolution supersede Assembly Resolution A33-16 on the ICAO Global Aviation Safety Plan (GASP).

## **APPENDIX A**

### **Global Aviation Safety Plan**

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

*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 Pan-American Aviation Safety Team (PAAST) and the African and Indian Ocean Islands Safety Enhancement Team (ASET);

*Recognizing* that there is a need for the 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;

*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;

*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;

*Noting* the intent to continuously apply the Global Aviation Safety Plan as a tool to enhance safety by focusing action where it is most needed;

*Noting* the unified strategy established by ICAO to resolve safety related deficiencies; and

*Noting* the acceptance on 18 July 2007 by the Council of the amended Global Aviation Safety Plan (GASP);

*The Assembly:*

1. *Stresses* the need for a reduction in the number and rate of fatal accidents in air transport operations in all parts of the world and particularly in regions where the rate is significantly higher than the worldwide average;

2. *Urges* Contracting States and the industry to apply the GASP and Global Aviation Safety Roadmap principles and objectives and to implement its methodologies in partnership with all concerned stakeholders to reduce the number and rate of aircraft accidents;

3. *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 methodologies and the ICAO regional planning process;

4. *Urges* Contracting States to reinforce the global aviation safety framework by:

- a) sharing appropriate safety-related information among States, all other aviation stakeholders and the public;
- b) expeditiously implementing safety management systems across the aviation industry to complement the existing regulatory framework;
- c) promoting a just culture by 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
- d) reporting accident and incident data as required to ICAO;

5. *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;

6. *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 sub-regional safety oversight organizations and the expertise of other States;

7. *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.

## **APPENDIX B**

### **Global Air Navigation Plan**

*Whereas* 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; and

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

*The Assembly:*

1. *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;

2. *Urges* Contracting States, industry and financing institutions to provide the necessary support for coordinated implementation of the GANP, avoiding duplication of effort;

3. *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

4. *Urges* the Council to facilitate the development and monitor the implementation of regional, sub-regional and national plans on the basis of the GANP.

### **A36-8: 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 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 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;

*The Assembly:*

1. *Urges* Contracting States 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, as set out in Attachment E to Annex 13;

2. *Instructs* the Council to provide a progress report to the next ordinary Session of the Assembly on this matter; and

3. *Declares* that this resolution supersedes Resolution A33-17.

**A36-9: 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;

*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; and

*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.

*The Assembly:*

1. *Urges* all Contracting States 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, as set out in Attachment E to Annex 13;

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 provide a progress report to the next ordinary Session of the Assembly on this matter; and

4. *Declares* that this resolution supersedes Resolution A35-17.

#### **A36-10: Improving accident prevention in civil aviation**

*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 aircraft accidents and incidents, wherever they occur, be promptly and thoroughly investigated and reported, and that lessons learned from investigations, including safety recommendations, be promptly disseminated to other Contracting States concerned and to ICAO for prevention purposes;

*Whereas* efforts to implement regulations in themselves are not sufficient to reduce the accident rate;

*Noting* that repetitive accident types continue to occur in air transport operations worldwide;

*Recognizing* that the volume of air transport operations is expected to increase significantly in the coming years;

*Recognizing* that combined with the expected increase in operations, the relatively unchanged trend in the accident rate over the past several years might lead to an increase in the number of accidents per year;

*Recognizing* that there are many challenges to effective accident prevention, and that more effective identification and correction of aviation hazards and system deficiencies are required in order to complement regulatory efforts in further reducing the number of worldwide accidents and to improve the accident rate;

*Recognizing* that open safety investigation systems depend on principles of non-punitive action and confidentiality guarantees;

*Recognizing* that a number of States have introduced non-punitive accident prevention activities to complement their regulatory safety programmes; and

*Recognizing* that sharing of safety information derived from safety investigation systems depends on all States respecting the non-punitive and confidentiality guarantees that underpin the generation of that information;

*The Assembly:*

1. *Calls on* Contracting States to reaffirm their commitment to the safety of civil aviation;
2. *Urges* Contracting States, in adhering to the provisions of Annex 13 to the Convention on International Civil Aviation, to take prompt action to investigate and report on aircraft accidents and incidents and disseminate the information, including safety recommendations, to other Contracting States concerned and ICAO, so as to make more effective the accident prevention efforts of States and ICAO;
3. *Urges* Contracting States to undertake every effort to enhance accident prevention measures, particularly in the areas of personnel training, information feedback and analysis and to implement voluntary and non-punitive reporting systems, so as to meet the new challenges in managing flight safety, posed by the anticipated growth and complexity of civil aviation;
4. *Urges* Contracting States to cooperate with ICAO and other States in a position to do so, in the development and implementation of accident prevention measures designed to integrate skills and resources to achieve a consistently high level of safety throughout civil aviation; and
5. *Urges* all States which receive safety information derived from another State's safety investigation system to respect the system of confidentiality and disclosure principles under which the providing State generated that information
6. *Declares* that this resolution supersedes Resolution A31-10.

**A36-11: 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 by 5 March 2008;

*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 will require 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 support Contracting States in their implementation of the language proficiency requirements by establishing globally harmonized language testing criteria;

3. *Urges* Contracting States that are not in a position to comply 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;

4. *Directs* the Council to provide guidelines to States on the development of implementation plans, including an explanation of the risk mitigation measures so as to enable Contracting States to post their plans as soon as practicable, but prior to 5 March 2008;

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;

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;

7. *Urges* Contracting States to provide data concerning their level of implementation of the Language Proficiency Requirements when requested by ICAO;

8. *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

9. *Declares* that this resolution supersedes Resolution A32-16.

### **Associated Practices**

#### **Contracting States that are not able to 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) a procedure for endorsing licences to indicate the holders' language proficiency level; and
  - e) 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 as soon as practicable, but prior to 5 March 2008;

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.

### **A36-12: 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 much more needs to be done because the available halon supplies are dwindling and the environmental community is becoming more concerned with the lack of substantive progress in aviation;

*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 while some progress has been made in developing a halon replacement for several aspects of aircraft operation, no real progress has been made in cargo compartment halon replacement, which is by far the largest application of extinguishing agent; and

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

#### *The Assembly:*

1. *Agrees* with the urgency of the need to develop and implement halon replacements for civil aviation;
2. *Urges* States to advise their aircraft manufacturers, airlines, chemical suppliers and fire-extinguishing companies to move forward at a faster rate in implementing halon alternatives in engine and auxiliary power units, handheld extinguishers and lavatories; and investigating additional halon replacements for engines/auxiliary power units, and cargo compartments;
3. *Requests* that the Council consider a mandate to be effective in the 2011 timeframe for the replacement of halon in:
  - lavatories for new production aircraft; and
  - lavatories, hand-held extinguishers, engines and auxiliary power units for aircraft for which a new application for type certification has been submitted.



4. *Requests* that the Council consider a mandate to be effective in the 2014 timeframe for the replacement of halon in hand-held extinguishers for new production aircraft;

5. *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 replacement for civil aviation, and

6. *Resolves* that the Council shall report to the next Ordinary Session of the Assembly on progress made with halon replacements in civil aviation.

**A36-13: 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 35th Session of the Assembly was adopted by the Assembly in Resolution A35-14, Appendices A to X inclusive;

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A35-14, Appendices A to X inclusive, and has amended the statement to reflect the decisions taken during the 36th Session; and

*Whereas* the statement of continuing policies in Resolution A35-14 is hereby superseded;

*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 36th 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 A35-14 with its Appendices A to X inclusive.

**APPENDIX A**

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

*Whereas* Article 37 of the *Convention on International Civil Aviation* requires the Organization to adopt and amend international Standards and Recommended Practices and Procedures and states the purpose of and the matters to be dealt with in that action, and Articles 38, 54, 57 and 90 contain additional relevant provisions;

*Whereas* the Assembly deems it advisable to establish certain policies to be followed in complying with these provisions of the Convention; and

*Whereas* the terms “Standard” and “Recommended Practice” have the following meanings:

- a) *Standard* — any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38 of the Convention; and
- b) *Recommended Practice* — any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation and to which Contracting States will endeavour to conform in accordance with the Convention;

*The Assembly resolves that:*

1. SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, inter alia, to provide a sound basis for regional planning and the provision of facilities and services;
2. subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to enable the Contracting States to maintain stability in their national regulations. To this end amendments shall be limited to those significant to safety, regularity and efficiency, and editorial amendments shall be made only if essential;
3. SARPs and PANS shall be drafted in clear, simple and concise language. SARPs shall consist of broad, mature and stable provisions specifying functional and performance requirements that provide for the requisite levels of safety, efficiency and interoperability. Supporting technical specifications, when developed by ICAO, shall be placed in separate documents to the extent possible;
4. in the development of SARPs, procedures and guidance material, ICAO should utilize, to the maximum extent appropriate and subject to the adequacy of a verification and validation process, the work of other recognized standards-making organizations. Material developed by these other standards-making organizations may be deemed appropriate by the Council as meeting ICAO requirements; in this case such material should be referenced in ICAO documentation;
5. to the extent consistent with the requirements of safety and regularity, Standards specifying the provision of facilities and services shall reflect a proper balance between the operational requirements for such facilities and services and the economic implications of providing them;
6. Contracting States shall be consulted on proposals for the amendment of SARPs and PANS before the Council acts on them, except when the Council may deem urgent action to be necessary. Furthermore, subject to the adequacy of the verification and validation process, technical specifications may be acted upon by the Council without consultation with States. Such material shall however be made available to States upon request;

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; and

8. unless exceptional circumstances dictate otherwise, the applicability dates of amendments to Annexes and PANS shall be so established as to avoid the need for Contracting States to amend their national regulations more often than twice per calendar year. In the application of the foregoing, whenever practicable, any one Annex or PANS document shall not 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, 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 thirty 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.

4. In the application of the provision in Resolving Clause 8 above, the Council should ensure that, whenever practicable, the interval between successive common applicability dates of amendments to Annexes and PANS is at least six months.

## **APPENDIX B**

### **Air navigation meetings of worldwide scope**

*Whereas* the holding of worldwide air navigation meetings is an important function of ICAO and entails substantial expenditures of effort and money by the Contracting States and the Organization; and

*Whereas* it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden upon the Contracting States or the Organization;

*The Assembly resolves that:*

1. meetings, convened by the Council, in which all Contracting States may participate on an equal basis shall be the principal means of progressing the resolution of problems of worldwide import, including the development of amendments to the Annexes and other basic documents in the air navigation field;

2. such meetings shall be convened only when justified by the number and importance of the problems to be dealt with and when there is the likelihood of constructive action on them; meetings convened on this basis may also be requested to conduct exploratory discussions on matters not mature for definite action;

3. the organization of such meetings shall be arranged so that they are best suited to carry out the assigned task and to provide proper coordination among the technical specialities involved; and

4. unless necessitated by extraordinary circumstances, not more than two such meetings shall be convened in a calendar year, and successive meetings dealing extensively with the same technical specialty shall be separated by at least twelve months.

### **Associated practices**

1. Before deciding to refer a matter to a worldwide meeting, the Council should consider whether correspondence with States or use of machinery such as panels or air navigation study groups could dispose of it or facilitate subsequent action on it by a future meeting.

2. The agenda should be sufficiently explicit to define the task to be performed and to indicate the types of specialized expertise that will be needed at the meeting. In an agenda including more than one technical specialty the types of expertise called for should be kept to the minimum compatible with efficiency.

3. To facilitate the participation of all Contracting States, the Council should so plan the meeting programme as to keep to the minimum, consistent with efficiency, the demands upon the time of States' technical officials.

4. The planned duration of a meeting should allow adequate time for completion of the agenda, study of the report as drafted in the working languages of the meeting and approval of the report. Following the meeting, the Secretariat should make any necessary minor editorial amendments and typographical corrections to the meeting report.

5. The approved agenda and the main supporting documentation should be dispatched, normally by air, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation; other documentation should be dispatched as soon as possible.

## **APPENDIX C**

### **Panels of the Air Navigation Commission (ANC)**

*Whereas* panels of the Air Navigation Commission have proved a valuable medium for advancing the solution of specialized technical problems; and

*Whereas* it is necessary to ensure that maximum benefit is obtained from Air Navigation Commission panels without imposing any undue burden upon the Contracting States or the Organization;

*The Assembly resolves that:*

1. panels of the Air Navigation Commission shall be established when it is necessary to advance the solution of specialized technical problems which cannot be solved adequately or expeditiously by the Air Navigation Commission through other established facilities;
2. the terms of reference and the work programmes of panels shall support the ICAO Business Plan, be clear and concise with timelines and shall be adhered to;
3. the progress of panels of the Air Navigation Commission shall be reviewed periodically and panels shall be terminated as soon as the task assigned to them has been accomplished. A panel shall be allowed to continue in existence for more than four years only if its continuation is considered justified by the Air Navigation Commission; and
4. panel activity shall support a performance-based approach to SARPs development to the extent possible.

#### **Associated practice**

Reports should be clearly presented as the advice of a group of experts to the Air Navigation Commission so that they cannot be construed as representing the views of Contracting States.

### **APPENDIX D**

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

*Whereas* Article 37 of the *Convention on International Civil Aviation* requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

*Whereas* in accordance with Article 38 of the Convention any Contracting State which finds it impractical to comply in all respects with any international standard or procedure and deems it necessary to adopt regulations or practices differing therefrom is obliged to give immediate notification to ICAO; and

*Whereas* it is important that all available means of the Organization be employed in encouraging and assisting Contracting States in overcoming their difficulties in implementation of SARPs and PANS;

*The Assembly resolves that:*

1. Contracting States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means;
2. the differences between the regulations and the practices of Contracting States and the SARPs and PANS shall be monitored by the Council with the aim of encouraging the elimination of those differences that are important for the safety and regularity of international air navigation or are inconsistent with the objectives of the international Standards; and
3. the Council shall analyse the root cause for non-implementation and take appropriate action.

### **Associated practices**

1. In encouraging and assisting Contracting States in the application of SARPs and PANS the Council should make use of all existing means including the resources of Headquarters, the ICAO Regional Offices and the United Nations Development Programme.

2. Contracting States should continue, and where necessary should intensify, their efforts to apply at their operating installations practices and procedures that are in accordance with the current SARPs and PANS. In this regard, Contracting States should consider the practicability of modifying the internal processes by which they give effect to the provisions of SARPs and PANS, if such modifications would expedite or simplify the processes or make them more effective.

3. The Council should urge Contracting States to notify the Organization of any differences that exist between their national regulations and practices and the provisions of SARPs as well as the date or dates by which they will comply with the SARPs. If a Contracting State finds itself unable to comply with any SARPs, it should inform ICAO of the reason for non-implementation, including any applicable national regulations and practices which are different in character or in principle. The notifications of differences from SARPs received should be promptly issued in supplements to the relevant Annexes. Contracting States should also be requested to publish in their AIPs any significant differences from the SARPs and PANS.

4. In the monitoring of the differences from SARPs and PANS, the Council should request reports from Contracting States that have not or have incompletely reported to the Organization the implementation of SARPs. Furthermore, the Council should also request Contracting States that have not published in their AIPs information on the implementation of SARPs and PANS to publish it.

## **APPENDIX E**

### **ICAO technical manuals and circulars**

*Whereas* up-to-date technical guidance material made available through ICAO provides extremely valuable assistance to administrations in the planning for implementation of Standards and Recommended Practices, Procedures for Air Navigation Services and Regional Plans;

*Whereas* it is equally important to provide for the availability of appropriate technical guidance for the training of staff and the updating of the knowledge of operating personnel, as warranted by advancing technology, thus improving the quality of service and enhancing the level of safety in air operations;

*Whereas* no satisfactory alternative exists for the provision of such guidance material on an international level other than under the aegis of ICAO; and

*Whereas* the maintenance of existing ICAO manuals and the development of new manuals and circulars, as appropriate, is a major task in terms of both technical and administrative personnel requirements, involving conflicting priorities and requiring special measures related to Secretariat capacity and publication practices;

*The Assembly resolves* that priority shall be provided for the continuing updating of the contents of present ICAO technical manuals and the development of additional guidance material as warranted by advancing technology, thus ensuring optimum value for Contracting States in their implementation of

Standards, Recommended Practices and Procedures for Air Navigation Services as well as planning for and implementation of facilities and services.

### **Associated practices**

1. The Council, taking into account the requirement to improve still further existing safety levels, should keep under review the ICAO technical manuals and circulars programme so as to ensure that all appropriate technical fields are adequately covered by the necessary guidance material.
2. The Council should seek means by which appropriate technical manuals and circulars can be produced and published without undue delay and without competing with priorities in the production of routine publications.

## **APPENDIX F**

### **Units of measurement**

*Whereas* in the interest of safety of international air and ground operations, unification of units of measurement should be achieved;

*Whereas* it is important that standard units of measurement are used in a uniform manner in ICAO air navigation publications; and

*Whereas* Annex 5, Fourth Edition, specifies the use of a standardized system of units of measurement in international civil aviation air and ground operations based on the International System of Units (SI) but permits the use of certain non-SI units on a permanent basis and others on a temporary basis;

*The Assembly resolves that:*

1. Contracting States shall be encouraged to bring their national regulations and practices into conformity with the provisions of Annex 5 as soon as practicable; and
2. in all ICAO air navigation publications the units of measurement shall be expressed in the units specified in Annex 5 where appropriate units exist therein.

## **APPENDIX G**

### **Certificates of airworthiness, certificates of competency and licences of flight crews**

*Whereas* Article 33 of the Convention does not explicitly define the purposes for which recognition is to be accorded to certificates and licences;

*Whereas* several interpretations exist as to whether or not there is any obligation on Contracting States to recognize certificates and licences issued or rendered valid by other Contracting States pending the coming into force of SARPs applicable to the aircraft or airmen involved; and

*Whereas* with respect to certain categories of aircraft or classes of airmen, it may be many years before SARPs come into force or it may be found most practicable not to adopt SARPs for some categories or classes;

*The Assembly resolves that:*

1. certificates of airworthiness and certificates of competency and licences of the crew of an aircraft issued or rendered valid by Contracting State in which the aircraft is registered shall be recognized as valid by other Contracting States for the purpose of flight over their territories, including landings and take-offs, subject to the provisions of Articles 32 (b) and 33 of the Convention; and

2. pending the coming into force of international Standards respecting particular categories, classes or types of aircraft or classes of airmen, certificates and licences issued or rendered valid, under national regulations, by the Contracting State in which the aircraft is registered shall be recognized by other Contracting States for the purpose of flight over their territories, including landings and take-offs.

## **APPENDIX H**

### **Aviation training**

*Whereas* satisfactory provision and operation of ground facilities and services and implementation of SARPs and PANS are dependent upon a high standard of personnel training;

*Whereas* difficulties are being experienced by Contracting States in these matters owing to a lack of adequately trained personnel;

*Whereas* special effort is required to foster a high standard of personnel training and to assist Contracting States in meeting their training needs; and

*Whereas* training seminars conducted by the Organization are an effective means of promoting common understanding and uniform application of SARPs and PANS;

*The Assembly resolves that:*

1. Contracting States shall be encouraged and assisted in the maintenance of high standards of training of aviation personnel and particularly those employed in the provision and operation of services and facilities for international air navigation. To this end, as a part of its regular work programme, the Organization shall carry out a continuing training programme which is referred to as the ICAO aviation training programme<sup>\*</sup>; and

2. the ICAO aviation training programme shall be governed by the following principles:

a) aviation training is the responsibility of Contracting States;

b) the Organization should place the highest priority on the establishment of safety-and security-related programmes;

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<sup>\*</sup> Assistance provided by ICAO under the United Nations Development Programme and other programmes is governed by Resolutions A16-7 and A26-16



- c) mutual assistance among Contracting States in the training of aviation personnel should be encouraged and facilitated, particularly in those matters where the lack of adequate training may adversely affect the safety, security or regularity of international air navigation;
- d) the Organization should advise Contracting States on the operational oversight of training facilities; and
- e) the Organization should not participate in the operation of training facilities but should encourage and advise operators of such facilities.

### **Associated practices**

1. Through the development of specifications and guidance material, the conduct of training seminars, and by direct advice and consultation, the Council should assist Contracting States to:

- a) standardize, as far as practicable, the curricula, methods and content of training courses and establish adequate examination and licensing provisions;
- b) bring levels of accomplishment into line with international Standards; and
- c) employ the criteria referred to in a) and b) above so as to bring about greater uniformity in operating practices and procedures.

2. Continuing attention should be given to the establishment of specialized and advanced training courses when needed to provide the skills required to install, operate and maintain facilities and services.

3. The Council should encourage the Contracting States to establish requirements for:

- a) on-the-job training, including familiarization with relevant operating conditions, for personnel who, after completion of their basic training, require practical experience under actual operating conditions before being assigned to positions of responsibility in operational posts; in this regard States' attention should be invited to the possibility of drawing fully upon the resources of the various technical cooperation and assistance programmes; and
- b) periodic refresher training particularly when new equipment, procedures or techniques are introduced.

4. The Council should request the Contracting States to provide, for dissemination to other States, information on the types of aeronautical courses they sponsor or are otherwise available in their States to which students are accepted from other States, including the address to which enquiries may be sent for additional details. Similarly, the Council should make available to Contracting States all pertinent information concerning training establishments assisted through ICAO that admit students from other countries.

5. The Council should urge Contracting States to make the maximum practicable use of training centres in their area for training their aviation personnel in fields where there are no corresponding national schools. To this end, the Council should encourage States to establish favourable conditions for attendance by nationals of other States in the area.

## APPENDIX I

### Coordination of aeronautical systems and subsystems

*Whereas* it is desirable to avoid unnecessary duplication of functions performed by equipments installed on board aircraft or in ground or space installations in the general interests of economy;

*Whereas* it might be possible to reduce the aggregate complexity of future equipments by coordinating the general, functional specifications for new specific equipments with those of the other equipments either on board aircraft, or in ground or space installations;

*Whereas* it is recognized that such coordination may nevertheless encounter technical and operational difficulties and must take into account cost effectiveness and the need for progressive implementation without undue penalty; and

*Whereas* the Air Navigation Commission has, to the extent necessary, performed a coordinating function for various technical activities under its control taking into due account information provided to it by States;

*The Assembly resolves* that work on aeronautical systems and subsystems shall be closely coordinated paying due regard to their interrelationships and taking into account operational requirements, expected technical progress and operational cost/benefit considerations.

## APPENDIX J

### Formulation of Regional Plans including Regional Supplementary Procedures

*Whereas* the Council establishes Regional Plans setting forth the facilities, services and Regional Supplementary Procedures to be provided or employed by Contracting States pursuant to Article 28 of the Convention;

*Whereas* the Regional Plans require amendment from time to time to reflect the changing needs of international civil aviation;

*Whereas* ICAO has established an approach to planning of facilities and services that centres on the Global ATM Operational Concept and the Global Air Navigation Plan; and

*Whereas* planning of facilities and services should support a performance-based approach to planning;

*The Assembly resolves* that:

1. Regional Plans shall be revised when it becomes apparent that they are no longer consistent with current and foreseen requirements of international civil aviation;

2. when the nature of a required change permits, the associated amendment of the Regional Plan shall be undertaken by correspondence between the Organization and Contracting States and international organizations concerned; and

3. when amendment proposals are associated with the services and facilities provided by States and such amendment proposals:

- a) do not represent changes to the requirements set by the Council in the Regional Plans;
- b) do not conflict with established ICAO policy; and
- c) do not involve issues which cannot be resolved at the regional level;

the Council may delegate authority for processing and promulgating such amendments to the regional level.

### **Associated practices**

1. The Council should ensure that the structure and format of regional plans is aligned with the Global Air Navigation Plan and in support of a performance based-approach to planning;

2. The Council, taking into account the requirement to improve still further existing safety levels, should keep under review the effect of changing requirements on the Regional Plans to ascertain in good time any need for their revision.

3. In assessing the urgency of any revision of the Regional Plans the Council should take into account the time needed by Contracting States to arrange for the provision of any necessary additional facilities and services.

4. The Council should ensure that implementation dates in Regional Plans involving the procurement of new types of equipment are realistically related to the ready availability of suitable equipment.

5. The Council should ensure that an electronic database of regional plans is developed, with supporting planning tools, in order to improve efficiency and expedite the amendment cycle;

6. The Council should use the planning groups it has established throughout the regions to assist in keeping up to date the Regional Plans and any complementary documents.

## **APPENDIX K**

### **Regional air navigation (RAN) meetings**

*Whereas* RAN meetings are important instruments in the determination of the facilities and services the Contracting States are expected to provide pursuant to Article 28 of the Convention;

*Whereas* these meetings entail substantial expenditures of effort and money by Contracting States and the Organization;

*Whereas* it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden on Contracting States or the Organization; and

*Considering* that regional air navigation planning is normally accomplished by Planning and Implementation Regional Groups (PIRGs);

*The Assembly resolves that:*

1. RAN meetings shall be convened only to address issues which cannot be adequately addressed through PIRGs;
2. the convening of such meetings and their agenda shall be based on the existence or expectation of specific shortcomings in the Regional Plans of the respective areas;
3. the geographical area to be considered, account being taken of the existing and planned international air transport and international general aviation operations, the technical fields to be dealt with and the languages to be used shall be decided for each such meeting;
4. the organization best suited to deal with the agenda and to ensure effective coordination among the components of the meeting shall be used for each such meeting; and
5. meetings of limited technical and/or geographical scope shall be convened when specific problems, particularly those requiring urgent solution, need to be dealt with or when convening them will reduce the frequency with which full-scale RAN meetings must be held.

#### **Associated practices**

1. The Council should endeavour to hold RAN meetings at sites within the areas concerned and should encourage the Contracting States within those areas to serve as host, either individually or jointly.
2. The approved agenda and the main supporting documentation should be made available, by electronic means, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation.
3. The Council should ensure that adequate guidance is made available to RAN meetings on operational and technical matters relevant to their agenda.
4. Each participating Contracting State should inform itself, in advance of a meeting, on the plans of its air transport operators and its international general aviation for future operations and, similarly, on the expected traffic by other aircraft on its registry and on the overall requirements of these various categories of aviation for facilities and services.
5. The Council, taking into account the requirement to improve still further existing safety levels, should foster the establishment, for and by RAN meetings, of up-to-date planning criteria which would aim to ensure that Regional Plans satisfy the operational requirements and are economically justified.
6. The Council should develop and maintain specific and detailed directives for consideration of implementation matters at RAN meetings.

## APPENDIX L

### Implementation of Regional Plans

*Whereas* in accordance with Article 28 of the Convention Contracting States undertake, in so far as they may find practicable, to provide air navigation facilities and services necessary to facilitate international air navigation;

*Whereas* the Regional Plans set forth the requirements for facilities and services for international civil aviation; and

*Whereas* any serious deficiencies in the implementation of Regional Plans may affect the safety, regularity and efficiency of international air operations and therefore should be eliminated as quickly as practicable;

*The Assembly resolves that:*

1. priority shall be given in the implementation programmes of Contracting States to the provision, including continuing operation, of those facilities and services the lack of which would likely have a serious effect on international air operations;
2. the identification and investigation of and action by the Organization on serious deficiencies in the implementation of Regional Plans shall be carried out in the minimum practicable time; and
3. regional planning and implementation groups shall identify problems and shortcomings in Regional Plans and in the implementation thereof, along with suggested remedial measures.

### Associated practices

1. The Council, taking into account the requirement to improve still further existing safety levels, should inform fully and promptly each Contracting State of the recommendations for the provision of air navigation facilities and services that are applicable to that State under the Regional Plans.
2. Contracting States should prepare and keep up to date suitable plans, including the requirements for personnel, for the orderly implementation of the parts of Regional Plans applicable to them.
3. The Council should arrange for the monitoring of the status of implementation of the Regional Plans and for the issue of periodic progress reports which should include information on serious shortcomings in implementation of the Regional Plans.
4. The users of air navigation facilities and services should report any serious problems encountered due to the lack of implementation of air navigation facilities or services required by Regional Plans. The reports should be addressed to the Contracting States responsible for implementation. These States should act on such reports to resolve the problems, but when remedial action is not taken users should inform ICAO, through the medium of an international organization where appropriate.
5. The Council should arrange for periodic review of serious problems encountered by users due to the lack of implementation of air navigation facilities or services and, when appropriate, for measures to be taken to facilitate elimination of the problems as quickly as practicable.

## APPENDIX M

### **Delimitation of air traffic services (ATS) airspaces\***

*Whereas* Annex 11 to the Convention requires a Contracting State to determine those portions of airspace over its territory within which air traffic services will be provided and, thereafter, to arrange for such services to be established and provided;

*Whereas* Annex 11 to the Convention also makes provision for a Contracting State to delegate its responsibility for providing air traffic services over its territory to another State by mutual agreement;

*Whereas* both the delegating and the providing State can reserve the right to terminate any such agreement at any time; and

*Whereas* Annex 11 to the Convention prescribes that those portions of the airspace over the high seas where air traffic services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council usually on the advice of regional air navigation meetings;

*The Assembly resolves*, with reference to regional air navigation plans, that:

1. the limits of ATS airspaces, whether over States' territories or over the high seas, shall be established on the basis of technical and operational considerations with the aim of ensuring safety and optimizing efficiency and economy for both providers and users of the services;

2. established ATS airspaces should not be segmented for reasons other than technical, operational, safety and efficiency considerations;

3. if any ATS airspaces need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned;

4. the providing State in implementing air traffic services within airspace over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;

5. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the safety and regularity of the air traffic operating in the airspace concerned;

and, *furthermore*, *declares* that:

6. any Contracting State which delegates to another State the responsibility for providing air traffic services within airspace over its territory does so without derogation of its sovereignty; and

7. the approval by the Council of regional air navigation agreements relating to the provision by a State of air traffic services within airspace over the high seas does not imply recognition of sovereignty of that State over the airspace concerned.

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\* The expression "ATS airspaces" includes flight information regions, control areas and control zones

### **Associated practices**

1. Contracting States should seek the most efficient and economic delineation of ATS airspaces, the optimum location of points for transfer of responsibility and the most efficient coordination procedures in cooperation with the other States concerned and with the Organization.

2. The Council should encourage States providing air traffic services over the high seas to enter, as far as is practicable, into agreements with appropriate States providing air traffic services in adjacent airspaces, so that, in the event the required air traffic services over the high seas cannot be provided, contingency plans, which may require temporary modifications of ATS airspace limits, will be available to be put into effect with the approval of the ICAO Council until the original services are restored.

## **APPENDIX N**

### **Provision of search and rescue services**

*Whereas* in accordance with Article 25 of the Convention each Contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable and to collaborate in coordinated measures which may be recommended from time to time pursuant to the Convention;

*Whereas* Annex 12 to the Convention contains specifications relating to the establishment and provision of search and rescue services within the territories of Contracting States as well as within areas over the high seas;

*Whereas* Annex 12 to the Convention specifies that those portions of the high seas where search and rescue services will be provided shall be determined on the basis of regional air navigation agreements, which are agreements approved by the Council usually on the advice of regional air navigation meetings;

*Whereas* Annex 12 to the Convention recommends that search and rescue regions should, in so far as practicable, be coincident with corresponding flight information regions and, with respect to those areas over the high seas, maritime search and rescue regions;

*Whereas* Article 69 of the Convention specifies that, if the Council is of the opinion that the air navigation services of a Contracting State are not reasonably adequate for the safe operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose; and

*Whereas* the air navigation services referred to in Article 69 of the Convention include, inter alia, search and rescue services;

*The Assembly resolves that:*

1. search and rescue regions, whether over States' territories or, in accordance with regional air navigation agreement, over an area greater than a State's sovereign airspace or over the high seas, shall be delimited on the basis of technical and operational considerations, including the desirability of coincident flight information regions, search and rescue regions, and, with respect to areas over the high seas,

maritime search and rescue regions, with the aim of ensuring safety, and optimizing efficiency with the least overall cost;

2. States shall ensure the closest practicable cooperation between maritime and aeronautical search and rescue services where they serve the same area and, where practical, establish joint rescue coordination centres to coordinate aeronautical and maritime search and rescue operations;

3. if any search and rescue regions need to extend over the territories of two or more States, or parts thereof, agreement thereon should be negotiated between the States concerned;

4. the providing State in implementing search and rescue services over the territory of the delegating State shall do so in accordance with the requirements of the delegating State, which shall establish and maintain in operation such facilities and services for the use of the providing State as are mutually agreed to be necessary;

5. any delegation of responsibility by one State to another or any assignment of responsibility over the high seas shall be limited to technical and operational functions pertaining to the provision of search and rescue services in the area concerned;

6. remedies to any inadequacies in the provision of efficient search and rescue services, including over the high seas, should be sought through negotiations with States which may be able to give operational or financial assistance in search and rescue operations, with a view to concluding agreements to that effect;

and, *furthermore*, declares that:

7. any Contracting State which delegates to another State the responsibility for providing search and rescue services within its territory does so without derogation of its sovereignty; and

8. the approval by Council of regional air navigation agreements relating to the provision by a State of search and rescue services within areas over the high seas does not imply recognition of sovereignty of that State over the area concerned.

#### **Associated practices**

1. Contracting States should, in cooperation with other States and the Organization, seek the most efficient delineation of search and rescue regions and consider, as necessary, pooling available resources or establishing jointly a single search and rescue organization to be responsible for the provision of search and rescue services within areas extending over the territories of two or more States or over the high seas.

2. The Council should encourage States whose air coverage of the search and rescue regions for which they are responsible cannot be ensured because of a lack of adequate facilities, to request assistance from other States to remedy the situation and to negotiate agreements with appropriate States regarding the assistance to be provided during search and rescue operations.



## APPENDIX O

### Coordination of civil and military air traffic

*Whereas* the airspace as well as many facilities and services should be used in common by civil aviation and military aviation;

*Whereas* Article 3(d) of the Convention requires that Contracting States, when issuing regulations for their State aircraft, have due regard for the safety of navigation of civil aircraft;

*Recognizing* that growing air traffic demand would benefit from greater access to airspace used for military purposes and that satisfactory solutions to the problem of common use of airspace have not evolved in all areas;

*Whereas* although full integration of the control of civil and military air traffic may be regarded as the ultimate goal, improvement in coordination in many States offers, at the present time, an immediate approach towards resolution of existing difficulties; 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 international civil air traffic;
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; and
3. the Council shall endeavour to support States in the establishment of civil/military agreements by providing advice and guidance.

### Associated practices

1. Contracting States should as necessary initiate or improve the coordination between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.
2. The Council should ensure that the matter of civil and military coordination in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings.
3. 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.

## **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; and
4. States should ensure that safety management systems are introduced at their aerodromes.

### **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; and
- b) 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.

## **APPENDIX Q**

### **Ground and flight testing of radio navigation aids**

*Whereas* it is essential that the performance of radio navigation aids is checked through regular testing; and

*Whereas* the development of greatly improved ground testing facilities would minimize the need for flight testing;

*The Assembly resolves that:*

1. pending the possible availability of greatly improved ground testing facilities, radio navigation aids shall be checked through regular flight testing; and

2. to minimize the need for periodic flight testing, improvements should be made to radio navigation ground equipment, including associated ground testing and monitoring facilities, which would provide the same level of assurance of performance as flight testing.

### **Associated practices**

1. Pending the possible development of greatly improved ground testing facilities, Contracting States should establish their own flight test units, establish joint units with other States or conclude agreements to have flight tests performed on their behalf by States or agencies with suitable facilities.

2. The Council should continue its efforts to coordinate arrangements by Contracting States for the regular flight testing of their radio navigation aids.

3. The Council should investigate, in consultation with Contracting States that are engaged in the development and manufacture of radio navigation systems, all possible means of improving ground testing facilities so as to minimize the need for periodic flight testing.

4. The Council should circulate to Contracting States information concerning significant developments with respect to improvements to radio navigation ground equipment, including associated ground testing and monitoring facilities, to the extent that those developments will serve to minimize the need for flight testing.

## **APPENDIX R**

### **Adequate conditions of employment for aviation ground personnel**

*Whereas* conditions of employment that do not correspond to the qualifications and responsibilities of aviation ground services personnel constitute a major cause of difficulty in recruiting suitably qualified personnel and retaining them after completion of the training; and

*Whereas* this difficulty is impeding the satisfactory implementation of Regional Plans, SARPs and PANS;

*The Assembly resolves* that conditions of employment for personnel in the aviation ground services should be commensurate with the qualifications required and the responsibility carried by them.

## **APPENDIX S**

### **Participation by States in the technical work of ICAO**

*Whereas* the technical contributions of Contracting States are essential to attain satisfactory progress in the technical work of the Organization;

*Whereas* difficulties are from time to time experienced in obtaining prompt and adequate contributions from Contracting States to the technical work of the Organization; and

*Whereas* it is necessary to ensure that maximum benefit is obtained from this participation without imposing an undue burden on Contracting States and the Organization;

*The Assembly resolves* that there is a need for effective technical contributions from Contracting States to the technical work of the Organization.

### **Associated practices**

1. The Council should encourage effective participation by Contracting States in the technical work of the Organization, paying due regard to the need to minimize the cost to the Organization and Contracting States of such participation.

2. In so far as each may find it practicable, Contracting States should:

- a) assist, by correspondence, in advancing ICAO technical projects;
- b) attend ICAO meetings and participate actively in pre-meeting preparations, particularly by presenting advance documentation containing either specific proposals relative to items of the agenda or their views on documentation submitted to them;
- c) participate in ICAO panel activities and ensure that their nominees are suitably qualified and are able to contribute effectively to the panel work;
- d) undertake specialized studies as requested by the Organization; and
- e) assist the Organization in its technical work through any other means the Council may devise.

## **APPENDIX T**

### **The Headquarters' and Regional Offices' technical Secretariat**

*Whereas* there is a continuing need to provide effective assistance to Contracting States in the implementation of Regional Plans, SARPs, PANS and SUPPs;

*Whereas* it is important that the technical Secretariat of Headquarters and the Regional Offices is effectively used to provide assistance to Contracting States in their implementation problems; and

*Whereas* it is important that, for the proper execution of their tasks, the members of the technical Secretariat of Headquarters and the Regional Offices are enabled to maintain their technical proficiency and are kept adequately informed of the latest developments in their particular fields;

*The Assembly resolves that:*

1. the resources of the Headquarters' and Regional Offices' technical Secretariat shall be effectively deployed to provide optimum assistance to Contracting States with their problems relating to the implementation of Regional Plans, SARPs, PANS and SUPPs; and

2. the members of the Headquarters' and Regional Offices' technical Secretariat shall be enabled to maintain their technical proficiency and to keep adequately informed on the latest technical developments.

#### **Associated practices**

1. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to carry out frequent visits of adequate duration when such visits are necessary or are requested by Contracting States to assist them with their implementation problems.

2. To the maximum practicable extent, temporary assignment of specialized personnel from one Regional Office to another and from Headquarters to the Regional Offices should take place when temporary reinforcement in the Regional Offices is required.

3. The members of the Headquarters' and Regional Offices' technical Secretariat should be enabled to keep adequately up to date in their particular fields by, *inter alia*, attendance at selected technical meetings, visits to research and development organizations, witnessing trial applications, and evaluation of new equipment and techniques. However, such visits should not be allowed to take priority over the primary function of the Secretariat to serve the Organization and its several deliberative bodies. Furthermore, the travelling on such visits should be integrated as far as possible with travel necessary for the performance of other ICAO duties.

### **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, 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 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.

## **APPENDIX V**

### **Flight safety and human factors**

*Whereas* the aims and objectives of ICAO as laid down by the Chicago Convention provide for fostering the development of international air transport “. . . so as to . . . promote safety of flight in international air navigation”;

*Whereas* it is recognized that human factors relate to the limitations of human performance in the aviation environment;

*Whereas* the human factors influence is manifested in a majority of accidents (in the order of 70 per cent), there is therefore a continuing need to adopt appropriate measures aimed at reducing the number of aircraft accidents;

*Whereas* the increased use of automation and the introduction of new technology with its associated complexity in both flight and ground operations may further exacerbate the human factors issues unless appropriate and timely measures are taken;

*Whereas* a number of States are carrying out human factors programmes, the experience they have acquired should be put to practical use, with a view to raising the safety level of air transport; and

*Whereas* it is accepted that in order to bring about substantial progress in raising the aviation safety level, the human factors influence on aircraft accidents must be further reduced;

*The Assembly resolves that:*

1. Contracting States should take into account relevant human factors aspects when designing or certifying equipment and operating procedures and when training and/or licensing personnel;
2. Contracting States should be encouraged to engage in far-reaching cooperation and mutual exchange of information on problems related to the influence of human factors on the safety of civil aviation operations; and
3. the Council should collect and analyse the experience of States and develop and introduce appropriate ICAO material regarding the various aspects of human factors.

## **APPENDIX W**

### **The provision of air traffic services**

*Whereas* in accordance with Annex 11 to the Convention, Contracting States are required to arrange for air traffic services to be provided in airspaces and at aerodromes for which it has been determined that such services would be required;

*Whereas* Annex 11 to the Convention requires Contracting States to ensure that ATS safety management programmes are established; and

*Whereas* cooperative efforts between Contracting States could lead to more efficient air traffic management;

*The Assembly resolves that:*

1. in implementing air traffic services, States shall ensure that the services being provided meet established requirements for safety, regularity and efficiency of international civil aviation;
2. taking into account the need for cost-effective introduction and operation of CNS/ATM systems, States give consideration to cooperative efforts for introducing more efficient airspace management, in particular, in the upper airspace; and
3. States should ensure that safety management programmes are introduced by the relevant air traffic services provider in all airspaces and at all aerodromes where air traffic services are provided.

### **Associated practice**

Contracting States should consider, as necessary, establishing jointly a single air traffic services authority to be responsible for the provision of air traffic services within ATS airspace extending over the territories of two or more States or over the high seas.

#### **A36-14: Use of cross-polar routes**

*Whereas* a new air route structure over the North Pole, linking the North American continent with South East Asia and the Pacific region, has been established within the framework of ICAO;

*Whereas* the establishment of this structure was the result of the combined efforts made by Canada, China, Finland, Germany, Iceland, Japan, Mongolia, Norway, the Russian Federation and the United States who demonstrated an unprecedented spirit of international cooperation in resolving this most complex task;

*Whereas* this structure became operational on 1 February 2001, with the announcement of the Russian Aviation Authorities about the implementation of the cross-polar airways system traversing the waters of the Arctic Ocean;

*Whereas* the implementation of this airways structure using cross-polar routes is an event of exceptional significance as it allows for substantially reduced flight time between destinations in North America and South East Asia and the Pacific region;

*Whereas* the use of cross-polar routes shall be open for aircraft of all Contracting States in accordance with the provisions of the *Convention on International Civil Aviation*;

*Whereas* the use of cross-polar routes holds considerable ecological benefits with regard to environmental protection, and significant economical advantages for passengers and airlines;

*Whereas* the analysis and forecast of traffic density growth on cross-polar airways indicate that it is necessary to take timely measures to further enhance the operational characteristics of the cross-polar routes;

*Whereas* meeting the requirements for enhancing the operational characteristics of the cross-polar airways entails significant financial and material expenditures for ensuring the proper level of safety;

*The Assembly:*

1. *Declares* that, in order to reap the maximum benefits from the implementation of cross-polar routes, it is necessary for the States providing air traffic services within the framework of the new international airways structure using cross-polar routes to endeavour to achieve the utmost extent of coordinated planning to increase the capacity of that structure;

2. *Requests* the Council to take appropriate measures to mobilize the resources of States, international organizations and financial institutions so as to ensure the dynamic development of the new international airways structure using cross-polar routes;



3. *Requests* the Council, as a priority, to monitor the development of the new international airways structure using cross-polar routes, and if necessary, to elaborate recommendations relating to the operation and development of that structure;

4. *Requests* the Council to maintain its coordinating role and support initiatives in the organization of inter-regional activities related to the operation of the international trans-regional airways structure using cross-polar routes, and to the modernization of ATM systems that support these routes; and

5. *Declares* that this resolution supersedes Resolution A33-13.

### **A36-15: 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 and harmonious 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 36th Session of the Assembly:

Appendix A — Economic regulation of international air transport

Appendix B — Statistics

Appendix C — Forecasting and economic planning

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 question, to seek the consultation of expert representatives from Contracting States by the most appropriate means, including the establishment of panels of qualified experts reporting to the Air Transport Committee or of Secretariat study groups, and work 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 A35-18.

## 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 (IATA) 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 ; and

*Whereas* there is a need to adapt to the changing regulatory and operating environment in the air transport field and the Organization has 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;

*The Assembly:*

1. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport and in facilitating liberalization;

2. *Urges* Contracting States that have not yet become parties to the International Air Services Transit Agreement (IATA) 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 important problems arising from the application of air services agreements or arrangements and of any developments achieved or contemplated which tend toward the objective of multilateralism in the exchange of commercial rights;

5. *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;

6. *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;

7. *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;

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

9. *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

10. *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 many 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 to 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 ICAO Contracting 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 among 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 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* the Council has adopted a policy of management by objective which requires measuring 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 validation and storage integrated statistical database provides Contracting States and other users with an efficient online system for the retrieval of statistical data;

*Whereas* a number of Contracting States have still not filed, or have not filed 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 make every effort to provide the statistics required 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 Contracting 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 and economic planning

*Whereas* ICAO's independence in carrying out investigations into trends and in applying economic analyses provides a necessary foundation for fostering the planning and 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 the Strategic Objectives with particular focus on safety, security, environment and efficiency; and

*Whereas* the Organization requires specific forecasts and economic support for airports and air navigation systems planning and environmental 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 analysis 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 and economic planning.

## 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 maximum efficiency in air transport while at the same time safeguarding international civil aviation;

*Whereas* the development of specifications for machine readable travel documents by the Organization has proved effective in the development of systems that accelerate 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, and the protection of passenger and crew health;

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* 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* 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 has established the Universal Implementation of Machine Readable Travel Documents (UIMRTD) project to assist States in matters including project planning, implementation, education, training and system evaluation services, so that States can meet the 2010 deadline for the issuance of MRPs 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 their passports, to protect their passports against passport fraud, and to assist one another in these matters;

2. *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, no later than 1 April 2010;

3. *Urges* Contracting States to ensure that the expiration date of non-machine readable passports falls before 24 November 2015;

4. *Urges* those Contracting States requiring assistance under the UIMRTD project to contact ICAO urgently;

5. *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;

6. *Urges* those States issuing ePassports to join the ICAO PKD; and

7. *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; and

*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;

*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; and

8. *Urges* States and operators, in cooperation with interested international organizations, to make all possible efforts to speed the handling and clearance of air cargo, while ensuring, at the same time, 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 A36-22, *Consolidated statement of continuing ICAO policies and practices related to environmental protection*; 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 options is addressed separately in Assembly Resolution A36-22, *Consolidated statement of continuing ICAO policies and practices related to environmental protection*;

*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 only be 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; and
5. *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 financial efficiency 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 them 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, fares, rates 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, information of a factual character which may be readily available.



**A36-16: Assembly resolutions no longer in force**

*The Assembly declares:*

1. that, subject to the provisions of clause (2) following, the resolutions or parts of resolutions specified in the list below are no longer in force; and

2. that the present action shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or any arrangement made under any of the resolutions specified below and, in particular, shall not cancel or in any way diminish the indebtedness of any Contracting State to the Organization which arose by virtue of any of those resolutions.

| <b>Resolution *</b> | <b>Subject</b>  | <b>No longer in force because</b>   |
|---------------------|---|---|
| A 24-8<br>(II-19)   | Re-examination of the work programme in the air navigation field  | Action completed. The Technical Work Programme has now transitioned to the Air Navigation Integrated Programme (ANIP). The ANIP is maintained in an on-line format within the context of supporting the Business Plan of the Organization. It is a dynamic management tool, which incorporates all modern business practices including all the criteria specified in Resolving Clause 1 of Resolution A24-8 |
| A 33-26<br>(X-7)    | Assessments to the General Fund for 2002, 2003 and 2004   | Action completed  |
| A 35-23<br>(X-11)   | Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention | Action completed  |
| A 33-23<br>(X-11)   | Budgets 2002, 2003 and 2004   | Action completed  |
| A 35-29<br>(X-18)   | Approval of the accounts of the Organization for the financial years 2001, 2002 and 2003 and examination of the Audit Reports thereon   | Action completed  |

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\* The number in brackets refers to the page on which the relevant resolution will be found in Doc 9848

| <b>Resolution*</b> | <b>Subject</b>   | <b>No longer in force because</b> |
|--------------------|--|-----------------------------------|
| A 35-30<br>(X-19)  | Approval of those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial years 2001, 2002 and 2003 and examination of the Audit Reports on the financial statements of the Organization which also cover the United Nations Development Programme accounts | Action completed                  |

### **A36-17: Consolidated Statement of ICAO Policies on Technical Cooperation**

*Whereas* measures towards a new technical cooperation policy have been applied and A33-21, reconfirmed by A35-20, directed the Council to prepare for its consideration a consolidated resolution regarding all technical cooperation activities and programmes;

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution constitute the consolidated statement of ICAO policies on technical cooperation, as these policies exist at the close of the 36<sup>th</sup> Session of the Assembly;
2. *Declares that* this resolution supersedes A16-7, A24-17, A26-16, A27-18, A27-20, A35-20 and A35-21.

## **APPENDIX A**

### **The ICAO Technical Co-operation Programme**

*Whereas* the growth and improvement of civil aviation can make an important contribution to the economic development of States;

*Whereas* civil aviation is important to the technological, economic, social and cultural advancement of all countries and especially of developing countries and their subregional, regional and global cooperation;

*Whereas* ICAO can assist States in advancing their civil aviation and at the same time promote the realization of its Strategic Objectives;

*Whereas* Resolution 222 (IX)A of 15 August 1949 of the United Nations Economic and Social Council, approved by the General Assembly in its Resolution of 16 November 1949 and endorsed by the ICAO Assembly in its Resolution A4-20, entrusted all Organizations of the United Nations system to participate fully in the Expanded Programme of Technical Assistance for Economic Development, and that ICAO, as the United Nations specialized agency for civil aviation, began the execution of technical cooperation projects in 1951 with funding from the United Nations Special Account for Technical Assistance, established pursuant to the above Resolution;

*Whereas* the large deficits experienced from 1983 to 1995 required the definition of a new policy on technical cooperation and a new organizational structure for the Technical Co-operation Bureau;

*Whereas* the implementation of the New Policy on technical cooperation, endorsed by the 31<sup>st</sup> Session of the Assembly, based on the progressive implementation of the core staff concept, the integration of the Technical Co-operation Bureau into the Organization's structure, and the establishment of the ICAO Objectives Implementation Funding Mechanism, as well as the new organizational structure for the Technical Co-operation Bureau implemented in the 1990s, significantly reduced costs and substantially improved the financial situation of the Technical Co-operation Programme;

*Whereas* the objectives of the New Policy emphasized the importance of the Technical Co-operation Programme in the global implementation of ICAO Standards and Recommended Practices (SARPs) and Air Navigation Plans (ANPs) as well as the development of the civil aviation infrastructure and human resources of developing States in need of assistance from ICAO;

*Whereas* A35-21 encouraged the Council and the Secretary General to adopt a structure and mechanism that would use commercially oriented practices to allow fruitful partnerships with funding partners and recipient States;

*Whereas* the Council agreed that greater operational flexibility should be accorded to the Technical Co-operation Bureau with the appropriate oversight and control over technical cooperation activities;

*Whereas* all technical cooperation activities of the Organization continue to be based on the principle of cost recovery and measures should be taken to minimize administrative and operational costs to the extent possible; and

*Whereas* standardization and monitoring of SARPs implementation remain important functions of the Organization and emphasis has been placed on ICAO's role towards implementation and support to Contracting States.

*The Assembly:*

*Technical Co-operation Programme*

1. *Recognizes* the importance of the Technical Co-operation Programme for promoting the achievement of the Strategic Objectives of the Organization;

2. *Reaffirms* that the Technical Co-operation Programme, implemented within the rules, regulations and procedures of ICAO, is a permanent priority activity of ICAO that complements the role of the Regular Programme in providing support to States in the effective implementation of SARPs and ANPs as well as in the development of their civil aviation administration infrastructure and human resources;

3. *Reaffirms* that, within the existing financial means, the ICAO Technical Co-operation Programme should be strengthened, at Regional Office and field level, in order to allow the Technical Co-operation Bureau to play its role more efficiently and effectively with the understanding that no increase in project costs will be incurred;

4. *Reaffirms* that the Technical Co-operation Bureau is one of the main instruments of ICAO to assist States in remedying their deficiencies in the field of civil aviation for the benefit of the international civil aviation community as a whole;

5. *Affirms* that improved coordination of ICAO's technical cooperation activities should be achieved through clear delineation of each Bureau's mandate and activities, and enhanced cooperation, as well as closer coordination of the Technical Co-operation Programme and other ICAO assistance programmes for the avoidance of duplication and redundancy;

6. *Reaffirms* that, in the event that the Administrative and Operational Services Cost (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;

7. *Requests* the Secretary General to implement greater efficiency measures leading to a gradual reduction of administrative support costs charged to technical cooperation projects;

*ICAO as the recognized agency for civil aviation*

8. *Recommends* to donor States, financing institutions and other development partners, including the aviation industry and the private sector, wherever appropriate, to give preference to ICAO for the identification, formulation, analysis, implementation and evaluation of civil aviation projects in the field of technical assistance, and *requests* the Secretary General to continue communication with such entities and with potential recipient States, with a view to allocating funds for the development of civil aviation, using ICAO as executing agency;

9. *Recommends* to Contracting States with bilateral or other government-sponsored aid programmes to consider the value of using the ICAO Technical Co-operation Programme in helping to implement their programmes of assistance to civil aviation;

*Expansion of ICAO Technical Co-operation Activities*

10. *Reaffirms* that in adopting commercially oriented practices for the Technical Co-operation Bureau, there is a need to ensure that the good reputation of ICAO is maintained;

11. *Reaffirms* the need to expand the provision of technical cooperation by ICAO to the non-State entities (public or private) directly involved in civil aviation, in furtherance of ICAO Strategic Objectives, such assistance to encompass, *inter alia*, those activities that were traditionally provided by national civil aviation administrations and are being privatized to some degree, where the State shall, nonetheless, continue to be responsible under the Chicago Convention for the quality of the services provided and their compliance with ICAO SARPs, and *requests* the Secretary General to inform the civil aviation authority concerned of the technical aspects of the project immediately upon the start of negotiations with non-State entities;

12. *Reaffirms* that ICAO should expand the provision of technical cooperation services, upon request, to non-State entities (public and private) that are implementing projects in Contracting States in the field of civil aviation which aim at enhancing the safety, security and efficiency of international air transport, and *directs* the Secretary General to consider, on a case-by-case basis, the requests of such entities for ICAO assistance in the traditional technical cooperation areas, with particular regard to project compliance with ICAO SARPs and, as applicable, to relevant national policies and regulations promulgated by the recipient State;

*Technical Co-operation Agreements*

13. *Reaffirms* that ICAO, within the framework of its Technical Co-operation Programme, uses Trust Fund Agreements (TF), Management Services Agreements (MSA), the Civil Aviation Purchasing Service (CAPS) and other framework agreements and funding arrangements as may be necessary to provide maximum assistance to stakeholders implementing civil aviation projects; and

14. *Views* with satisfaction the initiative of States to make greater use of these arrangements to obtain technical and operational assistance in the field of civil aviation;

**APPENDIX B**

**Funding of the Technical Cooperation Programme**

*Whereas* funds available for technical assistance in the field of civil aviation are insufficient to meet the needs of civil aviation, especially in the developing countries;

*Whereas* civil aviation administrations of Least Developed Countries are, in particular, those needing the most support while, at the same time, relying mostly on financial institutions and sector industry to fund their technical cooperation projects;

*Whereas* UNDP funding is directed mainly to development sectors other than civil aviation, and its financial contribution to civil aviation activities has considerably decreased to a level where it represents less than one per cent of the ICAO Technical Co-operation Programme, but UNDP continues to provide administrative support to ICAO at the country level;

*Whereas* rapid technical development in civil aviation requires from developing States substantial expenditures in aviation ground facilities to match that development, and continues to increase requirements for training of national aeronautical personnel that are beyond their financial resources and training facilities;

*Whereas* the Assembly introduced the ICAO Objectives Implementation Funding Mechanism with a view to mobilizing additional resources for technical cooperation projects identified as required to support the implementation of SARPs and the facilities and services listed in the ANPs, as well as the implementation of ICAO audit-related recommendations and the rectification of identified deficiencies;

*Whereas* funding institutions expect from those implementing the projects they finance, expedient and effective project execution as well as detailed and real-time information on project activities and finances;

*Whereas* the Assembly established the International Financial Facility for Aviation Safety to encourage voluntary contributions for projects aiming at the rectification of safety-related deficiencies;

*The Assembly:*

1. *Recognizes and encourages* the action taken by the Council in the field of technical cooperation, which has been effectively provided with the limited funds available and making use of all available appropriate funding sources and facilities;

2. *Requests* financing institutions, donor States and other development partners, including the industry and the private sector, to give higher priority to the development of the air transport sub-sector in developing countries and *requests* the President of the Council, the Secretary General and the Secretariat to intensify their contacts with UNDP to increase its contribution to ICAO's technical cooperation projects;

3. *Draws the attention* of financing institutions, donor States and other development partners to the fact that ICAO is the Specialized Agency of the United Nations concerned with civil aviation and, as such, is accepted by the United Nations as the expert authority in carrying out technical cooperation for developing countries in civil aviation projects;

4. *Urges* Contracting States that are associated with funding sources to draw the attention of their representatives to these organizations towards the value of providing assistance to civil aviation projects, particularly where these are necessary for the provision of the vital air transport infrastructure and/or the economic development of a country;

5. *Urges* Contracting States to give high priority to civil aviation development, and, when seeking external assistance for this purpose, to stipulate to financing institutions through an appropriate level of government that they wish ICAO to be associated as executing agency with civil aviation projects which may be funded;

6. *Encourages* the actions of developing countries in seeking funds for the development of their civil aviation from all appropriate sources to complement funds available from national budgets, financial institutions, donor States and other development partners so that such development may progress at the maximum feasible rate;

7. *Recognizes* that extra-budgetary contributions from donors will allow the Technical Co-operation Programme to expand its services to States in relation to safety, security and efficiency in civil aviation, thus further contributing to the achievement of the Strategic Objectives, in particular to the implementation of SARPs and the rectification of deficiencies identified by audits;

8. *Authorizes* the Secretary General to receive, on behalf of the ICAO Technical Co-operation Programme, financial and in-kind contributions to technical cooperation projects, including voluntary contributions in the form of scholarships, fellowships, training equipment and funds for training, from States, financing institutions and other public and private sources and to act as an intermediary between States regarding the granting of scholarships, fellowships and provision of training equipment;

9. *Urges* those States which are in a position to do so to provide additional funds to the ICAO Technical Co-operation Programme for the provision of civil aviation fellowships in cash or in kind;

10. *Encourages* States and other development partners, including the industry and the private sector, to contribute to the ICAO Objectives Implementation Funding Mechanism which allows them to participate in the implementation of ICAO's civil aviation projects;

11. *Requests* the Council to advise and assist developing countries to secure the support of financing institutions, donor States and other development partners in implementing ICAO regional and sub-regional safety and security programmes, such as the Co-operative Operational Safety and Continuing Airworthiness Programme (COSCAP) and Cooperative Aviation Security Programme (CASP);

## APPENDIX C

### Implementation of the Technical Cooperation Programme

*Whereas* the aim of ICAO is to ensure the safe and orderly growth of international civil aviation throughout the world;

*Whereas* the implementation of technical cooperation projects complements the Regular Programme efforts towards the achievements of ICAO's Strategic Objectives;

*Whereas* Contracting States increasingly call upon ICAO to provide advice and assistance to implement SARPs and develop their civil aviation through the strengthening of their administration, the modernization of their infrastructure and the development of their human resources;

*Whereas*, on an urgent basis, there is a need for effective follow-up and remedial action as a result of the ICAO Universal Safety Oversight Audit Programme (USOAP) and Universal Security Audit Programme (USAP) audits in order to provide support to States in addressing the identified deficiencies;

*Whereas* extra-budgetary funding provided to the Technical Co-operation Programme allows ICAO, through its Technical Co-operation Bureau, to provide initial support to States requiring assistance to address the deficiencies identified in the USOAP and USAP audits;

*Whereas* implementation of projects in compliance with ICAO SARPs by the Technical Co-operation Bureau or any other third party outside ICAO results in substantially enhanced safety, security and efficiency of civil aviation worldwide;

*Whereas* ex-post evaluations could constitute a valuable tool for establishing the impact of projects on aviation and for the planning of future projects;

*Whereas* non-State entities (public and private) implementing projects for Contracting States in the field of civil aviation increasingly call upon ICAO, through the Technical Co-operation Bureau, to provide advice and assistance in the traditional technical cooperation fields and ensure project compliance with ICAO SARPs;

*The Assembly:*

1. *Draws the attention* of Contracting States requesting assistance to the advantages to be derived from well-defined projects based on civil aviation master plans;

2. *Draws the attention* of Contracting States to the assistance provided through sub-regional and regional projects executed by ICAO, such as COSCAPs and CASPs and *urges* the Council to continue to give high priority to management and implementation of such projects through the Technical Co-operation Programme in view of the great benefit such projects represent;

3. *Urges* States to give high priority to the training of their national civil aviation technical, operational and management personnel through the development of a comprehensive training programme and *reminds* States of the importance of making adequate provision for such training and of the need to provide suitable incentives to retain the services, in their respective fields, of such personnel after they have completed their training;

4. *Encourages* States to concentrate their efforts upon the further development of existing training centres and to support Regional Training Centres which are located in their area for the advanced training of their national civil aviation personnel where such training is not available nationally, so as to promote a self-reliant capability within that region;

5. *Urges* States receiving assistance through ICAO to avoid project implementation delays by ensuring timely decisions regarding experts, training and procurement components in accordance with the terms of the project agreements;

6. *Draws the attention* of Contracting States to the Civil Aviation Purchasing Service (CAPS), which is a facility provided by ICAO to developing countries to purchase high value items of civil aviation equipment and to contract for technical services;

7. *Requests* that Contracting States, in particular, developing countries, encourage fully qualified technical experts to apply for inclusion in ICAO's Technical Co-operation Programme roster of experts;

8. *Encourages* States to make use of the quality assurance services offered by the Technical Co-operation Bureau, on a cost-recovery basis, for the supervision of projects implemented by third parties outside the Technical Co-operation Programme of ICAO, including the review of their compliance with ICAO SARPs and

9. *Encourages* States and donors to include, and provide funding for, ex-post evaluations of their civil aviation projects as an integral part of project planning and implementation.

#### **A36-18: Financial contributions to the Aviation Security Plan of Action**

*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* the threat of terrorist acts, unlawful seizure of aircraft and other acts of unlawful interference against civil aviation, including acts aimed at destruction of aircraft, as well as acts aimed at using the aircraft as a weapon of destruction, have a serious adverse effect on the safety, efficiency and regularity of international civil aviation, endanger the lives of persons on board and on the ground and undermine the confidence of the peoples of the world in the safety of international civil aviation;

*Recalling* its Resolution A35-10;

*Endorsing* the Aviation Security Plan of Action adopted by the Council, to urgently address the new and emerging threats to civil aviation, in particular the establishment of an ICAO Universal Security Audit Programme relating to, *inter alia*, airport security arrangements and civil aviation security programmes, the review of the adequacy of the existing aviation security conventions and the review of the ICAO aviation security programme, including a review of Annex 17 and other related Annexes to the Convention;

*Convinced* that aviation security remains a critical and priority programme of ICAO and of the need to establish and implement work programmes in the next triennium to address the issues identified under Assembly Resolution A35-10; and



*Noting* that the Secretary General had integrated close to 50 per cent of the Aviation Security Plan of Action into the Regular Budget and that the funding required to implement the work programme relating to aviation security could not be fully included within the Regular Budget for 2008-2010 due to budgetary and financial constraints;

*The Assembly:*

1. *Expresses* its appreciation to the Contracting States for the voluntary contributions in the form of human and financial resources expected to reach at least U.S. \$ 4.6 million by the end of 2008 for the implementation of the Aviation Security Plan of Action during the 2008-2010 triennium;

2. *Urges* all Contracting States, as soon as possible, and preferably as part of their 2008 assessment, to provide voluntary contributions to finance the implementation of the Aviation Security Plan of Action, the suggested contributions to be based upon the 2008 scales of assessments approved by the Assembly for the Regular Budget;

3. *Urges* all Contracting States to make pledges of voluntary contributions in advance and make contributions early in 2008 so as to ensure the proper planning and implementation of the Aviation Security Plan of Action;

4. *Urges* the Council to support the long term sustainability of the Aviation Security Plan of Action by continuing to incorporate the funding requirements within the Regular Budget progressively, and accordingly *requests* that the Secretary General make specific proposals for their complete integration in Programme budgeting for 2011-2013; and

5. *Declares* that this resolution supersedes Assembly Resolution A 35-10.

#### **A36-19: Threat to civil aviation posed by man-portable air defence systems (MANPADS)**

*Expressing* its deep concern regarding the global threat posed to civil aviation by terrorist acts, in particular the threat posed by man-portable air defence systems (MANPADS), other surface-to-air missiles systems, light weapons and rocket-propelled grenades;

*Recalling* United Nations General Assembly resolutions 61/66 on the illicit trade in small arms and light weapons in all its aspects, 60/77 on prevention of the illicit transfer and unauthorized access to and use of man-portable air defence systems, 61/71 on assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them and 60/288 on the United Nations Global Counter Terrorism Strategy;

*Noting* the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons (A/60/88) and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Elements for Export Controls of MANPADS, and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and other Related Material;

*Noting* with satisfaction the ongoing efforts of other international and regional organizations aimed at developing a more comprehensive and coherent response to the threat to civil aviation posed by MANPADS; and

*Recognizing* that the specific threat posed by MANPADS requires a comprehensive approach and responsible policies on the part of States;

*The Assembly:*

1. *Urges* all Contracting States to take the necessary measures to exercise strict and effective controls on the import, export, transfer or retransfer and stockpile management of MANPADS and associated training and technologies, as well as limiting the transfer of MANPADS production capabilities;

2. *Calls upon* all Contracting States to cooperate at the international, regional and sub-regional levels with a view to enhancing and coordinating international efforts aimed at implementing countermeasures carefully chosen with regard to their effectiveness and cost, and combating the threat posed by MANPADS;

3. *Calls upon* all Contracting States to take the necessary measures to ensure the destruction of non-authorized MANPADS in their territory, as soon as possible;

4. *Urges* all Contracting States to implement the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons as referred to in the United Nations General Assembly resolution 61/66 on the illicit trade in small arms and light weapons in all its aspects;

5. *Urges* all Contracting States to apply the principles defined in the Elements for Export Controls of MANPADS of the Wassenaar Arrangement;

6. *Directs* the Council to request that the Secretary General monitor on an on-going basis the threat to civil aviation posed by MANPADS, continuously develop appropriate countermeasures to this threat, and periodically request that Contracting States inform the Organization regarding the status of implementation of the resolution and the measures taken to fulfil its requirements; and

7. *Declares* that this resolution supersedes Resolution A35-11.

**A36-20: 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 A35-9 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 A 35-9, Appendices A to H inclusive, and has amended the statement to reflect the decisions taken during the 36th 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 36th 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 A35-9.

## **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 the unlawful seizure of aircraft, or by attack on aviation facilities and other acts of unlawful interference against civil aviation, have 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 A35-11 and the recommendations of the High-level, Ministerial Conference on Aviation Security held in February 2002; and

*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 emerging threats to civil aviation;

*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 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 Contracting 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, 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, in particular the implementation of the ICAO Aviation Security Plan of Action and ensure that this work is carried out with the highest efficiency and responsiveness;

7. *Welcomes* the integration of 48 percent of the Aviation Security Plan of Action into the Regular Budget and requests the Council to take total integration as an essential parameter of the development of the 2011-2013 triennium budget; and

8. *Urges* all Contracting States to continue to support the ICAO Aviation Security Plan of Action, by concluding voluntary funding memorandums with the Organization since the Plan's full implementation will still be dependent on voluntary contributions until such time as it is fully included in the Regular Budget.

## 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* (Montreal, 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*, (Montreal, 1988) as well as by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montreal, 1991) 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* (Montreal, 1971) and the 1988 Supplementary Protocol to the Montreal Convention, and to the *Convention on the Marking of Plastic Explosives for the Purpose*

*of Detection* (Montreal, 1991). List 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 instruct the Secretary General to continue to remind States of the importance of becoming parties to the Tokyo, The Hague and Montreal Conventions, to the 1988 Supplementary Protocol to the Montreal Convention and 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 or other 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 or other 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 Contracting 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 checked 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 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 and to keep up to date the provisions of Annex 17 to the Chicago Convention;

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 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. *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;

7. *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, not later than 1 April 2010;

8. *Requests* the Council to instruct 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) convene regional aviation security seminars 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 and develop the aviation security training centres (ASTCs) network to ensure training standards are maintained and sound levels of cooperation are achieved; and
- f) continue to analyze potential threats to civil aviation and appropriate preventative measures, involving, among other things, employee access to secured facilities, threats to non-secured areas, MANPADS, effective screening of passengers, baggage and cargo, and the security supply chain and service providers; and

9. *Directs* the Council to instruct 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, as required, designed to assist Contracting States in responding to emerging threats to aviation and implementing the specifications and procedures related to civil aviation security; and

10. *Directs* the Council to instruct the Aviation Security Panel to review its terms of reference and governing procedures at an early date with the objective of removing perceived 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 emerging 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 Montreal Conventions, and the 1988 Supplementary Protocol to the Montreal 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 or to extradite or submit to competent authorities without delay the case of any person accused of an act of unlawful interference with civil aviation; and
9. *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 basis for evaluation and analysis of acts;

*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 Montreal 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 analyze trends and emerging threats to civil aviation;



3. *Directs* the Council to instruct 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 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 analyze reported acts of unlawful interference, inform States on trends and potential and emerging threats, and develop appropriate guidance to deter new and emerging 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 A35-9, 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* promoting the implementation of international aviation security Standards contributes to this objective;

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

*Recalling* that the 35th Session of the Assembly directed the Secretary General to continue the USAP, comprising regular, mandatory, systematic and harmonized aviation security audits to be carried out by ICAO in all Contracting States;

*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;

*Considering* the direction given by the Council of ICAO during its 176th Session on principles to guide the conduct of future aviation security audits following the initial cycle of USAP audits at the end of 2007;

*Recognizing* that the effective implementation of State corrective action plans to address the deficiencies identified through the audit is an integral and critical part of the audit process and to achieving the overall objective to enhance global aviation security;

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

*Recognizing* the importance of a coordinated strategy for working with States that are found to have significant compliance shortcomings with respect to ICAO Standards and Recommended Practices (SARPs), and *noting* the establishment of a high-level Secretariat Audit Results Review Board to assist the Council in its responsibilities;

*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 Contracting 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;
3. *Requests* the Council to ensure the continuation of the USAP following the initial cycle of audits at the end of 2007 guided by the principle of universality, while recognizing that not all States need to be audited at the same frequency; 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*;
4. *Requests* the Council to ensure that the implementation of State corrective action plans continues to be validated through the conduct of follow-up missions or other means;
5. *Urges* all Contracting States to give full support to ICAO by accepting the audit missions as scheduled by the Organization in coordination with relevant States, facilitating the work of the audit teams, and preparing and submitting to ICAO an appropriate corrective action plan to address deficiencies identified during the audit;
6. *Urges* all Contracting States to share, as appropriate and consistent with their sovereignty, the results of the audit carried out by ICAO and the corrective actions taken by the audited State, if requested by another State;
7. *Directs* the Council to consider 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; and
8. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP.

**APPENDIX F**

**Assistance to States in the implementation of technical measures  
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, 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 checked baggage, cargo, mail, courier and express parcels;
3. *Invites* Contracting States to consider requesting assistance from the Implementation Support and Development (ISD) Branch, other international organizations such as the United Nations Development Program, and the Technical Co-operation Programme to meet their technical assistance requirements arising from the need to protect international civil aviation;
4. *Invites* Contracting States to take advantage of short-term remedial assistance available under the ISD Programme and longer-term State assistance projects under the Technical Co-operation Programme to remedy deficiencies identified during audits;
5. *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 the ICAO ISD Programme;
6. *Urges* Contracting States to utilize ICAO aviation security training centres (ASTCs) for security training; and
7. *Urges* the international community to consider increasing assistance to States and enhance 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 bilateral cooperation between States;

*Whereas* the 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 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 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, through the Regional Offices, to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Contracting States;
5. *Recommends* 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 emerging 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 Air Line 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.

### **A36-21: Preventing the introduction of invasive alien species**

*Whereas* the global community has increasingly recognized the threat to biological diversity posed by invasive alien species;

*Whereas* international transportation, including civil air transportation, represents a potential pathway for the introduction of invasive alien species; and

*Whereas* the Convention on Biological Diversity, the Global Invasive Species Programme and other intergovernmental and non-governmental international organizations are currently working on means to effectively assess and manage alien species that threaten ecosystems, habitats and native species;

*The Assembly:*

1. *Urges* all Contracting States to support one another's efforts to reduce the risk of introducing, through civil air transportation, potentially invasive alien species to areas outside their natural range;

2. *Requests* the ICAO Council to continue working with the appropriate organizations in this regard; and

3. *Declares* that this resolution supersedes Resolution A35-19.

### **A36-22: Consolidated statement of continuing ICAO policies and practices related to environmental protection**

*Whereas* in Resolution A35-5 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 A35-5 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 35th Session of the Assembly in the field of aircraft noise and engine emissions, including new ICAO guidance material on market-based measures to limit or reduce emissions from aviation; and

Considering the need to define specific appendices to reflect ICAO's policy to address aviation's impact on local air quality (Appendix H) and global climate (Appendices I, J, K and L);

*The Assembly:*

1. *Resolves* that the Appendices attached to this Resolution and listed below constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection, as these policies exist at the close of the 36th 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
- Appendix I — Aviation impact on global climate — Scientific understanding
- Appendix J — Aviation impact on global climate — Cooperation with UN and other bodies
- Appendix K — ICAO Programme of Action on international aviation and climate change
- Appendix L — Market-based measures, including emissions trading

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

3. *Declares* that this resolution supersedes Resolution A35-5.

## **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;

*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 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 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 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 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) and has notified Contracting States of this action;

*Recognizing* noise and Local Air Quality -related charges are in use at some airports and ICAO policy guidance exists on this subject (*ICAO's Policies on Charges for Airports and Air Navigation Services*, Doc 9082);

*Whereas* aircraft engine emissions have an environmental impact at both the local and global levels which, while not fully understood, is a cause of concern;

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



*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 aircraft engine emissions; and

*Noting* Resolution A35-14 (Appendix Q), drawing the attention of aircraft manufacturers and operators to the 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 jet aircraft;

*The Assembly:*

1. *Welcomes* the adoption by the Council in June 2001 of the new, more stringent aircraft noise standard in Annex 16, Volume I, Chapter 4 and the new, more stringent standards for emissions of oxides of nitrogen to be implemented on 1 January 2008;

2. *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;

3. *Welcomes* the adoption by the Council in March 2007 of the medium- and long-term technology goals for Nitrogen Oxides (NO<sub>x</sub>);

4. *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 noise and fuel burn, in addition to the recent development of NO<sub>x</sub> goals;

5. *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;

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

7. *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;

8. *Urges* Contracting States to follow, where appropriate, the ICAO provisions developed pursuant to Clause 2 of this Appendix; and

9. *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 the IPCC 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;
- 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
- 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;

*Whereas* it is also expected that the new standard contained in Annex 16, Volume I, Chapter 4 will increase 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* many pollutants affecting local and regional air quality from aircraft engines have declined dramatically over the last few decades;

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

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

*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; and

*Noting* that the Council has agreed that it would be useful to develop a report that would consider the application of all measures relating to local air quality emissions, using technological, operational and market-based approaches and that ICAO is currently working on this issue;

*The Assembly:*

1. *Requests* the Council to monitor and develop its knowledge of, in cooperation with other relevant international bodies such as WHO, the effects of aviation emissions of particulate matter, nitrogen oxides 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 continue its work to develop long-term technology and operational goals with respect to aviation environmental issues, including nitrogen oxides from aircraft;

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

5. *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;

6. *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 2010;

7. *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;

8. *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

9. *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.

## APPENDIX I

### **Aviation impact on global climate - Scientific understanding**

*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;

*The Assembly:*

1. *Requests* the Council to:
  - a) 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) continue to cooperate closely with the IPCC and other organizations involved in the assessment of aviation's contribution to environmental impacts on the atmosphere.
2. *Urges* 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 recently released Fourth Assessment report; and
  - b) ensure that future international assessments of climate change undertaken by IPCC and other relevant United Nations bodies include updated information on aircraft-induced effects on the atmosphere;
3. *Encourages* the Council to promote improved understanding of the potential use, and the related emissions impacts, of alternative aviation fuels; and
4. *Encourages* the Council and States to keep up to date and cooperate in the development of predictive analytical models for the assessment of aviation impacts.

## APPENDIX J

### **Aviation impact on global climate - Cooperation with UN and other bodies**

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

*Acknowledging* the principles of non-discrimination and equal and fair opportunities to develop international civil aviation set forth in the Chicago Convention, as well as the principles and provisions on common but differentiated responsibilities and respective capabilities under the UNFCCC and the Kyoto Protocol;

*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);

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

*Whereas* the first commitment period of the Kyoto Protocol expires in 2012 and discussions on the follow up to this instrument are being undertaken and ICAO will need to continue to address its responsibility and demonstrate leadership to limit or reduce GHG emissions from international civil aviation;

*Whereas* all stakeholders expect ICAO to demonstrate leadership in mitigating the negative effects of GHG emissions by aviation, and to develop a vision to integrate these environmental objectives into ICAO’s Business Plan and other ICAO programmes;

*Recognizing* the relevance of climate change and economic development in the context of the UN Millennium Development Goals (MDGs) and the role of aviation in helping achieve these goals;

*Noting* it is important to address aircraft emissions without losing sight of their proper context in assessing overall GHG emissions from aviation, the transportation sector, and general economic activity; and

*Noting* that different regions of the world are experiencing wide differences in absolute levels of aviation emissions and aviation emissions growth rates both internationally and domestically;

*The Assembly:*

1. *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 United Nations Framework Convention on Climate Change (UNFCCC) and its Subsidiary Body for Scientific and Technological Advice (SBSTA);

## APPENDIX K

### ICAO Programme of Action on international aviation and climate change

*Whereas* ICAO and its Contracting 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;

*Whereas* the rapid growth of civil aviation has generally increased the aviation industry's contribution to greenhouse gas emissions;

*Acknowledging* the principles of non-discrimination and equal and fair opportunities to develop international civil aviation set forth in the Chicago Convention, as well as the principles and provisions on common but differentiated responsibilities and respective capabilities under the UNFCCC and the Kyoto Protocol;

*Whereas* the ICAO Council has developed policy options to limit or reduce the environmental impact of aircraft engine emissions from civil aviation and work is in progress on technology and standards, on operational measures and on market-based measures to reduce emissions;

*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 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;

*Acknowledging* the significant progress made in the aviation sector, with aircraft produced today being about 70 percent more fuel efficient per passenger kilometre than 40 years ago, with airlines of some Contracting States achieving net reductions in emissions over the past several years despite a simultaneous increase in operations, and with the commitment of the international airline industry to achieving a further 25 percent fuel efficiency improvement between 2005 and 2020;

*Noting* that the next generation of aircraft technology and modernization of air traffic systems are expected to deliver additional improvements in flight and fuel efficiency that can be encouraged by ICAO through its Global Air Navigation Plan;

*Recognizing* that ICAO Standards and goals for NO<sub>x</sub>, although intended to address local air quality, will also help reduce the impact of aviation on the climate;

*The Assembly:*

1. *Requests* that the Council facilitate action by States by vigorously developing policy options to limit or reduce the environmental impact of aircraft engine emissions, developing concrete proposals

and providing advice as soon as possible to the Conference of the Parties of the UNFCCC, encompassing technical solutions and market-based measures, while taking into account potential implications of such measures for developing as well as developed countries;

2. *Requests* the Council to:

- a) form a new Group on International Aviation and Climate Change composed of senior government officials representative of all ICAO regions, with the equitable participation of developing and developed countries, with technical support provided by the Committee on Aviation Environmental Protection, for the purpose of developing and recommending to the Council an aggressive Programme of Action on International Aviation and Climate Change, based on consensus, and reflecting the shared vision and strong will of all Contracting States, including:
  - 1) an implementation framework consisting of economically efficient and technologically feasible strategies and measures that Contracting States can use to achieve emissions reductions, encompassing *inter alia*:
    - voluntary measures (e.g. offsetting);
    - effective dissemination of technological advances both in aircraft and in ground based equipment;
    - more efficient operational measures;
    - improvements in air traffic management;
    - positive economic incentives; and
    - market-based measures;
  - 2) identification of means by which progress can be measured;
  - 3) identification of possible global aspirational goals in the form of fuel efficiency for international aviation and possible options for their implementation; and
  - 4) reporting progress resulting from the actions implemented by Contracting States and Stakeholders;
- b) convene at an appropriate time, taking into account the fact that the fifteenth meeting of the Conference of the Parties (COP15) of the UNFCCC will be held in December 2009, a high-level meeting to review the Programme of Action recommended by the Group;

3. *Requests* that the Council, working through the Committee on Aviation Environmental Protection, continue to develop and keep up-to-date the guidance for Contracting States on the application of measures aimed at reducing or limiting the environmental impact of aircraft engine emissions and to conduct further studies with respect to mitigating the impact of aviation and climate change;

4. *Encourages* Contracting States and the Council, taking into account the interests of all parties concerned, including potential impacts on the developing world, to evaluate or 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;

5. *Requests* that the Council provide the necessary guidance and direction to ICAO's Regional Offices to assist Contracting 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;

6. *Requests* States to encourage the industry to establish challenging goals to constantly improve its performance in aviation emissions reduction;

7. *Requests* Contracting States to accelerate investments on research and development to bring to market even more efficient technology by 2020;

8. *Requests* States to elaborate and report on a set of actions and plans to reduce by 2020 airspace congestion that is contributing to delays and unnecessary fuel burn;

9. *Request* States to encourage airport operators to improve efficiency of airside operations and to implement ground side efficiency measures to reduce carbon intensity;

10. *Requests* that the Council, working through the Committee on Aviation Environmental Protection:

- a) report on an annual basis on the progress achieved in average in-service fleet fuel efficiency and the aggregate annual amount of fuel burned in international civil aviation working in close cooperation with the industry;
- b) forecast the overall potential for aviation emissions reduction in the in-service fleet; and
- c) evaluate and quantify further reduction opportunities for consideration by the upcoming session of the Assembly;

11. *Requests* the Council to undertake the necessary action in support of the ICAO emissions initiative, including the pursuit of the ICAO objectives to limit or reduce the impact of aircraft emissions, to foster collaboration among its Contracting States, and to monitor and report on progress made in this area. In particular, the Council should:

- a) explore relevant parameters and develop medium and long term technology goals for aircraft fuel burn and report back by the next Assembly;
- b) continue to develop the necessary tools to assess the benefits associated with ATM improvements, and to promote the use of the operational measures outlined in ICAO guidance (Cir 303) as a means of limiting or reducing the environmental impact of aircraft engine emissions;
- c) implement an emphasis on increasing fuel efficiency in all aspects of ICAO's Global Air Navigation Plan;
- d) foster, as appropriate, regional, inter-regional and global initiatives with Contracting States to enhance air traffic efficiencies to reduce fuel consumption;



- e) encourage Contracting States to improve air traffic efficiency, which leads to emissions savings and to report on progress in this area;
- f) request Contracting States to submit an inventory of actions they are taking to reduce aviation emissions in their respective countries; and
- g) promote the use of new procedures and technologies that have a potential to provide environmental benefits on the operation of aircraft;

12. *Requests* the Council to encourage States and stakeholders in promoting and sharing best practices applied at airports in reducing the adverse effects of GHG emissions of civil aviation;

13. *Requests* the Council to encourage States and stakeholders to develop models of flow control and air traffic management that optimize environmental benefits;

14. *Requests* States to:

- a) encourage the necessary research and development to provide more environmentally efficient engine and aircraft designs;
- b) accelerate the development and implementation of fuel efficient routings and procedures to reduce aviation emissions;
- c) 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;
- d) promote effective coordination between their authorities involved in aviation in designing more environmentally beneficial air routes and improved operational procedures for international civil aviation;
- e) reduce legal, security, economic and other institutional barriers to enable implementation of the new ATM operating concepts for the environmentally efficient use of airspace; and
- f) cooperate in the development of a regional measurement and monitoring capability in order to allow for the assessment of the environmental benefits accrued from the measures above;

15. *Encourages* action by Contracting States, and other parties involved, to limit or reduce international aviation emissions through voluntary measures, and to keep ICAO informed, and *requests* the Council to instruct the Secretary General to keep up-to-date guidelines that ICAO has developed for such measures, including a template voluntary agreement, and to make available such experience to all parties concerned.

## APPENDIX L

### **Market-based measures, including emissions trading**

*Whereas* market-based measures, including the use of emissions trading, are policy tools that are designed to achieve environmental goals at a lower cost and in a more flexible manner than traditional regulatory measures;

*Recognizing* that Contracting States are responsible for making decisions regarding the goals and most appropriate measures to address aviation's greenhouse gas emissions taking into account ICAO's guidance;

*Acknowledging* the principles of non-discrimination and equal and fair opportunities to develop international civil aviation set forth in the Chicago Convention, as well as the principles and provisions on common but differentiated responsibilities and respective capabilities under the UNFCCC and the Kyoto Protocol;

*Recognizing* that the majority of the Contracting States endorses the application of emissions trading for international aviation only on the basis of mutual agreement between States, and that other Contracting States consider that any open emissions trading system should be established in accordance with the principle of non-discrimination;

*Recognizing* the need to engage constructively to achieve a large degree of harmony on the measures which are being taken and which are planned to provide an appropriate response to the challenge of aviation and climate change while respecting the principles above;

*Whereas* ICAO policies 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* ICAO has developed policy guidance to Contracting States on taxation (*ICAO's Policies on Taxation in the Field of International Air Transport*, Doc 8632), which recommends *inter alia* the reciprocal exemption from all taxes levied on fuel taken on board by aircraft in connection with international air services, a policy implemented in practice through bilateral air services agreements, and also calls on Contracting States to the fullest practicable extent to reduce or eliminate taxes related to the sale or use of international air transport;

*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;

*Noting* that there remains a number of issues of a legal and policy nature regarding the implementation of GHG charges and the integration of aviation into existing emissions trading systems that have not been resolved;

*Noting* that ICAO has issued *Draft Guidance on the Use of Emissions Trading for Aviation* (Doc 9885);

*Whereas* Contracting States have legal obligations, existing agreements, current laws and established policies; and

*Whereas* the establishment of carbon offset schemes has helped to raise public awareness of climate change, and may contribute to emissions reductions in the short term;

*The Assembly:*

1. *Encourages* Contracting States and the Council to adopt measures consistent with the framework outlined below:

a) Emissions-related charges and taxes

- 1) *Affirms* the continuing validity of Council's Resolution of 9 December 1996 regarding emission-related levies;
- 2) *Recognizes* that existing ICAO guidance is not sufficient at present to implement greenhouse gas emissions charges internationally, although implementation of such charges by mutual agreement of States members of a regional economic integration organization on operators of those States is not precluded; and
- 3) *Urges* Contracting States to refrain from unilateral implementation of greenhouse gas emissions charges;

b) Emissions trading

- 1) *Urges* Contracting States not to implement an emissions trading system on other Contracting State's aircraft operators except on the basis of mutual agreement between those States;
- 2) *Requests* States to report on new developments, results and experiences in this area; and
- 3) *Requests* the Council to:
  - a) finalize and keep up-to-date for use by Contracting States, as appropriate, and consistent with this and subsequent Resolutions, the guidance developed by ICAO for incorporating emissions from international aviation into Contracting States' emissions trading schemes consistent with the UNFCCC process; and
  - b) conduct further studies, as appropriate, on various aspects of the implementation of emissions trading systems and evaluate the cost effectiveness of any systems put in place, taking into account the effect on aviation and its growth in developing economies in line with the principles stated above;

- c) conduct an economic analysis of the financial impact of including international aviation in existing trading schemes and undertake literature review of cost-benefit analysis of existing trading systems with a special emphasis on how they have been applied to other sectors in order to draw some pertinent lessons learned for the aviation sector;
- c) Carbon offsets
  - 1) *Requests* the Council to examine the potential for carbon offset mechanisms as a further means of mitigating the effect of aviation emissions on local air quality and climate change; and
  - 2) *Requests* the Council to collect and disseminate information on the results of carbon-offset programmes implemented by States and other Organizations regarding aviation emissions;
- d) Clean Development Mechanism (CDM)
  - 1) *Invites* Contracting States to explore the use of the Clean Development Mechanism (CDM) related to international aviation.

**A36-23: 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 implementation of approach with vertical guidance (APV) is still not widespread;

*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;

*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 Manual* (Doc 9613);

2. *Resolves* that:

- a) States and planning and implementation regional groups (PIRGs) complete a PBN implementation plan by 2009 to achieve:
  - 1) implementation of RNAV and RNP operations (where required) for en route and terminal areas according to established timelines and intermediate milestones; and
  - 2) implementation of approach procedures with vertical guidance (APV) (Baro-VNAV and/or augmented GNSS) 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
- 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 ends serving aircraft with a maximum certificated take-off mass of 5700 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; and

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

**A36-24: 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* there is concern that the current practice by some States of requiring the use of insecticides to disinsect aircraft can result in discomfort and possible adverse health effects to aircraft crews and passengers; 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 hold a consultation on the disinsection of the cabin and flight deck in which:

- a) information on advances of 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; and

3. *Requests* the Council to report on the implementation of this Resolution at the next ordinary Session of the Assembly.

**A36-25: Support of the ICAO policy on radio frequency spectrum matters**

*Whereas* ICAO is the specialized agency of the United Nations responsible for the safety, regularity and efficiency of international civil aviation;

*Whereas* ICAO adopts international Standards and Recommended Practices (SARPs) for aeronautical communications systems and radio navigation aids;

*Whereas* the International Telecommunication Union (ITU) is the specialized agency of the United Nations regulating the use of the radio frequency spectrum;

*Whereas* the ICAO position, as approved by the Council, for ITU World Radiocommunication Conferences (WRCs) is the result of the coordination of international aviation requirements for radio frequency spectrum;

*Recognizing* that the development and the implementation of the communications, navigation, and surveillance/air traffic management (CNS/ATM) systems and the safety of international civil aviation could be seriously jeopardized unless aviation requirements for allocations of radio frequency spectrum are satisfied and protection of those allocations is achieved;

*Recognizing* that support from ITU member administrations is required to ensure that the ICAO position is supported by the WRC and that aviation requirements are met;

*Considering* the urgent need to increase such support due to the growing demand for spectrum and aggressive competition from commercial telecommunications services;

*Considering* the increased level of ITU WRC preparation activities associated with the growing demand for bandwidth from all users of the radio frequency (RF) spectrum, as well as the increased importance of the development of regional positions by regional telecommunication bodies such as APT, ASMG, ATU, CEPT, CITELE and RCC<sup>1</sup>;

*Considering* Recommendations 7/3 and 7/6 of the Special Communications/Operations Divisional Meeting (1995) (SP COM/OPS/95) as well as Recommendation 5/2 of the Eleventh Air Navigation Conference (2003);

*The Assembly:*

1. *Urges* Contracting States and international organizations to support firmly the ICAO position at WRCs and in regional and other international activities conducted in preparation for WRCs by the following means:

- a) undertaking to provide for aviation interests to be fully integrated in the development of their positions presented to regional telecommunications fora involved in the preparation of joint proposals to the WRC;
- b) including in their proposals to the WRC, to the extent possible, material consistent with the ICAO position;
- c) supporting the ICAO position and the ICAO policy statements at ITU WRC's as approved by Council and incorporated in the *Handbook on Radio Frequency Spectrum Requirements for Civil Aviation* (Doc 9718);
- d) undertaking to provide experts from their civil aviation authorities to fully participate in the development of States' and regional positions and development of aviation interests at the ITU; and

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<sup>1</sup> APT: Asia-Pacific Telecommunity; ASMG: Arab Spectrum Management Group; ATU: African Telecommunications Union; CEPT: the European Conference for Posts and Telecommunications; CITELE: Comisión Interamericana de Telecomunicaciones; RCC: Regional Commonwealth in the field of Communication.

- e) ensuring, to the maximum extent possible, that their delegations to regional conferences, ITU study groups and WRCs include experts from their civil aviation authorities or other aviation officials who are fully prepared to represent aviation interests;
2. *Requests* the Secretary General to bring to the attention of ITU the importance of adequate radio frequency spectrum allocation and protection for the safety of aviation; and
3. *Instructs* the Council and the Secretary General, as a matter of high priority within the budget adopted by the Assembly, to ensure that the resources necessary to support increased participation by ICAO in international and regional spectrum management activities are made available.
4. *Declares* that this resolution supersedes Resolution A32-13.

### **A36-26: 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 36th 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 Resolutions A7-6, A10-40, A16-36, A27-3, A31-15, A33-4 and A35-3.

## **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;

*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 A31-15, 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 introducing paragraphs relating to the Arabic and Chinese texts] 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 and the Cape Town instruments of 2001, 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).

### **A36-27: Gender Equality**

*The Assembly:*

*Recalling* various UN declarations and conventions that require States to eliminate discrimination against women, and which *inter alia* call for the advancement of women in all fields, and in particular require States to ensure women participate in the formulation of government policy and the implementation thereof, and to hold public office and perform all public functions at all levels of government;

*Recalling* that the 35th Session of the Assembly, *inter alia*:

- a) noted that the Council will continue to monitor the steps taken in the implementation of the targets and the action plan for the recruitment and status of women in ICAO;
- b) noted that the Secretary-General of the United Nations has urged the International Organizations and Specialized Agencies of the United Nations, such as ICAO, to establish programmes in order to reach the ideal proportion of 50% of female representation in the United Nations system;
- c) instructed the Secretary General to develop an affirmative action programme along the lines of that of equitable geographical representation;
- d) instructed the Council to amend Staff Regulation 4.1 of the ICAO Service Code to reflect the much-needed affirmative action programme as required by the Secretary-General of the United Nations; and
- e) instructed the Secretary General to carefully study and establish family-friendly policies, in the context of the ICAO Secretariat;

*Noting* the actions already undertaken by the Secretary General in accordance with these directives and in particular that Staff Regulation 4.1 of the Service Code has been amended to reflect the fact that “equal gender representation” must also be ensured when considering the appointment and promotion of staff; and that women have been appointed to consultative bodies;

*Noting* the appointment of a woman to a post of Regional Director for the first time in 2006;

*Noting* the appointment of three women to positions of Director at Headquarters in 2007, thereby increasing the level of representation of women at the Director level from 0% to 60%;

*Noting* that the number of women appointed to technical posts had risen from 2 to 6 between 31 December 2004 and 31 December 2006, representing an increase from 22% to 35% of the total appointments made;

*Noting* that in 2006, the Secretary General established an Advisory Body on Gender Equality and Gender Equity and that in January 2007, this Advisory Body had presented a Policy Framework on Gender Equality and Gender Mainstreaming, which contained a number of recommendations to the Secretary General;

*Noting* that all Contracting States had been contacted and their collaboration sought in identifying and encouraging qualified women to apply for positions in the ICAO Secretariat;

Therefore:

1) *Resolves* that:

- a) the Council should continue to monitor and provide support for the steps being taken with respect to improving gender equality in ICAO and is also encouraged to support proposals made by the Secretary General subsequent to the recommendations of the Advisory Body on Gender Equality and Gender Equity.
- b) every effort should continue to be made by ICAO to attain gender equality and equity, with full respect for the principle of equitable geographical representation; bearing in mind that the Secretary-General of the United Nations has urged International Organizations and Specialized Agencies of the United Nations, such as ICAO, to establish programmes in order to achieve the goal of 50/50 gender balance at all levels;
- c) the Council and the Secretary General should continue to advance the work on the Affirmative Action Programme, which should be renamed the Gender Equality Programme, taking into account ongoing developments of the United Nations, particularly with respect to gender mainstreaming;
- d) the family-friendly policies already being established should continue to be developed in the context of the ICAO Secretariat;

2) *Reaffirms* its strong commitment to gender equality and gender equity, in line with the targets and goals of the United Nations, the ICAO Assembly and the ICAO Council and requests the Council to report to the next Assembly on developments made in this regard;

3) *Encourages* States to appoint women as their Representatives at the Assembly, in the Council, and in other meetings or bodies of the Organization.

**A36-28: Term limits for the Offices of Secretary General and the President of the Council**

*Having regard* to the terms of UN Resolution 51/241 “Strengthening the United Nations System”, unanimously adopted by the UN General Assembly in 1997, which recommended that uniform terms of office of four years, renewable once, should be introduced for the executive heads of UN programmes, funds and other bodies of the UN Assembly and the Economic and Social Council; and which encouraged the UN specialized agencies to consider uniform terms and term limits for their executive heads;

*Whereas* the Assembly, pursuant to Article 58 of the *Convention on International Civil Aviation* (Chicago, 1944), may lay down the rules governing the determination by the Council of the method of appointment and of termination of the appointment of the Secretary General;

*Considering* that, on 2 and 9 June 2006, the Council decided that the Secretary General shall be appointed for a specified term of three to four years; and that a Secretary General who has served for two terms shall not be appointed for a third term;

*Whereas* Article 51 does not specify the number of times a President of the Council may be re-elected, leaving it open for a reasonable limit to be applied in practice;

*Acknowledging* that it would be desirable and appropriate to establish term limits for the offices of Secretary General and of President of the Council because such limits, while giving office holders a reasonable period of time in which to achieve the objectives set by the Council before entering office, will also help to ensure that, periodically, ICAO will benefit from an injection of fresh insights and expertise at top level, and from the greater range of leadership styles and cultural and regional diversity which a regular change in the top office holders will bring; and

*Acknowledging* that, for similar reasons, it is desirable to apply these term limits so that no more than two full terms may be served in either or both offices of President of the Council or Secretary General:

*The Assembly:*

1. *Notes* the Council’s decision to introduce a limit of two terms for the office of Secretary General, while maintaining the flexibility to vary the length of such terms between three and four years on the understanding that a four-year term would only apply in exceptional cases;

2. *Requests* the Council to maintain this decision in force;

3. *Urges* Contracting States not to nominate, and *requests* the Council not to admit as a candidate for the office of the President of the Council, anyone who, by the date on which the office is to commence, will have served two full terms as President; and

4. *Urges* Contracting States not to nominate, and *requests* the Council not to admit as a candidate for the office of either President of the Council or Secretary General, anyone who, by the date on which the term of office is to end, would have served for a total of more than two full terms in both offices combined.



**A36-29: Budgets for 2008, 2009 and 2010**

**A.** *The Assembly*, with respect to the Budget 2008-2009-2010, *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 2008, 2009 and 2010;

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 for the years 2008, 2009 and 2010 represent indicative budget estimates only:

| <b>2008</b> | <b>2009</b> | <b>2010</b> |
|-------------|-------------|-------------|
| 9,723,000   | 9,827,000   | 10,328,000  |

*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, provided that the overall requirements shall not at any time exceed the funds placed at the disposal of the Organization for this purpose.

C. *The Assembly*, with respect to the **Regular Programme**:

*Resolves that:*

1. for the financial years 2008, 2009 and 2010, there are hereby authorized for expenditure in accordance with the Financial Regulations, and subject to the provisions of this Resolution, the following amounts in Canadian dollars for the Regular Programme, **separately** for the years stated:

|  | <b>2008</b>       | <b>2009</b>       | <b>2010</b>       |
|--|-------------------|-------------------|-------------------|
| <b>Programme</b>                       |                   |                   |                   |
| A - SAFETY                             | 14,415,000        | 15,014,000        | 16,185,000        |
| B - SECURITY                           | 5,019,000         | 6,532,000         | 8,778,000         |
| C - ENVIRONMENT                        | 1,674,000         | 1,672,000         | 1,755,000         |
| D - EFFICIENCY                         | 20,640,000        | 21,436,000        | 21,304,000        |
| E - CONTINUITY                         | 1,951,000         | 2,114,000         | 2,046,000         |
| F - LAW                                | 607,000           | 658,000           | 790,000           |
| <b>Management &amp; Administration</b> | 18,670,000        | 18,582,000        | 19,638,000        |
| <b>Programme Support</b>               | 14,086,000        | 14,001,000        | 14,871,000        |
| <b>Organizational realignment</b>      | 2,889,000         | 76,000            | 140,000           |
| <b>TOTAL AUTHORIZED APPROPRIATION</b>  | <b>79,951,000</b> | <b>80,085,000</b> | <b>85,507,000</b> |
| <b>Operational</b>                     | 79,386,000        | 79,692,000        | 85,371,000        |
| <b>Capital</b>                         | 565,000           | 393,000           | 136,000           |

2. the separate annual Total Authorized Appropriation be financed as follows in Canadian dollars, in accordance with the Financial Regulations:

|   | <b>2008</b>       | <b>2009</b>       | <b>2010</b>       |
|---|-------------------|-------------------|-------------------|
| a) by Assessments on Contracting States in accordance with Resolution on the Scale of Assessments | 74,184,000        | 74,060,000        | 79,204,000        |
| b) by Miscellaneous Income  | 1,916,000         | 1,917,000         | 1,917,000         |
| c) Ancillary Revenue Generation Fund Surplus  | 3,851,000         | 4,108,000         | 4,386,000         |
| <b>TOTAL</b>  | <b>79,951,000</b> | <b>80,085,000</b> | <b>85,507,000</b> |

3. the Council shall review the method of assessing Contracting States, consistent with Financial Regulation 6.6, in order to determine whether the Secretary General should routinely seek contributions in

more than one currency beginning in 2008, given the need to manage exchange rate risk effectively and also avoid imposing inordinate administrative burdens on either Contracting States or the Secretariat.

**A36-30: Confirmation of Council action in assessing the contributions to the General Fund and determining advances to the Working Capital Fund of States which have adhered to the Convention**

*The Assembly:*

1. *Notes that:*

- a) Financial Regulations 6.9 and 7.5 provide that the Council shall, if the Assembly is not in session, determine the assessment of contributions and the advance to the Working Capital Fund of a new Contracting State, subject to approval or adjustment at the next session of the Assembly; and
- b) the Council has acted accordingly in respect of the States which became a member of the International Civil Aviation Organization after the 35th Session of the Assembly, and assessable, as indicated below;

2. *Confirms* the action of the Council in assessing the contribution and the advance to the Working Capital Fund of the following States at the percentage rate indicated, such assessment rates to apply from the assessable date indicated:

| <b>Name of New Contracting State</b> | <b>Date of Membership</b> | <b>Date from which Assessable</b> | <b>Assessment Rate</b> |
|--------------------------------------|---------------------------|-----------------------------------|------------------------|
| Timor-Leste                          | 3 September 2005          | 1 October 2005                    | 0.06%                  |
| Montenegro                           | 14 March 2007             | 1 April 2007                      | 0.06%                  |

**A36-31: Apportionment of the expenses of ICAO among Contracting States (Principles to be applied in the determination of scales of assessment)**

The Assembly resolves:

1. that scales of assessments for the apportionment of expenses of the Organization shall be determined on the basis of the principles set out below:

- a) The general principles determining the basis of apportionment of expenses among Contracting States are:
  - 1) capacity of Contracting States to pay, as measured by national income, taking into consideration national income per head of population;
  - 2) a Contracting State's interest and importance in civil aviation;

- 3) the use of a percentage system to apportion each State's share of the expenses of the Organization out of the total of 100 per cent;
  - 4) the determination of a minimum and a maximum contribution.
- b) In respect of the principles at paragraph a):
- 1) the percentage system shall express the contributions of States to two places of decimals;
  - 2) the minimum contribution of any one Contracting State shall be .06 per cent for a full financial year;
  - 3) the maximum contribution to be paid by any one Contracting State in any one year shall not, as a matter of principle, exceed 25 per cent of the total contribution.
- c) In the application of the principles at paragraph a), the following shall be taken into account:
- 1) in the computation of the scale, capacity to pay shall carry a weight of 75 per cent and interest and importance in civil aviation a weight of 25 per cent, and from these shall be obtained coefficient figures for each State expressed as percentages of the whole;
  - 2) in taking account of the capacity of Contracting States to pay, only total national income and per capita income shall be considered as being subject to quantitative evaluation and to inclusion in the computed scale;
  - 3) the adjustment to each State's national income shall be based on the arrangements in force in this regard in the United Nations at the time that the scales of assessments of the Organization are prepared by the Secretary General;
  - 4) interest and importance in civil aviation shall be measured by the capacity tonne-kilometres available on each State's scheduled air services;
  - 5) capacity tonne-kilometres shall be given a weight of 75 per cent for international services and 25 per cent for domestic services.
- d) The difference between the maximum contribution by application of the principles and the fixed maximum contribution shall be distributed over the remaining Contracting States by applying the same principles.

- e) The increase in a State's contribution as compared with the previous year's, expressed in per cent of the total contribution, shall not exceed 20 per cent of the previous year's contribution for the year 2008 and no further limitation principle will be applied for subsequent years.

2. that the approved scales of assessments shall not be adjusted to include the assessments of new Member States joining the Organization in the interval between Assemblies; the assessments of these new States shall be kept in addition to the existing 100 per cent scale and their contributions shall be credited to the General Fund;

3. that the draft scales of assessments for each successive triennial period shall be prepared by the Secretary General on the basis of the principles set out in Clause 1 above; and

4. that this resolution consolidates the existing assessment principles of the Organization and supersedes, effective 1 January 2008, resolutions A21-33 and A23-24.

### **A36-32: Assessments to the General Fund for 2008, 2009 and 2010**

*The Assembly:*

1. *Resolves* that the amounts to be assessed on Contracting States for 2008, 2009 and 2010 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out below.

|                            | <u>2008</u> | <u>2009</u> | <u>2010</u> |
|----------------------------|-------------|-------------|-------------|
|                            | %           | %           | %           |
| <b>Afghanistan</b>         | 0.06        | 0.06        | 0.06        |
| <b>Albania</b>             | 0.06        | 0.06        | 0.06        |
| <b>Algeria</b>             | 0.08        | 0.08        | 0.08        |
| <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>           | 0.33        | 0.31        | 0.31        |
| <b>Armenia</b>             | 0.06        | 0.06        | 0.06        |
| <b>Australia</b>           | 1.77        | 1.71        | 1.71        |
| <b>Austria</b>             | 0.74        | 0.71        | 0.71        |
| <b>Azerbaijan</b>          | 0.06        | 0.06        | 0.06        |
| <b>Bahamas</b>             | 0.06        | 0.06        | 0.06        |
| <b>Bahrain</b>             | 0.07        | 0.09        | 0.09        |
| <b>Bangladesh</b>          | 0.08        | 0.08        | 0.08        |
| <b>Barbados</b>            | 0.06        | 0.06        | 0.06        |
| <b>Belarus</b>             | 0.06        | 0.06        | 0.06        |
| <b>Belgium</b>             | 0.83        | 0.80        | 0.80        |
| <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        |

|  | <u>2008</u> | <u>2009</u> | <u>2010</u> |
|--|-------------|-------------|-------------|
| <b>Bolivia</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>                                | 0.92        | 0.89        | 0.89        |
| <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>                                | 2.48        | 2.39        | 2.39        |
| <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>                                 | 0.26        | 0.25        | 0.25        |
| <b>China</b>                                 | 2.42        | 3.67        | 3.67        |
| <b>Colombia</b>                              | 0.21        | 0.20        | 0.20        |
| <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        |
| <b>Costa Rica</b>                            | 0.06        | 0.06        | 0.06        |
| <b>Côte d'Ivoire</b>                         | 0.06        | 0.06        | 0.06        |
| <b>Croatia</b>                               | 0.06        | 0.06        | 0.06        |
| <b>Cuba</b>                                  | 0.07        | 0.07        | 0.07        |
| <b>Cyprus</b>                                | 0.06        | 0.06        | 0.06        |
| <b>Czech Republic</b>                        | 0.18        | 0.22        | 0.22        |
| <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        | 0.54        | 0.54        |
| <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        | 0.16        | 0.16        |
| <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>                              | 0.07        | 0.06        | 0.06        |
| <b>Fiji</b>                                  | 0.06        | 0.06        | 0.06        |
| <b>Finland</b>                               | 0.48        | 0.47        | 0.47        |
| <b>France</b>                                | 5.17        | 5.00        | 5.00        |
| <b>Gabon</b>                                 | 0.06        | 0.06        | 0.06        |

|   | <u>2008</u> | <u>2009</u> | <u>2010</u> |
|---|-------------|-------------|-------------|
| <b>Gambia</b>                           | 0.06        | 0.06        | 0.06        |
| <b>Georgia</b>                          | 0.06        | 0.06        | 0.06        |
| <b>Germany</b>                          | 7.08        | 6.85        | 6.85        |
| <b>Ghana</b>                            | 0.06        | 0.06        | 0.06        |
| <b>Greece</b>                           | 0.46        | 0.44        | 0.44        |
| <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>                          | 0.14        | 0.19        | 0.19        |
| <b>Iceland</b>                          | 0.07        | 0.06        | 0.06        |
| <b>India</b>                            | 0.54        | 0.55        | 0.55        |
| <b>Indonesia</b>                        | 0.29        | 0.28        | 0.28        |
| <b>Iran (Islamic Republic of)</b>       | 0.18        | 0.19        | 0.19        |
| <b>Iraq</b>                             | 0.06        | 0.06        | 0.06        |
| <b>Ireland</b>                          | 0.42        | 0.50        | 0.50        |
| <b>Israel</b>                           | 0.47        | 0.45        | 0.45        |
| <b>Italy</b>                            | 3.71        | 3.59        | 3.59        |
| <b>Jamaica</b>                          | 0.06        | 0.06        | 0.06        |
| <b>Japan</b>                            | 12.16       | 11.75       | 11.75       |
| <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>                           | 0.19        | 0.18        | 0.18        |
| <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>           | 0.06        | 0.06        | 0.06        |
| <b>Lithuania</b>                        | 0.06        | 0.06        | 0.06        |
| <b>Luxembourg</b>                       | 0.38        | 0.36        | 0.36        |
| <b>Madagascar</b>                       | 0.06        | 0.06        | 0.06        |
| <b>Malawi</b>                           | 0.06        | 0.06        | 0.06        |
| <b>Malaysia</b>                         | 0.57        | 0.55        | 0.55        |
| <b>Maldives</b>                         | 0.06        | 0.06        | 0.06        |
| <b>Mali</b>                             | 0.06        | 0.06        | 0.06        |

|                                  | <u>2008</u> | <u>2009</u> | <u>2010</u> |
|----------------------------------|-------------|-------------|-------------|
| Malta                            | 0.06        | 0.06        | 0.06        |
| Marshall Islands                 | 0.06        | 0.06        | 0.06        |
| Mauritania                       | 0.06        | 0.06        | 0.06        |
| Mauritius                        | 0.07        | 0.06        | 0.06        |
| Mexico                           | 1.46        | 1.63        | 1.63        |
| Micronesia (Federated States of) | 0.06        | 0.06        | 0.06        |
| Monaco                           | 0.06        | 0.06        | 0.06        |
| Mongolia                         | 0.06        | 0.06        | 0.06        |
| Montenegro                       | 0.06        | 0.06        | 0.06        |
| Morocco                          | 0.09        | 0.08        | 0.08        |
| Mozambique                       | 0.06        | 0.06        | 0.06        |
| Myanmar                          | 0.06        | 0.06        | 0.06        |
| Namibia                          | 0.06        | 0.06        | 0.06        |
| Nauru                            | 0.06        | 0.06        | 0.06        |
| Nepal                            | 0.06        | 0.06        | 0.06        |
| Netherlands                      | 1.96        | 1.90        | 1.90        |
| New Zealand                      | 0.37        | 0.36        | 0.36        |
| Nicaragua                        | 0.06        | 0.06        | 0.06        |
| Niger                            | 0.06        | 0.06        | 0.06        |
| Nigeria                          | 0.06        | 0.06        | 0.06        |
| Norway                           | 0.57        | 0.55        | 0.55        |
| Oman                             | 0.11        | 0.11        | 0.11        |
| Pakistan                         | 0.16        | 0.16        | 0.16        |
| Palau                            | 0.06        | 0.06        | 0.06        |
| Panama                           | 0.06        | 0.06        | 0.06        |
| Papua New Guinea                 | 0.06        | 0.06        | 0.06        |
| Paraguay                         | 0.06        | 0.06        | 0.06        |
| Peru                             | 0.10        | 0.10        | 0.10        |
| Philippines                      | 0.18        | 0.17        | 0.17        |
| Poland                           | 0.42        | 0.41        | 0.41        |
| Portugal                         | 0.47        | 0.45        | 0.45        |
| Qatar                            | 0.16        | 0.24        | 0.24        |
| Republic of Korea                | 2.45        | 2.37        | 2.37        |
| Republic of Moldova              | 0.06        | 0.06        | 0.06        |
| Romania                          | 0.07        | 0.08        | 0.08        |
| Russian Federation               | 0.73        | 0.79        | 0.79        |
| Rwanda                           | 0.06        | 0.06        | 0.06        |
| Saint Kitts and Nevis            | 0.06        | 0.06        | 0.06        |
| Saint Lucia                      | 0.06        | 0.06        | 0.06        |
| Saint Vincent and the Grenadines | 0.06        | 0.06        | 0.06        |
| Samoa                            | 0.06        | 0.06        | 0.06        |



|   | <u>2008</u> | <u>2009</u> | <u>2010</u> |
|---|-------------|-------------|-------------|
| San Marino                                | 0.06        | 0.06        | 0.06        |
| Sao Tome and Principe                     | 0.06        | 0.06        | 0.06        |
| Saudi Arabia                              | 0.71        | 0.69        | 0.69        |
| Senegal                                   | 0.06        | 0.06        | 0.06        |
| Serbia                                    | 0.06        | 0.06        | 0.06        |
| Seychelles                                | 0.06        | 0.06        | 0.06        |
| Sierra Leone                              | 0.06        | 0.06        | 0.06        |
| Singapore                                 | 1.24        | 1.20        | 1.20        |
| Slovakia                                  | 0.06        | 0.06        | 0.06        |
| Slovenia                                  | 0.07        | 0.07        | 0.07        |
| Solomon Islands                           | 0.06        | 0.06        | 0.06        |
| Somalia                                   | 0.06        | 0.06        | 0.06        |
| South Africa                              | 0.46        | 0.45        | 0.45        |
| Spain                                     | 2.38        | 2.30        | 2.30        |
| Sri Lanka                                 | 0.08        | 0.08        | 0.08        |
| Sudan                                     | 0.06        | 0.06        | 0.06        |
| Suriname                                  | 0.06        | 0.06        | 0.06        |
| Swaziland                                 | 0.06        | 0.06        | 0.06        |
| Sweden                                    | 0.77        | 0.75        | 0.75        |
| Switzerland                               | 1.00        | 0.97        | 0.97        |
| Syrian Arab Republic                      | 0.06        | 0.06        | 0.06        |
| Tajikistan                                | 0.06        | 0.06        | 0.06        |
| Thailand                                  | 0.56        | 0.54        | 0.54        |
| The former Yugoslav Republic of Macedonia | 0.06        | 0.06        | 0.06        |
| Timor-Leste                               | 0.06        | 0.06        | 0.06        |
| Togo                                      | 0.06        | 0.06        | 0.06        |
| Tonga                                     | 0.06        | 0.06        | 0.06        |
| Trinidad and Tobago                       | 0.06        | 0.06        | 0.06        |
| Tunisia                                   | 0.06        | 0.06        | 0.06        |
| Turkey                                    | 0.44        | 0.43        | 0.43        |
| Turkmenistan                              | 0.06        | 0.06        | 0.06        |
| Uganda                                    | 0.06        | 0.06        | 0.06        |
| Ukraine                                   | 0.06        | 0.06        | 0.06        |
| United Arab Emirates                      | 0.64        | 0.88        | 0.88        |
| United Kingdom                            | 5.94        | 5.74        | 5.74        |
| United Republic of Tanzania               | 0.06        | 0.06        | 0.06        |
| United States                             | 25.00       | 25.00       | 25.00       |
| Uruguay                                   | 0.06        | 0.06        | 0.06        |
| Uzbekistan                                | 0.06        | 0.06        | 0.06        |
| Vanuatu                                   | 0.06        | 0.06        | 0.06        |
| Venezuela                                 | 0.16        | 0.15        | 0.15        |
| Viet Nam                                  | 0.07        | 0.09        | 0.09        |

|          | <u>2008</u>   | <u>2009</u>   | <u>2010</u>   |
|----------|---------------|---------------|---------------|
| Yemen    | 0.06          | 0.06          | 0.06          |
| Zambia   | 0.06          | 0.06          | 0.06          |
| Zimbabwe | <u>0.06</u>   | <u>0.06</u>   | <u>0.06</u>   |
|          | <u>100.00</u> | <u>100.00</u> | <u>100.00</u> |

**A36-33: 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 2008:*

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 Council direct the Secretary General 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 no less than \$ 2 000, such minimum amount to be increased proportionately in cases of States that are assessed at more than the minimum contribution of the ICAO scale; 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 Council direct the Secretary General to monitor and review, during the next triennium, the existing incentives for the payment of long-outstanding arrears and make proposals to the next ordinary Session of the Assembly, as necessary, to reinforce the measures taken to reduce contributions in arrears;

12. the Council direct the Secretary General 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

13. this Resolution supersedes Assembly Resolution A35-26.

#### **A36-34: Working Capital Fund**

*The Assembly:*

1. *Notes that:*
  - a) in accordance with Resolution A35-28, 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 only 5.0 per cent compared to 17.7 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 2007;
  - 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 grave 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 2006 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 2007, 2008, 2009 and 2010, 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 2007, 2008 and 2009;
    - 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 A35-28 is no longer effective and is hereby superseded; and
3. *Urges:*
- 1) 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
  - 2) the Contracting States in arrears to meet their obligations to the Organization as promptly as possible, as called for by Resolution A36-33.

### **A36-35: Amendment of the Financial Regulations**

*Whereas* the Council has approved the establishment of an Ancillary Revenue Generation Fund to provide greater impetus and sustainability of revenue generating activities while, at the same time, increasing transparency and accountability for the operations;

*Whereas* the Council has approved the principle of Results-Based Budgeting to better align the financial requirements of the Organization to its planned results;

*Whereas* the Council has approved the adoption of internationally recognized accounting standards approved by the United Nations and the United Nations System's Chief Executive Board for application on or before 1 January 2010 to improve the quality, comparability and credibility of the United Nations system's financial reporting;

*Whereas* the Council has approved further amendments to the Financial Regulations to improve clarity and to better reflect current and future processes and practices with the implementation of a new financial system;

*The Assembly:*

- 1. *Resolves* that the amendments as set out below to Financial Regulations 5.2 and 6.2 are approved effective 1 January 2008;
- 2. *Confirms* the Financial Regulations approved by the Council effective 1 January 2008 as set out in the Appendix to A35-WP/45, AD/11;
- 3. *Notes* that this Resolution supersedes, effective 1 January 2008, all previous resolutions on the Financial Regulations (A12-35, A14-54, A14-55, A18-27, A21-35, A24-29, A32-29, A33-29 and A35-25); and
- 4. *Approves* the following changes to A36-WP/45, AD/11:

#### **Financial Regulation 5.2**

- c) irrespective of a) and b) above, up to the amount by which, for one or more financial years not yet submitted to the Assembly, actual miscellaneous income exceeds the amount of income taken into account by the Assembly in approving the appropriations

for that year or those years to finance expenditure on projects related to the efficient delivery of the Organization's Business Plan.

### **Financial Regulation 6.2**

A cash surplus is defined as the difference between accumulated surplus shown in the financial statements under the General Fund and assessments receivable from Contracting States. A cash surplus may be used to meet expenditures and to finance deficits in the Revolving Fund established under Financial Regulation 7.8, subject to Council approval except that cash surplus at the end of the year prior to the year in which the Assembly is held shall be disposed of in the manner to be decided by the Assembly.

#### **A36-36: Approval of the accounts of the Organization for the financial years 2004, 2005 and 2006 and examination of the Audit Reports thereon**

*Whereas* the accounts of the Organization for the financial years 2004, 2005 and 2006 and the Audit Reports thereon, submitted by the Auditor General of Canada - 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 2004 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 2005 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 2006 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 2004;
5. *Approves* the audited accounts for the financial year 2005; and
6. *Approves* the audited accounts for the financial year 2006.

**A36-37: Approval of those accounts with respect to the United Nations Development Programme activities administered by ICAO as Executing Agency for the financial years 2004, 2005 and 2006 and examination of the Audit Reports on the financial statements of the Organization which also cover the United Nations Development Programme accounts.**

*Whereas* those accounts showing the status of funds allocated to ICAO by the Administrator of the United Nations Development Programme and administered by ICAO as Executing Agency for the financial years 2004, 2005 and 2006 as well as the Audit Reports on the financial statements of the Organization which also cover the United Nations Development Programme accounts submitted by the Auditor General of Canada, a member of the 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 review and for submission to the Administrator of the United Nations Development Programme; and

*Whereas* the Financial Regulations and Rules of the United Nations Development Programme provide that Organizations of the United Nations system entrusted with the execution or implementation of UNDP Programme activities shall transmit to the Administrator for submission to the Executive Board accounts showing the status of funds allocated to them by the Administrator and that such accounts shall bear audit certificates from the External Auditors of the Organizations and shall be accompanied by their reports.

*The Assembly:*

1. *Notes* the Report of the External Auditor on the financial statements of the Organization, which also covers those accounts relating to the United Nations Development Programme administered by ICAO as Executing Agency, for the financial year 2004 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 financial statements of the Organization, which also covers those accounts relating to the United Nations Development Programme administered by ICAO as Executing Agency, for the financial year 2005 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 financial statements of the Organization, which also covers those accounts relating to the United Nations Development Programme administered by ICAO as Executing Agency, for the financial year 2006 and the comments by the Secretary General in response to the recommendations in the Audit Report;

4. *Approves* those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 2004;

5. *Approves* those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 2005;

6. *Approves* those accounts with respect to the United Nations Development Programme administered by ICAO as Executing Agency for the financial year 2006; and



7. *Directs* that the financial statements of the Organization, which also include accounts of the United Nations Development Programme administered by ICAO, and the Audit Reports be transmitted to the Administrator of the United Nations Development Programme for submission to the Executive Board.

**A36-38: 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 reviewed the nominations submitted by Contracting States in 2007 and approved the appointment of Mr. Philippe Séguin, the First President of the Cour des comptes of France, a member of the Panel of External Auditors of the United Nations and Specialized Agencies, as the External Auditor of ICAO for the financial years 2008, 2009 and 2010 in accordance with Financial Regulation 13.1.

2. *Expresses* its sincere appreciation to Mrs. Sheila Fraser, Auditor General of Canada, for the high quality of her service to the Organization as its External Auditor and for her effective and cooperative assistance to the officials and organs of ICAO during her tenure of office and takes this opportunity to again express sincere appreciation to her predecessors, also Auditors General of Canada; and

3. *Confirms* the action taken by the Council in appointing Mr. Philippe Séguin, the First President of the Cour des comptes of France, as the External Auditor of ICAO for the financial years 2008, 2009 and 2010.

**A36-39: Study on the apportionment of costs between the Administrative and Operational Service Cost (AOSC) Fund and the Regular Programme Budget**

*The Assembly requests* the Council to consider and approve a cost-recovery policy and work with the Secretariat to ensure the pilot project provides accurate and timely information for the Council's decision.





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