

PROVISIONAL EDITION  
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# RESOLUTIONS

ADOPTED BY THE ASSEMBLY



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INTERNATIONAL CIVIL AVIATION ORGANIZATION



# RESOLUTIONS ADOPTED AT THE 38TH SESSION OF THE ASSEMBLY

## PROVISIONAL EDITION

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## RESOLUTIONS ADOPTED AT THE 38TH SESSION OF THE ASSEMBLY

### PROVISIONAL EDITION

#### **A38-1: Assistance to victims of aviation accidents and their families**

*Having considered* that, even though international air transport is the safest means of transportation, the total elimination of serious accidents cannot be guaranteed;

*Whereas* the actions of the State of Occurrence should address the most critical needs of persons affected by a civil aviation accident;

*Whereas* the policy of the International Civil Aviation Organization (ICAO) should be to ensure that the mental, physical, and spiritual well-being of victims involved in civil aviation accidents and their families are considered and accommodated by ICAO and its Member States;

*Whereas* it is essential that ICAO and its Member States recognize the importance of timely notification of family members of victims involved in civil aviation accidents; the prompt recovery and accurate identification of victims; the return of the victims' personal effects; and the dissemination of accurate information to family members;

*Recognizing* the role of Governments of nationals, who are victims of civil aviation accidents, in notifying and assisting families of the victims;

*Whereas* it is essential that support be provided to family members of victims of civil aviation accidents, wherever the accident may occur, and any lessons learned from support providers, including effective procedures and policies, be promptly disseminated to other Member States and ICAO to improve States' family support operations;

*Considering* that harmonization of the regulations for dealing with the needs of victims of civil aviation accidents and their families is also a humanitarian duty and an optional function of the ICAO Council contemplated in Article 55 (c) of the Chicago Convention;

*Considering* that States should provide a homogeneous solution for treatment of victims of civil aviation accidents and their families;

*Recognizing* that the air carrier involved in a civil aviation accident is often best situated to assist families in the immediate aftermath of the accident;

*Noting* that family members of victims of a civil aviation accident, irrespective of where the accident occurs or the national origin of the victims, express certain fundamental human needs and emotions;

*Recognizing* that public attention will continue to focus on States' investigative actions, as well as the human interest aspects of a civil aviation accident;

*Recalling* the issuance of ICAO *Guidance on Assistance to Aircraft Accident Victims and their Families* (Circ 285) in 2001 as well as the inclusion, in 2005, of provisions in Annex 9 to enable expeditious entry into the State in which an accident occurs for family members of victims of aircraft accidents; and

*Acknowledging* the approval by the Council of the ICAO *Policy on Assistance to Aircraft Accident Victims and their Families* (Doc 9998) in March 2013;

*The Assembly:*

1. *Calls on* Member States to reaffirm their commitment to support victims of civil aviation accidents and their family members;
2. *Urges* Member States to establish legislation, regulations and/or policies to support victims of civil aviation accidents and their family members, in consideration of the ICAO Policy in Doc 9998;
3. *Encourages* States that have legislation, regulations and/or policies to support civil aviation accident victims and their families to review these documents, as necessary, in consideration of the ICAO Policy in Doc 9998;
4. *Urges* the Council to give further consideration to the development of Standards and Recommended Practices regarding the establishment by States of legislation, regulations and/or policies to support victims of civil aviation accidents and their family members; and
5. *Declares* that this resolution supersedes Resolution A32-7.

**A38-2: ICAO global planning for safety and air navigation**

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

*Whereas* to realize this goal, the Organization has established Strategic Objectives, including objectives for safety and for capacity and efficiency;

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

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

*Recognizing* that further progress in improving the global safety, capacity 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; and

*Noting* the approval on 30 July 2013 by the Council of the first edition of the Global Aviation Safety Plan (GASP) and on 29 May 2013 of the fourth edition of the Global Air Navigation Plan (GANP);

*The Assembly:*

1. *Endorses* the first edition of the Global Aviation Safety Plan (GASP) and the fourth edition of the Global Air Navigation Plan (GANP) as the global strategic directions for safety and air navigation, respectively;
2. *Resolves* that ICAO shall implement and keep current the GASP and the GANP to support the relevant Strategic Objectives of the Organization;
3. *Resolves* that these global plans shall be implemented and kept current in close cooperation and coordination with all concerned stakeholders;

4. *Resolves* that these global plans shall provide the frameworks in which regional, subregional and national implementation plans will be developed and implemented, thus ensuring harmonization and coordination of efforts aimed at improving international civil aviation safety, capacity and efficiency;
5. *Urges* Member States to develop sustainable solutions to fully exercise their safety oversight and air navigation responsibilities which can be achieved by sharing resources, utilizing internal and/or external resources, such as regional and sub-regional organizations and the expertise of other States;
6. *Urges* Member States to demonstrate the political will necessary for taking remedial actions to address safety and air navigation deficiencies, including those identified by Universal Safety Oversight Audit Programme (USOAP), through the application of GASP and GANP objectives and the ICAO regional planning process;
7. *Urges* Member States, the industry and financing institutions to provide the needed support for the coordinated implementation of the GASP and GANP, avoiding duplication of efforts;
8. *Calls upon* States and *invites* other stakeholders to cooperate in the development and implementation of regional, subregional and national plans based on the frameworks of the GASP and GANP;
9. *Instructs* the Council to provide a report on the implementation and evolution of the GASP and GANP to future regular sessions of the Assembly;
10. *Instructs* the Secretary General to promote, make available and effectively communicate the GASP and the GANP; and
11. *Declares* that this resolution supersedes Resolution A37-4 on ICAO global planning for safety and Resolution A37-12 on ICAO global planning for sustainability.

## **APPENDIX A**

### **Global Aviation Safety Plan (GASP)**

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

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

*Recognizing* the safety benefits that can be drawn from partnerships between States and industry;

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

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

*Recognizing* the need to maintain the public's confidence in air transport by providing access to relevant safety information;

*Recognizing* that a proactive approach in which a strategy is established to set priorities, targets and indicators to manage safety risks is of paramount importance to the achievement of further improvements in aviation safety;

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

*Noting* the intent to apply the safety management principles in the GASP to enhance safety by focusing action where it is most needed; and

*Noting* the need to assist Member States in implementing safety management principles and mitigate risks on identified operational issues;

*The Assembly:*

1. *Stresses* the need for continuous improvement of aviation safety through a reduction in the number of accidents and related fatalities in air transport operations in all parts of the world, particularly in States where safety records are significantly worse than the worldwide average;
2. *Stresses* that limited resources of the international aviation community should be used strategically to support States or regions whose safety oversight maturity is not at an acceptable level and where political willingness exists to improve safety oversight functions;
3. *Urges* Member States to support the Global Aviation Safety Plan (GASP) objectives by implementing the safety initiatives outlined therein;
4. *Urges* Member States, regional safety oversight organizations (RSOOs), regional aviation safety groups (RASGs) and international organizations concerned to work with all stakeholders to set priorities, targets and indicators consistent with the GASP objectives with the view to reduce the number and rate of aircraft accidents;
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 every foreign operators flying into their territory receives adequate oversight from its own State and take appropriate action when necessary to preserve safety; and
6. *Urges* ICAO to complete the development of safety roadmaps in support of the GASP by the end of 2014 to assist in the risk mitigation of operational issues identified.

## **APPENDIX B**

### **Global Air Navigation Plan (GANP)**

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

*Having adopted* Resolution A37-15, a consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation;

*Recognizing* the importance of GANP as an operational strategy and part of the basket of measures for environmental protection; and

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

*The Assembly:*

1. *Instructs* the Council to use the guidance in the Global Air Navigation Plan (GANP) to develop and prioritize the technical work programme of ICAO in the field of air navigation;
2. *Urges* the Council to provide States with a standardization roadmap, as announced in the GANP, as a basis for the work programme of ICAO;
3. *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 which establish priorities, targets and indicators consistent with globally-harmonized objectives, taking into account operational needs;
4. *Calls upon* States to take into consideration the GANP guidelines as an efficient operational measure for environmental protection;
5. *Calls upon* States, PIRGs, and the aviation industry to provide timely information to ICAO, and to each other, regarding the implementation status of the GANP, including the lessons learned from the implementation of its provisions;
6. *Invites* PIRGs to use ICAO standardized tools or adequate regional tools to monitor and, in collaboration with ICAO, analyse the implementation status of air navigation systems;
7. *Instructs* the Council to publish the results of the analysis on the regional performance dashboards and in an annual global air navigation report including, as a minimum, the key implementation priorities and accrued environmental benefits estimated using CAEP-recognized methods; and
8. *Urges* States that are developing new generation plans for their own air navigation modernization to coordinate with ICAO and align their plans so as to ensure global compatibility and harmonization.

**A38-3: Protection of certain accident and incident records**

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

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

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

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

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

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

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

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

*Recognizing* that the legal guidance in Attachment E to Annex 13, and in Attachment B to Annex 19, will continue to assist many States in the development and implementation of means to protect certain accident and incident records from inappropriate use;

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

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

*Recognizing* the Safety Information Protection Task Force established pursuant to recommendations of the High-level Safety Conference 2010 and in response to Resolution A37-2, has promulgated for consideration a number of findings and recommendations with respect to the appropriate use and protection of safety information;

*The Assembly:*

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

2. *Instructs* the Council, taking into account the findings and recommendations of the Safety Information Protection Task Force and further work informed by those findings and recommendations, to take such steps as may be necessary to ensure meaningful progress toward the development of new and/or amended provisions in Annex 13, other Annexes as appropriate and related guidance material before the next ordinary session of the Assembly; and

3. *Declares* that this resolution supersedes Resolution A37-2.

**A38-4: Protecting information from safety data collection and processing systems in order to maintain and 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 punitive 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 willful violations are not tolerated;

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

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

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

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

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

*Recognizing* that the legal guidance in Attachment E to Annex 13, and in Attachment B to Annex 19, will continue to assist many States in the development and implementation of means to protect information gathered from safety data collection and processing systems;

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

*Recognizing* the Safety Information Protection Task Force, established pursuant to recommendations of the High-level Safety Conference 2010 and in response to Resolution A37-3, has promulgated for consideration a number of findings and recommendations with respect to the appropriate use and protection of safety information;

*The Assembly:*

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

2. *Urges* the Council to cooperate with Member States and appropriate international organizations regarding the development and implementation of guidance, taking into account the findings and recommendations of the Safety Information Protection Task Force and further work informed by those findings and recommendations, 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 for the purposes of maintaining and improving aviation safety, while respecting principles of administration of justice and freedom of information;

3. *Instructs* the Council to take appropriate steps to ensure that ICAO Standards and Recommended Practices in Annex 19, other Annexes as appropriate and guidance materials on the protection of information gathered from safety data collection and processing systems (SDCPS) are enhanced, taking into account the findings and recommendations of the Safety Information Protection Task Force and further work informed by those findings and recommendations, with a view to ensuring and sustaining the availability of safety information required for the management, maintenance and improvement of safety, taking into account the necessary interaction between safety and judicial authorities in the context of open reporting culture; and

4. *Declares* that this resolution supersedes Resolution A37-3.

**A38-5: Regional cooperation and assistance to resolve safety deficiencies, establishing priorities and setting measurable targets**

*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 Member States both collectively and individually;

*Whereas* in accordance with Article 37 of the *Convention on International Civil Aviation* each Member 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 Member States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Member States implement the SARPs as far as practicable and adequately perform safety oversight;

*Whereas* the results of the audits and ICAO Coordinated Validation Missions (ICVMs) conducted under the Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP-CMA) indicate that several Member States have not yet been able to establish a satisfactory national safety oversight system and some Member States have been identified as having significant safety concerns (SSCs);

*Whereas* ICAO plays a leadership role in facilitating the implementation of SARPs and the rectification of safety-related deficiencies by coordinating support and harnessing resources among aviation safety partners;

*Recognizing* that the ICAO Plans of Action developed for individual Member States serve as platforms to provide, in coordination with other stakeholders, direct assistance and guidance to those States in resolving their SSCs as well as addressing low effective implementation (EI) of critical elements;

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

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

*Recognizing* that the establishment of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations (RSOOs), 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 resulting from the collaboration among Member States in establishing and operating a common safety oversight system;

*Recalling* that Member States are responsible for implementing ICAO Standards and may, in this respect, decide on a voluntary basis to delegate certain functions to RSOOs, and that, when applicable, the word “States” should be read to include RSOOs;

*Acknowledging* the recognition given in Annex 19 to RSOOs and their role in discharging delegated State safety management functions on behalf of States;

*Recognizing* that the assistance available to Member States experiencing difficulties in correcting deficiencies identified through the safety oversight audits, particularly with priority given to those States with SSCs, would be greatly enhanced by coordination amongst all Member States, ICAO and other concerned parties in civil aviation operations; and

*Recognizing* that established regional aviation safety groups (RASGs) have the objective of establishing objectives, priorities and indicators and the setting of measurable targets to address safety-related deficiencies in each region while ensuring consistency of action and coordination of efforts;

*The Assembly:*

1. *Directs* the Council, in partnership with all aviation safety partners, to implement a comprehensive assistance programme that will help Member States to correct deficiencies identified through USOAP-CMA, with priority given to the resolution of SSCs;
2. *Directs* the Council to promote the concepts of regional cooperation, including the strengthening of RSOOs and RASGs, as well as the establishment of objectives, priorities and indicators and the setting of measurable targets to address SSCs and safety-related deficiencies;
3. *Directs* the Council to continue to partner with Member States, industry and other aviation safety partners for coordinating and facilitating the provision of financial and technical assistance to States and subregional and regional safety and safety oversight bodies, including RSOOs and RASGs, in order to enhance safety and strengthen safety oversight capabilities;
4. *Directs* the Council to continue the analysis of relevant safety-critical information for determining effective means of providing assistance to States and subregional and regional safety and safety oversight bodies, including RSOOs and RASGs;
5. *Directs* the Secretary General to continue to foster coordination and cooperation between ICAO, RASGs, RSOOs and other organizations with aviation safety-related activities in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;
6. *Urges* Member States to give the highest priority to the resolution of SSCs in order to ensure that there are no immediate safety risks to international civil aviation and that the minimum requirements established by the Standards set forth in the ICAO Annexes are met;
7. *Urges* Member States to utilize the Flight Procedures Programme, where available, for PBN implementation;
8. *Urges* Member States to develop and further strengthen regional and subregional cooperation in order to promote the highest degree of aviation safety;
9. *Calls upon* all Member States and relevant aviation safety partners, wherever possible, to assist requesting States with financial and technical resources to ensure the immediate resolution of identified SSCs and the longer-term sustainability of the State safety oversight system;
10. *Encourages* Member States to establish partnerships with other States, industry, financial institutions and other aviation safety partners to strengthen safety oversight capabilities, in order to better discharge State responsibilities and foster a safer international civil aviation system;
11. *Encourages* Member States to foster the creation of regional or subregional partnerships to collaborate in the development of solutions to common problems to build State safety oversight capability, and to participate in, or provide tangible support for, the strengthening and furtherance of subregional and regional aviation safety and safety oversight bodies, including RSOOs;
12. *Requests* the Secretary General to play a leading role in coordinating efforts to assist States to resolve SSCs through the development of ICAO Plans of Action and/or specific project proposals and to assist States to obtain the necessary financial resources to fund such assistance projects;

13. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the comprehensive assistance programme; and

14. *Declares* that this resolution supersedes Resolution A37-8.

**A38-6: 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;

*Whereas* a comprehensive frequency spectrum strategy is required by aviation to support timely availability and appropriate protection of adequate spectrum;

*Whereas* a sustainable environment for growth and technology development is required to support safety and operational effectiveness for current and future operational systems and allow for the transition between present and future technologies;

*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 requirements for appropriate aviation safety spectrum allocations are satisfied and protection of those allocations is achieved;

*Recognizing* that to ensure optimal use of the frequency spectrum allocated to aviation, efficient frequency management and use of best practices are required;

*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\* ; and

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\* APT: Asia-Pacific Telecommunity; ASMG: Arab Spectrum Management Group; ATU: African Telecommunications Union; CEPT: the European Conference of Postal and Telecommunications Administrations; CITELE: Comisión Interamericana de Telecomunicaciones; RCC: Regional Commonwealth in the field of Communications.

*Considering* Recommendations 7/3 and 7/6 of the Special Communications/Operations Divisional Meeting (1995) (SP COM/OPS/95), Recommendation 5/2 of the 11th Air Navigation Conference (2003) and Recommendation 1/12 of the 12th Air Navigation Conference (2012);

*The Assembly:*

1. *Urges* Member States, international organizations and other civil aviation stakeholders to support firmly the ICAO frequency spectrum strategy and the ICAO position at WRCs and in regional and other international activities conducted in preparation for WRCs, including by the following means:
  - a) working together to deliver efficient aeronautical frequency management and “best practices” to demonstrate the effectiveness and relevance of the aviation industry in spectrum management;
  - b) supporting ICAO activities relating to the aviation frequency spectrum strategy and policy through relevant expert group meetings and regional planning groups;
  - c) 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;
  - d) including in their proposals to the WRC, to the extent possible, material consistent with the ICAO position;
  - e) supporting the ICAO position and the ICAO policy statements at ITU WRCs as approved by Council and incorporated in the *Handbook on Radio Frequency Spectrum Requirements for Civil Aviation* (Doc 9718);
  - f) undertaking to provide civil aviation experts to fully participate in the development of States’ and regional positions and development of aviation interests at the ITU; and
  - g) ensuring, to the maximum extent possible, that their delegations to regional conferences, ITU study groups and WRCs include experts from their civil aviation authorities and other civil aviation stakeholders 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;
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 the development and implementation of a comprehensive aviation frequency spectrum strategy as well as increased participation by ICAO in international and regional spectrum management activities are made available; and
4. *Declares* that this resolution supersedes Resolution A36-25.

**A38-7: Comprehensive Regional Implementation Plan for Aviation Safety in Africa**

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

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

*Noting with satisfaction* the significant progress made by African States in improving their level of safety oversight;

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

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

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

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

*Noting* that ICAO is supporting many African States to establish RSOOs and RAIAs;

*Noting* the Abuja Declaration on Aviation Safety in Africa adopted during the Ministerial Conference on Aviation Safety held in Abuja in July 2012;

*Noting* the aviation safety targets adopted during the Ministerial Conference on Aviation Safety held in Abuja, Nigeria in July 2012 and endorsed by the Assembly of the African Union in January 2013;

*Noting* the ICAO Plans of Action developed for some Member States will serve as a platform to provide, in coordination with other stakeholders, direct assistance in resolving their significant safety concerns (SSCs) as well as other major safety deficiencies;

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

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

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

*Noting* that strong regional offices would be a positive catalyst for the enhancement of aviation safety in the AFI Region;

*The Assembly:*

1. *Welcomes* the considerable effort made by African States and regional organizations to enhance aviation safety;
2. *Urges* Member States of the AFI Region that accepted ICAO Plans of Action, to commit to achieving the objectives set forth in the Plans, through the resolution of major safety-related deficiencies, including the SSCs;
3. *Urges* Member States of the AFI Region to commit to and accelerate the establishment of RSOOs and RAIAs, where required, and strengthen cooperation across the region in order to make the optimum use of available resources;
4. *Urges* Member States of the AFI Region to refrain from duplication of services in joining more than one RSOO;
5. *Urges* Member States of the AFI Region to implement the recommendations of the AFI Planning and Implementation Regional Group (APIRG) and the Regional Aviation Safety Group (RASG-AFI) meetings;
6. *Urges* States, industry and donors to support the implementation of priority activities identified by APIRG and RASG-AFI;
7. *Urges* States, industry and donors to make contributions in cash and kind towards the implementation of the AFI Plan and instructs the Council to recognize all such contributions;
8. *Urges* African States, ICAO and AFCAC to jointly address identified safety deficiencies;
9. *Instructs* the Council to monitor the achievement of the aviation safety targets established by the Ministerial Conference on Aviation Safety held in Abuja in July 2012;
10. *Instructs* the Council to ensure the continued leadership role of ICAO in coordinating activities, initiatives and implementation strategies aimed specifically at implementing priority projects to achieve sustainable improvement of flight safety in the AFI Region and to allocate resources to the relevant regional offices accordingly;
11. *Instructs* the Council to monitor and measure the status of implementation in the AFI Region throughout the triennium and to report to the next ordinary session of the Assembly on the progress made;
12. *Urges* Member States of the AFI Region to support the establishment of the AFI Flight Procedure Programme (FPP) Office with seconded personnel and financial assistance as a matter of urgency to expedite the implementation of PBN in the region; and
13. *Declares* that this resolution supersedes Resolution A37-7.

**A38-8: 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 Member States have made substantial efforts to comply with the language proficiency requirements;

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

*Whereas* in accordance with Article 38 of the Convention any Member 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* Member States to use ICAO standardized phraseology in all situations for which it has been specified;
2. *Directs* the Council to continue to support Member States in their implementation of the language proficiency requirements;
3. *Encourages* Member States to make use of the ICAO Aviation English Language Test Service (AELTS) to verify language testing instruments;
4. *Urges* Member States to make use of the ICAO Language Proficiency Requirements - Rated Speech Samples training aid;
5. *Urges* Member States to assist each other in their implementation of the language proficiency requirements; and
6. *Declares* that this resolution supersedes Resolution A37-10.

**A38-9: Halon replacement**

*Recognizing* the importance of aircraft fire extinguishing systems to the safety of flight;

*Recognizing* that halogenated hydrocarbons (halon) have been the main fire extinguishing agent used in civil aircraft fire extinguishing systems for over fifty years;

*Whereas* halons are no longer being produced by international agreement because their release contributes to ozone-depletion and climate change;

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

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

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

*Recognizing* that the aircraft manufacturing industry has established mechanisms for stakeholder engagement in the development of common solutions for halon replacement in engine/auxiliary power-unit (APU) fire suppression applications and a realistic timeframe for such replacement in cargo compartment applications;

*Recognizing* that the production is prohibited by international agreement, halon is now exclusively obtained from recovery, reclaiming and recycling. Therefore, recycling of halon gas needs to be rigorously controlled to prevent the possibility of contaminated halon being supplied to the civil aviation industry; and

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

*The Assembly:*

1. *Urges* States and their aviation industries to intensify development and implementation of acceptable halon alternatives for fire extinguishing and suppression systems in cargo compartments and engine/auxiliary power units, and to continue work towards improving halon alternatives for hand-held fire extinguishers;
2. *Urges* States to determine and monitor their halon reserve and quality of halon;
3. *Encourages* ICAO to continue collaboration with the International Aircraft Systems Fire Protection Working Group and the United Nations Environment Programme's Ozone Secretariat through its Technology and Economic Assessment Panel's Halons Technical Options Committee on the topic of halon alternatives for civil aviation;
4. *Encourages* States to collaborate with the Industry Consortium for engine/APU applications and the Cargo Compartment Halon Replacement Working Group established by the International Coordinating Council of Aerospace Industries Associations;

5. *Urges* States to inform ICAO regularly of their halon reserves and directs the Secretary General to report the results to the Council;
6. *Directs* that the Council shall report to the next ordinary session of the Assembly on a timeframe for the replacement of halon in cargo compartment fire suppression systems; and
7. *Declares* that this resolution supersedes Resolution A37-9.

**A38-10: Recognition of approval of flight simulation training devices (FSTD)**

*Whereas* ICAO published Doc 9625 — *Criteria for the Qualification of Flight Simulation Training Devices*, Volume I – *Aeroplane*, (3rd Edition) and Volume II — *Helicopters* (1st Edition) to provide the means for the authorities of other States to accept, without repetitive evaluations, the qualifications granted by the State that conducted the initial and recurrent evaluations of a flight simulation training device (FSTD);

*Recognizing* that despite an internationally agreed mechanism for harmonization provided for in Doc 9625, the absence of recognition of FSTD qualifications is fostering multiple evaluations and causing high costs to States and the industry; and

*Recognizing* that there has been slow progress towards implementation of systems to recognize the approval of FSTD's based on guidance contained in Doc 9625;

*The Assembly:*

1. *Urges* Member States to establish systems to recognize the approval of FSTDs based on guidance provided in using Doc 9625;
2. *Directs* the Council to continue to support Member States in the establishment of systems to recognize the approval of FSTDs; and
3. *Urges* Member States to assist each other in the establishment of systems to recognize the approval of FSTDs.

**A38-11: Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences**

*Whereas* Article 37 of the *Convention on International Civil Aviation* requires each Member 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* Article 37 of the *Convention* 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* in accordance with Article 38 of the Convention any Member State which finds it impractical to comply in all respects with any international standard or procedure or deems it necessary to adopt regulations or practices differing therefrom is obliged to give immediate notification to ICAO;

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

*Recognizing* the effective implementation of SARPs and PANS promotes safe, secure and sustainable development of international civil aviation;

*Recognizing* that making differences information easily available to all stakeholders in a timely manner is important to promote safety, regularity and efficiency in international civil aviation;

*Noting* that many Member States experience difficulty in fulfilling their obligations under Articles 37 and 38 of the Convention and keeping pace with frequent amendments to Annexes;

*Recognizing* that up-to-date ICAO technical guidance material provides valuable assistance to Member States in the effective implementation of SARPs, PANS and Regional Plans;

*Recognizing* that substantial resources are required to develop and maintain all ICAO technical guidance material for SARPs and PANS;

*Noting* the increase of the number of notified differences to ICAO; and

*Recognizing* that there is a strong need for all available means to be sought and employed in encouraging and assisting Member States in overcoming their difficulties in implementation of SARPs and PANS;

*The Assembly:*

1. *Calls on* Member States to reaffirm their commitment to abide by the obligations under Articles 37 and 38 of the Convention;
2. *Resolves* that SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, inter alia, to provide a sound basis for global and regional planning and implementation;
3. *Agrees* that subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to enable the Member 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;
4. *Reiterates* that 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, regularity and efficiency. Supporting technical specifications, when developed by ICAO, should be translated in all working languages of ICAO in a timely manner and shall be placed in separate documents to the extent possible;

5. *Instructs* the Council to 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 in the development of SARPs, PANS and ICAO technical guidance material. 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;
6. *Resolves* that to the extent consistent with the requirements of safety regularity and efficiency, SARPs 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;
7. *Instructs* the Council to consult Member States 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 Member States. Such material shall however be made available to Member States upon request;
8. *Resolves* that the applicability dates of amendments to SARPs and PANS shall be so established as to allow Member States sufficient time for their implementation;
9. *Agrees* that no Annex or PANS document shall be amended more frequently than once per calendar year;
10. *Reminds* Member States of the requirement in Annex 15 to publish any significant differences in their Aeronautical Information Publication (AIP) and to include English text for those parts expressed in plain language;
11. *Encourages* Member States to use the Electronic Filing of Differences (EFOD) System when notifying their differences to ICAO;
12. *Instructs* the Secretary General to continue improving the EFOD system and assist Member States in transitioning from the paper-based processes to the use of the EFOD system;
13. *Directs* the Council to monitor and analyse the differences between the regulations and the practices of Member States and the SARPs and PANS with the aim of encouraging the elimination of those differences that are important for the safety, regularity and efficiency of international air navigation and taking appropriate actions;
14. *Instructs* the Council to explore possibilities to make differences information more easily available to all interested stakeholders and assess appropriate mechanism and form in which this information is made available;
15. *Resolves* that Member States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means and provided as soon as possible with more guidance in respect of the notification and publication of differences;
16. *Calls on* all Member States able to do so to provide requesting States with technical cooperation in the form of financial and technical resources to enable those States to carry out their obligations under Articles 37 and 38 of the Convention;

17. *Instructs* ICAO to establish priorities for the continuing updating of the contents of present ICAO technical guidance material and the development of additional guidance material thus ensuring optimum value for Member States in their planning and implementation of SARPs and PANS;
18. *Resolves* that the associated practices in this Resolution constitute guidance intended to facilitate and ensure implementation of this Resolution; and
19. *Declares* that this resolution supersedes Resolution A37-15, Appendices A, D and E.

#### **Associated practices**

1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system-level, functional and performance requirements. The Council should continue seeking the most appropriate means of development, translation, processing and dissemination of technical specifications.
2. Member 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, Member States should receive at least 30 days of notification of the intended approval or adoption of detailed material on which they are not consulted.
3. Member 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. 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.
5. The Council, prior to the adoption and approval of amendments to SARPs and PANS, should take into account feasibility of the implementation of SARPs and PANS by the intended applicability dates.
6. The Council, taking into account the definitions of terms “Standard” and “Recommended Practice”, should ensure that new Annex provisions, uniform application of which is recognized as necessary, are adopted as Standards, and that those new provisions, uniform application of which is recognized as desirable, are adopted as Recommended Practices.
7. The Council should urge Member 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 Member 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.
8. Differences from SARPs received should be promptly made available to Member States.

9. In encouraging and assisting Member States in the implementation of SARPs and PANS, the Council should make use of all existing means of ICAO and strengthen partnerships with entities which provide resources and assistance towards development of international civil aviation.

10. Member States should establish internal processes and procedures by which they give effect to the implementation of provisions of SARPs and PANS.

11. ICAO should update and develop guidance material in accordance with the established priorities to adequately cover all technical fields.

**A38-12: 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 37th Session of the Assembly was adopted by the Assembly in Resolution A37-15, Appendices A to W inclusive;

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A37-15, Appendices A to W inclusive, and has amended the statement to reflect the decisions taken during the 38th Session;

*Whereas* a policy or associated practice that requires continued application for a period of more than three years should be regarded as a continuing policy or associated practice;

*Whereas* material which is contained in regulatory or readily available authoritative ICAO documents, such as Annexes, rules of procedures and directives to air navigation meetings should normally be excluded from the consolidated statements. This pertains, in particular, to the associated practices; and

*Whereas* the Assembly agreed to develop a new Resolution A38-11 based on Resolution A37-15 Appendices A, D and E, as a continuing policy in respect to formulation and implementation of Standards and Recommended Practices (SARPs), Procedures for Air Navigation Services (PANS) and notification of differences that would apply to all Annexes to the Convention and technical guidance material;

*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 ICAO as they exist at the close of the 38th 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 A37-15 with its Appendices, except for Appendices A, D and E which are superseded by the new Resolution A38-11.

## **APPENDIX A**

### **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 Member States and ICAO; and

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

*The Assembly resolves that:*

1. meetings, convened by the Council, in which all Member 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 Member 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 B**

### **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 Member States or ICAO;

*The Assembly resolves that:*

1. the Air Navigation Commission shall establish panels if 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 Air Navigation Commission shall ensure that the terms of reference and the work programmes of panels shall support the ICAO Strategic Objectives, be clear and concise with timelines and shall be adhered to;
3. the Air Navigation Commission shall review periodically the progress of panels and shall terminate panels as soon as the activities assigned to them have been accomplished. A panel shall be allowed to continue in existence 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 Member States.

## **APPENDIX C**

### **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 Member States to recognize certificates and licences issued or rendered valid by other Member States pending the coming into force of SARPs applicable to the aircraft or flight crew involved; and

*Whereas* with respect to certain categories of aircraft or flight crew licences, 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 flight crew licences;

*The Assembly resolves that:*

1. certificates of airworthiness and certificates of competency and licences of the flight crew of an aircraft issued or rendered valid by the Member State in which the aircraft is registered shall be recognized as valid by other Member 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 of aircraft or flight crew, and certificates issued or rendered valid, under national regulations, by the Member State in which the aircraft is registered shall be recognized by other Member States for the purpose of flight over their territories, including landings and take-offs.

## **APPENDIX D**

### **Qualified and Competent Aviation Personnel**

*Whereas* the satisfactory implementation of SARPs and PANS is contingent upon having qualified and competent personnel;

*Whereas* difficulties are being experienced by Member States in these matters due to a lack of qualified personnel to support the existing and future air transportation system;

*Whereas* special effort is required to support Member States in meeting their human resource needs; and

*Whereas* learning activities conducted by ICAO are an effective means of promoting a common understanding and the uniform application of SARPs and PANS;

*The Assembly resolves that:*

1. ICAO shall assist Member States in achieving and maintaining competency of aviation personnel through the ICAO Aviation Training Programme;
2. the ICAO Aviation Training Programme shall be governed by the following principles:
  - a) qualification of aviation professionals is the responsibility of Member States;
  - b) the highest priority is placed on learning activities that support the implementation of SARPs;
  - c) cooperation with Member States and industry is essential to develop and implement learning activities to support the implementation of SARPs; and
  - d) priority shall be placed on cultivating the next generation of aviation professionals.
3. ICAO advises operators of training facilities but does not participate in the operation of such facilities; and

4. Member States assist each other to optimize access to learning activities for their aviation professionals.

#### **Associated practices**

1. The Council should assist Member States to harmonize aviation professionals' levels of competency. These efforts should be based on:

- a) data analysis to determine priorities and needs;
- b) identified training needs for the implementation of ICAO provisions; and
- c) a competency-based approach.

### **APPENDIX E**

#### **Formulation and Implementation 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 Member 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* 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. 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 ICAO and Member 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.

4. Regional Air Navigation (RAN) meetings, although important instruments in the determination of the facilities and services, shall be convened only to address issues which cannot be adequately addressed through the Planning and Implementation Regional Groups (PIRGs);

5. priority shall be given in the implementation programmes of Member States to the provision, and continuing operation of those facilities and services, the lack of which would likely have an adverse effect on international air operations;

6. the identification and investigation of and action by ICAO on significant deficiencies in the implementation of Regional Plans shall be carried out in the minimum practicable time; and

7. Planning and Implementation Regional Groups (PIRGs), using a project management approach, shall identify problems and shortcomings in Regional Plans and in the implementation thereof, along with suggested remedial measures.

#### **Associated practices**

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

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

3. 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.

4. The Council should ensure that web based regional plans are developed, with supporting planning tools, in order to improve efficiency and expedite the amendment cycle.

5. The Council should use the Planning and Implementation Regional Groups (PIRGs) it has established throughout the regions to assist in keeping up to date the Regional Plans and any complementary documents.

#### **APPENDIX F**

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

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

*Whereas* these meetings entail substantial expenditures of effort and money by Member States and ICAO;

*Whereas* it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden on Member States or ICAO; 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 Member 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 Member 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 G

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

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

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

*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, taking into account the need for cost-effective introduction and operation of CNS/ATM systems, and more efficient airspace management, in particular, in the upper airspace;
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 Member 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.

### **Associated practices**

1. Member 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 ICAO.

2. Member States should consider, as necessary, establishing jointly a single air traffic services provider 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.

3. 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 H**

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

*Whereas* in accordance with Article 25 of the Convention each Member 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 Member 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, insofar 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 Member 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 Member 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. Member States should, in cooperation with other States and ICAO, 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 I

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

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

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

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

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

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

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

*The Assembly resolves that:*

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

### **Associated practices**

1. Member States should as necessary initiate or improve the coordination and cooperation between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.
2. When establishing the regulations and procedures mentioned in Resolving Clause 2, the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question.
3. The Council should ensure that the matter of civil and military coordination and cooperation in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings, in accordance with Resolving Clauses 3, 4 and 5 above.

### **APPENDIX J**

#### **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;

*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; and

*Whereas* aerodrome certification is an essential means to ensure aerodrome safety and enhance efficiency, and that the results of the ICAO Universal Safety Oversight Audit Programme (USOAP) audits suggest that the level of implementation of aerodrome certification, including safety management systems (SMS), is not yet optimal;

*The Assembly resolves that:*

1. the technical requirements for aerodromes shall be kept under review by ICAO;
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 should take necessary measures, including the allocation of adequate resources, to improve the level of implementation of aerodrome certification, including SMS at aerodromes; and

4. States should place greater emphasis on the management of aerodrome operations, with runway safety given a high priority.

### **Associated practices**

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

- a) develop additional guidance material on future developments;
- b) develop procedures for the management of aerodrome operations; and
- c) keep Member 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 K**

#### **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 States should take the necessary steps to ensure 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 L**

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

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

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

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

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

### **Associated practices**

1. The Council should encourage effective participation by Member States in the technical work of ICAO, paying due regard to the need to minimize the cost to ICAO and Member States of such participation.
2. Insofar as each may find it practicable, Member 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 ICAO; and
  - e) assist ICAO in its technical work through any other means the Council may devise.

### **APPENDIX M**

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

*Whereas* there is a continuing need to provide effective assistance to Member 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 Member 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 Member States with their problems relating to continuous monitoring activities, 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 Member 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 ICAO 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 N

### Cooperation among Member States in investigations of 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 may require participation by experts from many specialized technical and operational fields and access to specially equipped facilities for investigation;

*Whereas* many Member 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;

*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; and

*Mindful* of the publication of the ICAO *Manual on Regional Accident and Incident Investigation Organization* (Doc 9946);

*The Assembly resolves* to recommend that Member States cooperate in the investigation of aircraft accidents, especially accidents in which the investigation requires highly specialized experts and facilities and that to this end Member States and regional accident and incident investigation organizations (RAIOs), to the extent possible, inter alia:

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

### **Associated practices**

1. Member States are 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. Member 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. Member States and RAIOS are 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 PLUS methodology which provides for internationally standardized and competency-based training.
4. Member States are encouraged to refer to the model Memorandum of Understanding (MOU) developed by ICAO in 2007 for use by States to encourage mutual cooperation during the investigation of aircraft accidents and serious incidents. The model MOU is available on the ICAO public website.
5. Member States are encouraged to consider, as necessary, the ICAO *Manual on Regional Accident and Incident Investigation Organization* (Doc 9946) which provides guidance on how to establish and manage a regional accident and incident investigation system within a region or subregion.

## **APPENDIX O**

### **Human performance**

*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 performance, as influenced by physiological and cognitive capabilities and constraints, contributes significantly to the overall safety performance of the aviation system;

*Whereas* it is recognized that the safety and efficiency benefits associated with new technologies, systems and procedures can only be realized when they are designed to enhance the performance of the individuals who use them; and

*Whereas* it is recognized that implementation of the future aviation systems will result in changes in roles for aviation professionals requiring work across multi-disciplinary teams to support collaborative decision-making;

*The Assembly resolves that:*

1. Member States ensure the integration of human performance considerations in the planning, design, and implementation of new technologies, systems and processes as part of a safety management approach;
2. Member States promote and facilitate the integration of human performance elements within competency-based training programmes throughout the career of a professional; and
3. Member States include strategies which promote safe, consistent, efficient and effective operational performance of the individual and across teams of individuals to address safety priorities.

**A38-13:           Composition of the Air Navigation Commission and participation in its work**

*Whereas* Article 56 of the Convention provides that the Air Navigation Commission shall be composed of nineteen members appointed by the Council from among persons nominated by Member States, but does not make any distinction of nationality nor specify whether such nominations should be made by Council-Member or non-Council-Member States;

*Whereas* it is essential that those members are not only professionally qualified but also able to devote their full time to the discharge of their responsibilities;

*Whereas* the Assembly desires that provision should be made for the fullest possible participation by all interested Member States in the work of the Air Navigation Commission; and

*Whereas* the above objectives can be achieved, consistently with the requirements of the Convention, by the establishment of appropriate procedures by the Council;

*The Assembly:*

1. *Resolves* that the Council be directed to endeavour, each time that new appointments to the Air Navigation Commission are to be made, to secure from all Member States nominations from which the nineteen members of the Commission may be selected;
2. *Urges* all Member States, particularly those not represented on the Council, to make further efforts to nominate candidates for membership in the Commission;
3. *Recommends* that the Council not appoint more than one nominee from any one Member State and that it take full account of the fact that it is desirable for every region of the world to be represented;
4. *Recommends* that the Council take steps to provide for and encourage the fullest possible participation by every Member State in the work of the Commission; and
5. *Declares* that this resolution supersedes Resolution A22-4.

**A38-14: Consolidated statement of continuing ICAO policies in the air transport field**

**Introduction**

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

*Whereas* air transport is a major factor in promoting and fostering sustainable 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 Member States on a continuing basis and these should be kept current, focused and relevant and should be disseminated to Member States through the most effective means;

*Whereas* Member 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 Member States in developing policies and practices that facilitate the globalization, commercialization and liberalization of international air transport; and

*Whereas* it is important for Member 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 38th Session of the Assembly:

Appendix A — Economic regulation of international air transport

Appendix B — Aviation data/Statistics

Appendix C — Forecasting, planning and economic analyses

Appendix D — Taxation

Appendix E — Airports and air navigation services

Appendix F — Air carrier economics

Appendix G — Air mail

2. *Urges* Member 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* Member 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 work;
4. *Requests* the Council to attach particular importance to the problem of financing the development of the human and technical resources necessary to ensure the best possible contribution of air transport to the economic and social well-being of developing countries;
5. *Requests* the Council, when it considers that it would be of benefit in assisting its work on any air transport issues, to consult expert representatives from Member States by the most appropriate means, including the establishment of panels of such qualified experts, reporting to the Air Transport Committee or of Secretariat study groups, and working by correspondence or by meetings;
6. *Requests* the Council to convene Conferences or Divisional meetings, in which all Member 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 Member 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 A37-20.

## 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, Member States have many differing regulatory goals and policies but share a fundamental objective of participation through reliable and sustained involvement in the international air transport system;

*Whereas* one of the objectives of the Convention is that international air transport services may be operated soundly and economically and in that regard the *International Air Services Transit Agreement* (IASTA) and the *Convention for the Unification of Certain Rules for International Carriage by Air* (Montréal Convention of 1999) facilitates the achievement of that objective for the Member States who are already parties to it;

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

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

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

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

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

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

*The Assembly:*

1. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport and in assisting and facilitating liberalization as necessary;
2. *Urges* Member States to give due regard, in the liberalization process, to the principles pertaining to safeguard measures designed to ensure the sustained and effective participation of all States in international air transport, including the principle of giving special consideration to the interests and needs of developing countries;
3. *Urges* Member States to refrain in regulatory practices, from taking unilateral action that would negatively affect the common interest of the aviation community and the efficient and sustainable development of air transport;
4. *Urges* Member States that have not yet become parties to the *International Air Services Transit Agreement (IASTA)* and the *Montréal Convention of 1999*, to give urgent consideration to so doing;
5. *Urges* all Member 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*;
6. *Urges* Member States to keep the Council fully informed of serious problems arising from the application of air services agreements or arrangements and of any developments which tend toward the objective of multilateralism in the exchange of commercial rights;
7. *Urges* Member States to continue to pursue liberalisation of market access at a pace and in a manner appropriate to needs and circumstances, given due regard to interests of all stakeholders, the changing business environment and infrastructure requirements;
8. *Urges* Member States to give due regard to the distinct features of air cargo services when exchanging market access rights in the framework of air service agreements and grant appropriate rights and operational flexibility so as to promote the development of these services;
9. *Urges* Member States, in dealing with the issues related to slot allocation and night flight restrictions, to give due consideration to the needs and concerns of other States and make every effort to resolve any concerns through consultation in a spirit of sympathy, transparency, mutual understanding, and cooperation;
10. *Urges* Member States, with respect to night flight restrictions, to respect and follow the ICAO Balanced Approach principle in regulatory action on aircraft noise management at airports;
11. *Encourages* Member States to make use of and benefit from the ICAO Air Services Negotiation facility;
12. *Requests* the Council to develop a compendium of competition policies and practices in force nationally or regionally;

13. *Requests* the Council to develop and adopt a long-term vision for international air transport liberalization, including examination of an international agreement by which States could liberalize market access, taking into account the past experience and achievements of States, including existing market access liberalization agreements concluded at bilateral, regional and multilateral levels, as well as the various proposals presented during the Sixth Worldwide Air Transport Conference (ATConf/6);

14. *Requests* the Council to develop a specific international agreement to facilitate further liberalization of air cargo services, taking into account past achievements, States' views on existing arrangements and suggestions made during ATConf/6;

15. *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 Member States for application on a wider basis;

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

17. *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;

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

19. *Requests* the Council to develop, in the short term, a set of high-level, non-binding, non-prescriptive core principles on consumer protection, for use as policy guidance, which strike an appropriate balance between protection of consumers and industry competitiveness and which take into account the needs of States for flexibility, given different State social, political and economic characteristics; these core principles should be consistent with existing instruments, in particular that of the *Convention for the Unification of Certain Rules for International Carriage by Air*, adopted in Montréal on 28 May 1999;

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

21. *Requests* the President of the Council and the Secretary General to promote universal adherence to and implementation of international conventions and agreements, including the *International Air Services Transit Agreement (IASTA)* and the Montréal Convention of 1999, and to urge Member States to inform the Secretariat of their intentions with respect to adherence.

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

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

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

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

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

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

*Whereas* the realization of developmental objectives among such States is increasingly being promoted by cooperative arrangements in the form of regional economic groupings and functional cooperation symbolic of the affinity and community of interest which are particularly shared among developing States belonging to such regional economic integration movements; and

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

*The Assembly:*

1. *Urges* Member 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* Member States to take into consideration that fair competition is an important general principle in the operation of international air services;
3. *Urges* Member States to continue to liberalize air carrier ownership and control, according to needs and circumstances, through various existing measures such as waivers of ownership and control restrictions in bilateral air services agreements or designation provisions recognizing the concept of community of interest within regional or sub regional economic groupings, and those recommended by ICAO;

4. *Urges* Member 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;
5. *Urges* Member 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;
6. *Urges* Member 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;
7. *Urges* Member States to develop competition laws and policies that apply to air transport, taking into account national sovereignty and to consider ICAO guidance on competition;
8. *Urges* Member States to encourage cooperation among regional and/or national competition authorities, including in the context of approval of alliances and mergers;
9. *Invites* Member States with experience in various forms of joint operation of international air services to submit to the Council, on a continuing basis, information concerning their experience, so that the Organization may have information that might be of assistance to Member States;
10. *Requests* the Council to initiate work on the development of an international agreement to liberalize air carrier ownership and control, taking into consideration safety and security concerns, the principle of reciprocity, the need to allow a gradual and progressive adaptation with safeguards, the need to take account of regional experiences, the requirements of various States' domestic laws, and the effects on all stakeholders including labour;
11. *Requests* the Council to develop tools such as an exchange forum to enhance cooperation, dialogue and exchange of information on fair competition between States with a view to promoting compatible regulatory approaches towards international air transport;
12. *Requests* the Council to continue to monitor developments in the area of competition in international air transport and update, as necessary, its policies and guidance on fair competition;
13. *Requests* the Council, when approached, to render all feasible assistance to Member States wishing to enter regional or subregional economic groupings with respect to the operation of international air services; and
14. *Requests* the Council to give assistance, when approached, to Member 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 Member 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 Member 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* Member States that participate in trade negotiations, agreements and arrangements relating to international air transport to:
  - a) ensure internal coordination in their national administrations and in particular the direct involvement of aeronautical authorities and the aviation industry in the negotiations;
  - b) ensure that their representatives are fully aware of the provisions of the *Convention on International Civil Aviation*, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements;

- c) take into account their rights and obligations vis-à-vis those of ICAO Member States which are not members of the World Trade Organization;
- d) examine carefully the implications of any proposed inclusion of an additional air transport service or activity in the GATS bearing in mind, in particular, the close linkage between economic, environmental, safety and security aspects of international air transport;
- e) promote a full understanding of the role and mandate of ICAO in developing policy guidance on economic regulation, including liberalization of international air transport, and consider using this guidance; and
- f) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the GATS;

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

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

6. *Requests* the Council to:

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

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

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

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

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

*The Assembly:*

1. *Urges* Member 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*;
2. *Encourages* Member States to incorporate the basic principles of fair and equal opportunity to compete, non-discrimination, transparency, harmonization, compatibility and cooperation set out in the Convention and embodied in ICAO's policies and guidance in national legislation, rules and regulations, and in air services agreements;
3. *Requests* the Council to ensure that these policies and guidance material related to economic regulation remain relevant, current, and responsive to changing situations and requirements of States; and
4. *Requests* the Council to consider additional ways and means by which to enhance the status of its policies for the sustainable economic development of the air transport system.

## **APPENDIX B**

### **Aviation data/Statistics**

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

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

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

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

*Whereas* there is a need for the Organization to collect data from States on annual aviation fuel consumption to be used to address emerging challenges of sustainable development of air transport, and to monitor and report the potential impact of economic measures linked to the operational aspects of the international aviation services and related infrastructure;

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

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

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

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

*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;

*Whereas* ICAO's role in processing and disseminating aviation data allows States to use the data as a significant tool for the safe and orderly growth of international civil aviation services that are operated soundly and economically; and

*Whereas* ICAO has continued its effort to make the processes involving aviation data efficient and effective through the development of a set of electronic tools in order to answer to the evolving needs of Member States;

*The Assembly:*

1. *Urges* Member States to nominate focal points for aviation statistics, and to make every effort to provide the statistics required by ICAO on time and electronically whenever possible;
2. *Urges* Member States to use the available electronic tools when accessing ICAO aviation data;
3. *Encourages* Member States to use available electronic tools when providing aviation data to ICAO;
4. *Encourages* Member States to actively participate in the development of electronic tools by providing support and feedback and by sharing relevant knowledge and experience; and
5. *Requests* the Council, calling on national experts in the relevant disciplines as required, to examine on a regular basis the statistical data collected by ICAO in order to meet more effectively the needs of the Organization and its Member States, and to establish the necessary metrics to monitor the performance of the Organization in meeting its Strategic Objectives, to improve the uniformity of the statistics, the completeness and timeliness of reporting by Member States, and the form and content of analyses; and
6. *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;
  - b) make arrangements, on an appropriate basis, for assistance to be given upon request to Member States by personnel of the Secretariat for the improvement of their civil aviation statistics and their statistical reporting to the Organization;
  - c) develop a process by which to enable harmonization of aviation data from different sources in order to facilitate the provision of accurate, reliable and consistent data required for informed decision-making by States; and

- d) create, host, and manage a platform where the aviation community can share and promote its data and electronic tools in accordance with the principles and provisions as contained in the Convention and relevant decisions of the Organization.

## APPENDIX C

### Forecasting, planning and economic analyses

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

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

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

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

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

*The Assembly:*

1. *Requests* the Council to prepare and maintain forecasts of future trends and developments in civil aviation of both a general and a specific kind, including local and regional as well as global data, and to make these available to Member States and support data needs of safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport and environmental protection;
2. *Requests* the Council to develop one single set of long-term traffic forecast, from which customized or more detailed forecasts can be produced for various purposes, such as air navigation systems planning and environmental analysis;
3. *Requests* the Council to develop methodologies and procedures for the preparation of forecasts, the assessment of economic impact of new measures, the analyses of cost-benefit or cost-effectiveness, and the development of business cases to meet the needs of the Organization, the regional air navigation planning groups, environmental planning bodies and, as required, other activities of the Organization;
4. *Requests* the Council to make arrangements to collect and develop material on current forecasting methods both for the purposes described in clauses 1, 2 and 3 and for dissemination to Member States from time to time as guidance in their own forecasting, planning and economic analyses; and
5. *Requests* the Council to monitor developments, conduct studies on major issues of global importance, and share its analyses with States, international organizations and the industry.

## APPENDIX D

### 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 Member 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 A38-17, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H, *Aviation impact on local air quality*); and

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

*The Assembly:*

1. *Urges* Member 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* so as to avoid imposing discriminatory taxes on international aviation;
2. *Urges* Member States to avoid double taxation in the field of air transport; and
3. *Requests* the Council to ensure that the guidance and advice contained in Doc 8632 are current and responsive to the requirements of Member States and to continue to promote their application more vigorously.

## APPENDIX E

### Airports and air navigation services

#### Section I. Charging policy

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

*Whereas* the matter of aircraft engine emission-related levies and market-based measures is addressed separately in Assembly Resolution A38-17, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H, *Aviation impact on local air quality*), and in Assembly Resolution A38-18, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*;

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

*Whereas* the Council has been directed to formulate recommendations for the guidance of Member 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;

*Whereas* the development of air transport infrastructure and the global plan for aviation system block upgrades (ASBUs) requires necessary business case justification to secure funding and financing to support their implementation; 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* Member States to ensure that Article 15 of the Convention is fully respected;
2. *Urges* Member 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* Member States to ensure that airport and air navigation services charges are applied towards defraying the costs of providing facilities and services for civil aviation;
4. *Urges* Member 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 Member State for the use of air navigation facilities and airports by the aircraft of any other Member State;

5. *Encourages* Member States to adopt the principles of non-discrimination, cost-relatedness, transparency and consultation, as endorsed in Doc 9082, in national legislation, regulation or policies, as well as in air services agreements, to ensure compliance by airports and air navigation services providers;

6. *Encourages* Member States to ensure that the current ICAO policies for cost recovery of security measures and functions at airports and by air navigation services providers, as endorsed in Doc 9082, are implemented so that security user charges are reasonable, cost-effective and foster harmonization worldwide;

7. *Requests* the Council to develop guidance on funding of air transport infrastructure, appropriate oversight functions and financing of the air transport system, including mechanisms to support operational improvements as described in the aviation system block upgrade modules (ASBUs); and

8. *Requests* the Council to ensure that its policies and guidance related to funding contained in Doc 9082 and other documents are current and responsive to the requirements of Member 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* Member States are placing increased emphasis on improving efficiency and cost-effectiveness in the provision of airports and air navigation services;

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

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

*Whereas* Member 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* Member 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. *Encourages* Member States to consider the establishment of autonomous entities to operate airports and air navigation services providers, taking into account economic viability as well as the interests of the users and other interested parties;
3. *Urges* Member States to promote quality air navigation services performance through good governance;
4. *Urges* Member 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;
5. *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;
6. *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;
7. *Requests* the Council to promote ICAO's policies on user charges and related guidance material, including organizational and managerial advice, in order to increase the awareness and knowledge of these among States and commercialized and privatized airports and air navigation services entities;
8. *Requests* the Council to keep the economic situation of airports and air navigation services under review and make reports thereon to Member States at appropriate intervals; and
9. *Urges* Member 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 F**

### **Air carrier economics**

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

*Whereas* the objective studies by ICAO on international air transport costs and revenues are widely used by Member 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* Member 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 G**

### **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* Member States to take into account the effects on international civil aviation whenever policy is being formulated in the field of international air mail, and particularly at meetings of the Universal Postal Union (UPU); and
2. *Directs* the Secretary General to furnish to the UPU, on request and as stipulated in relevant cooperation arrangements between UPU and ICAO, information of a factual character which may be readily available.

### **A38-15: Consolidated statement of continuing ICAO policies related to aviation security**

*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 A37-17 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 A37-17, Appendices A to I inclusive, and has amended the statement to reflect the decisions taken during the 38th 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 38th 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 A37-17.

## **APPENDIX A**

### **General policy**

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

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

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

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

*Recalling* that Resolutions A27-12 and A29-16 remain in force;

*Recognizing* the exploitation of the aviation sector by a variety of criminal activities, including the illicit transport of narcotics and psychotropic substances by air;

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

*Recalling* the Declaration on Aviation Security that was adopted by the 37th Session of the Assembly;

*Recalling* the Joint Statements adopted at ICAO Regional Conferences on Aviation Security held in 2011 and 2012;

*Recalling* the Joint Communiqué issued by the ICAO-WCO Joint Conference on Enhancing Air Cargo Security and Facilitation – Synergy Through Cooperation, held in Singapore in July 2012;

*Recalling* the Communiqué of the High-level Conference on Aviation Security held in Montréal in September 2012, and the conference conclusions and recommendations; and

*Noting with satisfaction* the actions taken to implement the ICAO Comprehensive Aviation Security Strategy and its seven strategic focus areas, as adopted by the Council on 17 February 2010, which provides the framework for ICAO's aviation security activities for the 2011-2016 triennia;

*The Assembly:*

1. *Strongly condemns* all acts of unlawful interference against civil aviation wherever and by whomsoever and for whatever reason they are perpetrated;
2. *Notes with abhorrence* acts and attempted acts of unlawful interference aimed at the destruction in flight of civil aircraft including any misuse of civil aircraft as a weapon of destruction and the death of persons on board and on the ground;
3. *Reaffirms* that aviation security must continue to be treated as a matter of highest priority and appropriate resources should be made available by ICAO and its Member States;
4. *Calls upon* all Member States to confirm their resolute support for the established policy of ICAO by applying the most effective security measures, individually and in cooperation with one another, to prevent acts of unlawful interference and to punish the perpetrators, planners, sponsors, and financiers of conspirators in any such acts;
5. *Reaffirms* ICAO's responsibility to facilitate the consistent and uniform resolution of questions which may arise between Member States in matters affecting the safe and orderly operation of international civil aviation throughout the world;
6. *Directs* the Council to continue, as an urgent priority, its work relating to measures for prevention of acts of unlawful interference, on the basis of the strategic direction provided under the ICAO Comprehensive Aviation Security Strategy, and ensure that this work is carried out with the highest efficiency and responsiveness;
7. *Expresses appreciation* to Member States for the voluntary contributions in the form of human and financial resources to the ICAO Comprehensive Aviation Security Strategy during the 2011-2013 triennium; and
8. *Urges* all Member States to continue to financially support the Organization's aviation security activities beyond those budgeted for under the regular programme through the ICAO Comprehensive Aviation Security Strategy.

## APPENDIX B

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

#### a) *International legal instruments*

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

*The Assembly:*

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

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

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

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

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

*The Assembly:*

1. *Calls upon* Member States to give special attention to the adoption of adequate measures against persons committing, planning, sponsoring, financing or facilitating acts of unlawful seizure of aircraft, acts of sabotage or attempted sabotage or other acts or attempted acts of unlawful interference against civil aviation, and in particular to include in their legislation rules for the severe punishment of such persons; and
2. *Calls upon* Member States to take adequate measures relating to the extradition or prosecution of persons committing acts of unlawful seizure of aircraft, acts of sabotage or attempted sabotage or other acts or attempted acts of unlawful interference against civil aviation by adopting appropriate provisions in law or treaty for that purpose or by strengthening existing arrangements and by concluding appropriate agreements for the suppression of such acts which would provide for the extradition of persons committing criminal attacks on international civil aviation.

## **APPENDIX C**

### **Implementation of technical security measures**

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

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

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

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

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

*Whereas* threats to the air cargo and mail systems as a whole require a global approach in the development and implementation of security requirements and best practices, including cooperation with relevant international organizations such as the World Customs Organization (WCO), Universal Postal Union (UPU), and International Maritime Organization (IMO);

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

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

*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; and

*Whereas* technology and process innovations are required to achieve effective and efficient aviation security and facilitation measures, and in defining the future of security screening regimes;

*The Assembly:*

1. *Urges* the Council to continue to attach the highest priority to the adoption of effective measures for the prevention of acts of unlawful interference commensurate with the current threat to the security of international civil aviation, to take into account the innovative and evolving nature of that threat, and to keep up to date the provisions of Annex 17 to the Chicago Convention from a threat and risk perspective;
2. *Requests* that the Council complete, in addition to the International Explosives Technical Commission (IETC) mandate as prescribed by the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, studies into methods of detecting explosives or explosive materials, especially into the marking of those explosives of concern, other than plastic explosives, with a view to the evolution, if needed, of an appropriate comprehensive legal regime;
3. *Urges* all States on an individual basis and in cooperation with other States to take all possible measures for the prevention of acts of unlawful interference, in particular, those required or recommended in Annex 17 as well as those recommended by the Council;
4. *Urges* Member 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 *Aviation Security Manual* (Doc 8973 — Restricted) and available on the ICAO restricted website;
5. *Encourages* Member States to promote aviation security as a fundamental component of national, social and economic priorities, planning and operations;
6. *Encourages* Member States to work in partnership with industry to develop, conduct operational trials of, and implement effective security measures;
7. *Encourages* Member States, pursuant to their domestic laws, regulations and aviation security programmes, and in accordance with applicable SARPs and the capacity of each State, to promote the implementation of aviation security measures in a practical manner to:
  - a) broaden existing cooperation mechanisms amongst States and industry, as appropriate, for information exchange and the early detection of security threats to civil aviation operations;
  - b) share expertise, best practices and information relating to preventive security measures, including screening and inspection techniques, the detection of explosives, airport security behavioural detection, screening and credentialing of airport staff, human resource development and the research and development of relevant technologies;

- c) utilize modern technologies to detect prohibited materials and to prevent the carriage of such materials on board aircraft while respecting the privacy and safety of individuals;
- d) define aviation security measures that are risk-based, appropriate and proportionate to the threat, effective, efficient, operationally viable, economically and operationally sustainable, and take into account the impact on passengers and on legitimate trade;
- e) address the continued threat posed by liquids, aerosols and gels (LAGs) explosives, including the implementation of technological solutions needed to gradually lift restrictions on the carriage of LAGs in cabin baggage;
- f) treat flights arriving from States where LAGs screening is applied in the same way as flights from States where LAGs restrictions are applied;
- g) intensify efforts in securing the air cargo and mail security system by:
  - i. developing a strong, sustainable and resilient air cargo security framework;
  - ii. implementing robust security standards effectively;
  - iii. adopting a total supply chain approach to air cargo and mail security;
  - iv. establishing and strengthening oversight and quality control of air cargo and mail security;
  - v. engaging in bilateral and multilateral cooperative efforts to coordinate actions to harmonize and enhance air cargo and mail security and secure the global air cargo supply chain;
  - vi. sharing best practices and lessons learned with other States to enhance the overall level of air cargo and mail security; and
  - vii. strengthening initiatives to intensify capacity-building in air cargo and mail security; and
- h) give consideration to the potential security vulnerability of unmanned aircraft systems in order to prevent unlawful interference.

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

9. *Calls upon* Member 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;

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

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

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

- a) ensure that the provisions of Annex 17 and Annex 9 — *Facilitation* are compatible with and complementary to each other, provided that the effectiveness of security measures is not compromised;
- b) where relevant, include items dealing with aviation security on the agenda of ICAO meetings;
- c) continue to promote the development of effective and innovative security processes and concepts, through awareness raising regional and subregional aviation security events at the request of States concerned, including in cooperation with industry stakeholders and equipment manufacturers to develop the next generation of passenger and cargo screening processes;
- d) continue to work with the Aviation Security Panel to address new and existing threats to civil aviation, and to develop appropriate preventive measures, including the screening and security control of persons other than passengers with access to secured airport facilities, enhanced screening of passengers and baggage, appropriate security controls for cargo, the supply chain and service providers, as well as the selection and training of persons executing and implementing security measures;
- e) promote the development of mutual recognition processes with the goal of assisting States in achieving mutually beneficial arrangements, including one-stop security arrangements, which recognize the equivalence of their aviation security measures where these achieve the same outcomes, and which are based on an agreed comprehensive and continuous validation process and effective exchange of information regarding their respective aviation security systems; and
- f) continue to address other threats and risks, including cyber threats to aviation security, and risks to landside areas of airports and air traffic management security, in consultation with the Aviation Security Panel;

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

14. *Directs the Council to instruct the Secretary General and the Aviation Security Panel to ensure the periodic review and updating of the ICAO Global Risk Context Statement, which provides a risk assessment methodology for aviation security which may be considered by Member States for use in further developing their own national risk assessments and to include risk-based assessments with any recommendations for the adoption of new or amended aviation security measures in Annex 17 or in any other ICAO document;*

15. *Directs the Council to instruct the Secretary General and the Aviation Security Panel to ensure that appropriate fields of expertise are engaged in the assessment of aviation security risks and the development of SARPs, specifications, guidance material, and other mean to address issues of aviation security, including coordination with other panels; and*

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

## APPENDIX D

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

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

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

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

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

*The Assembly:*

1. *Expresses concern* about the challenges posed to security of civil aviation by new and existing threats and the changing modus operandi used in perpetrating acts of unlawful interference;
2. *Recalls* in this regard the relevant provisions of the Chicago, Tokyo, The Hague, Montréal and Beijing Conventions, the 1988 Supplementary Protocol to the Montréal Convention and the 2010 *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*;
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* Member 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* Member 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* Member 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 Member State to fulfil its obligations to return without delay an aircraft which is being illegally detained and to submit to competent authorities or extradite without delay the case of any person accused of an act of unlawful interference with civil aviation;

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

10. *Calls upon* Member 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 provided to ICAO in a timely manner by States concerned with acts of unlawful interference should contain comprehensive and credible information and constitute the basis for evaluation and analysis of acts; and

*Whereas* the ICAO online database of acts of unlawful interference is an effective tool for the prompt dissemination of information related to aviation security incidents, and is readily accessible by Member States through the ICAO Secure Portal (<https://portal.icao.int>);

*The Assembly:*

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

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

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

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

## **APPENDIX E**

### **The ICAO Universal Security Audit Programme**

*Whereas* the ICAO Universal Security Audit Programme (USAP) has been successful in meeting the mandate of Resolution A37-17, 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* Member States are committed to compliance with Annex 17 and the security-related provisions of Annex 9;

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

*Recalling* that the ultimate responsibility to ensure both the safety and security of civil aviation rests with Member 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 continues to enjoy the support of States, serving as a catalyst for their continued efforts to meet their international obligations in the field of aviation security;

*Recognizing* that the effective implementation of State corrective action plans to address deficiencies identified through audits and other USAP-continuous monitoring approach (CMA) activities is an integral and crucial part of the monitoring process in order to achieve the overall objective of enhancing global aviation security;

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

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

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

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

*Recalling* that the 37th Session of the Assembly requested the Council to report on the overall implementation of the USAP, including its decision with regard to the study to assess the feasibility of extending the CMA to the USAP after the conclusion of the second cycle of audits in 2013;

*Considering* the approval by the Council of the application of a CMA to the USAP following the completion of the second cycle of audits in 2013; and

*Considering* the approval by the Council of a transition plan to a USAP-CMA involving full implementation of the new methodology beginning 1 January 2015;

*The Assembly:*

1. *Notes with satisfaction* that the first and second cycles of audits conducted under the USAP have proven to be instrumental in the identification of aviation security concerns and in providing recommendations for their resolution;

2. *Expresses its appreciation* to Member States for their cooperation in the audit process and for making available security experts to be certified as USAP auditors to serve as short-term experts in the conduct of audits, as well as long-term experts to act as USAP audit team leaders;
3. *Endorses* the Council's decision to extend the CMA to the USAP in 2015, following the successful completion of the second cycle of USAP audits in 2013 and a transition period;
4. *Requests* the Council to oversee the activities of the USAP-CMA as it monitors States' levels of effective implementation of the critical elements of an aviation security oversight system, compliance with the ICAO SARPs, and implementation of State corrective action plans;
5. *Endorses* the policy of a limited level of transparency of security audit results for the USAP-CMA, particularly relating to the prompt notification of the existence of significant security concerns;
6. *Urges* all Member States to give full support to ICAO by:
  - a) accepting USAP-CMA missions as scheduled by the Organization, in coordination with relevant States;
  - b) facilitating the work of the USAP-CMA teams;
  - c) preparing and submitting to ICAO all required documentation; and
  - d) preparing and submitting an appropriate corrective action plan to address deficiencies identified during USAP-CMA activities;
7. *Urges* all Member States to share upon request, if appropriate and consistent with their sovereignty, the results of audits and other USAP-CMA activities carried out by ICAO and the corrective actions taken by the audited State; and
8. *Requests* that the Council report to the next ordinary session of the Assembly on the overall implementation of the USAP-CMA.

## **APPENDIX F**

### **The ICAO Implementation Support and Development – Security Programme (ISD-SEC)**

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

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

*The Assembly:*

1. *Directs* the Council to request the Secretary General to facilitate and coordinate technical assistance and support for States that need to improve their aviation security oversight, through the development of a coordinated, targeted and effective international aviation security capacity-building framework;

2. *Urges* Member States to voluntarily contribute financial and in-kind resources to increase the reach and impact of ICAO aviation security enhancement activities;
3. *Invites* Member States and relevant stakeholders to also contribute to the continued development of ICAO's *international* aviation security capacity-building framework;
4. *Invites* developed States to give assistance to the States which are not able to implement programmes of *recommended* technical measures for the protection of aircraft on the ground and, in particular, in the processing of passengers, their cabin and hold baggage, and cargo, mail, courier and express parcels;
5. *Invites* Member States to consider requesting assistance from ICAO and other international organizations to meet their technical assistance requirements arising from the need to protect international civil aviation;
6. *Invites* Member States to take advantage of ICAO's capacity to provide, facilitate or coordinate short-term remedial assistance and long-term assistance to remedy deficiencies in their implementation of Annex 17 and 9 SARPs, and ICAO's capacity to make best use of USAP audit results for defining and targeting aviation security capacity-building activities for the benefit of Member States in need;
7. *Directs* the Council to request the Secretary General to assess the quality and effectiveness of ICAO assistance projects;
8. *Urges* Member States and relevant stakeholders to enter into partnership agreements for the organization and delivery of capacity-building activities, encompassing all parties concerned and including commitments to be made by all parties;
9. *Requests* the Council to direct the Secretary General to develop and update the ICAO Training Programme for Aviation Security, Aviation Security Training Packages (ASTPs) and Aviation Security Workshops, and promote the use of e-learning in aviation security training;
10. *Invites* Member States to contribute training documentation to aid in the future development and updates of the ICAO Training Programme for Aviation Security, ASTPs and Aviation Security Workshops;
11. *Requests* the Council to direct the Secretary General to oversee, develop, promote, and regularly re-evaluate the Aviation Security Training Centres (ASTCs) network to ensure that training standards are maintained and sound levels of cooperation are achieved;
12. *Urges* Member States to utilize ICAO ASTCs for security training;
13. *Urges* Member States and organizations to share with ICAO information on their assistance programmes and activities in order to promote the efficient and effective use of resources;
14. *Directs* the Council to request the Secretary General to facilitate the coordination of assistance programmes and activities by collecting information on such initiatives; and

15. *Urges* the international community to consider increasing assistance to States and enhancing cooperation amongst them, in order to be able to benefit from the achievement of the aims and objectives of the *Convention on the Marking of Plastic Explosives for the Purpose of Detection*, in particular through the International Explosives Technical Commission (IETC).

## APPENDIX G

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

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

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

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

*Whereas* focussing on security outcomes, recognition of equivalence and one-stop security, and respecting the spirit of cooperation defined in multilateral and/or bilateral air services agreements are policy principles whose implementation can contribute significantly to aviation security sustainability;

*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 Member States;

2. *Urges* all Member States to insert into their multilateral and bilateral agreements on air services a clause on aviation security, taking into account the model clause adopted by the Council on 25 June 1986 and the model agreement adopted by the Council on 30 June 1989;

3. *Urges* all Member States to adopt the following key principles as the basis for international cooperation in aviation security and to ensure effective aviation security cooperation amongst States, ICAO and other relevant international organizations:

- a) respect for the spirit of cooperation defined in bilateral and/or multilateral air services agreements;
- b) recognition of equivalent security measures; and
- c) focus on security outcomes;

4. *Urges* all Member 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, and to intensify their coordination and cooperation to ensure the exchange of best practices through the AVSECPaedia;

5. *Urges* the Council to request the Secretary General to promote initiatives which enable the establishment of technological platforms for the exchange of aviation security information among Member States;
6. *Requests* that the Council continue to:
  - a) gather the results of States' experience in cooperating with each other to prevent acts of unlawful interference with international civil aviation;
  - b) analyse differing circumstances and trends in preventing threats to international civil aviation in different regions of the world; and
  - c) prepare recommendations for strengthening measures to deter and prevent such acts of unlawful interference;
7. *Directs* the Council to act with the requisite urgency and expedition to address new and existing threats to civil aviation, seeking to mitigate unnecessary disruption to air travel as a result of confusion or inconsistent implementation or interpretation of necessary measures, facilitating a common and consistent response by States, and encouraging clear communication by States to the travelling public.

## **APPENDIX H**

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

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

*The Assembly:*

1. *Invites* the Civil Air Navigation Services Organization (CANSO), the International Atomic Energy Agency (IAEA), the International Criminal Police Organization (ICPO/INTERPOL), the International Maritime Organization (IMO), the Organization for Security and Cooperation for Europe (OSCE), the United Nations Counter-Terrorism Committee Executive Directorate (UNCTED), the United Nations Counter-Terrorism Implementation Task Force (UNCTITF), the United Nations Office on Drugs and Crime (UNODC), the Universal Postal Union (UPU), the World Customs Organization (WCO), the European Union (EU), the European Civil Aviation Conference (ECAC), the International Air Transport Association (IATA), Airports Council International (ACI), the International Federation of Airline Pilots' Associations (IFALPA), the International Business Aviation Council (IBAC), the International Coordinating Council of Aerospace Industries Associations (ICCAIA), the Global Express Association (GEA), the International Federation of Freight Forwarders Associations (FIATA), The International Air Cargo Association (TIACA) 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 Member States; and

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

### **Declaration on Aviation Security**

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

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

- 9) share best practices and information in a range of key areas, such as: screening and inspection techniques, including assessments of advanced screening technology for the detection of weapons and explosives; document security and fraud detection; behaviour detection and threat-based risk analysis; screening of airport employees; the privacy and dignity of persons; and aircraft security.

**A38-16: Consolidated statement of continuing policies and practices related to facilitation**

*Whereas* Annex 9 — *Facilitation*, was developed as a means of articulating the obligations of Member 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; and

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

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies related to facilitation, as these policies exist at the close of the 38th Session of the Assembly:

Appendix A — Development and implementation of facilitation provisions

Appendix B — National and international action in ensuring the security and integrity of traveller identification and border controls

Appendix C — National and international action and cooperation on facilitation matters

2. *Requests* the Council to keep the consolidated statement related to facilitation under review and advise the Assembly as appropriate when changes are needed to the statement; and

3. *Declares* that this resolution supersedes Resolution A37-20 (Appendix D — Facilitation).

**APPENDIX A**

**Development and implementation of facilitation provisions**

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

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

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

*The Assembly:*

1. *Urges* Member States to give special attention to increasing their efforts to implement Annex 9 Standards and Recommended Practices;
2. *Urges* Member States to give due regard to Doc 9984, *Manual on Access to Air Transport by Persons with Disabilities*, in their implementation of the relevant provisions of Annex 9;
3. *Requests* the Council to ensure that Annex 9 — *Facilitation*, is current and addresses the contemporary requirements of Member States with respect to administration of border controls, cargo and passengers; advances in technologies related to such administration; cargo facilitation; the handling of and responses to health-related and other disruptive events to aviation; and unaccompanied minors;
4. *Requests* the Council to ensure that relevant guidance material is current and responsive to the requirements of Member States;
5. *Requests* the Council to ensure that the provisions of Annex 9 — *Facilitation*, and Annex 17 — *Security*, are compatible with and complementary to each other; and
6. *Requests* the Council to update Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, to ensure that it is current and responsive to the requirements of Member States.

## **APPENDIX B**

### **National and international action in ensuring the security and integrity of traveller identification and border controls**

*Whereas* States recognize the relevance of traveller identification and border control management to aviation security and facilitation;

*Whereas* States recognize that the ability to uniquely identify individuals requires a holistic and coordinated approach, which links the following five interdependent elements of traveller identification and border control management into a coherent framework:

- a) Foundational documents, tools and processes required to ensure authentic evidence of identity;
- b) The design and manufacture of standardized Machine Readable Travel Documents (MRTDs), including e-Passports, that comply with ICAO specifications;

- c) Processes and protocols for document issuance by appropriate authorities to authorized holders, and controls to combat theft, tampering and loss;
- d) Inspection systems and tools for the efficient and secure reading and verification of MRTDs at borders, including use of the ICAO PKD; and
- e) Interoperable applications that provide for timely, secure and reliable linkage of MRTDs and their holders to available and relevant data in the course of inspection operations;

*Whereas* States require capacity to uniquely identify individuals and require tools and mechanisms available to establish and confirm the identity of travellers;

*Whereas* the ICAO Traveller Identification Programme (ICAO TRIP) Strategy provides a framework for achieving the maximum benefits of travel documents and border controls by bringing together the elements of identification management, and building on the success of the ICAO MRTDs Programme;

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

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

*Whereas* the security of traveller identification and border controls depends on a robust identification management system and the integrity of the travel document issuance process;

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

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

*Whereas* enhanced and intensified cooperation among States is required in order to combat and prevent identification and travel document fraud;

*Whereas* the criminal focus worldwide has been increasingly shifting from travel document fraud to identification fraud;

*Whereas* ICAO has set up the Public Key Directory (PKD) to verify, validate and authenticate biometrically-enhanced MRPs (ePassports), thereby strengthening their security and the integrity of border controls; and

*Whereas* Member States request from ICAO Programmes technical assistance and capacity-building support in strengthening their traveller identification and border control programmes;

*The Assembly:*

1. *Urges* States, through their travel document and border control programmes, to uniquely identify individuals to maximize security and facilitation benefits, including preventing acts of unlawful interference and other threats to civil aviation;
2. *Urges* Member States to intensify their efforts in developing and implementing a robust identification management system and safeguard the security and integrity of the travel document issuance process;
3. *Requests* the Council to direct the Secretary General to implement the ICAO TRIP Strategy to assist Member States to uniquely identify individuals, and to enhance the security and integrity of their travel documents and border controls;
4. *Requests* Member States to intensify their efforts to safeguard the security and integrity of traveller identification and border controls, and to assist one another in these matters;
5. *Urges* those Member States that have not already done so, to issue machine readable passports in accordance with the specifications of Doc 9303, Part 1;
6. *Urges* Member States to ensure that the expiration date of non-machine readable passports falls before 24 November 2015;
7. *Urges* those Member States requiring assistance in building effective and efficient traveller identification and border control systems to contact ICAO without delay;
8. *Requests* the Council to ensure that specifications and guidance material contained 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 enhancing security and facilitation of border controls;
9. *Requests* the Council to continue the work on further strengthening the security and integrity of traveller identification and border controls, and developing guidance material to assist Member States to further those objectives;
10. *Urges* the Council to explore ways of intensifying assistance and capacity-building support to Member States in the traveller identification and border control areas, including a proactive leadership role for ICAO in facilitating and coordinating such assistance in the international community;
11. *Urges* all States to join the ICAO PKD; and all receiving States to verify the digital signatures associated with ePassports; and
12. *Urges* those Member States that are not already doing so to provide routine and timely submissions of lost and stolen passport data to the Interpol's Automated Search Facility/Stolen and Lost Travel Document Database.

## APPENDIX C

### **National and international action and cooperation on facilitation matters**

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

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

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

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

*The Assembly:*

1. *Urges* Member States to establish and utilize national facilitation committees and adopt policies of cooperation on a regional basis among neighbouring States;
2. *Requests* the Council to develop relevant guidance material on the establishment of national facilitation programmes and/or committees, as appropriate, as supplementary to the provisions of Annex 9;
3. *Urges* Member States to participate in regional and subregional facilitation programmes of other intergovernmental aviation organizations;
4. *Urges* Member 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:
    - i. making the national regulations and practices conform to the provisions and intent of Annex 9; and
    - ii. working out satisfactory solutions for day-to-day problems in the facilitation field; and
  - b) taking the initiative in any follow-up action required;
5. *Urges* Member 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 Member States with which they have air links;
6. *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;

7. *Urges* Member States, aircraft operators and airport operators to continue to cooperate intensively 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;

8. *Urges* Member 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;

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

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

11. *Urges* Member States to undertake dialogue and cooperation between national and regional facilitation and security-related bodies.

**A38-17: Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality**

*Whereas* in Resolution A37-18 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 A37-18 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 37th Session of the Assembly in the field of aircraft noise and engine emissions; and

*Considering* the need to define a specific ICAO policy to address aviation's impact on global climate (A38-18: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*), the increasing concern on aviation and climate change and as part of ICAO's policies and practices related to environmental protection;

*The Assembly:*

1. *Resolves* that the Appendices attached to this Resolution and listed below, together with A38-18: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection, as these policies exist at the close of the 38th Session of the Assembly:

Appendix A — General

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

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

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

Appendix E — Local noise-related operating restrictions at airports

Appendix F — Land-use planning and management

Appendix G — Supersonic aircraft — The problem of sonic boom

Appendix H — Aviation impact on local air quality

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

3. *Declares* that this resolution, together with A38-18: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change*, supersede Resolutions A37-18 and A37-19.

## 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 Member 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 emphasizing 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 Member States;

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

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

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

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

*The Assembly:*

1. *Declares* that ICAO, as the lead United Nations (UN) Agency in matters involving international civil aviation, is conscious of and will continue to address the adverse environmental impacts that may be related to civil aviation activity and acknowledges its responsibility and that of its Member 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 Member 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 recognizes 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 optimize decision-making;

5. *Requests* the Council to establish a set of aviation environmental indicators which States could use to evaluate the performance of aviation operations and the effectiveness of standards, policies and measures to mitigate aviation's impacts on the environment;

6. *Requests* the Council to disseminate information on the present and future impact and trends of aircraft noise and aircraft engine emissions, on the work of CAEP, and on ICAO policy and guidance material in the environmental field, in an appropriate manner, such as through regular reporting and workshops, including through the coordination with the ICAO Regional Offices;
7. *Invites* States to continue their active support for ICAO's environment-related activities, and urges Member States to support activities not foreseen in the budget by providing a reasonable level of voluntary contributions;
8. *Invites* States and international organizations to provide the necessary scientific information and data to enable ICAO to substantiate its work in this field;
9. *Encourages* the Council to continue to cooperate closely with international organizations and other UN bodies on the understanding of aviation impacts on the environment and on the establishment of policies to address such impacts; and
10. *Urges* States to refrain from environmental measures that would adversely affect the orderly and sustainable development of international civil aviation.

## **APPENDIX B**

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

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

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

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

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

*Whereas* the Council has adopted Annex 16, Volume I — *Aircraft Noise*, which comprises noise certification Standards for subsonic aircraft (except short take-off and landing/vertical take-off and landing aeroplanes) and has notified Member States of this action;

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

*Whereas* the Council has initiated work on the development of certification requirements for non-volatile particulate matter (PM) emissions;

*Welcoming* the agreement by CAEP of certification requirements for a global CO<sub>2</sub> Standard for aircraft;

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

Whereas the Council has adopted medium- and long-term technology goals for reduction of noise and oxides of nitrogen (NO<sub>x</sub>), and technology and operational goals for aircraft fuel burn reduction;

*The Assembly:*

1. *Welcomes* the continuing benefits of the more stringent aircraft noise Standard in Annex 16, Volume I, Chapter 4 that took effect on 1 January 2006;
2. *Welcomes* the consideration by the Council in June 2013 of the new, more stringent Standard for noise to be implemented on or after 31 December 2017 and on or after 31 December 2020 for aircraft less than 55 tonnes;
3. *Welcomes* the consideration by the Council in June 2013 of the new Standard for noise to be implemented for Tilt-rotor aircraft on or after 1 January 2018;
4. *Welcomes* the plan approved by the Council in June 2013 for the further development and finalization of an aircraft CO<sub>2</sub> Standard by 2016;
5. *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;
6. *Welcomes* the adoption by the Council in June 2013 of the medium- and long-term technology goals for reducing aircraft noise and technology and operational goals for aircraft fuel burn reduction;
7. *Requests* the Council to ensure that its Committee on Aviation Environmental Protection (CAEP) pursues its work programme in the noise and emissions fields expeditiously in order that appropriate solutions can be developed as quickly as possible, and that the necessary resources are made available to do so;
8. *Urges* Member States from regions of the world that are currently under-represented in CAEP to participate in the Committee's work;
9. *Requests* the Council to provide States and International Organizations information on available measures to reduce the impact of aviation operations on the environment so that action can be taken using the appropriate measures;
10. *Urges* Member States to follow, where appropriate, the ICAO provisions developed pursuant to Resolving Clause 5 of this Appendix; and
11. *Requests* the Council to continue the work on developing and employing scenarios for assessing the future environmental impact of aviation emissions and to cooperate with other international organizations in this area.

## APPENDIX C

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

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

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

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

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

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

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

*Whereas* the process for implementation and decisions between elements of the balanced approach is for Member 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 Member States and international organizations to recognize the leading role of ICAO in dealing with the problems of aircraft noise;
2. *Urges* States to:
  - a) adopt a balanced approach to noise management, taking full account of ICAO guidance (Doc 9829), relevant legal obligations, existing agreements, current laws and established policies, when addressing noise problems at their international airports;
  - b) institute or oversee a transparent process when considering measures to alleviate noise, including:
    - 1) assessment of the noise problem at the airport concerned based on objective, measurable criteria and other relevant factors;
    - 2) evaluation of the likely costs and benefits of the various measures available and, based on that evaluation, selection of measures with the goal to achieve maximum environmental benefit most cost-effectively; and
    - 3) provision for dissemination of the evaluation results, for consultation with stakeholders and for dispute resolution;
3. *Encourages* States to:
  - a) promote and support studies, research and technology programmes aimed at reducing noise at source or by other means taking into account interdependencies with other environmental concerns;
  - b) apply land-use planning and management policies to limit the encroachment of incompatible development into noise-sensitive areas and mitigation measures for areas affected by noise, consistent with Appendix F to this Resolution;
  - c) apply noise abatement operational procedures, to the extent possible without affecting safety and considering interdependencies with other environmental concerns; and
  - d) not apply operating restrictions as a first resort but only after consideration of the benefits to be gained from other elements of the balanced approach and in a manner which is consistent with Appendix E to this Resolution and taking into account the possible impact of such restrictions at other airports;
4. *Requests* States to:
  - a) work closely together to ensure the harmonization of programmes, plans and policies to the extent possible;
  - b) ensure that the application of any measures to alleviate noise are consistent with the non-discrimination principle in Article 15 of the Chicago Convention; and

- c) take into consideration the particular economic conditions of developing countries;
5. *Invites* States to keep the Council informed of their policies and programmes to alleviate the problem of aircraft noise in international civil aviation;
6. *Requests* the Council to:
- a) assess continuously the evolution of the impact of aircraft noise;
  - b) ensure that the guidance on the balanced approach in Doc 9829 is current and responsive to the requirements of States; and
  - c) promote the use of the balanced approach, for example through workshops; and
7. *Calls upon* States to provide appropriate support for this work on ICAO guidance and any additional work on methodologies, and for the assessment of the impact or effectiveness of measures under the balanced approach as necessary.

## APPENDIX D

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

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

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

*Whereas* the Committee on Aviation Environmental Protection has concluded that a general phase-out of Chapter 3 aircraft operations by all the countries which imposed a phase-out on operations of Chapter 2 aircraft is not supported on cost-benefit grounds and had undertaken the work that led to the recommendation of a new noise certification standard in Volume I, of Annex 16 on the understanding that a new phase-out should not be considered;

*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, 4 or any more recent Chapter 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* further reductions in noise at source are expected as a result of the adoption of new noise certification standards in Volume I of Annex 16 and through the assimilation of noise reduction technology in the fleet;

*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 standard contained in Annex 16, Volume I, Chapter 4 and any further stringency levels adopted by the Council are 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 and any further stringency levels adopted by the Council.

## APPENDIX F

### Land-use planning and management

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

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

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

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

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

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

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

*Whereas* guidance material on appropriate land-use planning and noise mitigation measures is included in the *Airport Planning Manual* (Doc 9184), Part 2 — *Land Use and Environmental Control*, which needs to be revised to include relevant provisions to account for emissions-related effects;

*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 Chapter 4 standard, are also not avoidably compromised by inappropriate land use or encroachment;
3. *Urges* States, where the opportunity still exists to minimize aircraft noise problems through preventive measures, to:
  - a) locate new airports at an appropriate place, such as away from noise-sensitive areas;
  - b) take the appropriate measures so that land-use planning is taken fully into account at the initial stage of any new airport or of development at an existing airport;

- c) define zones around airports associated with different noise levels taking into account population levels and growth as well as forecasts of traffic growth and establish criteria for the appropriate use of such land, taking account of ICAO guidance;
- d) enact legislation, establish guidance or other appropriate means to achieve compliance with those criteria for land use; and
- e) ensure that reader-friendly information on aircraft operations and their environmental effects is available to communities near airports; and

4. *Requests* the Council to:

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

## APPENDIX G

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

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

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

*The Assembly:*

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

## APPENDIX H

### Aviation impact on local air quality

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

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

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

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

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

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

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

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

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

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

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

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

*Whereas* Article 15 of the *Convention on International Civil Aviation* contains provisions regarding airport and similar charges, including the principle of non-discrimination, and ICAO has developed policy guidance for Member 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 emissions-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 emissions-related charges to address the impact of aircraft engine emissions at or around airports;

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

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

*The Assembly:*

1. *Requests* the Council to monitor and develop its knowledge of, in cooperation with other relevant international organizations such as WHO, the effects of aviation emissions of PM, NO<sub>x</sub> and other gases on human welfare and health, and to disseminate information in this regard;
2. *Requests* the Council to continue its work to develop technologically feasible, environmentally beneficial and economically reasonable standards to further reduce the impact of local air pollution from aircraft;
3. *Requests* the Council to continue to develop certification requirements for non-volatile PM emissions while continuing to monitor progress in scientific and technical understanding of volatile and non-volatile components of PM emissions;
4. *Encourages* action by Member States to aid the development of certification requirements for non-volatile PM emissions;
5. *Requests* the Council to ensure that the interdependencies between measures to reduce aircraft noise and engine emissions that affect local air quality as well as global climate are given due consideration;
6. *Requests* the Council to continue its work to develop long-term technology and operational goals with respect to aviation environmental issues, including NO<sub>x</sub> emissions from aircraft;
7. *Requests* the Council to continue to foster operational and air traffic improvements that reduce the impact of local air pollution from aircraft;
8. *Encourages* action by Member States, and other parties involved, to limit or reduce international aviation emissions affecting local air quality through voluntary measures and to keep ICAO informed;
9. *Welcomes* the development and promotion of guidance material on issues related to the assessment of airport-related air quality;
10. *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;
11. *Welcomes* the development of the guidance on emissions charges related to local air quality and *requests* the Council to keep up-to-date such guidance and *urges* Member States to share information on the implementation of such charges; and

12. *Urges* Member 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.

**A38-18: Consolidated statement of continuing ICAO policies and practices related to environmental protection – Climate change**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Acknowledging* the significant technological progress made in the aviation sector, with aircraft produced today being about 80 per cent more fuel efficient per passenger kilometre than in the 1960's;

*Welcoming* the agreement by the Committee on Aviation Environmental Protection (CAEP) of certification requirements for a global CO<sub>2</sub> Standard for aircraft;

*Recognizing* that air traffic management (ATM) measures under the ICAO's Global Air Navigation Plan contribute to enhanced operational efficiency and the reduction of aircraft CO<sub>2</sub> emissions;

*Welcoming* the adoption of the Aviation System Block Upgrades (ASBUs) strategy at the ICAO Twelfth Air Navigation Conference in November 2012;

*Recalling* that Assembly Resolution A37-19 requested the Council, with the support of Member States, to undertake work to develop a framework for market-based measures (MBMs) in international aviation, including further elaboration of the guiding principles listed in the Annex to A37-19, for consideration by the 38th Session of the ICAO Assembly;

*Recognizing* the importance of avoiding a multiplicity of approaches for the design and implementation of MBM framework and MBM schemes;

*Recalling* that Assembly Resolution A37-19 requested the Council to explore the feasibility of a global MBM scheme to address emissions from international aviation;

*Noting* the decision of the Council on 9 November 2012, which recognized that the results of the qualitative and quantitative analysis of the three options for a global MBM scheme evaluated by the Secretariat with the support of the Experts on MBMs demonstrated that all three options were technically feasible and had the capacity to contribute to achieving ICAO's environmental goals, and that the Council agreed that further quantitative analysis of the three options needed to be undertaken to develop more robust and concrete conclusions;

*Recognizing* the potential desirability of a global MBM scheme in terms of providing an additional means of promoting achievement of the aspirational global goal referred to in paragraph 7;

*Noting* the support of the aviation industry for a single global carbon offsetting scheme, as opposed to a patchwork of State and regional MBMs, as a cost effective measure to complement a broader package of measures including technology, operations and infrastructure measures;

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

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

*Noting* the progress achieved in proving the technological feasibility of drop-in sustainable alternative fuels for aviation and that such fuels will require the introduction of appropriate policies and incentives to create a long-term market perspective;

*Acknowledging* the need for such fuels to be developed and deployed in an economically feasible, socially and environmentally acceptable manner and the need for increased harmonization of the approaches to sustainability;

*Noting* that, consistent with Assembly Resolution A37-19, a substantial strategy for capacity building was undertaken by the Organization to assist the preparation and submission of States' action plans, including the holding of hands-on training workshops and the development of guidance material, an interactive web-interface and the ICAO Fuel Savings Estimation Tool (IFSET);

*Welcoming* that, as of 30 June 2013, 61 Member States that represent 78.89 per cent of global international air traffic voluntarily prepared and submitted their action plans to ICAO;

*Noting* that the ICAO "Assistance for Action – Aviation and Climate Change" Seminar in October 2012 highlighted the active involvement of Member States and international organizations in the activities related to States' action plans, explored possible sources of financial support for environmental action and provided an opportunity to share information and build partnerships in order to facilitate assistance identified by States for the preparation and implementation of their action plans;

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

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

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

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

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

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

*The Assembly:*

1. *Resolves* that this resolution, together with Resolution A38-17: *Consolidated statement of continuing ICAO policies and practices related to environmental protection – General provisions, noise and local air quality*, supersede Resolutions A37-18 and A37-19 and constitute the consolidated statement of continuing ICAO policies and practices related to environmental protection;
2. *Requests* the Council to:
  - a) ensure that ICAO exercise continuous leadership on environmental issues relating to international civil aviation, including GHG emissions;
  - b) continue to study policy options to limit or reduce the environmental impact of aircraft engine emissions and to develop concrete proposals and provide advice as soon as possible to the Conference of the Parties of the UNFCCC, encompassing technical solutions and market-based measures, and taking into account potential implications of such measures for developing as well as developed countries; and
  - c) continue to cooperate with organizations involved in policy-making in this field, notably with the Conference of the Parties to the UNFCCC;
3. *Reiterates* that:
  - a) ICAO should continue to take initiatives to promote information on scientific understanding of aviation's impact and action undertaken to address aviation emissions and continue to provide the forum to facilitate discussions on solutions to address aviation emissions; and
  - b) emphasis should be on those policy options that will reduce aircraft engine emissions without negatively impacting the growth of air transport especially in developing economies;
4. *Reaffirms* that this Resolution does not set a precedent for or prejudge the outcome of negotiations under the UNFCCC and its Kyoto Protocol nor represent the position of the Parties to the UNFCCC and its Kyoto Protocol;
5. *Resolves* that States and relevant organizations will work through ICAO to achieve a global annual average fuel efficiency improvement of 2 per cent until 2020 and an aspirational global fuel efficiency improvement rate of 2 per cent per annum from 2021 to 2050, calculated on the basis of volume of fuel used per revenue tonne kilometre performed;
6. *Agrees* that the goals mentioned in paragraph 5 above would not attribute specific obligations to individual States, and the different circumstances, respective capabilities and contribution of developing and developed States to the concentration of aviation GHG emissions in the atmosphere will determine how each State may voluntarily contribute to achieving the global aspirational goals;

7. *Also resolves* that, without any attribution of specific obligations to individual States, ICAO and its Member States with relevant organizations will work together to strive to achieve a collective medium term global aspirational goal of keeping the global net carbon emissions from international aviation from 2020 at the same level, taking into account: the special circumstances and respective capabilities of States, in particular developing countries; the maturity of aviation markets; the sustainable growth of the international aviation industry; and that emissions may increase due to the expected growth in international air traffic until lower emitting technologies and fuels and other mitigating measures are developed and deployed;
8. *Recognizes* the many actions that ICAO Member States have taken and intend to take in support of the achievement of the collective aspirational goals, including air traffic management modernization, acceleration of the use of fuel-efficient aircraft technologies, and the development and deployment of sustainable alternative fuels, and *encourages* further such efforts;
9. *Agrees* to review, at its 39th Session, the goal mentioned in paragraph 7 above in light of progress towards the goal, studies regarding the feasibility of achieving the goal, and relevant information from States;
10. *Requests* the Council to continue to explore the feasibility of a long term global aspirational goal for international aviation, through conducting detailed studies assessing the attainability and impacts of any goals proposed, including the impact on growth as well as costs in all countries, especially developing countries, for the progress of the work to be presented to the 39th Session of the ICAO Assembly. Assessment of long term goals should include information from Member States on their experiences working towards the medium term goal.
11. *Further encourages* States to submit their voluntary action plans outlining their respective policies and actions, and annual reporting on international aviation CO<sub>2</sub> emissions to ICAO;
12. *Invites* those States that choose to prepare or update their action plans to submit them to ICAO as soon as possible preferably by the end of June 2015 and once every three years thereafter, in order that ICAO can continue to compile the information in relation to achieving the global aspirational goals, and the action plans should include information on the basket of measures considered by States, reflecting their respective national capacities and circumstances, information on the expected environmental benefits from the implementation of the measures chosen from the basket, and information on any specific assistance needs;
13. *Encourages* States that already submitted their action plans to share information contained in their action plans and build partnerships with other Member States in order to support those States that have not prepared their action plans;
14. *Encourages* States to make their action plans available to the public, taking into account the commercial sensitivity of information contained in States' action plans;
15. *Requests* the Council to facilitate the dissemination of economic and technical studies and best practices related to aspirational goals and to continue to provide guidance and other technical assistance for the preparation and update of States' action plans prior to the end of June 2015, in order for States to conduct their necessary studies and to voluntarily submit their action plans to ICAO;
16. *Resolves* that States, when designing new and implementing existing MBMs for international aviation should:

- a) engage in constructive bilateral and/or multilateral consultations and negotiations with other States to reach an agreement, and
- b) grant exemptions for application of MBMs on routes to and from developing States whose share of international civil aviation activities is below the threshold of 1% of total revenue ton kilometres of international civil aviation activities, until the global scheme is implemented;

17. *Requests* the Council to review the *de minimis*, including the *de minimis* threshold of MBMs mentioned in paragraph 16 b) above, taking into account the specific circumstances of States and potential impacts on the international aviation industry and markets, and with regard to the guiding principles listed in the Annex, to be presented for consideration by the 39th Session of the Assembly in 2016;

18. *Decides* to develop a global MBM scheme for international aviation, taking into account the work called for in paragraph 19;

19. *Requests* the Council, with the support of Member States, to:

- a) finalize the work on the technical aspects, environmental and economic impacts and modalities of the possible options for a global MBM scheme, including on its feasibility and practicability, taking into account the need for development of international aviation, the proposal of the aviation industry and other international developments, as appropriate, and without prejudice to the negotiations under the UNFCCC;
- b) organize seminars, workshops on a global scheme for international aviation participated by officials and experts of Member States as well as relevant organizations;
- c) identify the major issues and problems, including for Member States, and make a recommendation on a global MBM scheme that appropriately addresses them and key design elements, including a means to take into account special circumstances and respective capabilities as provided for in paragraphs 20 to 24 below, and the mechanisms for the implementation of the scheme from 2020 as part of a basket of measures which also include technologies, operational improvements and sustainable alternative fuels to achieve ICAO's global aspirational goals; and
- d) report the results of the work in sub-paragraphs a), b) and c) above, for decision by the 39th Session of the Assembly;

20. *Resolves* that an MBM should take into account the special circumstances and respective capabilities of States, in particular developing States, while minimizing market distortion;

21. *Also resolves* that special circumstances and respective capabilities of developing States could be accommodated through *de minimis* exemptions from, or phased implementation for, the application of an MBM to particular routes or markets with low levels of international aviation activity, particularly those serving developing States;

22. *Also resolves* that, the administrative burden associated with the implementation of an MBM to States or aircraft operators with very low levels of international aviation activity should not exceed the benefits from their participation in the MBM, and that exemptions from the application of the MBM to such States or aircraft operators should be considered, while maintaining the environmental integrity of the MBM;
23. *Also resolves* that adjustments to MBM requirements for aircraft operators could be on the basis of fast growth, early action to improve fuel efficiency, and provisions for new entrants;
24. *Further resolves* that, to the extent that the implementation of an MBM generates revenues, it should be used in consistency with guiding principle n) in the Annex;
25. *Recognizes* that in the short term voluntary carbon offsetting schemes constitute a practical way to offset CO<sub>2</sub> emissions, and *invites* States to encourage their operators wishing to take early actions to use carbon offsetting, particularly through the use of credits generated from internationally recognized schemes such as the CDM;
26. *Requests* the Council to collect information on the volume of carbon offsets purchased in relation to air transport, including through States' action plans submitted to ICAO, and to continue to develop and disseminate best practices and tools, such as the ICAO Carbon Emissions Calculator, that will help harmonize the implementation of carbon offset programmes;
27. *Requests* the Council to maintain and enhance appropriate standard, methodologies and a mechanism to measure/estimate, monitor and verify global GHG emissions from international aviation, and States support the work of ICAO on measuring progress through the reporting of annual data on traffic, fuel consumption and CO<sub>2</sub> emissions;
28. *Requests* the Council to request States to continue to support the efforts of ICAO on enhancing the reliability of measuring/estimating global GHG emissions from international aviation;
29. *Requests* the Council to regularly report CO<sub>2</sub> emissions from international aviation to the UNFCCC, as part of its contribution to assessing progress made in the implementation actions in the sector based on information approved by its Member States;
30. While recognizing that no effort should be spared to obtain means to support the reduction and stabilization of CO<sub>2</sub> emissions from all sources, *urges* that ICAO and its Member States express a clear concern, through the UNFCCC process, on the use of international aviation as a potential source for the mobilization of revenue for climate finance to the other sectors, in order to ensure that international aviation would not be targeted as a source of such revenue in a disproportionate manner;
31. *Requests* the Council to:
- a) continue to play a pivotal role in providing assistance to its Member States through the dissemination of the latest information on best practices and the provision of guidance and other technical assistance to enhance capacity building and technology transfer, including through the ICAO Technical Cooperation Programme;
  - b) consolidate and build on the partnership with other international organizations to meet the assistance needs of ICAO's Member States, including through their action plans, which will bring about reductions in international aviation emissions;

- c) initiate work immediately and as a priority in order to develop a process and mechanisms to facilitate the provision of technical and financial assistance, as well as facilitate access to existing and new financial resources, technology transfer and capacity building, to developing countries and report on results achieved as well as further recommendations, preliminarily by the end of 2015 and at the 39th Session of the Assembly; and
- d) continue to initiate specific measures to assist developing States as well as to facilitate access to financial resources, technology transfer and capacity building;

32. *Requests States to:*

- a) promote scientific research aimed at continuing to address the uncertainties identified in the IPCC special report on *Aviation and the Global Atmosphere* and in the Fourth Assessment report;
- b) ensure that future international assessments of climate change undertaken by IPCC and other relevant United Nations bodies include updated information, if any, on aircraft-induced effects on the atmosphere;
- c) consider policies to encourage the introduction of more fuel efficient aircraft in the market;
- d) accelerate investments on research and development to bring to market even more efficient technology by 2020;
- e) accelerate the development and implementation of fuel efficient routings and procedures to reduce aviation emissions;
- f) accelerate efforts to achieve environmental benefits through the application of technologies that improve the efficiency of air navigation and work with ICAO to bring these benefits to all regions and States, taking into account the Aviation System Block Upgrades (ASBUs) strategy;
- g) reduce legal, security, economic and other institutional barriers to enable implementation of the new ATM operating concepts for the environmentally efficient use of airspace;
- h) set a coordinated approach in their national administrations in order to develop policy actions to accelerate the appropriate development, deployment and use of sustainable alternative fuels for aviation, in accordance with their national circumstances;
- i) consider measures to support research and development as well as processing technology and feedstock production in order to decrease costs and support scale-up of sustainable production pathways up to commercial scale, taking into account the sustainable development of States;

- j) recognize existing approaches to assess the sustainability of all alternative fuels in general, including those for use in aviation which should:
  - i. achieve net GHG emissions reduction on a life cycle basis;
  - ii. respect the areas of high importance for biodiversity, conservation and benefits for people from ecosystems, in accordance with international and national regulations; and
  - iii. contribute to local social and economic development, and competition with food and water should be avoided;
- k) adopt measures to ensure the sustainability of alternative fuels for aviation, building on existing approaches or combination of approaches, and monitor, at a national level, the sustainability of the production of alternative fuels for aviation; and
- l) work together through ICAO and other relevant international bodies, to exchange information and best practices, including on the sustainability of alternative fuels for aviation;

33. *Requests* the Council to:

- a) continue to develop and keep up-to-date the guidance for Member States on the application of policies and measures aimed at reducing or limiting the environmental impact of emissions from international aviation, and conduct further studies with respect to mitigating the impact of international aviation on climate change;
- b) encourage States to cooperate in the development of predictive analytical models for the assessment of aviation impacts;
- c) continue evaluating the costs and benefits of the various measures, including existing measures, with the goal of addressing aircraft engine emissions in the most cost-effective manner, taking into account the interests of all parties concerned, including potential impacts on developing world;
- d) provide the necessary guidance and direction to ICAO's Regional Offices to assist Member States with studies, evaluations and development of procedures, in collaboration with other States in the region, to limit or reduce GHG emissions on a global basis and work together collaboratively to optimize the environmental benefits that can be achieved through their various programmes;
- e) develop a global CO<sub>2</sub> Standard for aircraft aiming to finalize analyses by late 2015 and adoption by the Council in 2016;
- f) further elaborate on relevant fuel efficiency metrics, including for international business aviation, and develop and update medium and long term technological and operational goals for aircraft fuel burn;
- g) maintain and update guidance on ATM improvements and other operational measures to reduce international aviation emissions;

- h) implement an emphasis on increasing fuel efficiency in all aspects of the ICAO's Global Air Navigation Plan, and encourage States and stakeholders to develop air traffic management that optimize environmental benefits and to promote and share best practices applied at airports in reducing the adverse effects of GHG emissions of civil aviation;
- i) continue to develop and update the necessary tools and guidance to assess the benefits associated with ATM improvements, and assess the environmental benefits associated with the implementation of the Aviation System Block Upgrades (ASBUs) strategy;
- j) encourage Member States and invite industry, financial institutions and other international organizations to actively participate in exchange of information and best practices and in further work under ICAO on sustainable alternative fuels for aviation;
- k) continue to maintain the ICAO Global Framework for Aviation Alternative Fuels (GFAAF);
- l) collect information on progress of alternative fuels in aviation, including through States' action plans, to give a global view of the future use of alternative jet fuels and to account for changes in life cycle GHG emissions in order to assess progress toward achieving global aspirational goals;
- m) work with financial institutions to facilitate access to financing infrastructure development projects dedicated to sustainable aviation alternative fuels and incentives to overcome initial market hurdles;
- n) monitor and disseminate relevant information on the potential impacts of climate change on international aviation operations and related infrastructure, in cooperation with other relevant international organizations and the industry; and
- o) continue to cooperate with the Climate Neutral UN initiative, remain at the forefront of developing methods and tools for quantifying aviation's GHG emissions with respect to the initiative, and further develop and implement the strategy for reducing GHG emissions and enhancing in-house sustainability management practices of the Organization.

## Annex

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

- a) MBMs should support sustainable development of the international aviation sector;
- b) MBMs should support the mitigation of GHG emissions from international aviation;
- c) MBMs should contribute towards achieving global aspirational goals;
- d) MBMs should be transparent and administratively simple;
- e) MBMs should be cost-effective;
- f) MBMs should not be duplicative and international aviation CO<sub>2</sub> emissions should be accounted for only once;
- g) MBMs should minimize carbon leakage and market distortions;
- h) MBMs should ensure the fair treatment of the international aviation sector in relation to other sectors;
- i) MBMs should recognize past and future achievements and investments in aviation fuel efficiency and in other measures to reduce aviation emissions;
- j) MBMs should not impose inappropriate economic burden on international aviation;
- k) MBMs should facilitate appropriate access to all carbon markets;
- l) MBMs should be assessed in relation to various measures on the basis of performance measured in terms of CO<sub>2</sub> emissions reductions or avoidance, where appropriate;
- m) MBMs should include *de minimis* provisions;
- n) where revenues are generated from MBMs, it is strongly recommended that they should be applied in the first instance to mitigating the environmental impact of aircraft engine emissions, including mitigation and adaptation, as well as assistance to and support for developing States;
- o) where emissions reductions are achieved through MBMs, they should be identified in States' emissions reporting; and
- p) MBMs should take into account the principle of common but differentiated responsibilities and respective capabilities, the special circumstances and respective capabilities, and the principle of non-discrimination and equal and fair opportunities.

## SUMMARY LISTING OF RESERVATIONS TO RESOLUTION A38-18

The following reservations were recorded by the States indicated below<sup>1</sup> in respect of specific provisions of Resolution A38-18 and are available on ICAO's website for the 38th Session of the Assembly:

Preambular paragraph 10	Australia
Paragraph 6	Australia
Paragraph 7	Argentina, Australia, Bahrain, Brazil, China, Cuba, India, Lithuania [on behalf of the 28 Member States of the European Union (EU <sup>2</sup> ) and 14 other Member States of the European Civil Aviation Conference (ECAC <sup>3</sup> )], the Russian Federation, Saudi Arabia and Venezuela (Bolivarian Republic of)
Paragraph 16	Lithuania (on behalf of the 28 Member States of the EU and 14 other Member States of ECAC) and Singapore
Paragraph 16 b)	Afghanistan, Australia, Canada, Japan, New Zealand, Qatar, the United Arab Emirates and the United States
Paragraph 20	Australia
Paragraph 21	Australia
<u>Annex</u>	
Guiding principle p)	Australia, Canada, Japan, Lithuania (on behalf of the 28 Member States of the EU and 14 other Member States of ECAC), New Zealand, the Republic of Korea and the United States

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<sup>1</sup> During the Sixth Plenary Meeting on 4 October 2013, the Islamic Republic of Iran made a reservation to paragraph 16 a) and b) but withdrew it by an e-mail dated 4 October 2013 to the Secretary General.

<sup>2</sup> Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom

<sup>3</sup> Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, the Republic of Moldova, Monaco, Montenegro, Norway, San Marino, Serbia, Switzerland, and The former Yugoslav Republic of Macedonia

**A38-19: Promotion of the Beijing Convention and the Beijing Protocol of 2010**

*Recalling* its Resolution A37-23 entitled *Promotion of the Beijing Convention and the Beijing Protocol of 2010*;

*Recalling further* its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization; and

*Recognizing* the importance of broadening and strengthening the global aviation security regime to meet new and emerging threats;

*The Assembly:*

1. *Urges* all States to support and encourage the universal adoption of the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Beijing Convention of 2010) and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Beijing Protocol of 2010);
2. *Urges* all States to sign and ratify the Beijing Convention and Beijing Protocol of 2010 as soon as possible;
3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a State; and
4. *Declares* that this resolution supersedes Resolution A37-23.

**A38-20: Promotion of the Montréal Convention of 1999**

*Recalling* its Resolution A37-24 entitled *Promotion of the Montréal Convention of 1999*;

*Recalling further* its Resolution A37-22, Appendix C, relating to the ratification of instruments which have been developed and adopted under the auspices of the Organization;

*Recognizing* the importance of achieving a universal regime to govern airline liability to passengers and shippers on international flights; and

*Recognizing* the desirability of an equitable, fair and convenient system that allows full compensation for losses;

*The Assembly:*

1. *Urges* all States to support and encourage the universal adoption of the *Convention for the Unification of Certain Rules for International Carriage by Air*, done at Montréal on 28 May 1999 (Montréal Convention of 1999);
2. *Urges* all States that have not done so to become Parties to the Montréal Convention of 1999 as soon as possible; and

3. *Directs* the Secretary General to provide assistance, as appropriate, with the ratification process if so requested by a State.

4. *Declares* that this resolution supersedes Resolution A37-24.

**A38-21: Term limits for the Offices of the 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;

*Considering* further that on 22 June 2011 the Council decided that the duration of all future appointments of a Secretary General should be three years and that it should not vary between three and four years or be four years in exceptional cases;

*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, each term to be of a duration of three years;

2. *Urges* Member 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;

3. *Urges* Member 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; and

4. Declares that this resolution supersedes Resolution A36-28.

**A38-22: Budgets for 2014, 2015 and 2016**

**A.** *The Assembly*, with respect to the Budget 2014-2015-2016, *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 2014, 2015 and 2016;

2. in accordance with Articles 49 (e) and 61 of the Convention, the Assembly approves the budgets of the Organization.

**B.** *The Assembly*, with respect to the **Technical Co-operation Programme**:

*Recognizing* that the AOSC are mainly financed by fees from implementation of projects assigned to ICAO for execution by external funding sources such as Governments, the United Nations Development Programme and other sources;

*Recognizing* that the Technical Co-operation Programme cannot be determined with a high degree of precision until such time as the Governments of donor and recipient countries have decided on the relevant projects;

*Recognizing* that due to the situation cited above, the annual AOSC net budget figures shown below in Canadian dollars (CAD) for the years 2014, 2015 and 2016 represent indicative budget estimates only:

	<b>2014</b>	<b>2015</b>	<b>2016</b>
Estimated	8 300 000	8 400 000	8 500 000
Expenditures			

*Recognizing* that technical co-operation is an important means of fostering the development and safety of civil aviation;

*Recognizing* the circumstances facing the Technical Co-operation Programme of the Organization and the necessity to take continuing measures; and

*Recognizing* that in the event that the AOSC operation for any given financial year ends in a financial deficit, such deficit should first be met from the accumulated surplus of the AOSC Fund and a call for support from the Regular Programme Budget would be the last resort;

*Resolves* that the Indicative Budget Estimates of the Administrative and Operational Services Costs of the Technical Co-operation Programme are hereby approved on the understanding that subsequent adjustments to the Indicative Budget Estimates shall be made within the framework of the annual AOSC Budget Estimates in accordance with the provisions of Article IX of the Financial Regulations.

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

*Resolves that:*

1. separately for the financial years 2014, 2015 and 2016, the following amounts in Canadian dollars, requiring an outlay of funds, are hereby authorized for expenditure for the Regular Programme in accordance with the Financial Regulations, and subject to the provisions of this Resolution:

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Total</b>
<b>Strategic Objective</b>				
SAFETY	23,219,000	24,097,000	24,721,000	72,037,000
AIR NAVIGATION CAPACITY AND EFFICIENCY	17,353,000	17,628,000	18,353,000	53,334,000
SECURITY AND FACILITATION	8,903,000	9,148,000	9,342,000	27,393,000
ECONOMIC DEVELOPMENT OF AIR TRANSPORT	3,138,000	3,178,000	3,534,000	9,850,000
ENVIRONMENTAL PROTECTION	4,474,000	4,557,000	5,129,000	14,160,000
<b>Programme Support</b>	<b>12,651,000</b>	<b>12,767,000</b>	<b>13,136,000</b>	<b>38,554,000</b>
<b>Management &amp; Administration</b>	<b>15,581,000</b>	<b>15,788,000</b>	<b>16,078,000</b>	<b>47,447,000</b>
<b>Management &amp; Administration - Governing Bodies</b>	<b>7,433,000</b>	<b>7,574,000</b>	<b>8,756,000</b>	<b>23,763,000</b>
<b>TOTAL AUTHORIZED APPROPRIATION</b>	<b>92,752,000</b>	<b>94,737,000</b>	<b>99,049,000</b>	<b>286,538,000</b>
Operational	92,224,000	94,139,000	98,625,000	284,988,000
Capital	528,000	598,000	424,000	1,550,000

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

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>Total</b>
a) Assessments on States	86,120,000	88,075,000	92,355,000	266,550,000
b) Reimbursement from AOSC Fund	1,231,000	1,260,000	1,291,000	3,782,000
c) Transfer from ARGF Surplus	5,082,000	5,082,000	5,082,000	15,246,000
d) Miscellaneous Income	319,000	320,000	321,000	960,000
<b>TOTAL:</b>	<b>92,752,000</b>	<b>94,737,000</b>	<b>99,049,000</b>	<b>286,538,000</b>

**A38-23: 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 Member State, subject to approval or adjustment at the next regular session of the Assembly; and
  - b) the Council has acted accordingly in respect of the State which became member of the International Civil Aviation Organization after the 37th 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 State at the percentage rate indicated, such assessment rate to apply from the assessable date indicated:

<b>Name of New Member State</b>	<b>Date of Membership</b>	<b>Date from which Assessable</b>	<b>Assessment Rate</b>
South Sudan	10 November 2011	1 December 2011	0.06%

**A38-24: Discharge by Member 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 Member 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 Member States shall be considered due and payable in full as of the first day of the financial year to which they relate;

*Noting* that the delays in payment of current year contributions have constituted an obstacle to the implementation of the work programme and created serious cash flow difficulties;

*Urges* that all Member States in arrears make suitable arrangements for liquidating their arrears; and

*Urges* all Member States and, in particular, the States elected to the Council, to take all necessary measures to pay their contributions on time;

*Resolves that:*

1. all Member States should recognize the necessity to pay their contributions at the beginning of the year in which they fall due, in order to avoid the need for the Organization to draw on the Working Capital Fund to make good the shortfall;
2. the Secretary General be directed to dispatch to all Member 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 Member 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 Member States that are three years or more in arrears in the payment of their contributions should:
  - a) effect without delay payment of the amounts outstanding with respect to advances to the Working Capital Fund, the current year contribution, and partial settlement of their arrears in the amount of 5 per cent of the arrears; and
  - b) conclude within six months of the date of the payment referred to in sub-paragraph a) above, if they have not already done so, an agreement with the Organization for the settlement of the balance of their arrears, such agreement to provide for the payment annually, in full, of their current contributions and the balance of the arrears in instalments over a period of no more than ten years, which period may, at the discretion of the Council, be extended, to a maximum of twenty years in respect of special cases, i.e. those Member States which are classified by the United Nations as Least Developed Countries;
5. the Council should further intensify the current policy of inviting Member 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 be suspended for those Member States in arrears for an amount equal to or in excess of the total assessments for the three preceding financial years and of those Member 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 in the Council be suspended for those Council Member States that have annual assessed contributions or part thereof, in arrears for longer than 18 months, such suspension to be revoked immediately upon the settlement of outstanding amounts due; and

8. the voting power of a Member 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;

9. 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 8 a) above, provided that a willingness on its part to reach an equitable settlement of its financial obligations to the Organization has been demonstrated;

10. the following additional measures be applied to those Member 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-Member 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;

11. 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;

12. the Secretary General be directed to report to Council any voting rights deemed to be suspended and suspension revoked under Resolving Clauses 6 and 7, and to apply measures stipulated in Resolving Clause 10 accordingly; and

13. this resolution supersedes Resolution A37-32.

**A38-25: Incentives for the settlement of long-outstanding arrears**

*The Assembly,*

*Recalling* the concern expressed by previous Assemblies at the increase in the contributions in arrears;

*Reiterating* the necessity of all Member States to pay their contributions on the date on which they fall due;

*Noting* that a number of States have had their voting power suspended in the Assembly and the Council in accordance with Assembly Resolution A38-24;

*Reaffirming* the extreme importance of participation by all States in the activities of the Organization;

*Noting* that the cash surplus had traditionally been distributed to those Member States that have paid their contributions for the financial years for which the surpluses had been determined; and

*Wishing to encourage* States to liquidate their arrears and at the same time provide incentives for doing so;

*Resolves that:*

1. the distribution of cash surpluses be restricted to Member States that, at the date of the distribution of the surpluses, have paid their contributions for the financial years for which the *surpluses* had been determined and that the entitlement to the surpluses be terminated for States which have outstanding contributions for the years concerned, except for those States with agreements and which have complied with the terms of their agreements;
2. Member States with arrears of three full years or more and which either have existing agreements or enter into agreements for settlement of long-outstanding arrears, and which have complied with the terms of their agreements, shall have their share of cash surplus distributed even though they have not paid the assessments for the financial years for which the surpluses had been determined;
3. with effect from 1 January 2005, subject to cash surplus availability, only that portion of a payment from a Member State that is in excess of the sum of the three preceding years' assessments and all instalments due under agreements entered into under Resolving Clause 4 of Assembly Resolution A37-32 shall be retained in a separate account to finance expenditure on aviation security activities, and new and unforeseen projects related to aviation safety, and/or to the enhancement of the efficient delivery of ICAO programmes, such action to be under the control of the Council and reported to the next ordinary session of the Assembly;
4. the Council be requested to closely monitor the question of outstanding contributions, and the effects of the incentive schemes on payment of arrears by States, and report to the next ordinary session of the Assembly on the results of their efforts including other measures to be considered; and
5. this resolution supersedes Resolution A35-27.

**A38-26: Assessments to the General Fund for 2014, 2015 and 2016**

*The Assembly:*

1. *Resolves* that the amounts to be assessed on Member States for 2014, 2015 and 2016 pursuant to Article 61, Chapter XII, of the Convention shall be determined in accordance with the scales set out in the Appendix to A38-WP/93, AD/13.

**A38-27: Working Capital Fund**

*The Assembly:*

1. *Notes that:*

- a) in accordance with Resolution A37-28, 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) 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) based on past trends, there is a high risk that the level of the Working Capital Fund may not be sufficient to cover the needs in the foreseeable future;
- d) experience has shown that in general 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 Member States is leading to a potential financial crisis within the Organization that could impact all Member States;
- e) 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
- f) the Council reviewed the level of the Working Capital Fund in February 2013 and determined that the level of the Working Capital Fund may have to be revised upwards if the outstanding balance of assessments receivable does not decline. Although the balance of assessments receivable declined slightly by 6.0 per cent from 2011 to 2012, assessments receivable increased by 3.0 per cent from 2010 to 2012.

2. *Urges:*

- a) all Member States to pay their assessments as early as possible in the year in which they fall due in order to lessen the likelihood of the Organization having to draw on the Working Capital Fund and resort to external borrowing; and
- b) the Member States in arrears to meet their obligations to the Organization as promptly as possible, as called for by Resolution A38-24.

3. *Resolves that:*
- a) the level of the Working Capital Fund should be increased to USD 8.0 million;
  - b) the Council shall continue to monitor the level of the Working Capital Fund no later than November 2014, 2015 and 2016, 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 \$10.0 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 2013, 2014 and 2015;
    - ii. whether the financial position of the General Fund and the Working Capital Fund would indicate the need for assessing Member States for cash deficits caused by arrears of contributions;
    - iii. on the appropriateness of the level of the borrowing authority; and
  - f) this resolution supersedes Resolution A37-28.

**A38-28:       Amendment of the Financial Regulations**

*Whereas* the Council is respectful of the position of the Assembly in approving the Budgets and Appropriations of the Organization;

*Whereas* the Council is able to meet on a regular basis to deal with exigencies and developments affecting the amounts appropriated;

*Whereas* the Council requires the flexibility between Assembly sessions to accommodate changes in the financing needs;

*The Assembly resolves* that the amendments as set out below to Financial Regulations 5.6 and 7.6 are confirmed pursuant to Financial Regulation 14.1.

Reg. No.	Edited changes	New revised text
5.6	<p>The Secretary General up to 10 per cent per appropriation for each Strategic Objective or Supporting Strategy and, above this percentage, the Council, irrespective of its authority under Regulation 5.9 to effect transfers between Strategic Objectives or Supporting Strategies, may determine that any unspent balance of appropriations in any financial year <del>during the period between normal triennial sessions of the Assembly</del> be carried over to the following year. The total of expended and carried over appropriations shall not exceed the Total Authorized Appropriation plus amounts carried over from the previous year. Any balance of unspent appropriations and appropriations not carried over to the following year shall be cancelled.</p>	<p>The Secretary General up to 10 per cent per appropriation for each Strategic Objective or Supporting Strategy and, above this percentage, the Council, irrespective of its authority under Regulation 5.9 to effect transfers between Strategic Objectives or Supporting Strategies, may determine that any unspent balance of appropriations in any financial year be carried over to the following year. The total of expended and carried over appropriations shall not exceed the Total Authorized Appropriation plus amounts carried over from the previous year. Any balance of unspent appropriations and appropriations not carried over to the following year shall be cancelled.</p>
7.6	<p>Income including <del>from investments of, and bank interest earned on, the Working Capital by a Fund and the General Fund</del> shall be credited to <del>the General</del> that Fund except:</p> <p>a) <del>as Miscellaneous Income. Income from investments and bank interest on any other</del> earned by the General Fund and Working Capital Fund shall be credited to <del>that other</del> the General Fund as miscellaneous income; and</p> <p>b) Income from investments and bank interest earned by Funds established in support of the Technical Co-operation Programme shall be credited to the Administrative and Operational Services Cost Fund (AOSC) or to the Contributor as specified under the Agreement with the Contributor.</p>	<p>Income including bank interest earned by a Fund shall be credited to that Fund except:</p> <p>a) Income from investments and bank interest earned by the General Fund and Working Capital Fund shall be credited to the General Fund as miscellaneous income; and</p> <p>b) Income from investments and bank interest earned by Funds established in support of the Technical Co-operation Programme shall be credited to the Administrative and Operational Services Cost Fund (AOSC) or to the Contributor as specified under the Agreement with the Contributor.</p>

**A38-29 Approval of the accounts of the Organization for the financial years 2010, 2011 and 2012 and examination of the Audit Reports thereon**

*Whereas* the accounts of the Organization for the financial years 2010, 2011 and 2012 and the Audit Reports thereon, submitted by the Cour des comptes of France - 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 Member 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 Reports of the External Auditor on the Financial Statements as well as the Secretary General's comments to the Report of the External Auditor for the financial year 2010;
2. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's comments to the Report of the External Auditor for the financial year 2011;
3. *Notes* the Reports of the External Auditor on the Financial Statements as well as the Secretary General's comments to the Report of the External Auditor for the financial year 2012;
4. *Approves* the audited Financial Statements for the financial year 2010;
5. *Approves* the audited Financial Statements for the financial year 2011; and
6. *Approves* the audited Financial Statements for the financial year 2012.

**A38-30: 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 Member States in 2013 and approved the appointment of Mr. Giuseppe Cogliandro, President of the Audit Chamber for Community and International Affairs of the Corte dei Conti of Italy, a member of the Panel of External Auditors of the United Nations and Specialized Agencies, as ICAO's External Auditor for the accounts of the financial years 2014, 2015 and 2016, in accordance with Financial Regulation 13.1.
2. *Expresses its sincere appreciation* to Mr. Didier Migaud, Premier président of the Cour des comptes of France, for the high quality of his service to the Organization as its External Auditor (2008-2013) and for his effective and cooperative assistance during that period to the officials and organs of ICAO; and
3. *Confirms* the action taken by the Council in appointing Mr. Giuseppe Cogliandro, President of the Audit Chamber for Community and International Affairs of the Corte dei Conti of Italy as ICAO's External Auditor for the accounts of the financial years 2014, 2015 and 2016.





