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**AVIATION 173
RELEX 751**

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Preparation of the 40th ICAO Assembly (Montreal, 24 September - 4 October 2019) Declaration on Aviation security – Endorsement

The 40th Assembly of the International Civil Aviation Organisation (ICAO) will take place between 24 September and 4 October 2019. As for previous Assemblies, the European input to the 40th Assembly is jointly prepared by the EU and the European Civil Aviation Conference (ECAC). This approach was outlined last time in preparation of the 39th Assembly.¹

The Commission services presented an Information paper outlining a declaration on aviation security. At its meeting on 5 September 2019, the Working Party reached agreement on the text of the Information paper as set out in the Annex to this note, and decided to submit it to COREPER and Council for final endorsement.

¹ See information note for the Aviation Working Party meeting on 9 November 2015, document ST 13826/15.

In the light of the above, subject to confirmation by COREPER, Council is invited:

- to confirm the text of the Information paper as set out in the Annex to this note;
 - to authorise the Presidency to submit this paper on behalf of the European Union and its Member States to the 40th Assembly of ICAO.
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International Civil Aviation Organization

WORKING PAPER

A40-WP/xxxx
 EX/xx
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 (Information paper)
 English only

ASSEMBLY — 40TH SESSION**EXECUTIVE COMMITTEE****Agenda Item 12: Title of agenda item: Aviation Security – Policy****DECLARATION ON AVIATION SECURITY**

(Presented by X, Y, Z and by Finland on behalf of the European Union and its Member States¹, the other Member States of the European Civil Aviation Conference²)

EXECUTIVE SUMMARY

There has been significant events in aviation security, and much progress on the organisation of the global response, since the 37th Assembly adopted a Declaration on Aviation Security. Given the high importance of effective action by States, including through the ICAO Global Aviation Security Plan, it may be timely to consider a new Declaration to encourage reinforcement of these efforts.

States are invited to consider whether the text at the Appendix could form the basis for a new Declaration on Aviation Security.

<i>Strategic Objectives:</i>	This working paper relates to the Security and Facilitation Strategic Objective.
<i>Financial implications:</i>	None.
<i>References:</i>	

¹ Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

² Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, Republic of Moldova, Monaco, Montenegro, North Macedonia, Norway, San Marino, Serbia, Switzerland, Turkey and Ukraine.

1. INTRODUCTION

1.1 The 37th Assembly adopted a Declaration on Aviation Security, following Ministerial-level regional conferences on aviation security held in 2010 in Mexico City, Mexico (16 to 17 February), Tokyo, Japan (13 March), Abuja, Nigeria (11 to 13 April) and Abu Dhabi, United Arab Emirates (1 to 2 June).

1.2 Aviation security has been a matter of continuing importance since the adoption of that Declaration. There have been further attacks on aircraft, notably the sabotage of Metrojet flight 7K9268 on 31 October 2015 and of Daallo Airlines flight DA0159 on 2 February 2016; and also on airports, including the armed attacks at Brussels airport on 22 March 2016 and at Istanbul Ataturk airport on 28 June 2016.

1.3 Since these attacks, much progress has been made by ICAO and the wider international aviation security community. On 22 September 2016, the United Nations Security Council adopted United Nations Security Council Resolution 2309, the first such Resolution dealing with aviation security. ICAO responded to the ambitions set out in the Resolution by developing the Global Aviation Security Plan (GASeP), which was endorsed by the ICAO Council on 15 November 2017. Since then, many global, regional and national initiatives have been taken by States, industry and other organisations. Moreover, the agenda for the 40th Assembly itself contains a number of ambitious proposals to enhance the global response to the threat to aviation from terrorism.

2. A NEW AVIATION SECURITY DECLARATION?

2.1 The 2010 Declaration is now rather out of date, as its content mainly arose from the response to the response to the incident of attempted sabotage of Northwest Airlines flight 253 on 25 December 2009. Given the imperative to act on United Nations Security Council Resolution 2309 and the progress in establishing the GASeP, it may be timely to renew the call to States to redouble their efforts in relation to aviation security, through a new Declaration that reflects events and progress since the time of the 2010 Declaration.

2.2 A possible text for such a new Declaration is included at the Appendix to the paper.

3. CONCLUSION

3.1 States are invited to consider whether the text at the Appendix could form the basis for a new Declaration on Aviation Security.

Appendix: Draft new declaration on aviation security – affirming global commitment to strengthening implementation

The Assembly, *recognizing* the need to strengthen aviation security worldwide, in light of the continuing threat to civil aviation since the Declaration on Aviation Security of the ICAO 37th Assembly, including the sabotage of Metrojet flight 7K9268 on 31 October 2015 and of Daallo Airlines flight DA0159 on 2 February 2016, and the armed attacks at Brussels airport on 22 March 2016 and at Istanbul Ataturk airport on 28 June 2016; *acknowledging* the importance of United Nations Security Council Resolutions 2309 adopted on 22 September 2016 and the development of the Global Aviation Security Plan (GASeP) endorsed by the ICAO Council on 15 November 2017; and *noting* with appreciation regional aviation security conferences hosted by Egypt, Panama, Portugal and Thailand to promote the implementation of the GASeP; hereby *urges* Member States to take the following actions to enhance international cooperation to counter threats to civil aviation:

1. place greater efforts to implement UNSCR 2309, 2395 and 2396 in accordance with the respective competencies and affirm ICAO's global leadership in matters relating to safeguarding international civil aviation against acts of unlawful interference;
2. promote awareness of threats and risks to civil aviation through information sharing between States and with stakeholders, and through continued attention to the *ICAO Global Risk Context Statement*;
3. further strengthen and promote the effective application of ICAO Standards and Recommended Practices, with particular focus on *Annex 17 — Security*;
4. continue to develop and share new and innovative approaches to strengthen aviation security and counter ongoing and emerging threats;
5. take a comprehensive view of aviation security and other aviation disciplines, maintaining effective coordination among their different bodies to ensure consideration of all appropriate information, and assessment of the consequences of any measures on civil aviation activities, in particular on aviation safety;
6. take active participation in global and regional efforts towards fully meeting the GASeP objectives, goals, aspirational targets and priorities at the national and regional levels, and share experiences and lessons learned in GASeP implementation with ICAO;
7. ensure the effective use of the security-related components of *Annex 9 - Facilitation*, such as the use of Advance Passenger Information (API) and Passenger Name Record (PNR) data, with full respect for human rights and fundamental freedoms, to prevent terrorists and other criminals from carrying out their acts or escaping prosecution;

8. provide technical assistance to States in need, including funding, capacity building and access to technology to effectively address security threats to civil aviation, in cooperation with other States, international organizations and industry partners, consistent with the No Country Left Behind initiative;
9. support ICAO in its development of further cooperation and coordination with other UN agencies to contribute to global efforts in this domain;
10. enhance ICAO's capacity and capabilities to effectively address global aviation security threats and risks, among others, through the prioritization of aviation security matters in both Headquarters and Regional Offices.