



Council of the European Union  
General Secretariat

Brussels, 26 October 2020

CM 4207/20

TRANS  
AVIATION  
RELEX  
ICAO  
PROCED

### **COMMUNICATION**

#### **WRITTEN PROCEDURE**

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Subject: **Written Procedure with reply by Friday 23 October 2020 at 12:00 A.M. noon CET (Brussels time) by email to [avia-mar@consilium.europa.eu](mailto:avia-mar@consilium.europa.eu)**

COUNCIL DECISION on the position to be taken on behalf of the European Union in the Council of the International Civil Aviation Organization in respect of the adoption of Amendments 46 and 39 to Annex 6, Parts I and II, to the International Civil Aviation Convention, related to deferral of the future equipage requirement for 25-hour cockpit voice recorder to avoid unintended consequences due to the COVID-19 contingency

– Adoption

= End of the written procedure

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Delegations are informed that the written procedure, opened by CM 4151/20 of 21 October 2020, was completed on 26 October 2020.

Two delegations abstained and the other delegations voted in favor. The result of the written procedure is that Council adopted the decision **on the position to be taken on behalf of the European Union in the Council of the International Civil Aviation Organization in respect of the adoption of Amendments 46 and 39 to Annex 6, Parts I and II, to the International Civil Aviation Convention, related to deferral of the future equipage requirement for 25-hour cockpit voice recorder to avoid**

**unintended consequences due to the COVID-19 contingency**, as set out, after lawyer-linguistic revision, in document 11757/2020 + COR1.

The European Parliament will be informed about the adoption of the Council Decision.

The statement by Malta, supported by Italy, is reproduced in the Annex to this CM.

The above statement will be included in the summary of acts adopted by the written procedure as statements to be entered in the Council minutes, in accordance with the third subparagraph of Article 12(1) of the Council's Rules of Procedure.

The Council Secretariat takes this opportunity to thank delegations for their kind cooperation.

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**Malta's Written Statement on the Council Decision on the EU position in the reply to ICAO as regards the notification of differences to Annexes 1, 3, 4, 6, 10, 11, 14, 15 and 16 to the Convention on International Civil Aviation and in the Council of the ICAO in respect of the adoption of Amendments 46 and 39 to Annex 6 to that Convention (COVID-19 contingency)**

Malta agrees with the urgency to adopt an EU position in view of the ICAO Council in respect of the adoption of Amendments 46 and 39 to Annex 6 to that Convention and supports the conclusion to split the Council decision. In this context, Malta reiterates that a Council Decision is not considered to be appropriate in order to establish a Union position on the filing of differences, and highlights that Article 1(2), and the reference to “notify compliance” therein, in particular, should be without prejudice to the ongoing discussions on the procedure for EU Member States to notify ICAO of differences to the Chicago Convention and its Annexes, and should not constitute a precedent in this regard.

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