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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Outcome of the 40th Session of the ICAO assembly

With a view to the Aviation Working Party meeting on 7 November 2019, delegations will find, attached, an information note from the Commission on the above-mentioned subject.

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INFORMATION NOTE

Outcomes of the 40th Session of the ICAO Assembly

24 September – 4 October 2019

This information note is presented by the Commission's services in order to inform the Council on the outcomes of the last ICAO Assembly.

Our main objectives were achieved during this Assembly:

- On safety: prioritisation the USOAP-CMA Programme [Universal Safety Oversight Audit Programme – Continuous Monitoring Approach] and to make it more robust, through the implementing of the Recommendations of the 13th Air Navigation Conference.

- On air navigation: ICAO agreed to take appropriate steps to ensure timely uptake of innovation, through adequate, transparent and cross-domain processes, and to rely more on work being done by industry, States and regional ATM modernisation programmes.

- On security: security issues will be better recognised at ICAO and ICAO will ensure further progress in the implementation of the GASeP [Global Aviation Security Plan].

- On economic matters/Air Transport: ICAO will focus efforts where it can add most value, namely ownership and control (working on a future convention) and consumer protection.

On the environment, climate change focused most of the attention. The Assembly reconfirmed by a clear majority its support to the Carbon Offsetting and Reduction Scheme for International Aviation (CORSIA), in spite of vocal opposition from three major States during the debate. The Resolution on climate change was adopted, noting that an agreement was reached on prioritising work on the feasibility of a long-term CO_2 emissions reduction goal in order to present options for consideration at the next ICAO Assembly in 2022, which represents a positive step forward. On aircraft noise and air quality, the Assembly tasked ICAO to prioritise studying supersonic aircraft operations.

1. SAFETY & AIR NAVIGATION

As far as achievement of our European objectives for the Assembly, we can state that on safety and air navigation all our main goals have been successfully achieved. In particular:

Better and cooperative aviation safety oversight

Oversight is a key enabler for aviation safety and we need to ensure that sufficient oversight capabilities are available wherever and whenever they are needed. In this area, the ICAO Assembly endorsed the European proposal that the ICAO Secretariat should **prioritise the evolution of the USOAP-CMA programme** (Universal Safety Oversight Audit Programme and Continuous Monitoring Programme) to make it more robust, relevant and up-to-date.

Europe, taking into account the rapid evolution of business models with more and more transnational or cross-border operations, pushed for developing further new oversight models that are more integrated, cross-domain and efficient relying on **cooperative oversight**. In this regard, Europe gathered much support on the establishment of so-called Regional Safety Oversight Organisations (RSOOs)[1], which help increasing and ensuring an optimum use of oversight capabilities across several States. Moreover, the Assembly agreed to move forward regarding the phased implementation of the Global Aviation Safety Oversight System (GASOS)[2] and the GASP (Global Aviation Safety Plan)[3].

Following the European proposal, the Assembly urged States to enhance cooperation to ensure effective oversight of cross-border operations and tasked ICAO to identify barriers to cooperative oversight and come back with clear proposals at the next High Level Safety Conference in 2021. For Europe, it is important to facilitate the implementation of effective and risk-based oversight in particular through the development of cooperative oversight in order to address emerging issues in a timely manner.

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[1] RSOOs are a means through which a group of States collaborate, share best practices, safety oversight tasks and resources, with the aim to establish and maintain an effective aviation safety oversight system (source: EASA website).

[2] GASOS is a programme to strengthen State safety oversight, accident and incident investigation, and safety management capabilities. The results will allow for more efficient and effective use of limited resources and greater harmonization worldwide (Source: ICAO website)

[3] The overall purpose of the GASP is to guide the harmonized development of regional and State safety planning, supported by regional safety activities coordinated by the regional aviation safety groups (RASGs). The GASP seeks to assist States and regions in their respective safety policies, planning and implementation (Source: ICAO website)

A suitable framework for modernisation

The Assembly endorsed the European proposals for the **modernisation of the Global Air Navigation Plan (GANP) and Air Traffic Management (ATM)** to increase capacity in the air and on the ground, through relevant ICAO provisions and working at both the global and interregional levels. To be noted in particular that the Assembly directed ICAO to make more and best use of large scale ATM modernization programmes for the development GANP related ICAO provisions and to implement inter regional harmonization mechanisms to ensure balanced development of global air navigation.

The Assembly also adopted our draft Resolution on **New Entrants** recognising the challenges of dealing with traffic growth and new airspace users' needs – such as drones - including the environmental impact. As proposed by Europe the Assembly also raised awareness on the need for further resilience of satellite based Communications, Navigation and Surveillance (CNS).

The Assembly also called for the ICAO Secretariat to enhance the work on the **Next Generation of Aviation Professionals (NGAP)** initiative, including the well-supported European request to promote the participation of women in the aviation sector.

Successful outcome of the EU's outreach activities

Our outreach activities with both States and the industry was very successful, leading to six of our Working Papers being co-sponsored[4]. The EU (Finland on behalf of the EU and its Member States) has co-sponsored a Working Paper from Australia in the area of safety (USOAP), which was in line with the European Working Paper in the same area. This demonstrated to third countries that they can engage with and have support from the EU. Moreover, the European Working Papers in the areas of safety and air navigation were all well received and widely supported by both states and the industry during the sessions', showing the added value of the European proposals, also in areas with no prior outreach.

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[4] WP 111 Regional Accident Investigation Organisations (RAIOs): co-sponsored by Australia, New Zealand and the Republic of Korea; WP 108 Cross-border oversight: co-sponsored by New Zealand; WP 114 USOAP: co-sponsored by New Zealand; WP 84 GANP: co-sponsored by Canada, Singapore and the Republic of Korea; WP 107: No Country Left Behind: co-sponsored by New Zealand and Canada; WP 85: Network-Centric Approach: co-sponsored by Singapore and the Republic of Korea.

This positive outcome demonstrated the usefulness of engaging actively and discussing our papers with third countries and aviation stakeholders prior to the Assembly.

2.AVIATION SECURITY & FACILITATION

Security

Aviation Security Declaration/ Commitment to implement GASeP

On the basis of European initiative and input, the Assembly took steps to demonstrate politically and practically States' resolve to strengthen aviation security globally. To this end, the Assembly adopted an Aviation Security Declaration and renewed its commitment to implement the Global Aviation Security Plan, including its priority actions and targets.

Reforms of the Universal Security Audit Programme

Moreover, as a means to assist States in delivering on implementation of GASeP, and thanks to the contribution of European experts, the Assembly's endorsed reforms to the Universal Security Audit Programme (USAP).

Cybersecurity

Fully in line with our strategic objectives, the Assembly further adopted a Resolution on Addressing Cybersecurity in Civil Aviation, as well as endorsed an ICAO Cyber Security Strategy and called for developing a sustainable and comprehensive action plan for its implementation. Regarding governance model for cybersecurity, the Assembly acknowledged the need for the development of an appropriate and transparent governance structure taking due account of the cross-domain nature of cyber.

Prioritisation of aviation security at ICAO

We were also able to secure further work regarding the prioritisation of aviation security within ICAO, as well as underscore the importance of developing security culture, including support for a European proposal to make 2020 the "Year of Security Culture".

Facilitation

Assistance to Aircraft Accident victims and their families

As proposed by Europe and other States, the Assembly agreed that ICAO should ensure that everyone is prepared to adequately assist victims and their families in the event of an air accident, through a greater implementation at a global level of victims assistance plans in all contracting States.

Passengers Name Record (PNR)

Europe referred to the principles laid down in its Information Paper on the collection, use, processing and protection of PNR data, and will follow-up closely and contribute to the work of ICAO which is working to establish a standard in this area.

Other Facilitation topics - Europe actively supported other proposals regarding notably the subjects of persons with reduced mobility/accessibility and combatting human trafficking. The European interventions were well supported and the outcome of the discussions, namely to develop a work programme on accessibility for passengers with disability in order to reach for a disability-inclusive air transport system, and to develop guidelines on human trafficking, is encouraging.

3. SUSTAINABLE AVIATION

CORSIA

The text of the ICAO draft **resolution** proposed by the ICAO Council in WP59 was adopted unchanged, after a vote called by China, Russia and other States who opposed to CORSIA (vote result: 92 for, 25 against). The resolution contains a few modifications from the 2016 one, among which the clarification that CORSIA is "the **only global market-based measure** to address emissions from international aviation". In line with the Union Position established in Brussels, the EU protected its existing legal framework and policy space by making a statement for the record clarifying its reading of the text as not impeding the climate measures the EU takes in order to reduce emissions from aviation. There was no discussion or opposition to the EU statement during the Assembly about this issue.

Given that Europe's main objective is the continuation of CORSIA, which was strongly challenged during the Assembly, the objective was met. However, we need to consider how these countries could be persuaded to come on board.

On a proposal from Trinidad and Tobago supported by a few other States, the Chair noted for consideration the request to convene a **high-level conference** in 2020 or early 2021 to try to address the contentious issues on CORSIA.

Climate Change

The text of the ICAO draft **resolution** proposed by the ICAO Council in WP58 was adopted unchanged after a vote called by China, Russia and a few other States which was on both the resolution on CORSIA and on long term goals on climate change. While the EU would have liked this Resolution to be strengthened, a minority of countries – including China, India and Russia – wanted to water it down or have it rejected wholly. This resolution lays down ICAO policies and practices related to sustainable aviation focusing on climate change mitigation. It anchors the ICAO process in actions to be taken to meet the goals of the Paris Agreement, and resolves to strengthen ICAO's response to combat climate change. The resolution reaffirms the four measures in the basket of measures in order to achieve the Carbon-Neutral Growth 2020 goal, which is meant to keep net emissions from international aviation at that level.

Europe requested the speeding up of the ICAO work on a **long-term goal** for CO2 emissions, and positioned itself on the ambitious side of the debate, by proposing that the 41st Assembly would take a decision on a goal. However, this proposal did not carry sufficient support. A compromise solution was found, according to which ICAO's work on a long-term goal shall be prioritised to bring options for consideration to the 41st Assembly. This work should be complemented by a roadmap showing the modalities for implementation. Given the strong opposition from other States, this is an achievement.

On **sustainable aviation fuels**, the resolution text could unfortunately not be amended, but the Resolution and the associated Assembly report do include useful references to production and uptake.

Local air quality and noise

On **supersonic** aircraft the EU made its key points on public acceptability and the application of subsonic standards. These were challenged by the United States and Russia and also by some industry observers. The report of the meeting largely maintains the status quo while stating – as pushed by United States - that the exploratory study carried out by the relevant ICAO Committee should be a priority.

The EU also tried to reach agreement on our proposal to allow States to put in place **operational restrictions** against Chapter 4 aircraft (the noisiest category of aircraft in operation in Europe). As there was insufficient support for this proposal, the EU was invited by the Council Secretariat to work on an impact assessment to be presented to the relevant ICAO Committee as a first step.

4. ECONOMIC MATTERS

On economic matters/Air Transport, we ensured that ICAO focusses its work in the next three years on those issues where it can add most value:

Liberalisation and possible future Convention on airlines' ownership and control

The Assembly agreed that work on multilateral agreements either to (a) to liberalise market access and (b) liberalise all-cargo air services are to cease for the time being. In these regards, the work of ICAO is to be focussed upon raising awareness of the benefits of liberalisation and the associated challenges, keeping open the possibility of a multilateral approach on market access at some point in the future. Regarding more particularly the development of a <u>draft Convention on foreign investment in airlines</u>, which aims to liberalize air carrier ownership and control on a multilateral basis, the Assembly agreed to continue its work and make progress, in line with the European priority in this area.

Consumer Protection

As proposed by Europe the Assembly agreed to work on facilitating an exchange of views and good practices regarding the application of the ICAO Core Principles. It was recognised that the exchange of views and good practices of the Core Principles could help encourage compatibility among national or regional regimes, taking into account the needs of States for flexibility given their social, political and economic characteristics.

No Country Left Behind

The No Country Left Behind (NCLB) initiative highlights ICAO's efforts to assist States in implementing ICAO Standards and Recommended Practices (SARPs). The main goal of this work is to help ensure that SARP implementation is better harmonised globally so that all States have access to the significant socio-economic benefits of safe and reliable air transport. The Assembly accepted the proposals made by Europe in its Working Paper co-sponsored by New Zealand and Canada, to improve the overall performance of aviation at global level, through notably capacity-building/support activities, and an enhanced coordination and information-sharing role for ICAO.

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