
ICAO

International Civil Aviation Organization

COUNCIL — 193RD SESSION

Montréal, 6 May – 29 June 2011

**SUMMARY MINUTES
WITH SUBJECT INDEX**



2011

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COUNCIL — 193RD SESSION**SUMMARY MINUTES OF THE FIRST MEETING****(THE COUNCIL CHAMBER, FRIDAY, 6 MAY 2011, AT 1000 HOURS)****OPEN MEETING**

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Mr. J. Gelso	Mexico	— Mr. D. Méndez Mayora
Australia	— Ms. K. Macaulay	Nigeria	— Dr. O.B. Aliu
Belgium	— Mr. G. Robert	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mr. C.R. Romero Díaz
Canada	— Mr. P. Langlais (Alt.)	Republic of Korea	— Mr. Kim, C.-H.
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mrs. G. Rueda de Higuera	Saudi Arabia	— Mr. A.B. Zarra (Alt.)
Cuba	— Mr. J.F. Castillo de la Paz	Singapore	— Mr. T.-C. Ng
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. M.T. Elzanaty	South Africa	— Mr. T. Peege
France	— Mr. M. Wachenheim	Spain	— Mr. J. Herrero (Alt.)
Germany	— Mr. J. Mendel	Swaziland	— Mr. D. Litchfield
Guatemala	— Mr. L.F. Carranza	Uganda	— Mr. J. Twijuke
India	— Mr. A. Mishra	United Arab Emirates	— Miss A. AL Hamili
Italy	— Mr. G. Picheca	United Kingdom	— Mr. M. Rossell
Japan	— Mr. T. Koda	United States	— Mr. D. Woerth
Malaysia	— Mr. Y.-H. Lim		

ALSO PRESENT:

Mr. A. Jorge de Lima (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. K. Koefoed (Alt.)	— Denmark
Mr. P. Pape (Alt.)	— France
Mr. Bae, J. (Alt.)	— Republic of Korea
Mr. K. Tikhaze (Alt.)	— Russian Federation
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Mr. D. Wibaux	— D/LEB
Dr. Fang Liu	— D/ADB
Mr. J.V. Augustin	— DD/LEB
Mr. B. Verhaegen	— SLO
Mrs. C. Rideout	— CSO

Mr. Patrick Wittmann, Director of
United Nations & Commonwealth
Affairs Division, *and*
Ms. Isabelle Martin, Deputy Chief
of Protocol & Director Diplomatic
Corps Services

Welcome to new Representatives on the Council

1. The President of the Council extended a warm welcome to Mr. T. Koda, the Representative of Japan; Mr. Y.-H. Lim, the Representative of Malaysia; and Mr. T.-C. Ng, the Representative of Singapore, who were attending a meeting of the Council for the first time.

Tribute to Mr. S.-C. Kok (Malaysia)

2. The President thanked Mr. Kok, the former Representative of Malaysia who had returned to his country, for his cooperation during his tenure as Representative on the Council.

Welcome to Mr. Patrick Wittmann, Director of United Nations & Commonwealth Affairs Division, Government of Canada

3. The President welcomed Mr. Patrick Wittman, who, in addressing the Council, renewed the invitation of the Government of Canada to all permanent Representatives to attend the first meeting of the consultative committee which had been established to consider issues of interest to the diplomatic community at ICAO. The meeting would take place on 10 May 2011 at ICAO Headquarters.

Subject No. 7.2: Recruitment policy***Amendment to Annex IV to The ICAO Service Code***

4. The Council considered the above subject on the basis of C-WP/13712, presented by the Secretary General. It was recalled that during the previous session (192/7) the Council had decided to increase the size of the membership of the Human Resources Committee (HRC) up to a maximum of twelve and had requested that the consequential amendment to Annex IV to the ICAO Service Code be presented at its 193rd Session. Annex IV to the ICAO Service Code had been amended accordingly and was attached as an Appendix to C-WP/13712.

5. In taking the action proposed in C-WP/13712, the Council approved the attached amendment to Annex IV to the ICAO Service Code.

Composition of the Human Resources Committee (HRC)

6. The Council reviewed C-WP/13713, in which the President of the Council presented proposals for the composition of the Human Resources Committee, following its decision (192/7) to increase the size of the membership of the HRC.

7. In taking the action proposed in C-WP/13713, the Council:

- a) suspended that part of paragraph 2 of Appendix E of the *Rules of Procedure for the Council* related to the elections taking place by secret ballot, unless waived by unanimous decision of the Members represented at the meeting;

- b) proceeded to the election of the three additional Members and respective Alternate of the HRC as proposed in grey shading in the Appendix to C-WP/13713 for the balance of the 2010-2011 period;
- c) appointed Ms. K. Macaulay (Australia) to succeed Mr. P.K. Evans, and Mr. J.F. Castillo de la Paz (Cuba) to succeed Mr. J. A. López Falcón on the HRC; and
- d) noted that Mr. Kok Soo Chon (Malaysia) had ceased to be a Member of the HRC.

Subject No. 33: Character and working methods of representative bodies in ICAO (Council, Committees, etc.)

Subject No. 41: Rules of procedure of the various representative bodies in ICAO

Amendment to the Rules of Procedure for Standing Committees of the Council (Doc 8146)

8. The Council had for consideration C-WP/13749, in which the Secretary General proposed amendments to the *Rules of Procedure for Standing Committees of the Council* (Doc 8146). It was recalled that following a Council decision (192/7) to increase the size of the membership of the HRC, a review had been made of Doc 8146 to determine if special provisions applicable to the Human Resources Committee should be included therein. As a result, amendments were proposed to Rules 1 a), 10 a), 42 and the Special Provisions of, and the Appendix to, the said Rules.

9. A correction to paragraph 1.1 of C-WP/13749 was noted, whereby the word “excluded” was replaced by “included” in the quoted excerpt of C-DEC 192/7.

10. Further to queries raised by the Representatives of Mexico and France, it was clarified, in connection with the proposed amendment to Rule 42, that although Contracting States did not have access to HRC documentation relating to the selection of senior staff (D-1 and D-2 level posts), access to that documentation was available to Council Members, who could also attend closed meetings of the HRC. This would be reflected in Rule 42.

11. In light of comments offered by the Representative of France, the President of the Council would consult the Secretariat with respect to the possibility of amending Rule 10, which currently required the Council’s approval of most Committee work programmes, in order to introduce more flexibility.

12. A proposal put forward by the Representative of Belgium for referring, to the Working Group on Efficiency, paragraph 1 of the special provisions related to the size of the Committees, in order to make an exception not only for the HRC but also for the Unlawful Interference and Technical Cooperation Committees, was agreed to.

13. The President of the Council would circulate draft amendments dealing with the three above-mentioned points to Representatives with a deadline for their comments, after which date the amendment to the Rules of Procedure presented in C-WP/13749, as modified in light of the above points, would be approved.

Any other business**Subject No. 15.4: Facilitation****Appointment to the Public Key Directory (PKD) Board**

14. In the absence of comments by 14 April 2011 to the President of the Council's e-mail dated 18 March 2011, Major General Matar Salem Ali Bin Mesaied Al-Neyadi (United Arab Emirates) and Mr. Dominique Gatinet (France) have been appointed as Members of the PKD Board with effect from June 2011 and September 2011, respectively, for a three-year term.

15. In addition, in the absence of comments by 29 April 2011 to the President of the Council's e-mail dated 1 April 2011, Mr. Hojun Lee (Republic of Korea) has been appointed as a Member of the PKD Board, replacing Mr. Kim Rai-hyug with effect from January 2011 to June 2011.

Subject No. 50: Questions relating to the environment**Appointment of a new Observer and a new Member on the Committee on Aviation Environmental Protection (CAEP)**

16. In the absence of comments by 14 April 2011 to the President of the Council's e-mail dated 17 March 2011, Mr. Paul Madden has been appointed as the new CAEP Observer nominated by the International Coordinating Council of Aerospace Industries Associations (ICCAIA), replacing Mr. Philippe Fonta with effect from 15 April 2011.

17. Furthermore, in the absence of comments by 15 April 2011 to the President of the Council's e-mail dated 21 March 2011, Dr. Lourdes Maurice has been appointed as the new CAEP Member nominated by the United States, replacing Mr. Carl Burleson with effect from 18 April 2011.

Subject No. 6.3: Election of chairmen and members of subsidiary bodies of the Council**Appointment of a Member and an Alternate on the Air Transport, Finance, Joint Support and Unlawful Interference Committees**

18. In the absence of comments by 29 April 2011 to the President of the Council's e-mail dated 5 April 2011, the Council has agreed to waive the requirement of paragraph 2 of Appendix E to the *Rules of Procedure for the Council* (Doc 7559) with respect to election by secret ballot in a meeting and has appointed Mr. NG Tee Chiou (Singapore) to succeed Mr. Bong Kim Pin as a Member on the Air Transport, Finance, Joint Support and Unlawful Interference Committees and has appointed Mr. Mervyn G. Fernando as an additional Alternate to Mr. NG on those Committees, with effect from 30 April 2011.

Appointment of a Member on the Air Transport, Finance, Joint Support and Unlawful Interference Committees

19. In the absence of comments by 29 April 2011 to the President of the Council's email dated 7 April 2011, the Council has agreed to waive the requirement of paragraph 2 of Appendix E to the *Rules of Procedure for the Council* (Doc 7559) with respect to election by secret ballot in a meeting and has appointed Mr. Toshihiro Koda (Japan) to succeed Mr. Seiji Baba as a Member on the Air Transport, Finance, Joint Support and Unlawful Interference Committees.

Appointment of a Member on the Air Transport and Technical Co-operation Committees

20. In the absence of comments by 29 April 2011 to the President of the Council's email dated 8 April 2011, the Council has agreed to waive the requirement of paragraph 2 of Appendix E to the *Rules of Procedure for the Council* (Doc 7559) with respect to election by secret ballot in a meeting and has appointed Mr. Lim Yong Heng (Malaysia) to succeed Mr. Kok Soo Chon as a Member on the Air Transport and Technical Co-operation Committees.

Appointment of an Alternate on the Air Navigation Commission

21. In the absence of comments by 29 April 2011 to the President of the Council's email dated 11 April 2011, Mr. Samuli Vuokila, nominated by Sweden on behalf of the Governments of Denmark, Finland, Iceland, Norway and Sweden, has been appointed as Alternate to Mr. Bo Eckerbert on the Air Navigation Commission with effect from 26 April 2011.

Subject No. 15.4: Facilitation

Amendment to the Foreword to Annex 9 — *Facilitation*

22. In the absence of comments by 29 April 2011 to the President of the Council's e-mail dated 31 March 2011, the Foreword to Annex 9 — *Facilitation* has been amended as indicated in the attachment to the latter.

Subject No. 16.3: International air law conventions

Authorization for the Registrar of the International Registry, Aviareto, to provide services to another registry

23. In the absence of comments by 25 April 2011 to the President's memorandum PRES RK/1935 dated 25 March 2011, the President of the Council has approved, on behalf of the Council: the authorization requested by the Registrar of the International Registry, Aviareto, to provide certain services to the International Rail Registry as described in Attachment A thereto, subject to the review of the said authorization after a period of two years counting from the commencement of the provision of the services involved; and the Guidelines for Aviareto's involvement in the International Rail Registry as set forth in Attachment B thereto.

Subject No. 14.3.17: Carriage of dangerous goods by aircraft

Approval, under delegated authority, of an amendment to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air* (Doc 9284, 2011-2012 Edition)

24. In the absence of comments by 3 May 2011 to the President of the Council's e-mail dated 21 April 2011, the President considers that the Council has approved the amendment described in that e-mail. The dangerous goods fast track procedure (C-DEC 187/8) was initiated in view of the urgency of the proposed amendment.

25. The meeting adjourned at 1120 hours.

COUNCIL — 193RD SESSION**SUMMARY MINUTES OF THE SECOND MEETING****(THE COUNCIL CHAMBER, MONDAY, 13 JUNE 2011, AT 1430 HOURS)****OPEN MEETING**

First Vice-President of the Council: Mr. Tao Ma (China)

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Mr. J. Gelso	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Manar
Brazil	— Ms. I. de Melo Maciel (Alt.)	Nigeria	— Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimde	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mr. C.R. Romero Díaz
Canada	— Mr. L.A. Dupuis	Republic of Korea	— Mr. Kim, C.-H.
China	— Mr. Chunyu Ding (Alt.)	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mrs. G. Rueda de Higuera	Saudi Arabia	— Mr. T.M.B. Kabli
Cuba	— Mr. J.F. Castillo de la Paz	Singapore	— Mr. T.-C. Ng
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. M.T. Elzanaty	South Africa	— Mr. T. Peege
France	— Mr. M. Wachenheim	Spain	— Mr. V.M. Aguado
Germany	— Mr. J. Mendel	Swaziland	— Mr. D. Litchfield
Guatemala	— Mr. L.F. Carranza	Uganda	— Mr. J. Twijuke
India	— Mr. A. Mishra	United Arab Emirates	— Miss A. AL Hamili
Italy	— Mr. G. Picheca	United Kingdom	— Mr. M. Rossell
Japan	— Mr. T. Koda	United States	— Mr. D. Woerth

ALSO PRESENT:

Mr. M. Fernando, President, ANC	
Mr. R.O. González (Alt.)	— Argentina
Mr. G. I. Tagino (Alt.)	— Argentina
Mr. J. L. Alves (Alt.)	— Brazil
Ms. G. Landgraf (Alt.)	— Brazil
Mr. J. C.F. Silva (Alt.)	— Brazil
Mr. A. Rebouças (Alt.)	— Brazil
Mr. K. Koefoed (Alt.)	— Denmark
Mr. Bae, J. (Alt.)	— Republic of Korea
Mr. A. Korsakov (Alt.)	— Russian Federation
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates
Mr. P.D. Fleming (Alt.)	— United Kingdom

SECRETARIAT:

Mr. D. Azema	— DC/OSG
*Ms. N. Graham	— D/ANB
*Mr. M. Fox	— C/OPS
*Mr. J. Cheong	— TO/AGA
*Mr. A. Coutu	— Consultant/ANB
*Dr. M. Millar	— Consultant/ANB
Miss S. Black	— Précis-writer

*Part-time

Subject No. 13: Work programmes of Council and its subsidiary bodies**Schedule for consideration of items during the 193rd Session of the Council**

1. The Council noted the meeting schedule for the 193rd Session presented in the President's memorandum PRES RK/1931 dated 17 March 2011, subject to the following change:

- a meeting of the Finance Committee (FIC), initially scheduled for the third week of May, had been rescheduled to Wednesday, 15 June 2011 at 1430 hours.

2. The Council also noted the schedule for the consideration of items during the 193rd Session of the Council as set out in President's memorandum PRES RK/1955 dated 25 May 2011, on the understanding that:

- Item 17 — Convening of a Worldwide Air Transport Conference (ATConf/6) (C-WP/13731) would be considered during the third week of the Council (27 to 30 June 2011) instead of during the second week (20 to 23 June 2011); and
- Item 38 — the *Report on Publications for 2010* (information paper C-WP/13742 with Blue rider) would be tabled for consideration during the said second week of the Council pursuant to a request made in response to President's memorandum PRES RK/1957 dated 19 May 2011.

3. Observing that Item 40 — Celebration of International Civil Aviation Day and Item 41 — Recommendations of the Joint Support Committee related to items under the Danish and Icelandic Joint Financing Agreements reviewed during the 193rd Session were documented in working papers which required a decision by the Council and not in information papers which were only to be noted, the Representative of Nigeria questioned why they were being circulated under cover of President's memoranda. He averred that they should be so circulated only under exceptional circumstances. In his view, only information papers should be circulated. The Representative of Nigeria suggested that the Working Group on Efficiency (WGOE) look into the matter. The First Vice-President of the Council noted, in this regard, that it was always possible for a Representative to request that a circulated paper be tabled for discussion.

Subject No. 14.1.1: International Standards, Recommended Practices and Procedures**Report of ANC — Adoption of Amendment 35 to Annex 6, Part I**

4. The Council had for consideration C-WP/13668, which presented a proposal by the Air Navigation Commission (ANC) for Amendment 35 to Annex 6 — *Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes*.

5. Under general comments, the Representative of South Africa noted that the determination, under Annex 14 — *Aerodromes, Volume I — Aerodrome Design and Operations*, of a category 6 and a category 9 aerodrome for rescue and fire fighting was based on the response time and the number of vehicles provided for fire fighting services. He queried whether the proposed Standards and Recommended Practices (SARPs) relating to rescue and fire fighting services (RFFS) would compromise those response times.

6. In stressing that the proposed Annex 6 amendment did not contradict the RFFS requirements of Annex 14, Volume I, the President of the Air Navigation Commission (ANC) noted, from paragraph 3.1.1 of the paper, that it would require operators to review the level of RFFS protection available at an aerodrome and assess the associated risk to determine its acceptability. It provided operators with the flexibility necessary to address not only operations to normally used destination aerodromes but also to alternate aerodromes and to aerodromes which suffered temporary downgrades of RFFS capability.

7. Responding to an additional point raised by the Representative of South Africa, the Chief of the Flight Operations Section (C/OPS) confirmed that the implementation of fatigue risk management systems (FRMS) on ultra long haul, long haul and multi-leg flights were covered by the Annex amendment proposal as the FRMS processes were generic in nature. The latter relied upon well-proven measurement and reporting methods of fatigue. The mitigating measures that would be taken, however, were dependent upon the type of flight to be undertaken. In noting that *The FRMS Guide for Operators* had been co-developed and jointly published with the International Air Transport Association (IATA) and the International Federation of Air Line Pilots' Associations (IFALPA), C/OPS underscored that it contained specific examples of how to deal with the FRMS in order to achieve the optimum level of pilot alertness in the said three scenarios. He further indicated that *The FRMS Manual for Regulators* had been developed by ICAO.

8. Observing that proposed Standard 4.1.4 stipulated that an operator shall, as part of its Safety Management System (SMS), assess the level of RFFS protection available at any aerodrome intended to be specified in the operational flight plan, the Representative of Nigeria enquired whether it would be transferred to the envisaged new Annex 19 on safety management responsibilities and processes. He also queried how it could be verified if the operator had done the required assessment. The Representative of Nigeria noted, in this regard, that proposed Standard 4.1.5 was slightly different as the operations manual could be checked to determine whether or not the information related to the level of RFFS protection that was deemed acceptable by the operator had been incorporated therein.

9. Referring to Attachment K [Rescue and fire fighting services (RFFS) levels], the Representative of Nigeria observed that paragraph 3.1.1.1 stipulated that "Intended operations to aerodromes with RFFS categories below the levels specified in Annex 14, Volume I, Chapter 9, 9.2, should be coordinated between the aeroplane operator and the aerodrome operator". He underscored that it should be recognized that that was a subject that was to be addressed by the aeroplane and aerodrome operators to some extent, although the onus was on the operator to fly into an aerodrome that he considered was safe from the point of view of RFFS protection. Noting that it was a subject that impacted two sectors of the aviation industry, the Representative of Nigeria enquired as to the level of coordination that had taken place between the Operations Panel (OPSP) and the Aerodromes Panel (AP).

10. In endorsing these comments, the Representative of the United Kingdom emphasized the need to specify, rather than imply, who had responsibility. Underscoring that his State was not convinced that the matter had been thoroughly analyzed, while recognizing that further work would be done, he sought reassurance that the provision would not lead to an unintended ambiguity when aeroplane and aerodrome operators tried to apply it.

11. The Representative of South Africa stressed the need for clear guidelines on the said operators' respective responsibilities.

12. C/OPS reassured Representatives that the proposed Annex amendment had been closely coordinated within the Secretariat, between the Operations and the Aerodromes Sections, as well as with the respective Panels, OPSP and AP.

13. Referring to the questions raised by the Representative of Nigeria, C/OPS noted that the safety management system (SMS) had been embedded in proposed Standard 4.1.4 in recognition that the SMS rate of implementation had not yet reached the desired level. It had thus been considered very important to reflect in that provision that a proper risk assessment be done through a SMS. He indicated, however, that as SMS implementation became more robust among operators, serious consideration should be given to removing reference thereto.

14. The Council, by 35 votes in favour, none against and one abstention, then adopted, as Amendment 35 to Annex 6, Part I, the amendment to definitions and to the Standards and Recommended Practices (SARPs) as contained in Appendix A to C-WP/13668. The Council approved, as part of the said amendment, the amendment to the Notes and Attachments as contained in Appendix A to the paper; the Resolution of Adoption of Amendment 35 to Annex 6, Part I, in Appendix B; and the amendment to the Foreword of Annex 6, Part I, as contained in Appendix C to the paper. It was noted that the Amendment would become applicable on 15 December 2011 but with embedded dates for the provision of halon replacement in lavatory fire extinguishers of 31 December 2011 and 31 December 2016 for handheld fire extinguishers.

Report of ANC — Adoption of Amendment 30 to Annex 6, Part II

15. The Council reviewed C-WP/13747, which presented a proposal by the Air Navigation Commission (ANC) for Amendment 30 to Annex 6 — *Operation of Aircraft, Part II — International General Aviation — Aeroplanes*.

16. Responding to a query by the Representative of South Africa, the President of the Air Navigation Commission (ANC) indicated that a medium to minimal cost impact was anticipated for the replacement of halon fire-extinguishing agents as further research was required to determine if hand-held fire extinguishers could be made smaller and to determine what cabin modifications might be necessary to accommodate them.

17. To a further point raised by the Representative of Singapore, the Chief of the Flight Operations Section (C/OPS) observed that the Organization was in new territory with Fatigue Risk Management Systems (FRMS) although the latter had been in use by many operators all over the world, albeit without international standards, typically through exemptions and not regulations. It had therefore been decided to incorporate FRMS-related Standards and Recommended Practices (SARPs) first in Annex 6, Part I — *International Commercial Air Transport — Aeroplanes*, as international commercial operations was where there was the most number of revenue-carrying passengers. It had also been decided to wait for feedback from States and operators before introducing FRMS-related SARPs in Part II — *International General Aviation — Aeroplanes* and Part III — *International Operations — Helicopters* of Annex 6, especially as the dynamics of commercial operations in fixed-wing aircraft was substantially different from that in helicopters. Similarly, it had been decided to incorporate SARPs relating to rescue and fire fighting services (RFFS) first in Part I.

18. The Council, by 35 votes in favour, none against and no abstentions, then adopted, as Amendment 30 to Annex 6, Part II, the amendment to the Standards as contained in Appendix A to

C-WP/13747. The Council approved, as part of the said amendment, the amendment to the Notes as contained in Appendix A to the paper; the Resolution of Adoption of Amendment 30 to Annex 6, Part II, in Appendix B; and the amendment to the Foreword of Annex 6, Part II, as contained in Appendix C to the paper. It was noted that the Amendment would become applicable on 15 December 2011 but with embedded dates for the provision of halon replacement in lavatory fire extinguishers of 31 December 2011 and 31 December 2016 for handheld fire extinguishers.

Report of ANC — Adoption of Amendment 16 to Annex 6, Part III

19. Tabled for consideration was C-WP/13748, which presented a proposal by the Air Navigation Commission (ANC) for Amendment 16 to Annex 6 — *Operation of Aircraft, Part III — International Operations — Helicopters*.

20. The Council, by 36 votes in favour, none against and no abstentions, adopted, as Amendment 16 to Annex 6, Part III, the amendment to the Standards as contained in Appendix A to C-WP/13748. The Council approved, as part of the said amendment, the amendment to the Notes as contained in Appendix A to the paper; the Resolution of Adoption of Amendment 16 to Annex 6, Part III, in Appendix B; and the amendment to the Foreword of Annex 6, Part III, as contained in Appendix C to the paper. It was noted that the Amendment would become applicable on 15 December 2011 but with embedded dates for the provision of halon replacement in lavatory fire extinguishers of 31 December 2011 and 31 December 2016 for handheld fire extinguishers.

Report of ANC — Adoption of Amendment 103 to Annex 8

21. The Council reviewed C-WP/13714, which presented a proposal by the Air Navigation Commission (ANC) for Amendment 103 to Annex 8 — *Airworthiness of Aircraft*.

22. It was noted that during the development of this Annex amendment proposal, as well as the Annex 6 amendment proposals considered under the previous three items, there had been very close coordination with the International Coordinating Council of Aerospace Industries Associations (ICCAIA), as well as with the individual aeroplane manufacturers and the manufacturers of fire-extinguishing agents and systems, through a halon coordinating meeting in December 2009 and through regular correspondence with all of those parties. It was further noted that the ICCAIA, in a letter to the Secretary General dated 28 February 2011, had indicated that it was committed to meet the timeframes in Operative Clause 3 of Assembly Resolution A37-9: *Halon replacement* as reflected in the proposed amendments to Annexes 6 and 8.

23. Responding to a question by the Representative of Nigeria, the Chief of the Flight Operations Section (C/OPS) noted that, after studying the issue with the Legal Affairs and External Relations Bureau (LEB) and the airworthiness experts, it had been decided that the only way that the Assembly-mandated 2011 timeframe for the replacement of halon fire extinguishers in the lavatories of new production aeroplanes could possibly be met would be through the amendment of Annex 6 — *Operation of Aircraft*. The proposed new Standard for Annex 8 was a certification standard that would only apply to aircraft for which an application for a type certificate was submitted to the State of Design on or after 31 December 2014 and which could not be applied retroactively.

24. The Representative of the United Kingdom drew attention to paragraph 3.3 of the paper, which indicated that “For engine and auxiliary power-unit (APU) fire extinguishing systems, medium to

minimal financial impact is associated with research and testing of new alternatives”. He queried whether assumptions were not being made regarding the possible availability of new alternatives and asked about the cost of fitting those new alternatives and whether they would weigh more than what was required for halon delivery. The Representative of the United Kingdom also queried whether there was an assumption that halon fire extinguishers would continue to be used in the cargo compartments of aeroplanes.

25. C/OPS noted that, although assurances had been received from the original equipment manufacturers (OEMs) that a replacement would be available within the mandated timeframe, the cost impact for engine and APU fire extinguishing systems was difficult to predict at this time as it would depend upon how much redesign was necessary for new aircraft types. It might require a new design for the engines, the pylons and for the plumbing itself that held the fire extinguishing agent. He indicated that some manufacturers considered that there might be a slight weight penalty associated with the use of alternative fire extinguishing agents, while others believed that there might be a weight savings. This issue was being addressed as part of the research and development that was currently underway in the major OEMs. The minimum to medium cost impact given in the paper had been developed in close coordination with the industry so that the Council would be provided with the most up-to-date information.

26. C/OPS noted, with regard to the issue of fire-extinguishing systems in cargo compartments, that Operative Clause 2 of Assembly Resolution A37-9 urged States to intensify development of acceptable halon alternatives. In observing that cargo fire suppression was quite different from fire extinguishing, he indicated that much more agent was required and that more research was necessary. C/OPS underscored that, pursuant to Operative Clause 4, the Secretariat would provide the Council with regular progress reports on the status of potential halon alternatives, as well as on the progress made in terms of cargo fire suppression.

27. Replying to a further query by the Representative of Nigeria, C/OPS provided some historical background of the Annex 8 amendment and elaborated on the proposed applicability date. In observing that in accordance with Article 41 (Recognition of existing standards of airworthiness) of the *Convention on International Civil Aviation*, Amendment 103 could only become applicable three years after the date of adoption. While replacement fire extinguishing and/or suppression systems for engines and APUs would require major redesign, all of the manufacturers had indicated that that could be done for an application for a type certificate submitted on or after 31 December 2014, recognizing that those airframes would probably not roll off the production line until 2017. C/OPS noted that recent history indicated that it might take a little longer than three years after the said submission.

28. In stressing the need to be very careful regarding the applicability date of the Annex amendment proposal, namely the date from which an application for a type certificate was submitted to the State of Design on or after 31 December 2014, the Representative of the United Kingdom averred that it was misleading to say that the corresponding aeroplanes would not roll off the production line until 2017. He underscored that the design of an aeroplane took a very long time and that it had to be frozen before the application for a type certificate was submitted. While small design changes could be made following the submission, fitting a fire suppression system was not a small change. The Representative of the United Kingdom emphasized that, if the Council were to adopt the Annex amendment, then it should be explicitly stated in the Council’s decision and in the summary minutes that that decision was taken in the full knowledge that the manufacturers had indicated that they would be able to meet the proposed applicability date of 31 December 2014.

29. In noting the good questions raised during the discussion of this item and the previous three items, the First Vice-President underscored that an informal briefing on the proposed Annex amendments

would have helped Representatives to better understand their background. He recalled that in the past such informal briefings had been given prior to the Council's consideration of Annex amendment proposals.

30. Expressing appreciation to the Secretary General and the Secretariat for convening a Fatigue Risk Management Systems (FRMS) Symposium at ICAO Headquarters on 30 and 31 August 2011, the Representative of South Africa noted that recent incidences had demonstrated that the issue was more important than ever for air crew, ground crew and air traffic controllers. He emphasized the need to promote the symposium.

31. The Council, by 36 votes in favour, none against and no abstentions, then adopted, as Amendment 103 to Annex 8 the amendment to the Standards and Recommended Practices (SARPs) as contained in Appendix A to C-WP/13714. The Council approved, as part of the said amendment, the amendment to a Note as contained in Appendix A to the paper; the Resolution of Adoption of Amendment 103 to Annex 8 in Appendix B; and the amendment to the Foreword of Annex 8 as contained in Appendix C to the paper. The Council took this decision in full knowledge that the manufacturers had indicated that they would be able to meet, *inter alia*, the applicability date of 31 December 2014 for Amendment 103 to Annex 8.

32. The Council went into closed session at 1635 hours to consider the next item on its order of business, then reconvened in open session at 1655 hours to consider items under "Any other business".

Any other business

Oral interim report of the Working Group on Efficiency's Task Force on the Council Website Improvements

33. In giving an oral interim report on measures taken to enhance the Council website, the Chairman of the WGOE Task Force on the Council Website Improvements noted that the Task Force had met several times with the Director of the Bureau of Administration and Services (D/ADB) and staff of the Information and Communication Technology Section (ICT) for the purpose of defining the user needs and discussing possible technical solutions. Due to the similarities between this project and the "paperless meeting" project in the Air Navigation Commission (ANC), Mr. Andrew Tiede, ANC Commissioner, Australia, had attended meetings as an Observer in his role as Chairman of that project.

34. As a result of the joint work of the Task Force with ICT, several changes had been applied to the Council website. The Chairman highlighted some of them:

- Access to the secure portal and the Council website was accomplished with a single sign-on.
- The Home Page had been re-structured to include a calendar of all scheduled Council activities and a column on the left to provide easy access to reference materials, including access to restricted documents and linking to ICAO documents in the third party communication.
- The calendar was linked to the meeting agenda for each listed meeting and the documents on the agenda were also linked to provide quick and easy access. Further, the listed reference documents were also linked.

- Access to databases was provided in a scroll down list on the secure portal. By clicking on any listed database, the user would be directed to it.

35. In the judgment of the Task Force, these measures had greatly improved the usefulness of the Council website and had become a significant step toward in creating the ability for paperless Council meetings.

36. The Chairman encouraged all Representatives to use the new Council website and ICAO-NET and to send their comments thereon to ICT through the Council Home Page and to the Members of the Task Force directly.

37. Observing that the work on the Council website had progressed considerably under the chairmanship of the Representative of the Russian Federation, the First Vice-President, on behalf of the Council, expressed his sincere appreciation to him and to the other members of the Task Force and encouraged them to continue their efforts.

Subject No. 6.3: Election of Chairmen and Members of subsidiary bodies of the Council

Appointment of a Member and an Alternate on the Air Navigation Commission (ANC)

38. In the absence of comments by 25 May 2011 to the President of the Council's e-mail dated 11 May 2011, Mr. Samuli Vuokila, nominated by the Government of Sweden on behalf of the Governments of Denmark, Finland, Iceland, Norway and Sweden, has been appointed as the new Member of the ANC replacing Mr. Bo Eckerbert with effect from 13 June 2011. In addition, Mr. Eckerbert, nominated by the Government of Sweden on behalf of the said Governments, has been appointed as Alternate to Mr. Vuokila with effect from the same date.

Subject No. 15.4: Facilitation

Appointment to the Public Key Directory (PKD) Board

39. In the absence of comments by 26 May 2011 to the President of the Council's e-mail dated 12 May 2011, Mr. Masashi Hirabayashi (Japan) has been appointed as a Member of the PKD Board, replacing Mr. Kenichi Kimura from April 2011 to November 2013.

Subject No. 10: ICAO relations with the United Nations, the Specialized Agencies and other international organizations

Request from the European Union (EU) to participate as Observer in closed meetings of the Council on aviation security

40. In the absence of comments by 20 May 2011 to the President of the Council's e-mail dated 16 May 2011, Mr. Peter Bombay, Head of Office, Office of the EU in Montréal, has been invited, in accordance with Rules 32 a) and 38 of the *Rules of Procedure for the Council* (Doc 7559), to participate as Observer on behalf of the EU during the current (193rd) Council's consideration, in closed session, of all items related to aviation security.

Council working paper presented for information

41. As the President of the Council has not received any requests to have the following information paper tabled for consideration, it is considered that the Council has noted the information provided therein:

- **C-WP/13739** — *Information on large-scale technical co-operation projects* — circulated under cover of PRES RK/1952 dated 3 May 2011 with a deadline of 16 May 2011 for comments

42. The meeting adjourned at 1710 hours.

COUNCIL — 193RD SESSION**SUMMARY MINUTES OF THE SECOND MEETING****(THE COUNCIL CHAMBER, MONDAY, 13 JUNE 2011, AT 1635 HOURS)****CLOSED MEETING**

First Vice-President of the Council: Mr. Tao Ma (China)

Acting Secretary: Dr. Fang Liu, Director, Bureau of Administration and Services

PRESENT:

Argentina	— Mr. J. Gelso	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Manar
Brazil	— Ms. I. de Melo Maciel (Alt.)	Nigeria	— Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimide	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mr. C.R. Romero Díaz
Canada	— Mr. L.A. Dupuis	Republic of Korea	— Mr. Kim, C.-H.
China	— Mr. Chunyu Ding (Alt.)	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mrs. G. Rueda de Higuera	Saudi Arabia	— Mr. T.M.B. Kabli
Cuba	— Mr. J.F. Castillo de la Paz	Singapore	— Mr. T.-C. Ng
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. M.T. Elzanaty	South Africa	— Mr. T. Peege
France	— Mr. M. Wachenheim	Spain	— Mr. V.M. Aguado
Germany	— Mr. J. Mendel	Swaziland	— Mr. D. Litchfield
Guatemala	— Mr. L.F. Carranza	Uganda	— Mr. J. Twijuke
India	— Mr. A. Mishra	United Arab Emirates	— Miss A. AL Hamili
Italy	— Mr. G. Picheca	United Kingdom	— Mr. M. Rossell
Japan	— Mr. T. Koda	United States	— Mr. D. Woerth

ALSO PRESENT:

Mr. R.O. González (Alt.)	— Argentina
Mr. G. I. Tagino (Alt.)	— Argentina
Mr. J. L. Alves (Alt.)	— Brazil
Ms. G. Landgraf (Alt.)	— Brazil
Mr. J. C.F. Silva (Alt.)	— Brazil
Mr. A. Rebouças (Alt.)	— Brazil
Mr. K. Koefoed (Alt.)	— Denmark
Mr. Bae, J. (Alt.)	— Republic of Korea
Mr. A. Korsakov (Alt.)	— Russian Federation
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates
Mr. P.D. Fleming (Alt.)	— United Kingdom

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Dr. Fang Liu	— D/ADB
Ms. J. Girard	— DD/ADB
Mr. S. Ahmad	— C/SER
Miss S. Black	— Précis-writer

Subject No. 7.4: Conditions of service

Review of the net base salaries of the President of the Council and the Secretary General

1. This subject was considered on the basis of C-WP/13750 Restricted, presented by the Director of the Bureau of Administration and Services (D/ADB), and an oral report thereon by the Finance Committee (FIC).
2. The FIC had examined the paper at its First Meeting on 16 May 2011. It had noted, by way of historical background that: until 1980, the salaries of the President of the Council and the Secretary General had been linked to the level of Director, D-2, Step IV, plus 26 per cent for the President of the Council and 12 per cent for the Secretary General. The then Working Group on Conditions of Service had recommended that their salaries be linked to the level of the Under-Secretary-General in the United Nations (UN) and be uplifted by 20 per cent and 10 per cent respectively. That formula had been accepted by the Council in 1981 with the amendment that the uplifts be 17 per cent and 7 per cent respectively. The Council had reviewed those base levels and uplifts on several occasions since then, but each time had agreed to leave the levels unchanged.
3. The Committee recommended that since the Council had agreed to link the salaries of the President of the Council and the Secretary General to that of an Under Secretary General of the UN, and that no substantive review was necessary, that the Council should note the changes in the remuneration of the President of the Council and the Secretary General arising from a revision in the salary of an Under-Secretary-General. It further recommended that, in future, the Council should revisit the rules only if a change were proposed.
4. The Representatives of France, the United States, India, Spain and Uganda voiced support for the FIC's recommendations. In so doing, the Representative of France requested an indication of the salaries of the UN Secretary-General and the UN Under-Secretaries-General so as to better gauge the salaries of the President of the Council and the Secretary General.
5. The Representative of the United States indicated that, while he would welcome such additional information, he was not sure how much use it would be or if it would change the Council's position as ICAO had its own structure, Convention, duties, work programme and personnel. The Representative of Spain shared this view.
6. In then taking the action recommended by the FIC, the Council:
 - a) noted the changes, effective 1 January 2011, in the remuneration of the President of the Council and the Secretary General arising from a revision in the salary of UN Under-Secretaries-General, as set forth in paragraph 3 of C-WP/13750 Restricted; and
 - b) agreed that, in future, it would revisit the rules for determining the salaries of the President of the Council and the Secretary General only if a change thereto were proposed.

7. It was understood, with regard to paragraph 6 b) above, that further to a request by the Representative of Uganda, the next paper proposing any changes to the said rules would provide background information on the Council's decision of 4 June 1980 [C 100/3 (Closed)] to link the salaries of the President of the Council and the Secretary General to that of a UN Under-Secretary-General. It was also understood that the Secretariat would e-mail Representatives the requested information on the salaries of the UN Secretary-General and the UN Under-Secretaries-General.

8. The Council reconvened in open session at 1655 hours to consider items under "Any other business".

COUNCIL — 193RD SESSION**SUMMARY MINUTES OF THE THIRD MEETING**

(THE COUNCIL CHAMBER, WEDNESDAY, 15 JUNE 2011, AT 1000 HOURS)

OPEN MEETING

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Mr. J. Gelso	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Manar
Brazil	— Ms. I. de Melo Maciel (Alt.)	Nigeria	— Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimde	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mr. C.R. Romero Díaz
Canada	— Mr. P. Langlais (Alt.)	Republic of Korea	— Mr. Kim, C.-H.
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mrs. G. Rueda de Higuera	Saudi Arabia	— Mr. T.M.B. Kabli
Cuba	— Mr. J.F. Castillo de la Paz	Singapore	— Mr. T.-C. Ng
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. M.T. Elzanaty	South Africa	— Mr. T. Peege
France	— Mr. P. Pape (Alt.)	Spain	— Mr. V.M. Aguado
Germany	— Mr. J. Mendel	Swaziland	— Mr. D. Litchfield
Guatemala	—*Mr. L.F. Carranza	Uganda	— Mr. J. Twijuke
India	— Mr. A. Mishra	United Arab Emirates	— Miss A. AL Hamili
Italy	— Mr. G. Picheca	United Kingdom	— Mr. M. Rossell
Japan	— Mr. T. Koda	United States	— Mr. D. Woerth

ALSO PRESENT:

Mr. M. Fernando, President, ANC	
Mr. R.O. González (Alt.)	— Argentina
Mr. L.M. Coelho de Souza (Alt.)	— Brazil
Mr. J. L. Alvez (Alt.)	— Brazil
Ms. G. Landgraf (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. S. Vuokila (Alt.)	— Denmark
Mr. A. Bardaro (Alt.)	— Italy
Ms. M. Furuhashi (Alt.)	— Japan
Mr. K.A. Ismail (Alt.)	— Malaysia
Mr. Bae, J. (Alt.)	— Republic of Korea
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Ms. N. Graham	— D/ANB
*Dr. Fang Liu	— D/ADB
*Mrs. F.A. Odutola	— D/ATB
*Mr. A.E. Eussner	— C/EAO
Mr. V. Galotti	— DD/SSI
*Mr. R. Lambo	— C/ISD-SAF
*Mr. A. Quiroz	— C/ASA
*Mr. A. Capretti	— TO/CNS/AIM
*Mr. H. Pretorius	— ISD-SAF
*Mr. Jun, S.-H.	— ISD-SAF
*Mrs. D. Cooper	— PO/PW
*Ms. E. Gnehm	— CMO
*Mr. D. Wilkinson	— SMM
*Ms. J. Blumenkron	— Consultant
Mrs. C. Rideout	— CSO

*Part-time

Subject No. 14.4: Air navigation meetings**Draft Code of Conduct for the sharing of safety information**

1. The above subject was documented for the Council's consideration in C-WP/13728, presented by the Secretary General. The Code of Conduct Multidisciplinary Task Force (MTF) established to assist the Secretariat in developing a code of conduct on the sharing and use of safety information had completed the draft code of conduct appended to the paper. In preparing the code of conduct, the MTF had taken into consideration Resolution A37-1, working papers and discussions relating to the code of conduct from both the HLSC 2010 and the 37th Session of the Assembly. Introducing the paper, the Secretary General thanked the members of the MTF who were named in C-WP/13728 and who had been instrumental in providing feedback on the code of conduct at various phases of the drafting process. Considerable discussion had been required in order to agree on precise wording that would hopefully be acceptable to all ICAO Member States.

2. The Representative of Slovenia recalled that the development of a code of conduct for the sharing of safety information had been highlighted as a very important matter during the 2010 High-level Safety Conference as well as during the 37th Session of the Assembly. The draft as proposed was very well balanced and took into account the different aspects of this matter, and the Delegation of Slovenia could therefore support it as presented. The Representative of Mexico also supported the code of conduct as presented by the Secretary General, and believed that it was drafted in very balanced terms that covered all of the principles and aspects flagged by the Assembly.

3. It was understood that a suggestion offered by the Representative of the United Arab Emirates in connection with Section 5 (Standards of Conduct), sub-paragraph f) would be reflected in the terms of reference of the task force which had been established to consider the protection of safety information.

4. The Representative of Spain supported the initiative for the code of conduct, but wished to offer a comment with regard to the context of the overall work being done with regard to processing of safety information. The title of the code seemed to be a very broad and abstract concept that covered all kinds of sharing of information between organizations, either within a single State or in different States. The title was in effect much broader than the content of the code of conduct, and the Representative of Spain wished to hear the views of the Legal Affairs and External Relations Bureau on this subject. If something should be changed, he would suggest changing the title rather than the content, since the content, i.e. the objective of preventing anybody from gaining an unfair advantage from audit information, was correct.

5. The Representative of Australia supported the draft code of conduct in its current form, for its intended purpose. The draft code remained a high-level principles document, intended to be cast as a very broad coverage of sharing of safety information. Australia was not convinced that it would provide the necessary reference, guidance, and reassurance that the document purported in its objective statement, i.e. to assist States to improve relevant legal and institutional frameworks, and in a formulation and implementation of international agreements and other legal instruments. In that context, Australia considered that the work of the recently established multidisciplinary task force on information protection, which had recently held its inaugural meeting, had the potential to develop additional proposed Standards, Recommended Practices and associated guidance to this vexed issue of information sharing by analysing the issue in the context of the

intended purpose for which the various types of safety information were to be used. The outcome of this work would thus complement this important code of conduct for information sharing.

6. The Representative of Belgium wished to be associated with the comments offered by the Representatives of Mexico, Slovenia and Australia. The draft as presented was balanced and met the request of the Assembly, and therefore received the strong support of his Delegation.

7. The Representative of the Russian Federation also endorsed the code of conduct, which he believed fully complied with Resolution A37-1, but sought clarification on the legal status of the document with regard to the obligations to be filled by States. Resolution A37-1 tasked the Council with the development of a code of conduct, but did not indicate how that code would subsequently be used. The President of the Council indicated that the Secretary General would be issuing a State letter inviting all States to implement the code of conduct, and that in most instances such orientation on the part of the Council was very well received and accepted by States.

8. The Representative of Nigeria agreed with previous speakers that the code of conduct as prepared by the Secretariat was an adequate response to Resolution A37-1, and that the multidisciplinary taskforce had done a lot of work in ensuring that the text now before the Council was a balanced one. In that connection, he was somewhat hesitant about additional drafting in the Council, since he believed that the document was good as is. While having no objection to the proposal by the United Arab Emirates, he had some concerns about redrafting the document or changing the title, since most of the terminology in the draft was based on the Assembly resolution, which spoke of a code of conduct for the sharing of safety information. The Representative of Nigeria understood the point which had been made by the Representative of Spain regarding the very broad meaning of the title, but observed that this was the way issues were discussed at the level of ICAO and States. The work now under review would be complemented by further work, and the Council would eventually have a complete package to consider.

9. The Representative of Uganda observed that the document under discussion was perhaps not perfect, but as others had said, it was balanced. As was the case with Standards and other documents which the Council adopted, and which were dynamic and adjusted over time, the same should be the case with the code of conduct. The work of the taskforce would continue, and for the time being the code of conduct should remain as broad as possible and not burdened with too many details making its implementation difficult. The Representative of Uganda therefore supported it as presented for adoption. The Representative of Brazil wished to support the arguments put forward by the Representatives of Nigeria and Uganda for retaining the text without change.

10. The Representative of the Russian Federation wished to draw the attention of the Members of the Council to the existence of a European Commission website which had recently been opened, and which contained information on airlines banned within the European Union. While recognizing that the Council was not in a position to comment on this at the moment, the Representative of the Russian Federation wondered how this website related to the code of conduct now under review. The Representative of South Africa requested that further information on the point raised by the Representative of the Russian Federation be provided at an appropriate time.

11. In taking the action proposed in C-WP/13728, the Council approved the code of conduct on the sharing and use of safety information as presented in the appendix to the paper, for dissemination to States as well as to organizations involved in audits and safety oversight activities.

Subject No. 14.3.9: Communications**Report of ANC – Proposed amendments to the ICAO position for submission to the International Telecommunication Union (ITU) World Radiocommunication Conference (2012) (WRC-12)**

12. The Council reviewed C-WP/13729, which presented a proposal of the Air Navigation Commission for updates to the ICAO position for the International Telecommunication Union (ITU) World Radiocommunication Conference (2012) (WRC-12). The proposal took into consideration developments resulting from studies conducted in ICAO, ITU and regional telecommunication organizations after the approval of the ICAO position by Council in 2009 (C-DEC 187/9).

13. The Representative of Mexico supported the action proposed in C-WP/13729, but suggested that the Secretary General, when issuing the State letter on this subject, request that ICAO's position be forwarded to the appropriate government authorities who would be attending the WRC-12. It sometimes happened that communications were not forwarded to the appropriate people and it was important for States to be well informed of ICAO's position at the meeting. The Representative of Nigeria shared the concerns of the Representative of Mexico. Unfortunately, many times the coordination within States attending WRC meetings was such that delegations from States did not include aviation people. It was often a different ministry or department that led the delegation and the voice of aviation was drowned. It should be made very clear in the State letter that aviation officials should bring ICAO's position to the attention of the relevant departments.

14. Further to a proposal put forward by the Representative of the United Kingdom, a paragraph making reference to studies being undertaken by the ITU was deleted from the proposed amendment material appended to C-WP/13729. Some suggestions put forward during the discussion would also be reflected in the letter that would be issued stating ICAO's position.

15. The Representative of Spain also supported the ICAO position, but observed that the same comments were offered every time this highly complex, technical issue was brought before the Council. Those comments concerned the problem of coordination among States and the difficulty of the ICAO position being recognized properly. This type of conference presented an opportunity but it also presented a risk, and a threat with regard to aviation interests. The Representative of Spain requested information on the risks which had been identified as of the last WRC as regards the use of the radiospectrum, and how these related to the difficulties which would be encountered with new systems and which would require communication capabilities and capacities because these spectra would be at the basis of the new facilities.

16. TO/CNS/ATM indicated that the main threat at the upcoming WRC in relation to Agenda Item 1.3 [*To consider spectrum requirements and possible regulatory actions, including allocations, in order to support the safe operation of unmanned aircraft systems (UAS), based on the results of ITU-R studies, in accordance with Resolution 421 (WRC-07)*] was the risk that non-safety spectrum would be allocated for use by UAS, in which case it would not be possible for civil aviation to maintain the same level of safe operations for UAS as was maintained for regular manned aircraft. The only additional threatening points remained in Agenda Item 1.7 [*To consider the results of ITU-R studies in accordance with Resolution 222 (Rev. WRC-07) in order to ensure long-term spectrum availability and access to spectrum necessary to meet requirements for the aeronautical mobile-satellite (R) service, and to take appropriate action on this subject, while retaining unchanged the generic allocation to the mobile-satellite service in the bands 1 525 – 1 559 MHz and 1 626.5 – 1 660.5 MHz*], whose intent was to strengthen access by aviation to the mobile

satellite frequencies. Prospects for developments at the WRC were reasonably favourable, so it was hoped that the threat would not materialize. Finally, Agenda Item 1.25 [*To consider possible additional allocations to the mobile-satellite service, in accordance with Resolution 231 (WRC-07)*] would show three frequency bands with aeronautical safety allocations that were being targeted for introduction of mobile satellite service allocation. The Secretariat believed that could be done in an acceptable manner if the required technical studies to ensure compatibility between the aeronautical use and the non-aeronautical use were completed by the time of the WRC. If this was not the case the Secretariat would recommend that this item be postponed to the next Conference. Finally, with regard to future systems, work had been carried out for several years already in the ITU arena. This had led the WRC-07 to make some additional allocations for aeronautical communication systems. The work was being continued in the context of Agenda Item 1.4 [*In accordance with Resolution 95 (Rev. WRC-03) to review the resolutions and recommendations of previous conferences with a view of possible revision, replacement or abrogation*)] which was targeted to future communications systems in the framework of the various programmes that were being developed around the world. The objective of Agenda Item 1.4 would be to make more flexible the usage of some aeronautical bands that were currently reserved for navigation systems so that it would be possible to introduce communication systems in the framework of the new programmes.

17. The Representative of France also supported the proposals of the ANC and the ICAO position as presented, but shared the concerns expressed by Spain. The issue of internal coordination within States was an important issue. As far as France was concerned, there was always a representative of civil aviation in the delegation but very often that person did not have a loud voice. It was not only a question of coordination, but went beyond that and concerned internal arbitration between States and between the various interests, whether they be aviation or other users of frequency spectra. The State letter would have to take that into account and insist on a political level on the needs of international civil aviation. That letter should provide a certain amount of information and guidelines expressing ICAO's order of priorities. It would be useful to ICAO to have the Secretary General transmit this position to his counterpart in the ITU, indicating that ICAO would have a firm representation and a counterpart in the ITU.

18. D/ANB welcomed the suggestions which had been put forward and indicated that ICAO would, in advance of the events, endeavour to generate some media publicity about the importance of the aviation spectrum.

19. In taking action on the basis of the proposal in C-WP/13729, the Council:

- a) approved the updated ICAO position for the ITU WRC 12 as shown in the appendix to the paper, subject to the amendment recorded above; and
- b) requested the Secretary General to submit to ICAO Member States, relevant international organizations and to the ITU WRC 12, in an appropriate format, the ICAO position, including the updates contained in the appendix to C-WP/13729, together with additional relevant material as required.

Subject No. 14: Subjects relating to air navigation**Report of the AFI Plan Steering Committee**

20. The Council noted an oral report presented by the Chairperson of the AFI Plan Steering Committee, and endorsed the following conclusions of the Steering Committee's Seventh Meeting (ICAO Headquarters, 14 and 15 April 2011):

- a) The recruitment of additional resources allocated to the Regional Offices in Africa should be expedited to ensure a full complement of staff.
- b) The AFI Plan training programme for 2011 had been approved, with emphasis placed on Government Safety Inspector (GSI) and European Co-ordination Centre for Aviation Incident Reporting Systems (ECCAIRS) training and the development of regional safety programmes.
- c) The AFI Plan's primary focus on flight safety deficiencies should be maintained, while the air navigation and aerodrome deficiencies should be addressed through other system's mechanisms. The current prioritization criteria for States with significant safety concerns (SSCs) and States referred to the Audit Results Review Board (ARRB), as established by the ICAO/African Civil Aviation Commission (AFCAC) Meeting held in May 2010 in N'djamena, Chad, should be maintained.
- d) The revised guidance material on the establishment and management of Regional Safety Oversight Offices (RSOOs) should be made available prior to the RSOO Symposium in October 2011.
- e) In line with the External Auditor's recommendation, as approved by the Council, a second survey of States to assess the status of implementation of the AFI Plan should be conducted at the end of 2011 and further gap analyses should be performed in 2012. ICAO should consider convening a Ministerial meeting for the purpose of reviewing the outcome of the gap analyses and to determine the possible continuation of the AFI Plan beyond 2013.
- f) The President of the Council and the Secretary General should co-sign a letter addressed to the Minister of Transport of each State referred to the ARRB. Copies of the letters should also be sent to AFCAC for its coordinated action.
- g) The President and the Secretary General should, when possible, attend high-level meetings of the African States. An ICAO working paper should be presented to the African Ministerial Conference in Angola, in November 2011. During the event, AFCAC should schedule side meetings for the Secretary General with selected Ministers.

- h) ICAO should develop a quick reference manual for Ministers responsible for civil aviation, which would highlight States' responsibilities in terms of the Convention and the support available through ICAO.
- i) The next meeting of the Steering Committee would be held on 24 and 25 October 2011.

21. The Representative of Uganda endorsed the report presented by the Chairperson of the AFI Plan Steering Committee, and wished to offer some comments of a general nature, first to thank the Secretary General for the continuing support being provided, in particular the integration of the functions of the AFI Plan within the Regular Programme. He also noted that among the efforts made by the Secretary General, the resources of the Regional Offices were being enhanced to expedite the implementation of the plan. The recruitment of additional safety experts within the Regional Offices was ongoing, but given the amount of work and the limited time of the plan, the Representative of Uganda requested that the recruitment process be expedited. He also requested that the Council consider the recommendations in the report with encouragement and optimism, for a great deal had been achieved and with the continuing encouragement and support of the Council, the desired goals of the plan would be fully implemented.

22. The Representative of Spain thanked the Chairperson of the AFI Plan Steering Committee for a detailed report which was very specific on the progress of the programme. As had been highlighted by the Representative of Uganda, the success of the plan required the systematic support of the Council, and was linked to the reports of the Audit Results Review Board (ARRB), making it possible to address deficiencies and help resolve them. One of the important initiatives flagged in the report was the AFI Cooperative Inspectorate Scheme (AFI-CIS). A number of initiatives would have a long-term impact while others would be shorter term, and the Representative of Spain wished to know what short-term measures would be required in order to see results in relation to ARRB audit outcomes.

23. The Chairman of the AFI Plan Steering Committee concurred with the last comment offered by the Representative of Spain; there was a lot of output in terms of what had been done under the AFI Plan, but the outcome could only be measured and appreciated if the number of States that were reported to the ARRB was reduced. The establishment of RSOOs and the effective support of States was a medium-term activity because it took time to establish a RSOO, because of challenges such as funding. He therefore welcomed the effort by the Secretariat to have a symposium on the establishment of RSOOs. In the interim, however, States were not receiving assistance. Safety teams had been established under the AFI Plan within the Regional Offices to help the States, but there was a limit to the extent which those teams could go without crossing the line of what could be termed a conflict of interests. Those teams could only advise the States, and could not do work on behalf of them. In that regard, the AFI Cooperative Inspectorate Scheme (AFI-CIS) would provide inspectors for the use of States. It was only when the States that had been referred to the ARRB because of significant safety concerns were able to address the challenges that it would be possible to say that the programme had a positive outcome. One of the final objectives was that all the States within the AFI region should achieve an already determined level of maturity as far as the safety oversight effective system was concerned.

24. The President of the Council wished to comment on two of the conclusions of the AFI Plan Steering Committee. The first, by which he and the Secretary General should co-sign a letter addressed to the Minister of Transport of each State referred to the ARRB, had already been acted upon and in certain cases would be followed up. The second conclusion, by which the President and the Secretary General should,

when possible, attend high-level meetings of the African States and in particular the African Ministerial Conference in Angola in November 2011, would also be acted upon. It was important to secure a commitment at the highest level in States in order receive support for actions under the programme. The President and the Secretary General would endeavour to obtain a commitment on the parts of States to resolve their deficiencies. All parties concerned would continue to take the appropriate actions to make sure that there was tangible progress.

Subject No. 13: Work programmes of Council and its subsidiary bodies

Report of ANC – ANC Work Programme for the 188th Session

25. The Council approved the work programme of the Air Navigation Commission for its 188th Session as presented in Appendix A to C-WP/13730, and approved an extension of the Commission's session to 25 November 2011.

26. The Council considered the next item on its order of business in closed session, reconvening in open session at 1200 hours to consider any other business.

Any other business

Subject No. 14: Subjects relating to air navigation

Briefing on recent crises affecting international civil aviation

27. DD/SSI presented a briefing on the most recent crises affecting international air transport, and the scope and nature of ICAO's response and involvement, as well as on the Organization's work towards developing a more systematic and formalized approach to ICAO's response to crisis management. The text of DD/SSI's briefing would be circulated to Representatives.

Subject No. 36: Election of Vice-Presidents of the Council

Subject No. 5: Election of chairmen and members of subsidiary bodies of the Council

Subject No. 6.3: Reporting of breaches of, or non-compliance with, applicable laws and regulations

Elections by the Council

28. Further to a proposal put forward by the Representative of the United Kingdom, this item, traditionally scheduled during the last session of the calendar year, was moved forward from the 194th to the current (193rd) Session. With the exception of Assembly years, the Election by the Council would henceforth be held during the summer session.

29. The Council would be invited to suspend Rule 9 of its Rules of Procedure, dealing with the commencement of the term of office of Vice-Presidents, and would elect three Vice-Presidents for 2011-2012, their terms to commence on 19 September 2011, i.e. the first day of the Committee phase of the 194th Session.

30. For reasons of continuity and efficiency, the current composition of each Committee would be maintained for the period 2011-2012. Any changes to the current composition of the Finance, Joint Support, Unlawful Interference, Technical Co-operation and Human Resources Committees were to be communicated to the President. During the current (193rd) Session, the Council would be invited to consider the composition of each Committee for the period 2011-2012, with effect as from the 194th Session of the Council, and to elect the Members and Alternates of the Committees for that period. The Chairmen of these bodies and of the Air Transport Committee would also be elected, their terms commencing on 19 September 2011, i.e. the first day of the Committee phase of the 194th Session. Any vacancies on the Edward Warner Award Committee would be filled.

31. The meeting adjourned at 1300 hours.

COUNCIL — 193RD SESSION**SUMMARY MINUTES OF THE THIRD MEETING****(THE COUNCIL CHAMBER, WEDNESDAY, 15 JUNE 2011, AT 1145 HOURS)****CLOSED MEETING**

President of the Council: Mr. Roberto Kobeh González

Secretary: Mr. Raymond Benjamin, Secretary General

PRESENT:

Argentina	— Mr. J. Gelso	Malaysia	— Mr. Y.-H. Lim
Australia	— Ms. K. Macaulay	Mexico	— Mr. D. Méndez Mayora
Belgium	— Mr. G. Robert	Morocco	— Mr. A. Manar
Brazil	— Ms. I. de Melo Maciel (Alt.)	Nigeria	— Dr. O.B. Aliu
Burkina Faso	— Mr. M. Dieguimide	Paraguay	— Mrs. A. Torres de Rodríguez
Cameroon	— Mr. E. Zoa Etundi	Peru	— Mr. C.R. Romero Díaz
Canada	— Mr. P. Langlais (Alt.)	Republic of Korea	— Mr. Kim, C.-H.
China	— Mr. Tao Ma	Russian Federation	— Mr. A.A. Novgorodov
Colombia	— Mrs. G. Rueda de Higuera	Saudi Arabia	— Mr. T.M.B. Kabli
Cuba	— Mr. J.F. Castillo de la Paz	Singapore	— Mr. T.-C. Ng
Denmark	— Mr. K.L. Larsen	Slovenia	— Mr. A. Krapež
Egypt	— Mr. M.T. Elzanaty	South Africa	— Mr. T. Peege
France	— Mr. P. Pape (Alt.)	Spain	— Mr. V.M. Aguado
Germany	— Mr. J. Mendel	Swaziland	— Mr. D. Litchfield
Guatemala	—*Mr. L.F. Carranza	Uganda	— Mr. J. Twijuke
India	— Mr. A. Mishra	United Arab Emirates	— Miss A. AL Hamili
Italy	— Mr. G. Picheca	United Kingdom	— Mr. M. Rossell
Japan	— Mr. T. Koda	United States	— Mr. D. Woerth

ALSO PRESENT:

Mr. R.O. González (Alt.)	— Argentina
Mr. L.M. Coelho de Souza (Alt.)	— Brazil
Mr. J. L. Alvez (Alt.)	— Brazil
Ms. G. Landgraf (Alt.)	— Brazil
Mr. Chunyu Ding (Alt.)	— China
Mr. S. Vuokila (Alt.)	— Denmark
Mr. A. Bardaro (Alt.)	— Italy
Ms. M. Furuata (Alt.)	— Japan
Mr. K.A. Ismail (Alt.)	— Malaysia
Mr. Bae, J. (Alt.)	— Republic of Korea
Mr. R.A. Al Kaabi (Alt.)	— United Arab Emirates

SECRETARIAT:

Mr. D. Azema	— DC/OSG
Ms. N. Graham	— D/ANB
Dr. Fang Liu	— D/ADB
Mrs. F.A. Odutola	— D/ATB
Mr. A.E. Eussner	— C/EAO
Mr. V. Galotti	— DD/SSI
Mr. A. Quiroz	— C/ASA
Mr. R. Lambo	— C/ISD-SAF
Mrs. C. Rideout	— CSO

*Part-time

Subject No. 14.5: **Safety oversight**
Subject No. 52.1: **Universal Security Audit Programme**

Progress report of the Audit Results Review Board (ARRB)

1. The Council had for consideration C-WP/13727, an information paper in which the Secretary General provided a progress report on the activities of the Audit Results Review Board (ARRB) since February 2011. The paper identified States referred to the ARRB by the Universal Safety Oversight Audit Programme (USOAP) and provided the number of States referred by the Universal Security Audit Programme (USAP). Separately, the paper explained actions taken by the ARRB to monitor and assist States referred by both Programmes. Finally, the paper brought a situation of particular concern to the attention of the Council, and sought recommendations and advice on how to proceed.

2. The information provided in C-WP/13727 was updated, firstly by C/ASA, who indicated that the State in which the significant security concern had been identified had been requested to provide information to ICAO on the actions taken to resolve the situation. Since the drafting of C-WP/13727, the Secretariat had in fact received information from the State. A team already in the region would have an opportunity to visit the State to validate onsite the information that had been provided and hopefully resolve this issue in the near future.

3. Commenting on the safety aspects, D/ANB indicated that four additional referrals had been received and reviewed based on the USOAP results, including identified significant safety concerns in the case of Eritrea. Assistance activities included the development of ICAO action plans for individual States that included the political, operational, technical and economic aspects. In addition, ICAO had held workshops for senior civil aviation officials focussing specifically on the issuance of AOCs which had been the subject of many of the significant safety concerns. Monitoring activities were being ramped up under the USOAP continuous monitoring approach, and the Organization continued to work very closely with the States that had significant safety concerns.

4. D/ANB wished to bring to the Council's attention a troubling situation in the State of Djibouti, which had had an SSC for more than three years and was not making demonstrable progress towards resolving it. The Secretariat had moreover received information from the State itself that Djibouti was planning to issue an AOC to a new national air operator, without having the technical capacity and the processes to do so. The letter from the DGCA of Djibouti indicated that the decision was a political one and that safety considerations might have been overlooked. The Secretariat had done everything that it could do to assist Djibouti and encourage the State to resolve its SSC. These efforts had been unsuccessful to date due to what the Secretariat viewed as a lack of high-level political commitment and a lack of internal coordination and cooperation within the Government of Djibouti itself. As a point of reference, a TCB project that had been funded by a donor State to assist Djibouti had had to be suspended in 2010 due to a lack of support and political commitment from the State, despite intervention from the donor State itself and despite intervention by ICAO both at the Headquarters and Regional Office. Measures had included a direct letter from the President of the Council. The Secretariat had essentially run out of options to engage the State further in this matter. D/ANB recommended that it would be for the Council perhaps to establish a small working group and consider what actions could be taken in such a situation, where all options had been exhausted.

5. Under general comments, the Representative of Belgium thanked the Secretariat for the explanation of the measures which had been taken vis-à-vis certain States. Belgium subscribed to the Organization's objective of working with the member States in a partnership, and believed that was of the highest priority. That being said, C-WP/13727 showed the limits of this system when one did not have the good will of the State concerned to resolve serious safety issues. It would be necessary to decide what the role of the Organization would be with regard to safety and security in these situations; this was the responsibility of the Council vis-à-vis the Chicago Convention. Could the Council simply continue noting, month after month, that there were serious safety and security problems without acting on the subject? These questions were not easy to answer and could not be resolved immediately. Belgium would support that a small working group be set up with a double mandate. The first would be to study the measures which had been adopted and the follow-up action when there was no progress made. The second mandate would be to identify the obligations of the Council vis-à-vis the Chicago Convention when such a situation arose.

6. The Representative of France indicated that, similar to Belgium, his Delegation felt that the Council had to ask itself what possible action could be undertaken by ICAO. On the one hand, it had the case of Djibouti which would certainly necessitate setting up a small group, but this group would have to work quickly. Secondly, the Council could not simply limit itself to observing, month after month, certain difficult situations. The Council would have to address the issue of political good will on the part of States. Although it was true that there was a lack of this good will in many cases, there were also certain situations which were impossible. There were also structural difficulties inherent in certain States, and ICAO's role at the level of the Council and the Secretariat was to try to look into the reasons for such situations arising, and analyse them because there was no point to simply flagging these difficulties and putting them on the list without helping them find solutions. Not all the reasons were political; there were economic and structural reasons, and the working group should focus on looking into the reasons behind the States appearing on the list. The working group or the Secretariat could also go so far as to consult with States on a one by one basis. As regards the case of Djibouti, the Representative of France wished to know if there was an ICAO code or designator that had to be assigned to an airline when a State issued an AOC. The Organization could look into the possibility of not granting a designator to those countries where an AOC issuance was based on reasons that were not acceptable.

7. The Secretary General wished to respond to the issues raised by the Representatives of Belgium and France, since they were directly related to the report which had been presented earlier in the meeting by the Chair of the AFI Steering Committee. The Secretary General agreed that the Council had to focus on political considerations. In the letters which he and the President addressed to the Ministers of Transport of countries appearing on the ARRB list, the serious impact of the situation on civil aviation and on the economy was highlighted, and assistance to resolve it was offered, with the proviso that the State concerned would have to do its part. The letters indicated that the Director of the appropriate Regional Office would in a very short period of time consult with the Minister on possible aid programmes. As regards the lack of technical resources which had been mentioned by the Representative of France, it was for this reason that the Secretariat was proposing an action plan and assistance programme. If a State issued an AOC in violation of its obligations, the Organization could not assign a designator because to do so would be illegal. In summary, it was necessary to take into account the political aspects, to offer technical assistance within the framework of what had been described earlier in the meeting by the AFI Steering Committee Chair, and finally to involve the Regional Offices in the implementation plan and have their active involvement.

8. The Representative of Nigeria felt that with his experience and involvement in these issues as Chairman of the AFI Steering Committee, he needed to bring to the attention of the Council some of the elements that had arisen. While it was the responsibility of the States to meet their obligations, ICAO

needed to do the best it could to ensure that it supported the States. In consultation with several of the States that had been referred to the ARRB, it had come to his attention that some States were unaware of, or surprised to learn that they had this status with the ARRB, since they had ongoing projects, including TCB projects, with ICAO in which they had expended some resources. Those States had the impression that they were ready even for an ICVM, when this was not the case. There was a need for better coordination within the Organization to ensure that there was no confusion between the TCB, the Regional Offices, the ANB, and the audit sections. Coordination with other stakeholders was also important. The case of Djibouti, for example, had not been presented to the steering committee in which ICAO, AFCAC and other agencies participated.

9. The Representative of Nigeria noted that paragraph 2.4.5 of the paper highlighted the formation of the Safety Collaborative Assistance Network (SCAN) which would assist with matching donors to States with difficulties. That discussion should not be left with the donor States alone; it would be necessary to get the African Civil Aviation Commission (AFCAC) and States within the African region involved. Djibouti was a clear example of a situation where, because there had been a donor State working with it, the impression was that no problem existed. Djibouti's situation had not been flagged within AFCAC or in the AFI Plan. In cases like this it would be necessary to use additional structures within the region to address some of the issues. If a working group was established, it should look at how ICAO was leveraging all the possible pressure that could be brought to bear on the States with respect to the resolution of political issues.

10. The Representative of India wished to support the comments offered by the Representatives of France, Belgium and Nigeria. Since the release of the first ARRB report on 15 June 2007 it appeared that the number of States referred to it was increasing. It could be concluded that either ICAO's audit process had sharpened and it was now possible to detect more problems, or that ICAO was failing in its safety records and more and more countries were regressing to this position. The Organization should look at what it was doing and rethink its procedures. The Representative of India agreed that other States should help as well, and in this connection India was in the process of finalizing a package of assistance for African States. The Representative of India encouraged the group which would be established to come up quickly with a timeframe of real measures to solve these problems because most of the States on the ARRB list had been on it since 2007, with no change in their status. ICAO had a major role in getting States off the list, using technical assistance or whatever means possible.

11. The Representative of Uganda wished to use the example of Djibouti to highlight some of the areas where improvements could be achieved. Updated information on Djibouti had been brought to ICAO's attention in November of 2009 via the press media, i.e. the Official Journal of the European Union, leaving the impression that there was a lack of effective communication within ICAO. The Representative of Uganda sought more detailed information on what had happened when Djibouti had presented a request for assistance in helping it issue an AOC. The objective of ICAO should be to make sure that no State remained on the ARRB list. As the Representative of Nigeria had pointed out, some States were not even aware that they were on that list and that steps could be taken with ICAO's assistance to resolve their situation. A great deal could be achieved through proper focussing on regional resources. As regards the issue of withholding the three-letter code, such a measure, even if it was legal, should only be taken when all other measures had been exhausted.

12. Responding to some of the points raised thus far, D/ANB found it difficult to understand how some States were not aware that they were on the ARRB list, since at least five different steps were taken as a matter of routine once an audit had taken place, including discussions with the DGCA and the

Minister during the audit and the issuance of letters. Several attempts were taken immediately after the audit to inform the State of the results and the steps which could be taken to assist that State. Some administrations might not understand what the ARRB was, but they certainly knew that they had serious issues with the audit. As regards the issuance of three-letter designators, when ICAO received a request from a State that had a significant safety concern, it immediately responded, indicating that the State had an open SSC, and strongly recommending that it not expand during this period of time and that it resolve its SSC. ICAO followed up with further communications following an established series of steps.

13. As regards the apparent increase in the number of States on the ARRB list, D/ANB wished to clarify that this was due to the fact that over the last two years the Organization had completed the audit cycle and a number of States that had not had an audit to that point in time had now been audited and placed on the list. It should not be assumed that the increased number of States on the list meant that the situation was getting worse. A number of States were very aggressively working their issues, the AFI Steering Committee was working well, the regions were assisting States, and the AFI programme was helping. There were also a number of longer-term initiatives that were beginning to take root. D/ANB's report to Council at this meeting was intended to highlight that there were a few isolated situations where there was a complete lack of political will, and in those few isolated situations a decision was needed as to how to proceed.

14. The Representative of the United Kingdom observed that the Secretariat and D/ANB in particular should be congratulated on grasping this very difficult nettle. The issue was rightly one for the Council to consider, because it related to actions that ICAO should take against States. It should be made clear from the outset that this was not exclusively about Africa; the ARRB list included a large number of African countries but it was spread throughout the world and any programme that ICAO developed was not an Africa-centred programme, although the setting up of the AFI Plan had provided valuable guidance as to the approach that could be taken. The Representative of the United Kingdom wished to suggest a three-step approach which would involve the establishment of a small group as requested by the Secretariat. The first step would be to collect information on a consistently comparable basis. The second step would be to determine what assistance was necessary and who could provide it and at what cost. The third step would be to decide what to do if that assistance failed. In that respect, the Representative of Uganda had been correct in stating that the withholding of three-letter codes was not something that should be contemplated lightly. It might be advisable to look again at the Organization's legal framework in order to allow it to withhold those three-letter codes in extreme circumstances, taking into account the interests not just of the country that was involved, but of the people from other countries who were flying to that country or from that country, and who were affected by the operation of unsafe aircraft. Today's discussion was not just about Djibouti; the discussion was about a small number of other countries as well, and the need to establish a process that was seen to be free and fair so that people were able to understand the consequences of not meeting required standards.

15. The Representative of the United States wished to endorse the summary just provided by the Representative of the United Kingdom. The Council needed a mechanism to deal with extreme cases and should not be afraid to step up to them when it had run out of options. A review would be necessary of the legal framework, and a working group was probably a good place to start. The *status quo* simply was not acceptable. The Representative of the United States also endorsed the point that this was not just about Africa; there were many regions represented on the Council and many lessons learned from the AFI involvement could be applied to them. The Representative of the United States found it completely unacceptable that States claimed they simply did not know they were on the ARRB list. States would have