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REPORT

From: Council General Secretariat
To : Delegations

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Subject : Preparation for the 186th Session of the ICAO Council

In the light of the discussion at the Aviation Working Party on 16 February, delegations will find attached a slightly revised version of the Commission information note on the above subject.

In general, Member States expressed satisfaction with the proposed Community positions laid down in the information note and fully endorsed its contents. Switzerland and Iceland have also indicated their approval of the positions, meaning that they shall become common positions shared by all 8 European states on the ICAO Council and not only the EU Member States currently on the ICAO Council.

Following comments from AT, a change to the Community position was introduced regarding transparency in the issue of disclosure to the Council of States referred to the Audit Results Review Board. Concerning the Universal Safety Oversight Audit Programme and the Universal Security Audit Programme and further to a suggestion from the UK, a reference was introduced emphasising the need for follow-up to related decisions taken at the 2007 Assembly. At the end of the meeting a state of play was given by the Commission and FR on the forthcoming election of the ICAO Secretary-General.

INFORMATION NOTE

Community coordination in preparation for the 186th Session of the ICAO Council

In preparation for the 186th session of the ICAO Council¹ (on the basis of the existing agenda²), the services of the Commission recommend the adoption of a Community position on the items of Community interest indicated below, prior to or during the Council session, depending on the currently available relevant information:

1. With regard to safety and security

- Report on the Implementation Support and Development (ISD) – aviation safety and security activities
- Disclosure to the Council of States referred to the Audit Results Review Board
- Progress report on the ICAO audit activities/ USOAP and USAP

2. With regard to safety

- Adoption of Amendments to ICAO Annexes
- Issue of Flags of Convenience – development plan for the establishment of an international registry of air operator certificates (AOC) and publication of guidance material

3. With regard to security

- Convening of an international conference on aviation security

¹ Dates for the 186th Council Session:
Committee phase: 22 January – 6 February 2009
Council phase: 23 February – 20 March 2009

² C-WP/13261

4. With regard to environmental protection

- Night curfew and slot allocation
- Convention of the High-level Meeting on International Aviation and Climate Change
- Recent developments in other United Nations bodies
- Progress report on the Group on International Aviation and Climate Change (GIACC)

5. Miscellaneous – other items

- Appointment of the Secretary General
- Proposed Terms of Reference of the Secretariat/Council Group on Regional Bodies

To this end, the present Information Note sets out in its Annex suggestions for the definition of a Community position, on the basis of information available at this stage.

As many of the working papers for the ICAO Council are likely to become available only shortly before they are due for discussion in the Council, and may be influenced by Committee meetings during the Committee phase which precedes the Council phase, it is understood that on-the-spot additional coordination on these (and possibly further) items which are currently put on the agenda, or of which it is decided during the Council session to add them to the agenda, may also be necessary prior to or during the Council session itself. Such on-the-spot coordination meetings will as usual be organised by the Presidency in close cooperation with the Commission representative.

This approach follows the procedure for Community coordination as discussed earlier between the Commission and the Council, and has been successfully adhered to during all of the ICAO Council sessions in the past years.

The Commission representative will attend the meetings of the Council and request to participate as observer as appropriate.

ANNEX

186th ICAO Council session

Consideration of agenda items of Community interest – suggested Community positions

GENERAL

The upcoming 186th session of the ICAO Council will be of interest to the Community for several reasons.

With regard to **safety and security**, the Council will consider several reports relating to ICAO's audit programmes, and efforts to assist States to correct serious deficiencies.

The first Council session of the year is also traditionally the session during which the **Council adopts amendments to technical Annexes** of the Chicago Convention. Of particular interest to the Community will be amendments to Annexes 14 (Aerodromes) and 6 (Operation of Aircraft).

There will also be an opportunity for the Community to make some preliminary suggestions for topics to be included on the agenda of the High-Level Aviation Security Conference which ICAO plans to convene from 19 until 23 October 2009.

The environment will also be an important topic during this session. The Council will discuss the outcome of the third (normally penultimate) meeting of the Group on International Aviation and Climate Change (GIACC), which will take place on 17-19 February at ICAO. The Council's assessment of progress could have an important bearing on the decision it takes regarding the convening of the High-Level meeting on International Aviation and Climate Change, including the agenda and participation, and subsequent work by GIACC.

The item that is likely to generate the most discussion during this session is the election of the Secretary General, which will take place on 27 February. There are two candidates left: Mr Raymond Benjamin (FR), and Mr Vladimir Zubkov (RF). The Secretary General is elected by secret ballot by the Council (36 members) for a term of 3 years.

DETAILS

1. Items relating to SAFETY AND SECURITY

1. Report on the Implementation Support and Development (ISD) – aviation safety and security activities for 2008 (C-WP/13292)

Background

The Council will consider a report (information paper) on the Implementation Support and Development (ISD) aviation safety and security activities in 2008.

The report focuses on actions undertaken by ICAO to facilitate assistance to States for resolving safety oversight and security deficiencies identified by the USOAP (Universal Safety Oversight Audit Programme) and USAP (Universal Security Audit Programme) programmes, as well as activities carried out regarding States referred to the Audit Results Review Board (ARRB).

The ISD programme has been confronted with the challenge of mobilising expertise and resources and the report refers, *inter alia*, to the assistance provided through partnerships with the Commission and EASA, amongst others. However, the procedures for authorising donations are lengthy and result in delays in addressing urgent deficiencies. The report recommends the establishment of an “alternative funding mechanism” to cater for urgent safety and security interventions.

As regards the ARRB, it is receiving a rapidly growing number of cases as the audit programmes proceed. This is putting increasing strains on assistance activities at ICAO and a prioritisation system is now in place to address this.

The report also argues that the inability to currently disclose the names of those States which are referred to the ARRB severely restricts the free exchange of information between ICAO and funding agencies and donor States. The issue of disclosure is dealt with in a separate Council Working Paper (C-WP/13295) – see below.

Details of the safety and security activities under the ISD programme are presented in table form in two separate annexes to the report.

Community position

1. The Community welcomes the efforts of ICAO and its ISD programme to target assistance towards those States identified with serious safety or security deficiencies by the USOAP and USAP audit programmes. It underlines that resource limitations mean that activities to address serious deficiencies must be part of a globally coordinated exercise built on partnerships with donor States and organisations, and contributions from different sources. For this reason, the process must be open and transparent.
2. The Community urges ICAO to undertake a thorough review of its assistance and technical cooperation activities in the light of the administrative and financial problems experienced by donor States and organisations in their interactions with the Technical Cooperation Bureau (TCB). Given the constraints on resources, ICAO should give priority to assistance for those States with serious safety or security deficiencies as identified by the USOAP and USAP and the ARRB.
3. The Community wishes to inform the ICAO Council that starting this year (2009) a framework contract has been put in place by the European Commission and EASA to provide assistance to those States encountering systemic safety problems, notably whose airlines have been the subject of bans as a result of the inability for some authorities to carry out effective safety oversight in line with ICAO SARPs.

2. Disclosure to the Council of States referred to the Audit Results Review Board (C-WP/13295)

Background

During the consideration by the Council of the first formal progress report on the ARRB (C-WP/13024 Restricted) during the 182nd session, many Council members expressed their concerns about the confidentiality of the names of the States which had been referred to the ARRB under the USOAP and USAP programmes. Some referred to this as taking the form of a *de facto* ICAO “black list”. In spite of attempts by the Secretariat to reassure the Council that this document, as well as the ARRB, was for internal purposes, it was decided that future reports would not contain the names of States referred to the ARRB.

As a result, the ARRB reports to Council provide very little specific information of real use (e.g. the report will simply provide the number of States that have been referred to the ARRB and any follow-up action that has been taken without specifying where).

During the last (185th) session of the Council, the Secretariat (Ms. Nancy Graham, Director of the Air Navigation Bureau) requested that, in the interest of transparency and to facilitate the securing of assistance for those States which required it, the Council reconsider its previous decision. In response, the Council requested that the Secretary General present a paper proposing rules for the presentation of future ARRB activity reports. Several Council members had expressed the view that the names of States referred to the ARRB under the USOAP (safety audit) should be provided only orally and in a closed meeting of the Council.

Community position

1. The Community fully supports a maximum degree of transparency with regard to safety information, and therefore welcomes the initiative to fully disclose the identity of those States which are referred to the ARRB.

2. If a majority of Council members were to resist that this information be entering the public domain, it should at least be seen to it that any disclosure procedure or rules would not prevent such information being disclosed to potential donor States or international organisations, including the European Commission, EASA, World Bank, etc. Should, and only if, it thus be agreed that the reports should only be presented orally and in closed meetings of the Council, rules or procedures should nonetheless be developed to allow ICAO to provide this information to interested States or international organisations.

3. Progress report on the ICAO audit activities: USOAP and USAP (C-WP/13298)

Background

The Council will consider a progress report (information paper) on the implementation of the Universal Safety Oversight Audit Programme (USOAP) and the Universal Security Audit Programme (USAP), updated to 31 December 2008.

Among the most notable developments has been the introduction of increased transparency in both programmes. Under USOAP (safety), all audited Contracting States have now given their consent to ICAO for the release of audit information. In the context of USAP (security), following approval by the Council to amend Article 20 of the MoU between ICAO and audited States in order to introduce a limited level of transparency (graphical representation of the level of implementation of the critical elements of an aviation security oversight system to be posted on the USAP secure website), the paper reports that only 17 States out of the 42 invited to consent to the amendment have in fact done so, and 2 States have refused. The latest information from ICAO is that 20 States have now given their consent and only one State has refused, but efforts are underway to persuade that State to change its decision.

The paper also reports on the signing of the Memorandum of Cooperation (MOC) with the European Community on 17 September 2008 regarding security audit/inspections. The first assessment of the Commission's aviation security inspection system is scheduled for early February 2009.

Details, including the number of States audited and charts presenting the evaluated levels of implementation of the critical elements of a Safety and Security Oversight System, are provided in two separate annexes to the report.

The paper reports that 24 safety oversight audits were conducted between May and December 2008, including the audit of EASA (which has been audited for a second time, following the entry into force of its new framework Regulation 216/2008). 41 safety audits are planned for 2009. Analysis of 114 audits conducted under the comprehensive systems approach by ICAO reveals that there is currently 59.2% global degree of implementation across the eight critical elements. One of the critical elements, technical personnel qualification and training, shows a level of implementation of only 42.1%.

The USOAP programme is apparently on course to complete the audits of all Contracting States within the six-year cycle ending in 2010.

The new six-year cycle of USAP (security) audits began in January 2008 and focuses on States' aviation security oversight capabilities. By the end of 2008, 22 audits have been carried out. 4 audited States have not submitted corrective action plans within the required 60 days and have been consequently referred to the ARRB. The report also provides details on the programme of follow-up visits, which are conducted, normally by the ICAO Regional Office, to validate the implementation of the States' corrective action plans.

The paper reports that follow-up visits reveal that overall there has been a significant improvement in the level of aviation security in the majority of States since the time of their initial audit. A chart depicts the degree of implementation of the critical elements of an aviation security oversight system at the global level, based on the 22 second-cycle audits conducted during 2008 (first year of the second-cycle). The global average for the 22 audited States is a disappointing 56.2% and there are 4 out of the 8 critical elements with scores of 50% or below (Quality Control Obligations: 36.4%; Resolution of Security Concerns: 43.6%; Personnel Qualifications and Training: 46%; Provision of Technical Guidance, Tools and Security-Critical Information: 50%).

Community position

1. The Community welcomes the progress being made by ICAO in conducting the USOAP and USAP audits and in introducing more transparency. The Community is also satisfied with the MOC signed in September 2008 on security audits/inspections and looks forward to close cooperation in this area.
2. Of some concern, however, is what appears to be a disappointing response by States so far to amending the MoU (on the basis of which ICAO conducts its audit on their territory) to introduce an even limited transparency (up to 20 States out of 42, and still one full refusal). The question should be asked as to what ICAO could do to address this problem.
3. The ICAO audit programmes are managed and implemented effectively, but are still revealing alarmingly high levels of lack of implementation in many cases. This raises more and more questions about the effectiveness of ICAO SARPs and how ICAO can improve implementation. The Community is in favour of ICAO adopting an approach based on more transparency, targeted assistance, prioritised auditing and regular follow-up visits (use of the “continuous monitoring approach”) for the most critical States, as well as promoting Regional Safety Oversight Organisations (RSOOs) to encourage a pooling of resources and economies of scale.
4. More generally, the Community would like to see the ICAO Secretariat perform a mid-term assessment of what has been achieved, what is being prepared, and what is missing with regard to the safety-related decisions which were taken by the 36th Assembly in 2007. An important benchmark which the Community will use to evaluate such assessment will be the positions expressed in the common European papers which were tabled on this issue prior to the 2007 Assembly.

II. Items relating to SAFETY

1. Adoption of Amendments to ICAO Annexes

Background

The Council will be invited to adopt the following amendments of special interest to the Community:

- **Annex 1 (Personnel Licensing)** – adoption of Amendment 169 is a continuation of the harmonisation effort initiated in 2005 by developing harmonised provisions relating to safety management in Annexes 1, 6, 8, 11, 13 and 14. This centres around the introduction of two frameworks, one for the implementation and maintenance of a State safety programme (SSP), the other for the implementation and maintenance of a service provider’s safety management system (SMS). The amendment also introduces new concepts in the field of aviation medicine to better address the current aeromedical risks to flight safety (C-WP/13280).

- **Annex 6 (Operation of Aircraft)** - adoption of Amendment 33 to Annex 6, Part I, Amendment 28 to Annex 6, Part II, and Amendment 14, to Annex 6, Part III. The amendments adjust the provisions to reflect contemporary changes in first-aid and medical practice, harmonise and extend provisions relating to safety management (as above), and address the recommendations stemming from the Operations Panel (OPSP/7) and proposals arising from the systematic review of differences notified by States (C-WPs/13281, 13282, 13283);

- **Annex 8 (Airworthiness of Aircraft)** – adoption of Amendment 101 to Annex 8 – the introduction of safety management and State Safety Programme provisions for aircraft manufacture and type design;

- **Annex 14 (Aerodromes)** – adoption of Amendments 10 and 4 to Annex 14, Volumes I and II, which address the recommendations stemming from the Aerodromes Panel (AP/1). The proposed amendments cover a wide range of subjects, including the definition of instrument runway, aerodrome design, aerodrome certification and safety management, aerodrome operations and services, visual aids for navigation (e.g. prevention of runway incursions and for wind turbines), advanced visual docking guidance systems, rescue and fire fighting, wildlife strike hazard reduction, inspection and maintenance of movement areas, and a comprehensive amendment to Annex 14, Volume II – Heliports (C-WP/13286).

- **Annex 15 (Aeronautical Information Services)** – adoption of Amendment 35, which harmonises performance-based navigation terminology, addresses recommendations stemming from IFPP/WG/WL/1 concerning definitions, from the Aerodromes Panel (AP/1) concerning the certification of aerodromes, and from NSP/3 concerning navigation aids and GNSS evolution (C-WP/13290).

Community position

The Community welcomes the amendments to the ICAO annexes proposed, to the extent they complete the SMS approach, harmonise further the AOC and update some aviation medicine provisions, among other things.

This general assessment is however without prejudice to the analysis which will need to be made, once the proposed amendments will have been adopted by the Council, on any need to file differences.

In addition, the Community believes that an operator's fatigue management system shall not be understood as a substitute of national prescriptive provisions on flight time, duty periods, flight duty periods and rest periods.

2. **Issue of Flags of Convenience – development plan for the establishment of an international registry of air operator certificates (AOC) and publication of guidance material (C-WP/13296)**

Background

Pursuant to the Council's request during the last (185th) session, the Secretariat will present a project plan proposal for an international AOC registry, which will include deliverables, a timeline and resources required and which will be funded by IATA. The plan will also address the publication of guidance material to assist States in taking appropriate action regarding foreign air operations within their territory when necessary to preserve safety.

The Council will be invited to approve the development plan and note the funding sources to support the establishment of the registry.

Community position

1. The Community encourages ICAO to work closely with the European Commission and EASA on this project, notably with respect to the development of guidance material. Community expertise in this area is derived from the process leading to banning or restricting the operations of third-country carriers in the Community, the SAFA programme, and the delivery by EASA of safety authorisations for third-country carriers operating to/from/in the Community, pursuant to Article 9 of EC Regulation 216/2008.
2. The Community supports this project, which can make an important contribution to monitoring of the safety of foreign operators, but encourages ICAO to avoid duplication and make use of existing sources of data such as the Community list of banned air carriers established under Regulation 2111/2005/EC.

III. Items relating to SECURITY

1. Convening of an international conference on aviation security (C-WP/13268)

Background

Following up on a decision of the 36th Assembly, the Council during its last (185th) session agreed that an International Conference on Aviation Security (AVSEC-Conf/09) would be held in Montreal from 19 to 22 October 2009. It is now proposed to extend the conference by one day to allow sufficient time for discussion of all the agenda items. The proposed dates are now from 19 to 23 October 2009.

The Council is invited to approve the draft agenda for the Conference, which is contained in the annex to the Working Paper.

The draft agenda includes the following topics:

- review of recent event to establish aviation security priorities for the next 5 to 10 years;
- examine new and emerging threats that may call for special attention (e.g. LAGs, MANPADs, improvised explosive devices);
- review of existing SARPs and guidance material and their implementation by States;
- discussion of aviation security oversight from different perspectives, including regional entities and industry;
- examine new technological developments and their potential impact on passenger screening processes;
- review of ICAO's aviation security role and strategy, review of the AvSec Plan of Action.

Community position

- The Community welcomes the initiative to organise a major international conference on aviation security. The conference will be an opportunity to evaluate existing measures and procedures, such as LAGs, in the light of technological developments, and to assess new and emerging threats and the appropriate international response.

- From a Community standpoint, it will also be an opportunity to share our experience of oversight at the regional level and to inform the international community about the latest regulatory developments in the EU.
- The Community will engage actively on the different items proposed in the draft agenda and will also encourage ICAO to consider how to address significant security concerns identified by the audits and improve the sharing of appropriate information among States.

IV. Items relating to ENVIRONMENTAL PROTECTION

1. Night curfews and slot allocation (C-WP/13271)

Background

The application of operational restrictions and night curfews at certain European airports is a recurring issue at ICAO. These measures are of particular concern to African States, but they are also shared by some Asian countries, notably India.

In recent years, the issue has been the subject of Working Papers presented by the 53 African States at both the 36th Assembly (A36-WP/251) in September 2007 and the Conference on the Economics of Airports and Air Navigation Services (CEANS-WP/61) in September 2008). It was as a follow-up to the CEANS that the Council agreed during its 185th session (October/November 2008) to consider the issues of night curfews and slot allocation during the forthcoming 186th session.

One of the concerns expressed is on economic grounds. It is claimed that night curfews imposed at some airports in Europe place a financial burden on African airports which are kept open for operations at odd hours so that flights arrive in Europe after dawn. It is also pointed out that it is very difficult for African carriers to get access to alternative slots at European airports because incumbent airlines often enjoy grandfather rights. These practices are alleged to be in breach of ICAO policies on non-discrimination and transparency in slot allocation.

In the past few years, the issue has been linked by African States to the debate on aviation emissions and the inclusion of aviation in the EU emissions trading system (ETS). They would like ICAO to study whether curfews contribute to increased aviation emissions and whether their imposition in one region can have adverse environmental impacts in another region. This is now part of the CAEP work programme and Airports Council International (ACI) is cooperating with ICAO on the data collection for this task. They claim that the original reason for imposing night curfews, aircraft noise, is less relevant today because of the entry into service of new generation quieter aircraft. However, night curfews, it is claimed, contribute to congestion at airports and delays, which increase aircraft emissions and contribute to poor local air quality at airports and climate change.

In February 2008, the Commission issued its review of the implementation of Directive 2002/30/EC. According to its report, marginally compliant Chapter 3 aircraft had been completely banned from operating to two airports. Partial bans, including night bans, had been introduced in only four airports, where one ban only applied to new routes.

In doing so, strict application has been made within the Community of the balanced approach as supported by ICAO.

Community position

1. Directive 2002/30/EC establishes rules and procedures with regard to the introduction of noise-related operating restrictions at EU airports. The Directive requires EU Member States to consider all the available measures to address the noise problem at an airport in their territory, namely the effect of a reduction of aircraft noise at source, of land-use planning and management, of noise abatement operational procedures and of operating restrictions. The right of individual airports to restrict marginally compliant Chapter 3 aircraft operations within the “Balanced Approach” framework was accepted internationally at ICAO. The Directive is thus in accordance with the so-called “Balanced Approach” set out in ICAO Assembly Resolutions A33-7, A35-5 and A36-22 (Appendix C).
2. Article 8 of the Directive provides for an exemption for Chapter 3 aircraft registered in developing countries for a period of 10 years after its entry into force (i.e. until 2012).

3. Where night-time operating restrictions or partial bans have been introduced by Member States at individual airports under the terms of this Directive, in line with ICAO's "Balanced Approach", such measures leave plenty of scope for operating quieter aircraft or operating at alternative times of the day.

2. Convening of the High-level Meeting on International Aviation and Climate Change (C-WP/13316)

Background

During the last (185th) Council session, the majority of Representatives who spoke on this subject (including all intervening European Representatives) agreed that in principle the high-level meeting should take place before the COP/15 UNFCCC meeting in December 2009. With regard to the precise timing of the high-level meeting, it was on that occasion agreed that the Council would defer its decision until this (186th) session and come back to the dates proposed in C-WP/13249 (in casu 1-3 September 2009 or 7-9 October 2009), following the third meeting of the GIACC, taking place on 17-19 February 2009.

In Council Working Paper C-WP/13316, the Council is now invited to decide on the timing of the high-level meeting. However, it is stated that "should the Council decide that the high-level meeting occur before COP 15, the dates of 1 to 3 September have been reserved" to which is added that "holding a high-level meeting by September 2009 requires that the report of the GIACC, working papers and presentations be developed over the summer and approved prior to the meeting". No reference is made anymore to the decision in principle to hold the high-level meeting before UNFCCC COP 15, nor is the date of 7-9 October 2009 mentioned anymore (although this would in all probability have been the most suitable date for a high-level meeting prior to COP 15). As a consequence, it would seem that an attempt is made to re-open the discussion on whether or not the envisaged high-level meeting should take place before or rather after COP 15.

As well as the dates of the high-level meeting, the Council will be invited to approve its agenda.

Community position

1. The Community continues to support the GIACC process but wishes to underline that the pressure on ICAO to deliver is mounting – especially as the UNFCCC COP-15 in December 2009 approaches. In line with the Council Conclusions of the Transport Council on 9/10 October 2008, the Community is strongly in favour of a high-level meeting taking place in advance of COP-15 in order to contribute to the decisions of the UNFCCC COP.
2. A decision on the precise timing (September or October) of the high-level meeting should be based on the results and progress made at the GIACC/3 (17-19 February) and GIACC/4 (1-3 June) meetings and allow sufficient time for its effective preparation and organization. The Community is not opposed to convening the meeting as late as October, provided that it does not limit the possibilities for ICAO to submit its contributions to the COP-15. On the other hand, any practical impossibility linked to scheduling the meeting early September should not lead to it eventually being postponed until after COP 15.
3. The agenda of the high-level meeting should address the different elements of the Programme of Action proposed by GIACC as stipulated in Assembly Resolution A36-22, Appendix K, paragraph 2, with a view to obtaining unanimous endorsement for the Programme from all participants. The agenda should also include an item on ICAO's role and activities within the UNFCCC framework, including recommendations for the position ICAO should take at COP/15.
4. Generally-speaking, for the Community it is important that any agenda reflects a clear willingness for the High-level meeting to reach ambitious results.

3. **Recent developments in other United Nations bodies (C-WP/13317)**

Background

The Secretary General will present a report on recent activities and developments relating to civil aviation and the environment carried out by the Secretariat in cooperation with other UN bodies. It will stress developments emanating from the UNFCCC process and the COP/14 meeting in Poznan, Poland (1-12 December 2008). The Council will be invited to instruct the Secretariat, as necessary, in the pursuit of its environmental activities.

Community position

1. COP/14 in Poznan revealed that there is a lot of interest in how to address the mitigation of emissions from international maritime and aviation. Developing countries appear to be increasingly interested in the development of an effective framework to assist them in funding environmental projects and adaptation, whilst there is a general concern on how to prevent pollution emanating from transport in developing countries from rising to the levels seen in developed countries, whilst taking into account their concerns (“differentiation”). It is therefore essential that ICAO addresses these issues from an aviation point of view in time for COP/15.
2. The Community welcomes the increased engagement of both ICAO and IMO at the Poznan meetings and thanks ICAO for the constructive informal meetings held with the European Commission and several EU Member State delegations.

3. **Progress Report on the Group on International Aviation and Climate Change (C-WP/13319).**

The positions to be defended in the run-up to GIACC 3 (to take place in Montreal on 17-19 February 2009) have already been the subject of a separate information note (AVIATION W. Doc 2008/103 of 8 October 2008), which was discussed and approved during the discussion in the Aviation Working Party on 14 October 2008 (Council SecGen Report 14445/08 of 23 October 2008).

V. MISCELLANEOUS

1. Appointment of the Secretary General (C-WP/13265)

Background

Dr Taiëb Chérif (Algeria) was elected as ICAO Secretary General in March 2003 for a term of three years. In February 2006, the Council appointed him for a second term of three years ending on 31 July 2009.

Three candidatures were received by the President of the ICAO Council, Mr Roberto Kobeh, within the deadline (1 December 2008): Mr Raymond Benjamin (FR), former Executive Secretary of ECAC, Mr Vladimir Zubkov (RF), who is a former Director of the Air Transport Bureau and more recently occupied the post of Chief of Planning and Global Coordination of the ICAO Regional Offices, and Dr Charles Vivian Mpinga Mgana (Tanzania), who is a former Director General of Civil Aviation and Representative of Tanzania on the ICAO Council. Dr Mpinga Mgana's candidature, which failed to receive the support of the African Civil Aviation Commission (AFCAC), has since been withdrawn.

Mr Raymond Benjamin's candidature has been presented by FR and has the support of all 44 ECAC Member States as well as of the Community. The election of the Secretary General will take place on 27 February. The Secretary General is elected by secret ballot by the Council (36 members) for a term of 3 years, which can be renewed once.

Community position

As the candidature of Mr. Benjamin has received Community endorsement, the European members on the ICAO Council will vote for Mr Benjamin.

2. Proposed Terms of Reference of the Secretariat/Council Group on Regional Bodies (C-WP/13272)

Background

During its last (185th) session, the Council agreed to establish a multidisciplinary group composed of Council Representatives and Members of the Secretariat. The Council requested the Secretary General to propose the terms of reference of the group. The main task of the group will be to review the conclusions adopted during the EC/ICAO Symposium on Regional Organisations (Montreal, 10-11 April 2008). The Council must also approve the composition of the group.

Community position

1. The Community requests that the group focus on developing recommendations in three main areas for Council approval: support cooperative arrangements between ICAO and regional bodies establishing a framework for their cooperation and as a means to associate regional bodies more closely with ICAO's activities; define the role to be played by regional safety oversight organisations (RSOOs) in implementing SARPs more effectively across the region in close cooperation with ICAO, and identify other ways in which RSOOs can assist ICAO in carrying out specific tasks; proposals for the regular convening of an ICAO conference on regional organisations to establish a regular dialogue between ICAO and regional bodies.
2. The Community invites the Council to approve the participation of Observers in the group. The European Community would be interested in participating in the light not only of the role it played in organising the EC/ICAO Symposium, but more importantly because of its experience with regionalisation of air transport regulations.