



COMMISSION OF THE EUROPEAN COMMUNITIES

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REPORT FROM THE COMMISSION

**on the main results of the 32nd Session of the Assembly
of the International Civil Aviation Organization
and its implications for the European Community**

I. INTRODUCTION

1. The 32nd Assembly of the International Civil Aviation Organisation (ICAO) took place in Montreal from 22 September to 2 October 1998. It was attended by 155 States and 28 observer bodies.
2. The role of the Assembly as defined in Article 49 of the Chicago Convention is *inter alia* to agree on a "work programme", to establish priorities and endorse policies, to elect the contracting States to be represented on the ICAO Council and to vote annual budgets of the Organisation.
3. This report identifies the implications of this Assembly for the Community's activities in air transport over the next three years.

II. PREPARATION OF THE ASSEMBLY

4. The European Community took a high profile in the preparation of the Assembly, first by a statement made by the Presidency on behalf of the Community and its Member States in the opening session and second by taking initiatives on the major issues on the agenda.
5. **Environment:** the Commission proposed to the Council¹ to establish a general framework concerning the position to be taken by the Community and by the Member States on these issues. This framework was laid down in Council Conclusions adopted on 16 September 1998. Three Working Papers were presented by the Presidency on behalf of the European Community and its Member States on:
 - the limitation of noise from civil subsonic jet aircraft, in particular the development of a new noise certification standard based on state-of-the-art aviation technology within a time-frame targeting the 33rd Assembly and a careful consideration of the need for a regional differentiation of operational restrictions;
 - the limitation of gaseous emissions from civil subsonic jet aircraft engines, in particular the need to continue the work on the reduction of gaseous emissions as well as on the inclusion of greenhouse gas emissions from international aviation in the overall greenhouse gas inventories of the parties to the UNFCCC;
 - the approach to air transport environmental levies, in particular the need to establish a work programme aimed at assessing the effectiveness of aviation-related levies as an instrument to reduce greenhouse gases and to propose a framework decision for the introduction of aviation-related levies within a time-frame targeting the 33rd Assembly.

In addition, the Commission presented two information papers at the Assembly on:

¹ COM(1998) 265 final.

- Aircraft noise R & TD at European level;
 - R & TD activities at European level related to the atmospheric effects of aircraft exhaust gas emissions and their mitigation.
6. **CNS/ATM:** A paper on the legal and institutional issues relating to GNSS Implementation was presented by the European Community, Eurocontrol and the European Space Agency, supporting in particular the development of a long-term legal framework.
 7. **Safety Oversight:** A joint ECAC/European Community paper was presented supporting the development of a safety oversight programme by ICAO.

III. ASSESSMENT OF THE COMMUNITY COORDINATION

8. The coordination of the EC position was generally organised jointly with ECAC, except on some specific issues or in specific circumstances. Four ECAC/EC coordination meetings dealt with environment, safety, security, CNS/ATM, Council elections and ICAO efficiency, permitting joint coordination between EC positions and the third countries which are members of ECAC. Three specific EC coordination meetings were held on environment, the Warsaw Convention, a Japanese draft Resolution and a Yugoslav draft Resolution.
9. **Environment:** ECAC took the initiative with no prior coordination with the Community to propose an amendment to the Resolution A-31-11 on continuing ICAO policies and practices related to environment protection. This was justified by ECAC on the grounds that Member States should no longer be morally bound for the adoption of regional measures by the existing Resolution, which they had previously supported. The African States and the US criticised ECAC and the Community for taking unilateral actions. The Community prepared, on the spot, with the support of ECAC States, additional draft changes to the Assembly Resolution in order to reflect its objectives as regards a new noise and emissions certification standard and on the taxation issues while ECAC played a major role on the regionalisation issue.
10. **Economic issues:** EC coordination was organised on the issues dealt with by the Economic Committee such as regulation of air transport services and CRS.
11. **Political issues:** Community positions were also coordinated on national initiatives. The Former Republic of Yugoslavia requested equal treatment in ICAO and in the UN. Only Russia supported this request. Japan also asked for a Resolution related to the launch of a missile by North Korea without pre-notification. EU and ECAC supported this initiative.
12. In summary, EC coordination was satisfactory and the Community positions and papers had a real impact on the decision-making process of the Assembly.

IV. MAIN RESULTS OF THE ASSEMBLY

13. Environment:

In accordance with the Community objectives, the Assembly has endorsed an ambitious work programme on aircraft noise and gaseous emissions as well as aviation-related levies to be carried out expeditiously by the Committee on Aviation Environmental Protection (CAEP).

For *aviation environmental levies*, the Assembly has explicitly put forward the 33rd Assembly as the target date for a policy conclusion on the guidance to be given to States in this area.

On *gaseous emissions*, the Assembly endorsed further work by the ICAO Council, in cooperation with the appropriate UNFCCC bodies, on the inclusion of aviation-related greenhouse gases in national inventories as well as on the various options for allocation of emissions from international aviation.

On *noise*, the European hushkit initiative was criticised by the US, the African Civil Aviation Commission and IATA for undermining ICAO as the single source for certification standards. Under pressure from the Community and its Member States, CAEP was requested to accelerate its work on noise. The Community and its Member States made a declaration, which introduced an explicit interpretation of this acceleration as meaning a completion of CAEP work by the next Assembly. The commitment to make progress in the noise field was therefore reached but the capacity of CAEP to develop a new noise certification standard in three years' time is not guaranteed.

14. Safety:

The Assembly endorsed the results of the Conference of Directors-General of Civil Aviation which took place in Montreal in November 1997. The first step to broaden and strengthen the role of ICAO in monitoring the implementation of safety-related SARPS by its Contracting Parties has been achieved on the basis of the following principles:

- from 1 January 1999 there will be a compulsory, universal and systematic system of auditing by ICAO of how all the Member States are applying the Organisation's standards, with the results of these audits disseminated as widely as possible;
- agreements will be reached between the Member States and ICAO to make such audits possible;
- the ICAO Council will make available the financial resources needed.

15. Implementation of the CNS/ATM and GNSS systems:

The results of the world-wide CNS/ATM Systems Implementation Conference (Rio de Janeiro, 11-15 May 1998) were confirmed. The cooperation of the

Contracting Parties is requested as well as the support of the users and suppliers.

As regards GNSS, the Assembly first of all formally adopted the charter on States' rights and obligations in respect of GNSS services as developed by the working party set up for this (LTEP) following the Rio Conference. Also, at the proposal of the Europeans, supported by most of the other States, the Assembly adopted a resolution to start work, initially in the form of a group of experts of the Secretariat, on establishing a long-term legal framework.

Attention was also given to the preparation of the ITU World Radiocommunications Conference (WRC-2000) and protection of the frequencies necessary for GNSS, and States were asked to give active backing to the stand taken by ICAO in this field to keep the present frequencies available for air navigation

16. Financial and organisational aspects of the provision of air navigation services:

Since a large number of States are experiencing problems with setting up structures to facilitate the financing of air navigation equipment and services, ICAO proposes to take a more active role in this area. In the year 2000 it will therefore be organising a Conference on the economic aspects of the provision of airport and air navigation services.

As regards setting up a fund to finance the implementation of the CNS/ATM systems, the great debate which certain developing States would have wished did not take place since the ICAO Secretariat had already decided to set up a panel of experts to study the details of such a fund. The results of this study were to be examined by the ICAO Council in 1999.

17. ICAO Global Aviation Safety Plan (GASP):

GASP seeks to identify actions likely to improve the standard of safety and to place them in order of importance so as to favour the implementation of those which bring the greatest benefit.

A resolution was adopted which aimed at reducing the rate of accidents and pointed out a few guidelines for this, in particular: the creation and interconnection of systems for gathering information on incidents; information exchange; encouragement to keep voluntary confidential records; adoption of hazard warning systems (MSAW, GPWS, ACAS); establishment of GNSS approaches.

18. Enhancement of ICAO standards:

The aeronautical community is wondering why the standards are so complex and the process of preparing them so slow. The ICAO Council has been given the task of simplifying the standards by limiting them to basic operational requirements and relegating the technical specifications either to annexes if they are to be made binding or to separate documents if less onerous approval

procedures are applied to them. It is also intended to use or refer to standards developed by other organisations.

19. Year 2000 computer problem:

The Assembly asks the States to take positive measures to advise before 1 July 1999 what arrangements they will be taking to avoid disruption, requests ICAO to work out guidelines to help the States identify what measures need to be taken, and emphasises the part which the national air safety authorities have to play.

20. Economic questions:

The Economic Commission did not specify any direct policies on the follow-up to the 1994 world-wide air transport colloquium, or on the CRS or WTO issues except to ask the Council to continue its work.

21. Warsaw Convention:

The EC was criticised by the African States and IATA for having adopted unilateral rules (EC Regulation No 2027/97 on air carrier liability in the event of accidents), which depart from the Warsaw Convention. The Community outlined that the Regulation had to be considered as an interim measure until the new Convention comes into force and no Resolution was adopted in this regard. The main result was therefore the endorsement by the Assembly of the convocation of a Diplomatic Conference for the revision of the Warsaw system (10-29 May 1999). Some regional seminars may take place before the Diplomatic Conference in order to facilitate the negotiations.

V. FOLLOW-UP

22. It will be necessary to keep a close watch on progress in the different areas in view of the links between a growing number of ICAO activities and Community competence and action.
- (a) An effort to provide dialogue and assistance will have to be developed in the framework of relations with the African countries which have expressed legitimate concerns regarding the adoption of binding environmental standards at Community level and even within ICAO.
 - (b) Cooperation with ICAO in the safety field will have to contribute to making use of the evaluations carried out in the framework of cooperation between the Community and the third countries covered by the evaluations. A memorandum of understanding will be proposed to that organisation to facilitate the working relations.
 - (c) There will have to be active participation in the following work areas, considering their implications for Community work:
 - GNSS: participating in the work on the long-term legal framework;

- Radio communication frequencies: defining a Community position in WCR-2000 taking into account the problems of air transport safety;
 - Environment: taking part in the work of CAEP in conditions ensuring maximum efficiency and transparency for the benefit of all the Member States;
 - Economic questions: active participation in any work arising, considering that most matters which ICAO might deal with are subject to Community legislation (market access, CRS);
 - Warsaw Convention: adoption of a negotiating authorisation by the Council as soon as possible on the basis of the Recommendation for a Council Decision on the negotiations for a Convention for the unification of certain rules relating to international air transport (modernisation of the Warsaw system)².
 - The fight against forged documents: monitoring of the work to ensure consistency between ICAO activities and Community actions, as defined in the Council Recommendation of 28 May 1998.³
23. The Commission also draws the Member States' attention to the concerns voiced during the Assembly with regard to the year 2000 computer problems and Member States' pledges to report on their compliance status by July 1999.

² SEC(1998) 380 final, adopted by the Commission on 10.3.1998.

³ Recommendation on the provision of forgery detection equipment at ports of entry to the European Union (OJ C 189, 17.6.1998, p. 19).

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DOCUMENTS

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