2026/714

20.3.2026

COUNCIL DECISION (EU) 2026/714

of 17 March 2026

on the position to be taken on behalf of the European Union at the 237th session of the Council of the International Civil Aviation Organization (ICAO) as regards the adoption of the amendment to Annex 13 to the Convention on International Civil Aviation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Convention on International Civil Aviation (the 'Chicago Convention'), which regulates international air transport, entered into force on 4 April 1947. It established the International Civil Aviation Organization (ICAO).

(2) All Member States are contracting States to the Chicago Convention ('contracting States') and members of the ICAO, while the Union has observer status in certain ICAO bodies. Six Member States are represented in the ICAO Council.

(3) Pursuant to Article 54, letter l), of the Chicago Convention, the ICAO Council is able to adopt international Standards and Recommended Practices ('SARPs'), and designate them as Annexes to the Chicago Convention.

(4) The ICAO Council, at its 237th session, is to adopt Amendment 20 to Annex 13 – Aircraft Accident and Incident Investigation – to the Chicago Convention ('Amendment 20').

(5) The main purpose of Amendment 20 is to improve aviation safety by ensuring a high level of efficiency, expediency and quality of civil aviation safety investigations.

(6) The European Network of Civil Aviation Safety Investigation Authorities (ENCASIA), established pursuant to Article 7 of Regulation (EU) No 996/2010 of the European Parliament and of the Council [1], is responsible, inter alia, for advising Union institutions on all aspects of the development and implementation of Union policies and rules relating to safety investigations and the prevention of accidents and incidents. ENCASIA has contributed to the development of the proposal for Amendment 20.

(7) It is appropriate to establish the position to be taken on behalf of the Union within the ICAO Council, as Amendment 20, once adopted, will be binding under international law in accordance with Article 90, letter a) of the Chicago Convention, and capable of decisively influencing the content of Union law, in particular Regulation (EU) No 996/2010. The scope of this Decision should be limited to the content of Amendment 20, insofar as that content falls within an area which is already largely covered by EU common rules. This Decision should not affect the distribution of competences between the Union and the Member States in the field of aviation.

(8) The position to be taken on behalf of the Union at the 237th session of the ICAO Council, or at any subsequent session, with regard to the adoption of Amendment 20 should be to support the adoption of Amendment 20. The position of the Union should be expressed by the Member States that are members of the ICAO Council, acting jointly in the interest of the Union.

(9) Pursuant to Article 38 of the Chicago Convention, any contracting State which finds it impracticable to comply in all respects with an international standard or procedure, or to bring its own regulations or practices into full accord with any such international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, is to give immediate notification to the ICAO of the differences between its own practice and that established by the international standard.

[1] Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ L 295, 12.11.2010, p. 35, ELI: http://data.europa.eu/eli/reg/2010/996/oj).

(10) Pursuant to Article 90 of the Chicago Convention, any Annex referred to in Article 54 of the Chicago Convention or any amendment of an Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the ICAO Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the ICAO Council.

(11) The position of the Union after the adoption of Amendment 20 by the ICAO Council, to be announced by the ICAO Secretary-General via an ICAO State Letter procedure, insofar as that content falls within an area which is already largely covered by EU common rules, should be to not register any disapproval and to comply with Amendment 20. Where Union legislation would differ from the newly adopted SARPs after the envisaged date of application of those SARPs, a difference from those particular SARPs should be notified to the ICAO. The position of the Union with respect to such difference should be based on a written document submitted by the Commission to the Council for discussion and approval. That position should be expressed by all the Member States, acting jointly in the interest of the Union,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on behalf of the Union at the 237th session of the Council of the International Civil Aviation Organization, or at any subsequent session, shall be to support the proposed Amendment 20 to Annex 13 – Aircraft Accident and Incident Investigation – to the Chicago Convention ('Amendment 20').

2. The position to be taken on behalf of the Union, provided that the ICAO Council adopts without any substantial change Amendment 20, shall be to not register any disapproval and to notify compliance with the adopted Amendment 20 in reply to the relevant ICAO State Letter.

In the event that Union legislation differs from the standards set out in Annex 13 to the Chicago Convention after the envisaged date of application of those standards, necessitating the notification to the ICAO of a difference from those particular standards, in accordance with Article 38 of the Chicago Convention, the Commission shall, in due time and at least two months before any deadline set by the ICAO for the notification of differences, submit to the Council, for discussion and approval, a preparatory document setting out the position of the Union on the detailed differences to be notified to the ICAO on behalf of the Union by the Member States.

Article 2

The position referred to in Article 1(1) shall be expressed by the Member States that are members of the ICAO Council, acting jointly in the interest of the Union.

The positions referred to in Article 1(2) shall be expressed by all the Member States, acting jointly in the interest of the Union.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 17 March 2026.

For the Council

The President

A. VAFEADES