COUNCIL DECISION (EU) 2024/874

of 11 March 2024

on the position to be taken on behalf of the European Union at the 231st session of the Council of the International Civil Aviation Organization (ICAO) as regards 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 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 of the Chicago Convention, the ICAO Council may adopt international Standards and Recommended Practices ('SARPs'), and designate them as Annexes to the Chicago Convention.

(4) The ICAO Council, at its 231st session, is to adopt Amendment 19 to Annex 13 – Aircraft Accident and Incident Investigation – to the Chicago Convention ('Amendment 19').

(5) The main purpose of Amendment 19 is to improve aviation safety by ensuring a high level of efficiency, expediency and quality of civil aviation safety investigations.

(6) The proposed changes aim to fulfil those objectives by assisting the safety investigation authorities of the Contracting States in their investigations on Remotely Piloted Aircraft, and making available without delay information and data from recorders installed on aircraft. Amendment 19 also recognises the expectations of the public and the media to be informed, and therefore includes provisions to provide timely factual information during safety investigations. Furthermore, Amendment 19 reflects the fact that the use of modern technologies allows for shortening the consultation period for draft final reports, thus expediting the publication of the final report. Finally, Amendment 19 introduces a preference that final reports be sent in electronic format so that they can be uploaded into the ICAO central database.

(7) 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]), which 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, has contributed to the development of the proposal for Amendment 19.

(8) It is appropriate to establish the position to be taken on behalf of the Union within the ICAO Council, as Amendment 19 will be binding under international law in accordance with Article 90 a) of the Chicago Convention, and is capable of decisively influencing Union law, in particular Regulation (EU) No 996/2010.

([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).

(9) The position of the Union at the 231st session of the ICAO Council or at any consequent session with regard to the adoption of Amendment 19 should be to support the adoption of that amendment in its entirety. That position should be expressed by the Member States that are members of the ICAO Council.

(10) 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, 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.

(11) Pursuant to Article 90 of the Chicago Convention, any Annex, as referred to in Article 54, subparagraph l) of that Convention, or any amendment of an Annex is to become effective within three months after its submission to the ICAO 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 contracting ICAO States register their disapproval.

(12) The position of the Union after the adoption of Amendment 19 by the ICAO Council, to be announced by the ICAO Secretary-General via an ICAO State Letter procedure, should be to not register any disapproval and to comply with that amendment. Where Union legislation would deviate from the newly adopted SARPs after the envisaged date of application of those SARPs, a difference from those particular SARPs should be notified to ICAO. The Union position with respect to such difference should be based on a written document submitted by the Commission to the Council for discussion and approval.

(13) 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 231st session of the ICAO Council, or at one of the subsequent sessions, shall be to support the proposed amendment to Annex 13 – Aircraft Accident and Incident Investigation – to the Convention on International Civil Aviation (the 'Chicago Convention') in its entirety.

2. The position to be taken on behalf of the Union, provided the ICAO Council adopts without any substantial change the amendment referred to in paragraph 1 of this Article, shall be to not register any disapproval and to notify compliance with the adopted measure in reply to the respective 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 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 Union position on the detailed differences to be notified to the ICAO on the Union's behalf 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 position 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, 11 March 2024.

For the Council
The President
P.-Y. DERMAGNE