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**LIMITE**

**AVIATION 32  
ICAO 9  
RELEX 280**

### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION 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 amendments 3, 12 and 15 to Annex 16, Volume I-III, to the Convention on International Civil Aviation concerning Standards and Recommended Practices relating to environmental protection

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**COUNCIL DECISION (EU) 2026/...**

of ...

**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 amendments 3, 12 and 15 to Annex 16, Volume I-III,  
to the Convention on International Civil Aviation concerning Standards and  
Recommended Practices relating to environmental protection**

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 currently represented in the ICAO Council.
- (3) Pursuant to Article 54 of the Chicago Convention, the ICAO Council can adopt International Standards and Recommended Practices ('SARPs'), and designate them as Annexes to the Chicago Convention.
- (4) The SARPs on environmental protection have been adopted as Annex 16 to the Chicago Convention by the ICAO Council.

- (5) The ICAO Council, during its 237th session, is to adopt a number of amendments to Annex 16, Volume I to III, to the Chicago Convention.
- (6) It is appropriate to establish the position to be taken on behalf of the Union within the ICAO Council as the proposed amendments will be binding under international law and are capable of decisively influencing the content of Union law, namely Regulation (EU) 2018/1139 of the European Parliament and of the Council<sup>1</sup> and Commission Regulation (EU) No 748/2012<sup>2</sup>.
- (7) The position to be taken on behalf of the Union should be to support proposed amendments 3, 12 and 15 to Annex 16 to the Chicago Convention.

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<sup>1</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1139/oj>).

<sup>2</sup> Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental protection certification or declaration of compliance of aircraft and related products, parts, and appliances, control and monitoring units and control and monitoring unit components, as well as for the capability requirements certification of design and production organisations (OJ L 224, 21.8.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/748/oj>).

- (8) The position of the Union should be expressed by the Member States that are currently members of the ICAO Council, acting jointly in the interest of the Union.
- (9) Should proposed amendments 3, 12 and 15 to Annex 16 to the Chicago Convention be adopted by the ICAO Council, the adoption of those amendments is to be announced thereafter by the ICAO Secretary General via an ICAO State Letter procedure. In that case, the position to be taken on behalf of the Union after the adoption should be to not register any disapproval and to notify compliance with the amendments. Where Union law would deviate from the newly adopted SARPs after the envisaged date of application of those SARPs, any difference between Union law and those particular SARPs should be notified to ICAO. The Union position with respect to any 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 of the Union, 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, in respect of amendments 3, 12 and 15 to Annex 16, Volumes I-III, to the Chicago Convention, shall be to support the proposed amendments in their entirety.
2. The position to be taken on behalf of the Union, provided that the ICAO Council adopts the proposed amendments referred to in paragraph 1 without any substantial change, shall be to not register any disapproval and to notify compliance with the adopted measure in reply to the relevant ICAO State Letter.
3. In the event that Union law deviates from the newly adopted SARPs after their envisaged date of application, any difference between Union law and those particular SARPs is to be notified to the ICAO, in accordance with Article 38 of the Chicago Convention. In such a case, for the purpose of establishing the position of the Union with regard to any difference between Union law and those particular SARPs, 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 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 position referred to in Article 1(2) and (3) 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 ..., ...

*For the Council*

*The President*

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