

Brussels, 28 May 2025  
(OR. en)

9241/25

AVIATION 58  
ICAO 21  
RELEX 631

**'I/A' ITEM NOTE**

---

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	EU coordination for the 235th session of the ICAO Council – items falling under Decision (EU) 2023/746 - Approval

---

1. On 28 March 2023, the Council adopted Decision (EU) 2023/746 establishing the criteria and procedure for establishing the position to be taken on behalf of the Union within the ICAO as regards the adoption of, or amendments to, international standards and recommended practices (“SARPS”), insofar as such SARPs fall within Union exclusive competence and have legal effects within the meaning of Article 218(9) TFEU. That Decision also establishes the criteria and procedure for establishing the position to be taken on behalf of the Union as regards the notification of differences with respect to adopted international standards, in the field of aviation safety and air navigation, insofar as such international standards fall within the Union’s exclusive competence.<sup>1</sup>
2. On 15 May 2025, the Commission submitted an Information Note on the position to be taken on behalf of the Union at the 235<sup>th</sup> session of the ICAO Council taking place from 9<sup>th</sup> to 13<sup>th</sup> June 2025 and 23<sup>rd</sup> June to 4<sup>th</sup> July 2025. The Information Note covers the position to be taken in application of Article 2 of Decision (EU) 2023/746, as regards amendment to an annex to the Chicago Convention.

---

<sup>1</sup> OJ L 99/7, 12.4.2023

3. The Commission Information Note also covered the position to be taken on behalf of the Union as regards agenda items relating to policy.
  4. The Working Party on Aviation discussed the Information Note on 22<sup>nd</sup> and 27<sup>th</sup> May 2025. Based on comments by delegations, the Presidency proposed the compromise text set out in annex.
  5. Considering the different rules within the Council for the approval of positions regarding policy items, on the one hand, and, on the other hand, of positions regarding items falling within the scope of Decision (EU) 2023/746, the Presidency proposed to split the Information Note submitted by the Commission. The Information Note set out in annex covers items falling within the scope Decision (EU) 2023/746 and complements the Information note set out in annex of document ST 9242/25.
  6. In view of the above, the Permanent Representatives Committee is invited to request that the Council approves the Information Note as set out in annex and endorses the recommended Union position therein in one of its upcoming meetings.
-

## INFORMATION NOTE

**Preparation for the 235<sup>th</sup> Session of the ICAO****Council 9 to 13 June 2025 and 23 June to 4 July****2025**

This document is presented by the Commission on the basis of the existing agenda<sup>1</sup> for the 235<sup>th</sup> Session of the ICAO Council<sup>2</sup>.

Based on currently available information, the following agenda item is included in the Information Note proposing a Union Position:

- **Adoption of Amendment 2 to Annex 19 – Safety Management**

It can be noted that through participation and contribution to the associated ICAO work on the different files, as well as the coordinated review and responses to ICAO State Letters, alignment with EU policies, rules and provisions (where relevant and appropriate) has been sought. ICAO Council deliberations on proposed Annex amendments serve the purpose of facilitating a decision on their eventual incorporation into the respective Annexes. Each ICAO Council decision, once adopted, is subject to the so-called ICAO "State Letter" consultation, which concludes the procedure regarding proposed amendments to Annexes.

Union positions in bodies set up by agreements and called upon to adopt acts having legal effect require a decision under Article 218(9) TFEU by the Council.

On 28 March 2023, the Council adopted Council Decision (EU) 2023/746<sup>2</sup> on “*establishing the criteria and the procedure for establishing the position to be taken on the European Union’s behalf within the International Civil Aviation Organization as regards the adoption of, or amendments to, international standards and recommended practices, and the notification of differences with respect to adopted international standards*” (so-called “umbrella decision”). This umbrella decision

---

<sup>2</sup> 1 OJEU L99 of 12/04/2023 p.7

provides for a simplification of the procedure under Article 218(9) TFEU on the establishment of Union position as regards the adoption of, or amendments to, international standards and recommended practices and the notification of differences with respect to adopted international standards.

The Amendment 2 to Annex 19 to the Chicago Convention presented to the 235<sup>th</sup> session of the ICAO Council is falling within the scope of the so-called “umbrella decision” and is therefore included in the current document forming the EU position for the 235<sup>th</sup> session of the ICAO Council.

In accordance with Article 4(3) TEU, Member States are bound by the duty of sincere cooperation.

The present document is intended to establish positions on behalf of the Union on the identified items featuring on the agenda for the 235<sup>th</sup> ICAO Council. These positions shall be expressed by the Member States acting jointly in the interest of the Union, within the ICAO bodies, and assisted by the Commission, in line with the Union’s observer status.

## **ANNEX**

### **235<sup>th</sup> ICAO Council Session**

#### **Proposed Union position**

#### **PART I – GENERAL**

In all areas that are covered by this document it will be important to ensure consistency and progress in line with the EU positions presented to the 41<sup>st</sup> ICAO Assembly.

#### **PART II – DETAILS**

##### **1. ITEMS ITEMS RELATING TO SAFETY & AIR NAVIGATION CAPACITY AND EFFICIENCY**

- **Adoption of Amendment 2 to Annex 19 – Safety Management**

At the time of drafting the working paper was not yet available.

##### **Background**

The amendment is an evolution of the safety management Standards and Recommended Practices (SARPs) with enhancements intended to support States and service providers in the effective implementation of State Safety Programme (SSP) and Safety Management System (SMS), respectively, including the addition of links between SSP and SMS as well as their components through references and Notes. Due to some challenges related to establishing an acceptable level of safety performance (ALoSP), the provision related to ALoSP has been replaced by more foundational safety performance management SARPs. Provisions to support States in the development of safety intelligence are further enhanced to support a more proactive and integrated approach to safety management. It clarifies the safety data collection and processing system (SDCPS) SARPs and strengthen the provisions related to the sharing and exchange of safety information and safety intelligence within the aviation community.

Amendment 2 extends SMS applicability to operators holding a remotely piloted aircraft system (RPAS) operator certificate authorized to conduct international operations as well as approved maintenance organisations providing services. SMS applicability is also extended to certified heliports. Recognizing interest from some States and international organisations to extend SMS to aviation sectors outside the scope of Annex 19, amendment 2 also includes a new provision related

to SMS discretionary applicability, which provides States with the flexibility to require SMS, if deemed appropriate to support the management of safety risks, for any sector in the aviation system.

Although the provisions related to the SSP must be taken into consideration by all the EU MS, as mandated by Regulation (EU) 2018/1139 (see Articles 7 and 8), the detailed SARPs from Annex 19 have not been yet transposed into the EU rules. These changes should be considered through RMT.0706 “Update of the Authority and Organisation requirements”, currently in EPAS.

The enhanced provisions related to safety management systems (SMSs) focus on further enhancing processes and activities related to safety risk management and safety performance management.

The SMS scope reference to “commensurate with the size ...and complexity of...” is deleted while EU rules contains the concept of complexity of organisation. However, the concept of “suitability and scalability” does not disappear for SMS; It remains prevalent in the future edition of ICAO Doc.9859; and is still needed for the EU rules where the distinction between “complex” and “non-complex” organisations is still valid.

The distinction between “complex” and “non-complex organisation” as early introduced into the traditional domains as per the scope of Regulation (EU) 2018/1139 and its delegated/implementing acts (e.g. “Aerodromes” or “Air Operations”) can remain but could be re-visited, if needed, at the next appropriate opportunity. For Part-CAMO, Part-145, and Part 21, this distinction has never been introduced.

The new provisions better focus on “safety performance” through the identification of safety objectives as well as their monitoring through qualitative and quantitative means: the systematic recourse to Safety Performance Targets (SPTs) and alert levels are not anymore necessary, as already mirrored in the current EU requirements (no reference to Safety Performance Indicators, SPTs, and alert levels). The alignment between this proposed version of Annex 19 and the current EU provisions is thus better.

Amendments to Annex 19, extending SMS applicability to operators holding a remotely piloted aircraft system (RPAS) operator certificate authorized to conduct international operations and approved maintenance organisations providing services to them

The proposals extend the SMS applicability to operators holding a remotely piloted aircraft systems (RPAS) operator certificate and approved maintenance organisations providing services to them. The accommodation of the ICAO framework is performed through the RMT.0230. While

Commission Implementing Regulation (EU) 2019/947 and Delegated Regulation (EU) 2019/945 on the rules and procedures for the operation of unmanned aircraft set the general framework for UAS operations, those that will take place in the certified category will require an amendment of Regulation (EU) 965/2012 and Commission Delegated Regulation (EU) 2024/1107. An EU UAS Air Operator must cover all activities under its SMS, including Design/Manufacture of the Drone. A non-EU operator, flying to the EU, will have to comply with Annex 19 for the Operations and Maintenance, which means “implementation of an SMS” under its “AOC” + SMS for maintenance. The proposals also extend the applicability of SMS to certified heliports. An ICAO-certified heliport refers to a heliport involved in international operations whereas a heliport in the EU is only certified when it serves helicopters using instrument procedures in commercial air transport, should it be for national or international flights. Without changing Regulation (EU) 2018/1139, the EU MS will have to:

- Either certify the heliports involved in international operations on top of those having instrument approaches or departure procedures, to comply with these new ICAO provisions;
- or file a difference according to Article 38 of the Chicago Convention.

In EU, we recommend filing a difference as it makes little sense to certify only Heliports that are used for international operations.

The concept of “safety performance management” has been reviewed in a more pragmatic way and made more tangible; for the State, the concept of “AloSP” is removed. The new sequential process now supports “safety performance”:

- identification of hazards;
- risk management and establishment of mitigation measures;
- monitoring of the control barriers and their effectiveness, which are the basis for the identification of safety objectives;
- monitoring of the progress towards the achievement of these safety objectives.

All AMC and GM related to the relevant EU Regulations will have to be reviewed to better reflect this new approach.

Instead of “SDCPS”, the provisions related to “safety intelligence” focus on the proactive approach as well as the sharing and exchange of safety information and safety intelligence within the aviation

community. In other words, the role that “big data” will play in the future is re-enforced, should it be in the proactive mode or the reactive mode through a better implementation of Regulation (EU) No 376/2014, but not limited to.

Although these re-enforced provisions in Chapter 5 of Annex 19 primarily address the EU Member States, they are also applicable to the organisations and there is certainly a need to revisit the requirements of the management system for each EU aviation domain so that these enhancements are better reflected. Completion of RMT.0681 “Alignment of the EU rules with Regulation (EU) No 376/2014” is central for the collection of occurrences and the early detection of risks through the voluntary reporting system. Advances in data collection and processing might necessitate a review of safety data collection in Europe, including Regulation (EU) 2018/1139 and Regulation (EU) No 376/2014.

### **Union position**

Approve the proposed amendments.

Should the ICAO Council adopt without any substantial change the proposed amendments, the position to be taken on the Union’s behalf shall be not to register disapproval and to comply with the adopted standard in reply to the respective ICAO State Letter. Where Union legislation would deviate from the newly adopted standards after the envisaged date of application of those standards, a difference with those particular standards shall be notified to ICAO, in accordance with Article 38 of the Chicago Convention. The content of such differences will be defined in a separate EU position submitted, in due time and as relevant, by the Commission to the Council for discussion and approval in accordance with Article 4 of Council Decision (EU) 2023/746.

---