

**COUNCIL DECISION (EU) 2023/569****of 9 March 2023****on the position to be taken on behalf of the European Union at the Council of the International Civil Aviation Organization, in respect of proposals for the amendment of Annex 16, Volumes I to III to the Chicago Convention, 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 of the Chicago Convention and members of the ICAO, whereas the Union has observer status in certain ICAO bodies.
- (3) Pursuant to Article 54 of the Chicago Convention, the ICAO Council may adopt International Standards and Recommended Practices (SARPs).
- (4) The SARPs on Environmental Protection have been adopted as Annex 16 to the Chicago Convention by the ICAO Council, in Volumes I to IV.
- (5) The ICAO Council, during its 228th Session to be held on 13 to 31 March 2023, is to adopt a number of amendments to Annex 16, Volumes I to III of the Chicago Convention.
- (6) It is appropriate to establish the position to be taken on behalf of the Union in the ICAO Council as the proposed amendments have legal effect, given that they are 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 the amendments to Volumes I to III.
- (8) The position to be taken on behalf of the Union should be expressed by the Member States of the Union that are members of the ICAO Council, acting jointly in the interest of the Union.
- (9) The position to be taken on behalf of the Union after the adoption of amendments to Annex 16, Volumes I to III to the Chicago Convention by the ICAO Council, to be announced by the ICAO Secretary-General via an ICAO State Letter procedure, should be not to register disapproval and should be to notify compliance with those measures. Where Union law would deviate from the newly adopted SARPs after an envisaged date of application of those SARPs, any difference with those particular SARPs should be notified to ICAO,

<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).

<sup>(2)</sup> Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

HAS ADOPTED THIS DECISION:

*Article 1*

1. The position to be taken on behalf of the Union in the 228th Session of the ICAO Council, or in any of its subsequent sessions, in respect of proposals for the amendment of Annex 16, Volumes I to III to the the Chicago Convention, concerning Standards and Recommended Practices relating to environmental protection shall be to support the proposed amendments in their entirety.

2. The position to be taken on behalf of the Union, provided the ICAO Council adopts without any substantial change the proposed amendments to Annex 16, Volumes I to III to the Chicago Convention referred to in paragraph 1 of this Article, shall be not to register disapproval and shall be to notify compliance with the adopted measure in reply to the respective ICAO State Letter. Where Union law would deviate from the newly adopted International Standards and Recommended Practices (SARPs) after the envisaged date of application of those SARPs, any difference with those particular SARPs shall be notified to ICAO. In such case, 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 of the Union 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 of the Union, 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, 9 March 2023.

*For the Council*  
*The President*  
G. STRÖMMER

---