



2024/2824

8.11.2024

COUNCIL DECISION (EU) 2024/2824

of 24 October 2024

on the position to be taken on behalf of the European Union at the 233rd session of the Council of the International Civil Aviation Organization as regards the adoption of Amendment 30 to Annex 9 – Facilitation – to the Convention on International Civil Aviation concerning amendments to Chapter 1, Chapter 3, paragraphs C, D, G and H, and Chapter 8, paragraphs H and I, of that Annex

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (a) and (b), 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 of the Union are Contracting States to the Chicago Convention and members of the ICAO, while the Union has observer status in certain ICAO bodies. For the period 2022-2025, six Member States are represented in the ICAO Council.
- (3) Pursuant to Article 37 j) of the Chicago Convention, the ICAO Council shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with customs and immigration procedures. Pursuant to Article 54 l) 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) At its 233rd session, the ICAO Council is to adopt Amendment 30 to Annex 9 to the Chicago Convention ('Amendment 30').
- (5) The main purposes of the Amendment 30, included in ICAO State Letter EC 6/3 - 24/67, is to improve the clarity and consequently the consistency and efficiency of Annex 9 to the Chicago Convention ('Annex 9').
- (6) Amendment 30 includes amendments to Chapter 1 ('Definitions and general principles'), Chapter 3 ('Entry and Departure of persons and their baggage'), paragraphs C ('Security of travel documents'), D ('Travel documents'), G ('Embarkation/Disembarkation Cards') and H ('Inspection of travel documents'), and Chapter 8 ('Facilitation provisions covering specific subjects'), paragraphs H ('Trafficking in persons') and I ('Wildlife Trafficking'), of Annex 9.
- (7) It is appropriate to establish the position to be taken on behalf of the Union within the ICAO Council, as Amendment 30 will be binding under international law in accordance with Article 90 a) of the Chicago Convention and is of relevance to Union law, namely Council Regulations (EC) No 2252/2004 ⁽¹⁾ and (EC) No 1683/95 ⁽²⁾. The scope of this Decision should be limited to the content of Amendment 30, 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.

⁽¹⁾ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1).

⁽²⁾ Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1).

- (8) Pursuant to Article 38 of the Chicago Convention, any State which finds it impracticable to comply in all respects with any international standard or procedure adopted by the ICAO, or to bring its own regulations or practices into full accord with any such international standard or procedures, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the ICAO of the differences between its own practice and that established by the international standard.
- (9) The position to be taken on behalf of the Union at the 233rd session of the ICAO Council or at any subsequent session, with regard to the adoption of the proposed amendments to Chapter 1, Chapter 3, paragraphs C, D, G and H, and Chapter 8, paragraphs H and I, of Annex 9, contained in Amendment 30 to that Annex included in the ICAO State Letter EC 6/3 - 24/67, should be to support those amendments. That position 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.
- (10) The position to be taken on behalf of the Union after the adoption by the ICAO Council of Amendment 30, to be announced by the ICAO Secretary-General by means of an ICAO State Letter procedure, should be not to register any disapproval and to notify compliance with that amendment. Where Union law would deviate from the newly amended SARPs after the envisaged date of application of those SARPs, any difference between Union law and those particular SARPs should be notified to the ICAO. The position to be taken on behalf of the Union with respect of such differences 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.
- (11) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽³⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (12) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on behalf of the Union at the 233rd session of the Council of the International Civil Aviation Organization, or at any subsequent session, shall be to support the proposed amendments to Chapter 1, Chapter 3, paragraphs C, D, G, and H, and Chapter 8, paragraphs H and I, of Annex 9 to the Chicago Convention, contained in Amendment 30 to that Annex included in ICAO State Letter EC 6/3 - 24/67.
2. The position to be taken on behalf of the Union, provided the ICAO Council adopts without any substantial changes the proposed amendments referred to in paragraph 1, shall be not to register any disapproval and to notify compliance with the adopted amendments in reply to the relevant ICAO State Letter.
3. Where Union law would deviate from the amended SARPs after the envisaged date of application of those SARPs, the position to be taken on behalf of the Union shall be that 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, 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 in accordance with the Treaties, acting jointly in the interest of the Union.

The positions referred to in Article 1(2) and (3) shall be expressed by the Member States of the Union in accordance with the Treaties, acting jointly in the interest of the Union.

⁽³⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Article 3

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

Done at Brussels, 24 October 2024.

For the Council

The President

BÓKA J.
