



International
Civil Aviation
Organization

Organisation
de l'aviation civile
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Organización
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Международная
организация
гражданской
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9 October 2009

Subject: ICAO Council Declaration related to the
current Influenza A(H1N1) pandemic

Action required: To note and take action as necessary

Sir/Madam,

1. I have the honour to refer to the current Influenza A(H1N1) outbreak which was declared a pandemic by the World Health Organization (WHO) on 11 June 2009 and required States to react to a global health emergency that has not been faced for over forty years.

2. Since the outbreak began in April 2009, the WHO has recommended that countries should not close borders or restrict international traffic and trade. On 24 September 2009, the Director General of the WHO determined that such a recommendation, amongst others, should be continued.

3. In response to concerns that some States were imposing travel restrictions which were not in accordance with WHO advice, the ICAO Council issued a Declaration urging States to lift any such restrictions. The Declaration, which remains valid, is contained in the attachment to this State letter.

4. The Influenza A(H1N1) virus has continued to spread during recent months and a future increase in pandemic activity can be anticipated. States are urged to ensure that their national aviation plan for a communicable disease posing a public health risk or public health emergency of international concern is up-to-date. Such a plan is required under ICAO Annex 9 — *Facilitation*, paragraph 8.16. Guidelines concerning the development of preparedness plans and for management of communicable disease events in air transport are available from the ICAO* and WHO** websites. Additional information is also available on the websites of the International Air Transport Association and Airports Council International.

Accept, Sir/Madam, the assurances of my highest consideration.



Raymond Benjamin
Secretary General

* <http://www.icao.int/icao/en/med/guidelines.htm>

** http://www.who.int/csr/disease/swineflu/guidance/national_authorities/en/index.html

Enclosure:

ICAO Council Declaration related to the current outbreak of
the Influenza A(H1N1)

Montréal, 19 May 2009

**ICAO DECLARATION ON
INFLUENZA A(H1N1)**

Whereas Article 14 of the *Convention on International Civil Aviation* states that “Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft”;

Whereas ICAO Resolution A35-12 states that “the protection of the health of passengers and crews on international flights is an integral element of safe air travel and that conditions should be in place to ensure its preservation in a timely and cost-effective manner”;

Whereas Article 44 of the *Convention on International Civil Aviation* states that “The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to ...[m]eet the needs of the peoples of the world for safe, regular, efficient and economical air transport”;

Whereas Annex 9 (*Facilitation*) to the *Convention on International Civil Aviation* contains Standards and Recommended Practices relating to health measures that should be taken by Contracting States to prevent the spread of communicable disease by air;

Whereas the ICAO Cooperative Arrangement for the Prevention of Spread of Communicable Disease through Air Travel (CAPSCA) project is an appropriate measure to improve global harmonization of preparedness planning, and Contracting States should be encouraged to support it;

Whereas Article 2 of the World Health Organization (WHO) International Health Regulations (2005) states that “The purpose and scope of these Regulations are to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade”;

Whereas during the current outbreak of Influenza A(H1N1) the WHO has consistently advised against travel restrictions, which would have very little effect on stopping the virus from spreading, but would be highly disruptive to the global community;

Whereas some States have nevertheless imposed restrictions which are not in accordance with WHO advice;

The Council therefore declares that:

1. During the current outbreak of Influenza A(H1N1), Contracting States should make every effort to ensure that air transport services remain uninterrupted, so as to avoid unnecessary interference with international traffic and trade;

2. Contracting States should implement relevant Standards and Recommended Practices, take account of additional guidance material issued by ICAO, and facilitate the exchange of relevant information between airport and aircraft operators, and public health authorities;
3. Contracting States should comply with the International Health Regulations (2005) and the WHO's recommendations and advice issued with regard to this outbreak. Measures taken by Contracting States should be proportionate, appropriate, non-discriminatory and strictly limited to meet health risks;
4. Those Contracting States which are considering introduction of health measures in addition to those recommended by WHO shall do so in accordance with the International Health Regulations (2005), including Article 43, which states in part that, when determining whether to implement the additional health measures "States Parties shall base their determinations upon:
 - (a) scientific principles;
 - (b) available scientific evidence of a risk to human health, or where such evidence is insufficient, the available information including from WHO and other relevant intergovernmental organizations and international bodies; and
 - (c) any available specific guidance or advice from WHO"; and
5. Contracting States that have imposed restrictions which are not in accordance with WHO advice, are urged to withdraw these restrictions.

— END —