



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A35-WP/9
EC/1
19/5/04
Addendum No.1
3/8/04

ASSEMBLY — 35TH SESSION

ECONOMIC COMMISSION

Agenda Item 27: Regulation of international air transport services, and outcome of the fifth Worldwide Air Transport Conference

REPORT BY THE COUNCIL ON THE FIFTH WORLDWIDE AIR TRANSPORT CONFERENCE AND TRADE IN SERVICES

ADDENDUM NO. 1

1. INTRODUCTION

1.1 Since the preparation of A35-WP/9 several developments have taken place, particularly with regard to follow-up action since ATConf/5 (paragraph 2.5 of WP/9). This Addendum provides an update of recent actions.

2. CD-ROMS

2.1 In April, under cover of State letter SC 5/6-04/23 dated 30 April 2004, two CD-ROMs were sent to Contracting States. One was the Database of the World's Air Services Agreements, referred to in paragraph 2.5.2 of WP/9. While this tool is expected to help national officials, its usefulness is limited by its coverage of agreements filed with ICAO. Since not all agreements have been registered with ICAO in accordance with Article 83 of the Chicago Convention, States are requested to ensure that their agreements are registered, in order that transparency is enhanced and that the value of this ICAO product to States is optimized.

2.2 The other CD-ROM despatched to States in April 2004 was the ICAO Template Air Services Agreements, 2004 Edition. The updated TASAs are provided in all six languages. The CD-ROM also includes an MS Word version, in English, of each of the traditional, transitional and full liberalization versions of the bilateral TASA. These MS Word versions will enable national officials responsible for air services negotiations, to use the wording and options contained in the TASA as guidance, and to modify them as necessary for their own needs and circumstances.

3. STUDIES

3.1 Two studies emanating from the work of ATConf/5 have recently been initiated. The first, which arose in connection with the discussions on the safety and security aspects of liberalization, concerns a Conference conclusion calling on the Organization to clarify “the State or States responsible for safety and security oversight, and possibly to recommend amendments to the existing ICAO regulatory provisions in this area”. The study involves a coordinated inter-Bureaux review of liberalization arrangements and practices and existing ICAO SARPs and guidance material with a view to: a) identifying areas where safety and/or security are affected as a result of liberalization, and b) determining if any gaps exist in the existing provisions. The areas to be covered include: ground handling, aircraft leasing, airline codesharing, franchising, ownership and control, market access, outsourcing and the commercialization of airports and air navigation service providers. Where appropriate, the ICAO Regional Offices, the Air Transport Regulation Panel and the Aviation Security Panel have been consulted. The study is expected to be completed by the end of 2004 and the results of the study will be reported to the governing bodies for review in early 2005.

3.2 The other study underway concerns essential air services, which ATConf/5 had discussed in the context of sustainability and participation, and mechanisms to facilitate further liberalization. This study is examining the applicability to international air transport relations of the essential air services concept, as used in various liberalized domestic environments, as well as its application to the development or support of routes to developing countries to stimulate tourism. The study is expected to be completed by the end of 2004 and its results reviewed by the governing bodies in early 2005.

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