



WORKING PAPER

LEGAL COMMITTEE – 37th SESSION

(Montréal, 4 to 7 September 2018)

Agenda Item 3: Review of the General Work Programme of the Legal Committee

REVIEW OF THE GENERAL WORK OF THE LEGAL COMMITTEE

(Presented by the Secretariat)

1. INTRODUCTION

1.1 According to the Constitution of the Legal Committee (Resolution A7-5) and Rule 8 of the *Rules of Procedure of the Legal Committee* (Doc 7669-139/5), the Legal Committee establishes and maintains, subject to the approval of the Council, a general programme of work which includes subjects proposed by the Committee itself; in addition it shall also include any subjects proposed by the Assembly or the Council.

2. DEVELOPMENTS IN THE WORK PROGRAMME FOLLOWING THE 36TH SESSION OF THE LEGAL COMMITTEE

2.1 Following the conclusion of the 36th Session of the Legal Committee (Montréal, 30 November to 3 December 2015) and subsequent approval by the Council on 29 February 2016 (C-DEC 207/7), the General Work Programme of the Legal Committee had been established as follows:

- a) Study of legal issues relating to remotely piloted aircraft;
- b) Consideration of guidance on conflicts of interest;
- c) Acts or offences of concern to the international aviation community and not covered by existing air law instruments;
- d) Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment of a legal framework;
- e) Determination of the status of an aircraft – civil/state;
- f) Promotion of the ratification of international air law instruments; and
- g) Safety aspects of economic liberalization and Article 83 *bis*.

3. ASSEMBLY – 39TH SESSION

3.1 The Assembly (27 September to 6 October 2016) decided to add as additional subject on the Work Programme the item “Implementation of Article 21 of the Chicago Convention”. The addition was sought based on Working Paper A39-WP/159 presented by France in which it was conveyed that Member States encountered varying degrees of difficulties in complying with their obligations under Article 21 of the Chicago Convention, largely due to a lack of alignment of the concept and definition of “ownership”.

3.2 As a result, the Work Programme had been established in order of priority as follows:

- 1) Study of legal issues relating to remotely piloted aircraft;
- 2) Consideration of guidance on conflicts of interest;
- 3) Acts or offences of concern to the international aviation community and not covered by existing air law instruments;
- 4) Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment of a legal framework;
- 5) Determination of the status of an aircraft – civil/State;
- 6) Promotion of the ratification of international air law instruments;
- 7) Safety aspects of economic liberalization and Article 83 *bis*; and
- 8) Implementation of Article 21 of the Chicago Convention.

4. SUBSEQUENT ACTION BY THE COUNCIL

4.1 At its fourth meeting of the 209th Session, the Council confirmed the Legal Committee’s Work Programme as set out in paragraph 3.2 above; [the Council left in abeyance for a later date a decision whether there was a need to include the subject “Review of the application of ICAO treaties relating to conflict zones” in the Work Programme.

4.2 In accordance with the foregoing decisions, the General Work Programme of the Legal Committee stands to date as follows:

- 1) Study of legal issues relating to remotely piloted aircraft;
- 2) Consideration of guidance on conflicts of interest;
- 3) Acts or offences of concern to the international aviation community and not covered by existing air law instruments;
- 4) Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment of a legal framework;
- 5) Determination of the status of an aircraft – civil/State;
- 6) Promotion of the ratification of international air law instruments;
- 7) Safety aspects of economic liberalization and Article 83 *bis*; and
- 8) Implementation of Article 21 of the Chicago Convention.