



INTERNATIONAL CIVIL AVIATION ORGANIZATION

AFI PLANNING AND IMPLEMENTATION REGIONAL GROUP FIFTEENTH MEETING (APIRG/15)

(Nairobi, Kenya, 26 – 30 September 2005)

Agenda Item 9: Any Other Business

FOLLOW-UP TO THE 35TH SESSION OF THE ICAO ASSEMBLY (A35) — AIR TRANSPORT MATTERS

(Presented by the Secretariat)

SUMMARY

This information paper gives a brief summary of resolutions and decisions of the 35th Session of the ICAO Assembly (A35) on air transport matters.

Action by APIRG is in paragraph 8.

1. INTRODUCTION

1.1 This paper briefly reviews resolutions and decisions of the 35th Session of the ICAO Assembly (A35) and presents suggestions for its implementation. Discussion is focused on those resolutions and decisions of the Assembly which have a direct impact on particular elements of the work programme in the air transport field for 2005, 2006 and 2007.

2. AGENDA ITEM 15: ENVIRONMENTAL PROTECTION

(Report of the Executive Committee, paras. 15:1 to 15:57, Resolution 15/1)

2.1 The Assembly adopted a revised *Consolidated statement of continuing ICAO policies and practices related to environmental protection* (Resolution 15/1) and made a number of decisions affecting ICAO work in the environmental field. Given the multidisciplinary nature of this work, it is envisaged that discussion of preliminary action on this subject will take place in the Council.

3. AGENDA ITEM 27: REGULATION OF INTERNATIONAL AIR TRANSPORT SERVICES, AND OUTCOME OF THE FIFTH WORLDWIDE AIR TRANSPORT CONFERENCE (Report of the Economic Commission, paras. 27:1 to 27:35)

3.1 When reviewing the results of ATConf/5 the Assembly noted the results on one particular item, the liberalization of air cargo operations, and agreed that States be urged to consider the separate and rapid liberalization of the air cargo sector, in order to attain its clear benefits of trade and economic development. Even though States are in possession of this element of the Conference results, through State letter SC 5/1-03/71 dated 25 July 2003 and the dissemination of Doc 9819, *Report of the Worldwide Air Transport Conference*, the Secretariat will draw to the attention of States the Assembly's highlighting of this particular result of the Conference.

3.2 On the issue of protection of consumer interests the Assembly agreed that ICAO should continue to monitor developments regarding voluntary commitments to and government regulation of consumer interests and should disseminate the information to States in an appropriate manner. The Secretariat currently provides some information on consumer interests for the Annual Reports of the Council, the World of Civil Aviation and the revised Manual on the Regulation of International Air Transport. However additional information is available and can be disseminated, possibly using the ICAO Website.

3.3 At the conclusion of its discussions on air carrier ownership and control, the new European Union policy regarding a Community ownership and control clause and developments concerning the negotiating mandate of the European Commission, a suggestion was made and supported in the Commission for ICAO to study what technical, economic and legal implications the new policy may have on aviation relations between States, for example on air services negotiations involving a group of States. Some years ago the Secretariat developed material on bloc negotiations which was inserted in the *Manual on the Regulation of International Air Transport* (Doc 9626). That material was theoretical in nature since negotiations involving trade or economic groupings, or blocs, were considered at the time to be a potential development for the future. As such possibilities are becoming a reality, it may be useful for the Secretariat to re-visit this work and seek to elaborate further this manual-type material. As such it has a lesser status than recommendatory decisions from ICAO bodies but could nevertheless be helpful to States as this rapidly developing situation evolves. The Secretariat would consult, where necessary, with the Air Transport Regulation Panel in its further development of this material.

4. AGENDA ITEM 28: REGULATION AND ORGANIZATION OF AIRPORTS AND AIR NAVIGATION SERVICES
(Report of the Economic Commission, paras. 28:1 to 28:14)

4.1 The Assembly endorsed the Council's plans for future work on regulation and organization of airports and air navigation services and recommended that the Council take the proposals made by States and other organizations under this agenda item into account in its future work in this field. In particular, the Assembly noted the proposals concerning debt recovery of air navigation services charges. According to these proposals ICAO should: a) develop guidance material on procedures regarding the application of pre-trial and court procedures as well as settlement of disputes in relation to debt recovery of air navigation services charges; b) analyse the opportunity to establish an international debt recovery mechanism under the aegis of ICAO; and c) urge Contracting States to supplement the licensing and issuing of air operator certificates (AOCs) with the responsibility for aircraft operators to pay their charges and relevant penalties. As these proposals are of both a legal and economic nature, this will be included in the work programme of the Air Transport Bureau and the Legal Bureau.

4.2 With reference to the Assembly's decision that ICAO would convene a global meeting to agree on performance objectives and monitoring requirements, the Secretariat is addressing this matter. The Secretariat will also address a revision of ANSEP's terms of reference and the convening of a panel meeting, *inter alia*, for the preparation of input material to a global "performance" meeting.

5. AGENDA ITEM 29: FACILITATION
(Report of the Economic Commission, paras. 29:1 to 29:27, Resolution 29/1)

5.1 The Assembly noted that the A-type Recommendations of the Twelfth Session of the Facilitation Division, affecting some 75 SARPs, had been sent to Contracting States with a request for their comments. The Secretariat collated the comments and made appropriate proposals for modifications for its presentation to the Council for adoption. The amendments to the SARPs were finally adopted by the Council in March 2005 and with an applicability date of 11 July 2005.

5.2 The Assembly agreed that ICAO, in developing guidelines for airline passenger name records (PNR) access, should take into account the relevant proposals of the European Commission. A Secretariat study group had been formed and finalized the PNR guidelines document in June 2005. This document will be published as an ICAO Circular.

5.3 The Assembly agreed that the Council and Contracting States should continue their work on the security and integrity of passports and other travel documents, as a matter of high priority. Revised specifications for machine readable visas (Doc 9303, Part 2) have been finalized. A revised version of Doc 9303, Part 1, *Machine Readable Passports* is now being drafted, to include new specifications for electronic-enabled passports (“e-passports”) incorporating biometric data in accordance with the ICAO “blueprint”. The goal is to publish a new edition later in 2005. Subsequently, specifications for electronic visas will be developed.

5.4 The Assembly noted that ICAO had begun to identify ways and means of providing technical assistance to those States that may require it, to enable them to commence issuing machine readable passports (MRPs) at an early date. Currently over 110 States are already issuing MRPs. Informative regional seminars are planned, and States are being invited to communicate their needs to ICAO so that assistance may be organized. The objective is universal implementation well before the date specified in the recommended Annex 9 Standard.

5.5 The Assembly adopted a revised resolution on invasive alien species. The Assembly also agreed that Contracting States should forward to ICAO their “best practices” on the prevention of invasive alien species introductions by air, and that appropriate ICAO bodies should consider drafting relevant SARPs.

5.6 The Assembly noted that Doc 9636, *International Signs to Provide Guidance to Persons at Airports and Marine Terminals*, and Doc 9249, *Dynamic Flight-related Public Information Displays*, need to be updated. Work on this project will be progressed in cooperation with other interested organizations and subject to availability of resources.

5.7 The Assembly agreed that ICAO should consider increased cooperation with the World Tourism Organization (WTO-OMT) in security and facilitation matters. The Secretariat will consult with WTO-OMT and propose cooperative activities that would support ICAO work in facilitation, for example, rationalization of airport check-in and security processes and promotion of Annex 9 SARPs and MRPs.

6. AGENDA ITEM 30: OTHER AIR TRANSPORT ISSUES (Report of the Economic Commission, paras. 30:1 to 30:8)

6.1 On the subject of the Integrated Statistics Database (ISDB) (paras. 30:2 and 30:3), the Assembly noted that following the implementation of the new system, ICAO civil aviation statistics were now available on-line free of charge to the national administrations of Contracting States and to other users, subject to payment of a subscription. In view of these developments, the Assembly agreed to adopt a revised text for Appendix B of Assembly Resolution 31/1, *Consolidated statement of continuing ICAO policies in the air transport field* to urge States to submit civil aviation statistics on time. The relevant text of the revised Resolution will be brought to the attention of States.

6.2 The Assembly endorsed the Council’s plans for future work in the forecasting and economic planning field. Accordingly, within resources available, the Secretariat will develop long-term and medium-term forecasts, provide assistance to the regions in the development of forecasts and other planning parameters required or requested by the respective planning and implementation regional groups, develop a web-based financial analysis to assist States in the CNS/ATM systems implementation and

provide forecasting and economic analysis support to the Committee on Aviation Environmental Protection, as required.

6.3 The Assembly supported ICAO's activities on the evaluation of the economic contribution of civil aviation and while noting the limited funding for future work in this area, urged the Secretariat to develop the training modules. Accordingly, the possibilities of developing and delivering such modules, on a cost-recovery basis, will be explored.

**7. AGENDA ITEM 31: DEVELOPMENT OF AN UP-TO-DATE CONSOLIDATED STATEMENT OF CONTINUING ICAO POLICIES IN THE AIR TRANSPORT FIELD
(Report of the Economic Commission, paras. 31:1 to 31:6, Resolution 31/1)**

7.1 The Assembly adopted Resolution 31/1, updating the consolidated statement of continuing ICAO policies in the air transport field. The Resolution will be drawn to the attention of States and will serve as the basis for the Organization's work in the air transport field in the coming years. In accordance with the resolving clause of the Introduction to this Resolution, a comprehensive review will be made of the content prior to the next ordinary Session of the Assembly to see whether any changes should be recommended.

8. ACTION BY APIRG

8.1 The Meeting is invited to note the outcome of the ICAO Assembly (A35) concerning air transport matters.

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