

Agenda Item 6: Any other business

6:1 The observer from the Air Crash Victims' Families' Federation International (ACVFFI) introduced LC/39-WP/6-1, relating to the best practices for insurers in assisting victims with compensation, and noted that it was presented in continuation of papers submitted to past Assemblies and Legal Committees, as well as in light of the recommendations adopted at the first Symposium on assistance to aircraft accident victims and their families in 2021 (AAAVF1).

6:2 All delegations who took the floor endorsed the need to ensure air crash victims and their families are treated fairly and with dignity. While several delegations supported the working paper and the request to collect best practices on insurance through a study group, a majority of delegations noted that this work would be best addressed in the working group created in late 2023 under the ICAO Facilitation Panel. As clarified by the Secretariat, this working group is tasked with implementing the recommendations from AAAVF1 and benefits from the support of LEB. Some delegations indicated their disagreement with the request in the working paper to review certain international air law instruments, including the *Convention for the unification of certain rules for international carriage by air*, signed at Montreal on 28 May 1999.

6:3 In summarizing the discussions, the Chairperson clarified that the Montreal Convention of 1999, with its two-tiered system, did not limit the liability of carriers and otherwise provided for States Parties to require their carriers to maintain adequate insurance coverage. The Chairperson further noted that while the recommendations from the Symposium of 2021 were not binding on the Legal Committee, the guided the work of the Secretariat and the Facilitation Panel working group and time should be given for the follow up work to be done. The Committee was reassured that LEB would continue to support the working group of the Facilitation Panel, particularly for the collection of insurance related best practices. The Chairperson also encouraged States and IATA to support the working group with such information as it needed to the best extent possible and the next Symposium might provide an appropriate forum for collecting and assessing the best practices if suitable.

6:4 The Committee noted the information presented in LC/39-WP/6-2 by the International Air Transport Association (IATA), which highlighted the ongoing coordination between ICAO and the UN subcommittee on taxation, following an intervention by the Secretary General.

6:5 IATA presented LC/39-WP/6-3 which was concerned with international carriage by air and data protection laws.

6:6 The observer from IATA informed the Committee of the significant work undertaken by IATA, which has resulted in a recently published White Paper. It noted that interactions between international carriage by air and data protection laws raise legal inconsistencies that merit further study and cooperation. The observer requested the Committee to constitute a multi-disciplinary working group under the Legal Committee to examine the topic and develop guidance material.

6:7 The majority of the delegations who spoke expressed support for the working paper and for the establishment of a multidisciplinary working group. Several delegations expressed the view that guidance material on this issue developed by such a working group could be beneficial for States developing their own national legislation.

6:8 A number of delegations mentioned that data protection regulation is a national or regional competency and expressed uncertainty as to the whether the Legal Committee was the most adequate forum

for this topic. They instead proposed that the Council should decide the most appropriate forum within ICAO, with some members expressing a preference for the Facilitation Panel.

6:9 Some delegations highlighted that data protection rules were not limited to civil aviation and involved various authorities at both the national, regional, and international levels. It was noted by some delegations that ICAO did not have jurisdiction to elaborate or review data protection laws and regulation *per se* and that any work undertaken by ICAO should instead focus on assessing how different rules impact the civil aviation sector. IFALPA highlighted that the data protection laws also impacted the relevant data flow affecting air crew.

6:10 In summarizing the discussion, the Chairperson noted that majority of the delegations supported the IATA Working Paper and the establishment of the multidisciplinary working group. As a number of delegations had requested that the decision be taken by the Council instead, the Chairperson noted that the Committee's Work Programme was, in any event, subject to the Council's approval. Consequently, the reservations of some delegations to the issue of adding this item to the Work Programme also be brought to the attention of the Council when it considered the Work Programme, through the record of the Committee's discussions on this item.

6:11 The Dominican Republic introduced the paper LC/39-WP/6-4, which highlighted the threats to air navigation posed by the improper use of laser rays, as well as the security and health risks, and requested the Legal Committee to undertake the creation of uniform criteria for States to establish regulations for its prosecution, punishment or penalization. A number of delegations and IFALPA who took the floor supported the paper. It was recalled by the Secretariat that as a result of a State Letter (AS8/5-18/17) that was issued in 2018, ICAO had received examples of regulations that had been enacted with respect to laser illumination events from a number of States. The Secretariat noted that these materials are still available as a resource to assist States to develop their own regulations for laser illumination of aircraft, to include civil or criminal penalties. It was therefore proposed that as an alternative to expanding the Work Programme to address this matter, a new State Letter would be issued reminding States of the availability of this Laser illumination and flight safety repository; encouraging those States who previously made submissions in response to the 2018 letter to update them; and urging others to share their best practices, particularly with respect to the prosecution or penalization of such behavior. It was agreed that based on the anticipated responses to this proposed State Letter, that topic could be further discussed at the next session of the Legal Committee. The Dominican Republic expressed its appreciation for the Committee's consideration of its paper.

6:12 Venezuela introduced LC/39-WP/6-5, LC/39-WP/6-6 and LC/39-WP/6-7 respectively on the matters related to the unilateral coercive measures in civil aviation as well as the commitments by States under their Air Services Agreements and the responsibility of States to provide appropriate facilities and services to facilitate international air navigation under the Chicago Convention.

6:13 [discussion]

6:14 The Committee noted with appreciation the LC/39-IP/1 submitted by the United Kingdom which informs the Committee that it will host the third edition of Civil Aviation Legal Advisers' Forum (CALAF) from 26 to 28 November 2024, with support from the ICAO Legal Affairs and External Relations Bureau.

6:15 The Committee noted the information provided in LC/39-IP/2 submitted by IFALPA regarding the need for fair treatment of aircrew in cases of arrest abroad due to suspicion of crimes

committed while on duty and the guidelines developed by the International Maritime Organization for seafarers.