



WORKING PAPER

**SEVENTH WORLDWIDE AIR TRANSPORT CONFERENCE
(ATCONF/7)**

Montréal, HQ, 16 to 20 November 2026

Agenda Item 3: Strengthening regulatory and institutional frameworks

3.1: Strengthening regulatory oversight and evolving institutional frameworks

**ARTICLE 15 OF THE CONVENTION ON INTERNATIONAL CIVIL
AVIATION (CHICAGO CONVENTION) AND THE IMPORTANCE OF
REGULATORY COMPLIANCE**

(Presented by the United States)

EXECUTIVE SUMMARY

This paper highlights the importance of compliance with Article 15 of the Convention on International Civil Aviation (Chicago Convention), which establishes fundamental obligations concerning transparency and non-discrimination in charges for the use of airports and air navigation facilities, and prohibits charging solely for access to airspace. Effective implementation of Article 15 supports fair competition, connectivity, and confidence in the international air transport regulatory framework. It contributes to achieving the objectives of the International Civil Aviation Organization (ICAO) to meet the needs of travelers and shippers for economical air transport and to avoid discrimination.

The Air Transport Regulation Panel (ATRP), in coordination with the Airport Economics Panel and Air Navigation Services Economics Panel (AEP-ANSEP), has undertaken substantial economic and regulatory analysis resulting in draft Guidance Material, a draft State Letter and a proposed process for consideration by the Council of concerns raised by Contracting States under Article 15. The Guidance Material and State Letter are intended to provide Contracting States with an authoritative ICAO interpretation and practical reference for understanding and implementing their obligations under Article 15.

During its 42nd Session, the ICAO Assembly requested the Legal Committee conduct a legal review in 2026 of the materials prepared by the ATRP on Article 15. Additionally, the Secretariat established the Secretariat Study Group on Article 15 (SSG-A15) to perform a legal review of the documents created by the ATRP on the application of Article 15.

Action: The action by the conference is detailed in paragraph 4.1.

<i>Strategic Goal:</i>	This working paper relates to Strategic Goal: <i>The Economic Development of Air Transport Assures the Delivery of Economic Prosperity and Societal Well-Being for All.</i>
<i>Financial implications:</i>	N/A
<i>References:</i>	<i>Convention on International Civil Aviation (Chicago Convention), Article 15 A42-WP/129 – Advancing Compliance with Article 15 of the Chicago Convention Doc 10221, Assembly 42nd Session. Montréal, 23 September–3 October 2025. Economic Commission. Report</i>

1. INTRODUCTION

1.1 Article 15 of the Convention on International Civil Aviation (Chicago Convention) establishes fundamental obligations concerning charges for the use of airports and air navigation facilities, including requirements for non-discrimination and transparency, and the prohibition of charging, including direct or indirect payments and other non-monetary benefits solely for the right of transit, entry or exit.

1.2 Compliance with Article 15 is imperative for a fair, predictable and economical international air transport system. Transparent and non-discriminatory charging practices support fair competition and connectivity, while inconsistent practices can create barriers to international air services. Non-compliance with Article 15 can undermine confidence in the Convention framework.

1.3 Recognizing the need for greater clarity concerning the practical application of Article 15, the Air Transport Regulation Panel (ATRP), in coordination with the Airport Economics Panel and Air Navigation Services Economics Panel (AEP-ANSEP), undertook extensive analysis of issues arising from its implementation. This work resulted in draft Guidance Material, a draft State Letter, and a proposed process for reconciliation by the Council for concerns raised by Contracting States.

1.4 At the 42nd Session of the Assembly, the Economic Commission recognized the value of these materials and recommended that they should be referred to the Legal Committee for expedited legal review. The Commission also recognized the importance of coordination between the Legal Committee and ATRP Working Group 1 so that the legal review would have the full context of the economic policy and regulatory considerations underlying the draft materials.

2. DISCUSSION

2.1 Article 15 establishes obligations that have direct implications for international air transport connectivity and competition. Its effective implementation requires more than the publication of charges. Contracting States and operators must be able to understand how the provisions apply to different charging practices and regulatory constructs.

2.2 The ATRP, in coordination with the AEP-ANSEP, therefore undertook a substantive economic and regulatory analysis to translate the principles of Article 15 into much needed practical guidance. This work was undertaken considering the principles contained in *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082), which provide the established policy framework for the application of charging principles in international civil aviation. The majority of this work was undertaken by ATRP experts and addressed issues including the relationship between charges and the services provided, including the principles of cost-relatedness and the extent to which charges should be demonstrably linked to the provision of airport and air navigation services, the application of the prohibition on charges imposed solely for the right of transit, entry or exit, transparency of charges, and the appropriate process for Council consideration of representations by Contracting States.

2.3 These issues demonstrate the importance of a clear, authoritative International Civil Aviation Organization (ICAO) guidance. The text of Article 15 establishes the underlying obligations, while practical implementation requires additional support to Contracting States to provide clarity concerning application to ensure that charging and regulatory practices are consistent with Article 15. The draft Guidance Material and State Letter were developed to provide that clarity and call for action to ensure compliance with Article 15. Effective implementation may be supported by appropriate transparency and consultation mechanisms in accordance with established ICAO policies.

2.4 The proposed Council review process is an important complementary element of this work. Article 15 provides that, upon representation by an interested Contracting State, charges imposed for the use of airports and other air navigation facilities are subject to review by the Council. A clear process would provide Contracting States with a practical and transparent mechanism for raising concerns under Article 15. Such a process could also facilitate the early resolution of concerns and contribute to the avoidance of disputes between Contracting States. Such a review is distinct from the dispute settlement procedure under Article 84 of the Convention and would support the effective implementation of the specific mechanism established by Article 15.

2.5 Following the Assembly's request that the Legal Committee review the materials prepared by the ATRP, the Secretariat established the Secretariat Study Group on Article 15 (SSG-A15) to review the analysis completed by the ATRP and support the established legal review of the Article 15 materials. The roles of the respective ICAO bodies should remain clearly differentiated. The ATRP and AEP-ANSEP provided the substantive economic and regulatory analysis and policy expertise relating to air navigation services charging, cost recovery methodologies, transparency requirements, and user consultation principles, among other relevant topics. The Legal Committee, supported by the work of the SSG-A15, provide the necessary legal review and interpretation. The Legal Committee's role is therefore solely a legal one: to assess the consistency of the analysis and resulting materials with the Chicago Convention and applicable legal principles, informed by the economic and regulatory analysis developed through the ATRP and AEP-ANSEP process.

2.6 Maintaining this distinction allows ICAO to benefit from the different areas of expertise within its institutional framework. The legal review should ensure that the final materials are legally sound while preserving the substantive economic and regulatory analysis that informed their development. This approach is particularly important where the objective is to provide practical and authoritative guidance on issues for which Contracting States and operators require greater regulatory certainty.

3. CONCLUSION

3.1 Article 15 is a foundational provision of the Chicago Convention and a critical element of the international economic regulatory framework for civil aviation. Compliance with its requirements for transparency and non-discrimination supports fair competition, connectivity and confidence in the international air transport system. It also contributes to greater regulatory certainty and supports sustainable investment in airport and air navigation infrastructure.

3.2 The ultimate objective is to achieve global compliance with Article 15, which will require authoritative, practical and consistently applicable ICAO guidance for understanding and implementing those obligations.

4. ACTION BY THE CONFERENCE

4.1 The Conference is invited to:

- a) recognize the importance of effective compliance with Article 15 of the Chicago Convention to transparent, non-discriminatory, predictable, and economical international air transport;
- b) acknowledge the substantial substantive work undertaken by the ATRP, in coordination with the AEP-ANSEP, in developing the Article 15 Guidance Material, State Letter and proposed Council review process;

- c) note the distinct and complementary roles of the ATRP and AEP-ANSEP in developing the economic and regulatory analysis and of the SSG-A15 and Legal Committee in providing the necessary legal review;
- d) encourage ICAO to preserve the substantive economic and regulatory analysis developed through the ATRP and AEP-ANSEP process in finalizing the Article 15 materials;
- e) encourage ICAO to finalize and disseminate the Guidance Material and State Letter as authoritative ICAO guidance and practical reference concerning Contracting States' obligations under Article 15; and
- f) encourage Contracting States to use the resulting materials to support effective implementation and regulatory compliance with Article 15.

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