



WORKING PAPER

ASSEMBLY — 39TH SESSION

ECONOMIC COMMISSION

Agenda Item 39: Economic Regulation of International Air Transport — Policy

**IMPLEMENTATION OF RECOMMENDATIONS OF THE ICAO SIXTH
WORLDWIDE AIR TRANSPORT CONFERENCE (AT CONF/6)
(LONG-TERM VISION AND CORE PRINCIPLES ON CONSUMER
PROTECTION)**

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

This paper reports on the development and adoption of the ICAO long-term vision for air transport liberalization and core principles on consumer protection as part of the implementation of the recommendations of the Sixth Worldwide Air Transport Conference (ATConf/6) and relevant Assembly resolution. This paper also presents the proposed plan for the promotion and implementation of the vision, as well as guidance on consumer protection.

Action: The Assembly is invited to:

- a) review the progress by the Organization in the development and adoption of the ICAO long-term vision for air transport liberalization and core principles on consumer protection; and
- b) endorse the Organization's plan for future work thereon, as presented in paragraph 4.

<i>Strategic Objective:</i>	This working papers relates to Strategic Objective D — <i>Economic Development of Air Transport</i> .
<i>Financial implications:</i>	The activities referred to in this Assembly paper will be undertaken subject to the resources available in the 2017–2019 Regular Programme Budget and/or from extra budgetary contributions.
<i>References:</i>	A39-WP/8, Consolidated statement of continuing ICAO policies in the air transport field Doc 10022, <i>Assembly Resolutions in Force (as of 4 October 2013)</i> Resolution A38-14, Consolidated statement of continuing ICAO policies in the air transport field State letter SP 38/1–15/54, dated 15 July 2015 State letter SP 38/1–15/60, dated 31 July 2015

1. INTRODUCTION

1.1 At the 38th Session of the ICAO Assembly in 2013, the recommendations of the Sixth Worldwide Air Transport Conference (ATConf/6) and the Council's action plan for follow-up work were endorsed. At that time, the Assembly also requested the Council, *inter alia*, "to develop and adopt a long-term vision for international air transport liberalization, including examination of an international agreement by which States could liberalize market access..." and "to develop, in the short term, a set of high-level, non-binding, non-prescriptive core principles on consumer protection, for use as policy guidance..." (Assembly Resolution A38-14, Appendix A, Section 1).

2. LONG-TERM VISION FOR LIBERALIZATION

2.1 The Twelfth Meeting of the Air Transport Regulation Panel (ATRP/12, Montréal, 26 to 30 May 2014), agreed that the long-term vision should be: a) aspirational, not prescriptive, in nature; b) aim to foster consensus on the fundamental value of liberalizing international air transport on a global scale; and c) be forward-looking, representing a long-term view of the aviation community on the ultimate objective of liberalization. It also concluded that while the vision should emphasize a commitment to liberalization, it should not diminish the importance of other factors that must be considered in fostering the development of international civil aviation. The panel's agreed text was subsequently considered by the Air Transport Committee in September 2014, which requested that it be sent to States for consultation.

2.2 Based on the positive responses from States on the proposed long-term vision, the Council formally adopted the text as recommended by ATRP/12, on 17 June 2015, to serve as a reference point and an inspirational guide for Member States in the pursuit of the ultimate goal of liberalization. By decision of the Council, the long-term vision was disseminated to States by means of State letter SP 38/1-15/54, dated 15 July 2015 and Member States were encouraged to apply this long-term vision in the policy-making and regulatory practices, and to keep ICAO informed of experiences gained or issues encountered in its application.

2.3 The adoption of the long-term vision marks an important step by the Organization in moving towards modernizing the regulatory framework. As such, it is proposed to reflect this in the relevant parts of the updated Assembly resolution on the Consolidated statement of continuing ICAO policies in the air transport field (A38-14), which will be presented separately in A39-WP/8.

3. CORE PRINCIPLES ON CONSUMER PROTECTION

3.1 Also at the ATRP/12 meeting, the panel agreed on a proposed text for the core principles on consumer protection, which was presented for consideration by the Air Transport Committee in September 2014. The proposed text was subsequently sent to States for consultation.

3.2 Based on the positive responses from States on the proposed core principles, the Council formally adopted the text of the core principles on consumer protection, on 17 June 2015, as guidance for States and concerned stakeholders, on the understanding that these principles would be treated as a "living document" and that the comments and amendments suggested by States and industry stakeholders would be referred to the ATRP for consideration for future updated versions.

3.3 By decision of the Council, the ICAO core principles on consumer protection were disseminated to States by means of State letter SP 38/1-15/60, dated 31 July 2015 and Member States and concerned industry stakeholders were encouraged to apply the core principles in policy-making, and in

regulatory and operational practices. The State letter also called on Member States to provide information on experiences gained or issues encountered in the implementation of the core principles.

3.4 The adoption of the core principles represents an important step by the Organization in fostering the convergence and compatibility of consumer protection regimes worldwide, which are conducive to the sustainable development of international air transport. As such, it is proposed to reflect the adoption of the core principles and the call for application by States in the relevant parts of the updated Assembly resolution on the Consolidated statement of continuing ICAO policies in the air transport field.

4. **FUTURE WORK**

4.1 With respect to the ICAO long-term vision for liberalization, the Organization will continue to promote the vision through all available means, including enhanced monitoring, guidance and assistance activities, and encourage Member States to give regard to the guidance presented in State letters SP 38/1-15/54 dated 15 July 2015.

4.2 With respect to the ICAO core principles on consumer protection, the Organization will continue to a) promote and enhance the awareness of the core principles; and b) encourage all States and concerned stakeholders to follow or apply the core principles in their regulatory and operational practices, and to provide feedback to ICAO on their relevant policies, rules or practices, as well as experiences gained or issues encountered in this respect (in accordance with State letter SP38/1-15/60 dated 31 July 2015). Subject to availability of resources, such as those available through the Voluntary Air Transport Fund, the Organization could also consider developing information resources to assist States and concerned stakeholders in dealing with consumer protection related issues, including situations such as massive disruptions to air transport services or operations.

4.3 Given that the core principles are a “living document”, the Organization plans to review this guidance in 2017 with a view to keeping the core principles current and responsive to the needs of States and other aviation stakeholders.

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