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**WORKING PAPER**

**ASSEMBLY — 40TH SESSION**

**ECONOMIC COMMISSION**

**Agenda Item 35: Economic Development of Air Transport**

**CONSOLIDATED STATEMENT OF CONTINUING ICAO POLICIES IN  
THE AIR TRANSPORT FIELD**

(Presented by the Council of ICAO)

**EXECUTIVE SUMMARY**

Resolution A39-15, *Consolidated statement of continuing ICAO policies in the air transport field*, requires that the Council keep this statement under review and advise the Assembly when changes are needed. The revisions to the consolidated statement, which are presented in the Appendix to this paper, are designed to remove outdated contents and incorporate developments since the last Assembly. In addition to the proposed revisions to the resolution, the paper also reports the decision by the Council concerning the work related to the development of the concept of the possible Global Air Transport Plan.

**Action:** The Assembly is invited to adopt the revised Assembly Resolution on the Consolidated statement of continuing ICAO policies in the air transport field, presented in the Appendix to this paper.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective – <i>Economic Development of Air Transport</i> .
<i>Financial implications:</i>	The activities referred to in the attached Assembly working paper will be undertaken subject to the resources available in the 2020–2022 Regular Programme Budget and/or from extra budgetary contributions, including the Voluntary Air Transport Fund (TRAF).
<i>References:</i>	Doc 10075, <i>Assembly Resolutions in Force</i> (as of 6 October 2016) Doc 10078, <i>Report of the Economic Commission of the 39th Session of the Assembly</i> Resolution A39-15, <i>Consolidated statement of continuing ICAO policies in the air transport field</i> A40-WP/16-EC/1, Progress report on the development of international agreements on the liberalization of market access, air cargo and air carrier ownership and control A40-WP/17-EC/2, Financing for Quality Aviation Infrastructure Development A40-WP/18-EC/3, Report on Developments Regarding the Economic Aspects of Airports and Air Navigation Services A40-WP/19-EC/4, ICAO Statistics Programme and Big Data Analytics A40-WP/20-EC/5, Report on the Updated Long-Term Traffic Forecasts A40-WP-21-EC/6, Aviation Satellite Account ICAO Business Plan 2020–2022

## 1. REVISED CONSOLIDATED STATEMENT

1.1 Resolution A39-15, *Consolidated statement of continuing ICAO policies in the air transport field*, requires that the Council of ICAO keep this statement under review and advise the Assembly when changes are required. Accordingly, a substantive review of Resolution A39-15 has been undertaken and a revised version of the resolution is presented in the Appendix to this paper.

1.2 The revised consolidated statement maintains the same structure as A39-15, i.e. consisting of the introduction section and five appendices. The proposed changes, substantive and editorial, aim to a) improve the presentation; b) remove clauses that have become outdated or redundant, or actions that have been completed; and c) introduce new clauses to reflect developments or decisions taken since the last Assembly.

1.3 Major amendments in Appendix A reflect the Council's consideration on the outcome of the Fifteenth Meeting of the Air Transport Regulation Panel (ATRP/15, April 2019) as summarized in A40-WP/16-EC/1. In Appendix C, most of the existing contents in Section II – *Economics and management of aviation infrastructure* are consolidated into Section I – *Charging policy* while the new Section II focuses on *Aviation infrastructure management and financing* as summarized in A40-WP/17-EC/2 and A40-WP/18-EC/3. Amendments to Appendices D and E intend to incorporate big data analytics for aviation, updated long-term traffic forecasts and the aviation satellite account based on A40-WP/19-EC/4, A40-WP/19-EC/5 and A40-WP/20-EC/6.

## 2. POSSIBLE GLOBAL AIR TRANSPORT PLAN

2.1 The 39th Session of the Assembly acknowledged the intention of the Council to consider the development of a Global Air Transport Plan (GATP).

2.2 At the 210th Session of the Council, the Air Transport Committee (ATC) requested that concerned panels under the ATC be involved in examining the proposed concept of the possible GATP. During the 212th Session, the ATC reviewed the results of the consultations with the panels and concluded that a more mature document should be developed by the Secretariat. On this basis, the Council requested the Secretariat to prepare a draft strategic planning document to elaborate on the proposed concept of the possible GATP, which should have a clear objective and seek to complement the other ICAO Global Plans.

2.3 Pursuant to this Council decision, the Secretariat prepared the draft strategic planning document which aimed to provide long-term direction for the technical work programmes of ICAO under the Strategic Objective – *Economic Development of Air Transport*. During the 215th Session, the ATC reviewed the draft document and recommended to the Council, inter alia, that the need for the GATP should be re-examined once the work on possible multilateral liberalization instruments is complete (A40-WP/16-EC/1 refers). The Council agreed with the ATC recommendation on this matter.

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## APPENDIX

### AIR TRANSPORT CONTINUING POLICIES

#### ~~A39-15~~ **A40-xx: Consolidated statement of continuing ICAO policies in the air transport field**

*Whereas* the *Convention on International Civil Aviation* establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly, regular, efficient, economical, harmonious and sustainable manner and it is therefore one of the purposes of ICAO to support principles and arrangements in order that international air transport services may be established on the basis of equality of opportunity, sound and economic operation, mutual respect of the rights of States and taking into account the general interest;

*Whereas* air transport is of fundamental importance to the development of the economies of States by promoting and facilitating tourism and trade ~~a major factor in promoting and fostering sustainable economic development at national as well as international levels;~~ **[Updated]**

*Whereas* it is increasingly difficult, particularly for developing countries, to secure the necessary resources required to optimize the opportunities and meet the challenges inherent in the development of air transport, and to keep pace with the challenges posed by demands on air transport;

*Whereas* the Organization prepares guidance, studies and statistics on the development of air transport for Member States on a continuing basis and these should be kept current, focused and relevant and should be disseminated to Member States through the most effective means;

*Whereas* Member States are required to provide accurate and factual statistical data and other information in order that the Organization may prepare relevant guidance and studies;

*Whereas* the Organization is moving toward management by objective with more focus on implementation ~~over standard setting~~ of air transport policies and associated guidance, in line with the *No Country Left Behind* (NCLB) initiative; **[Updated with more accurate wordings]**

*Whereas* guidance developed by the Organization, and action taken by the Organization in implementing its Strategic Objectives – *Economic Development of Air Transport*, should assist Member States in developing policies and practices that facilitate the globalization, commercialization and liberalization, as well as the creation of a favourable environment for the sustainable development of, international air transport; and **[Editorial]**

*Whereas* it is important for Member States to participate in the work of the Organization in the air transport field;

*The Assembly:*

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies in the air transport field, as these policies exist at the close of the ~~39th~~ 40th Session of the Assembly: **[Editorial]**

Appendix A — Economic regulation of international air transport

Appendix B — Taxation

Appendix C — Airports and air navigation services **economics** *[Editorial]*

Appendix D — Aviation data and statistics

Appendix E — Forecasting, planning and economic analyses

2. *Urges* Member States to have regard to these policies and their continuing elaboration by the Council and by the Secretary General in the relevant ICAO documents;

3. *Urges* Member States to make every effort to fulfil their obligations, arising from the Convention and Assembly resolutions, to support the work of the Organization in the air transport field, and, in particular, to provide complete and prompt statistical and other information requested by the Organization for its air transport work;

4. *Urges* Member States in their regulatory functions to have regard to the policies and guidance material developed by ICAO on economic regulation of international air transport, such as those contained in Doc 9587, *Policy and Guidance Material on Economic Regulation of International Air Transport*;

5. *Requests* the Council to attach particular importance to ~~the~~ financing challenges of ~~the~~ aviation infrastructure and capacity development, commensurate with the level of predicted traffic growth ~~of the human and technical resources necessary to ensure the best possible contribution of air transport to the economic and social well-being of Member States~~, especially in developing countries; *[Updated to reflect changes made to Appendix C]*

6. *Requests* the Council, when it considers it of benefit to the work on any air transport issue, to consult expert representatives from Member States by the most appropriate means, including the establishment of panels or Secretariat study groups of such qualified experts, who would meet or work by correspondence and subsequently report to the Air Transport Committee in accordance with Doc 9482, *Directives for Panels of the Air Transport Committee and the Committee on Unlawful Interference*; *[Updated to clarify the Directives]*

7. *Requests* the Council to convene Conferences or Divisional meetings, in which all Member States may participate, as the principal means of progressing the resolution of issues of worldwide importance in the air transport field, when such meetings are justified by the number and importance of the issues to be dealt with and where there is the likelihood of constructive action upon them;

8. *Requests* the Council and the Secretary General to disseminate and promote ICAO's air transport policies and associated guidance to and amongst Member States;

9. *Requests* the Council and the Secretary General to take necessary action to implement Assembly resolutions and decisions concerning the Organization's air transport activities, and to monitor and assist the implementation by States of ICAO's policies in the air transport field;

10. *Requests* the Council to keep the consolidated statement of ICAO's air transport policies under review and advise the Assembly when changes are required to the statement;

11. *Requests* the Council to keep ICAO's policies and guidance material in the air transport field current and responsive to changes and the needs of Member States while preserving the core principles on which they are based; and

12. *Declares* that this resolution supersedes Resolution ~~A38-14~~ **A39-15**. *[Editorial]*

## APPENDIX A

### Economic regulation of international air transport

#### Section I. Basic principles and long-term vision

*Whereas* the basic principles of sovereignty, fair and equal opportunity, non-discrimination, interdependence, harmonization and cooperation set out in the Convention have served international air transport well and continue to provide the basis for and contribute to its future development;

*Whereas* multilateralism to liberalize international air transport, especially the exchange of traffic rights on a multilateral basis ~~in commercial rights~~ to the greatest possible extent continues to be an objective of the Organization; **[Updated to clarify the intent with more accurate wording]**

*Whereas* within the framework of the Convention, Member States have many differing regulatory goals and policies but share a fundamental objective of participation through reliable and sustained involvement in the international air transport system;

*Whereas* there is a need to adapt to the changing regulatory and operating environment in the air transport field and the Organization has accordingly developed policy guidance for the regulation of international air transport, including model clauses and template air services agreements;

*Whereas* there is need to increase the momentum and support for the future development of a modern and more ambitious multilateral agreement among Member States by building understanding of the benefits and challenges of liberalization; **[New text to reflect A40-WP/16-EC/1, which corresponds to paragraph 11 on page A-5]**

*Whereas* the provision of regular and reliable air transport services is of fundamental importance to the development of the economies of States, especially the developing States, including those dependent on tourism;

*Whereas* the Organization has adopted the long-term vision for international air transport liberalization which states: *We, the Member States of the International Civil Aviation Organization, resolve to actively pursue the continuous liberalization of international air transport to the benefit of all stakeholders and the economy at large. We will be guided by the need to ensure respect for the highest levels of safety and security and the principle of fair and equal opportunity for all States and their stakeholders;*

*Whereas* the compliance of Member States with provisions of the Convention and the universal adherence to the *International Air Services Transit Agreement (IASTA)*, the *Convention for the Unification of Certain Rules for International Carriage by Air (Montréal Convention of 1999)*, the *Convention on International Interests in Mobile Equipment (Cape Town Convention)* and its Protocol on *Matters Specific to Aircraft Equipment* and other ICAO instruments governing international air transport can facilitate and contribute to the achievement of the objectives of the Organization; and **[Updated to include Montreal and Cape Town Conventions to match paragraph 4 in page A-4]**

*Whereas* consumer interest should be given due regard in the development of ~~policy~~ policies and regulations of international air transport; **[Editorial]**

*The Assembly:*

1. *Urges* all Member States to give regard to, and apply, the *ICAO Long-term Vision for International Air Transport Liberalization* in policy-making and regulatory practices;
2. *Encourages* Member States to pursue liberalization of market access at a pace and in a manner appropriate to needs and circumstances, giving due regard to the interests of all stakeholders, the changing business environment and infrastructure requirements, as well as to the principles pertaining to safeguard measures designed to ensure the sustained and effective participation of all States, including the principle of giving special consideration to the interests and needs of developing countries;
3. *Urges* Member States to avoid adopting unilateral and extraterritorial measures that may affect the orderly, sustainable and harmonious development of international air transport and to ensure that domestic policies and legislation are not applied to international air transport without taking due account of its special characteristics;
4. *Urges* Member States that have not yet become parties to the ~~*International Air Services Transit Agreement*~~ (IASTA), the Montréal Convention of 1999, the Cape Town Convention and its Protocol and other ICAO instruments governing international air transport to give urgent consideration to so doing; ***[Editorial with addition of Cape Town Convention]***
5. *Urges* all Member States to register all agreements and arrangements relating to international civil aviation with ICAO in accordance with Article 83 of the Convention and the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*, to enhance transparency;
6. *Urges* Member States to keep the Council fully informed of serious problems arising from the application of air services agreements or arrangements and of any significant developments in the liberalization process;
7. *Urges* Member States to give due regard to the distinct features of air cargo services when exchanging market access rights in the framework of air service agreements and grant appropriate rights and operational flexibility so as to promote the development of these air cargo services, including those enabling e-commerce; ***[Updated to reflect the market trend]***
8. *Urges* Member States, in dealing with the issues related to slot allocation and night flight restrictions, to give due consideration to the needs and concerns of other States and make every effort to resolve any concerns through consultation between the parties concerned, in a transparent and non-discriminatory manner, and to respect and follow the ICAO Balanced Approach principle in regulatory action on aircraft noise management at airports;
9. *Urges* Member States and concerned stakeholders to give regard to, and apply, the ICAO high-level, non-binding, non-prescriptive core principles on consumer protection in policy-making and regulatory and operational practices, including in case of massive airport and airline disruptions, and to keep ICAO informed of the experiences gained or issues encountered in their application; ***[Updated to reflect the recent Council decision]***
10. *Encourages* Member States to continue to make use of and benefit from the ICAO Air Services Negotiation (ICAN) facility, which facilitates and improves the efficiency of their air services negotiations and consultations; ***[Editorial]***

11. *Requests* the Council to undertake further work to build a better understanding of the benefits and challenges of liberalization and barriers to opening market access, both in terms of passenger and cargo services, and, in particular, to identify assistance required by Member States in pursuing liberalization; *[New text to reflect A40-WP/16-EC/1]*

~~11-12.~~ *Requests* the Council to ~~complete the examination of an international agreement by which States could liberalize market access, and continue the development of an international agreement to liberalize air carrier ownership and control and a specific international agreement to facilitate further liberalization of air cargo services,~~ continue to enhance dialogue and exchange of information with Member States and industry, taking into account the goals of the *ICAO Long-term Vision for International Air Transport Liberalization*, ~~and~~ concerning the past experience and achievements of States, including existing market access liberalization agreements concluded at bilateral, regional and multilateral levels, as well as the applicability and relevance of the existing multilateral air law treaties ~~the various proposals presented during the Sixth Worldwide Air Transport Conference (ATConf/6);~~ *[Updated to reflect A40-WP/16-EC/1]*

12-13. *Requests* the Council to continue to cooperate with regional and subregional bodies in the examination and development of measures of cooperation, including liberalized arrangements, and the results of these measures, in order to see whether similar or other measures should at the appropriate time be recommended to Member States for application on a wider basis; and

13-14. *Requests* the Council to continue the comparative and analytical study of the policies and practices of Member States in the regulation of international air transport, including the provisions of air services agreements, and to share such information with Member States.

## **Section II. Air carrier ownership and control**

*Whereas* the strict application of the criterion of substantial ownership and effective control for the authorization of an airline to exercise route and other air transport rights could deny many States a fair and equal opportunity to operate international air services and to optimize the benefits to be derived therefrom;

*Whereas* airline designation and authorization for market access should be liberalized at each State's pace and discretion progressively, flexibly and with effective regulatory control in particular regarding safety and security;

*Whereas* the broadening or the flexible application of the criteria for airline designation and authorization could help create an operating environment in which international air transport may develop and flourish in a stable, efficient and economical manner, and contribute to the participation objectives of States in the liberalization process, without prejudice to States' obligations for aviation safety and security; and

*Whereas* the realization of developmental objectives among States is increasingly being promoted by cooperative arrangements in the form of regional economic groupings and functional cooperation symbolic of the affinity and community of interest;

*The Assembly:*

1. *Urges* Member States to continue to liberalize air carrier ownership and control, according to needs and circumstances, through various existing measures such as waivers of ownership and control restrictions in bilateral air services agreements or designation provisions recognizing the concept of community of interest within regional or subregional economic groupings, and those recommended by ICAO;
2. *Urges* Member States to accept such designations and allow such airlines to exercise the route rights and other air transport rights of a State or States, in particular developing States, within the same grouping, under mutually acceptable terms and conditions including air transport agreements negotiated or to be negotiated by the parties concerned;
3. *Urges* Member States to recognize the concept of community of interest within regional or subregional economic groupings as a valid basis for the designation by one State or States of an airline of another State or States within the same regional economic grouping where such airline is substantially owned and effectively controlled by such other State or States or its or their nationals;
4. *Urges* Member States to give consideration to the use of alternative criteria for airline designation and authorization, including those developed by ICAO, and to adopt a flexible and positive approach to accommodate other States in efforts to liberalize air carrier ownership and control without compromising safety and security;
5. *Invites* Member States with experience in various forms of joint operation of international air services to submit to the Council, on a continuing basis, information concerning their experience, so that the Organization may have information that might be of assistance to Member States;
6. *Requests* the Council, ~~when approached,~~ to continue the development of the Convention on Foreign Investment in Airlines, which aims to liberalize air carrier ownership and control on a multilateral basis ~~render all feasible assistance to Member States wishing to enter regional or subregional economic groupings with respect to the operation of international air services;~~ and *[Updated to reflect A40-WP/16-EC/1 with removal of obsolete text]*
7. *Requests* the Council to give assistance, when approached, to Member States that take the initiative in developing cooperative arrangements for the joint ownership and operation of international air services, directly among themselves or whose airlines develop such arrangements, and to promptly circulate to States information concerning such cooperative arrangements.

### **Section III. Cooperation in regulatory arrangements and competition**

*Whereas* certain economic, financial and operational constraints unilaterally introduced at the national level affect the stability of, and tend to create unfair discriminatory trading practices in, international air transport and might be incompatible with the basic principles of the Convention and the orderly and harmonious development of international air transport; and

*Whereas* the Organization has developed policy guidance for States to foster harmonization and compatibility of regulatory approaches and practices for international air transport, including on competition matters;

*The Assembly:*

1. *Urges* Member States to take into consideration that fair competition is an important general principle in the operation of international air transport services;
2. *Urges* Member States to develop competition laws and policies that apply to air transport, taking into account national sovereignty and to consider ICAO guidance on competition;
3. *Urges* Member States to encourage cooperation among regional and/or national competition authorities when dealing with matters relating to international air transport, including in the context of approval of alliances and mergers;
4. *Encourages* Member States to incorporate the basic principles of fair and equal opportunity to compete, non-discrimination, transparency, harmonization, compatibility and cooperation set out in the Convention and embodied in ICAO's policies and guidance in national legislation, rules and regulations, and in air services agreements;
5. *Requests* the Council to develop tools such as an exchange forum to enhance cooperation, dialogue and exchange of information on fair competition between States with a view to promoting compatible regulatory approaches towards international air transport; and
6. *Requests* the Council to continue to monitor developments in the area of competition in international air transport and update, as necessary, its policies and guidance on fair competition.

#### **Section IV. Trade in services**

*Whereas* the General Agreement on Trade in Services (GATS) adopted by the World Trade Organization (WTO) has included certain aspects of international air transport; and

*Whereas* ICAO has actively promoted an understanding by all parties concerned of the provisions of the *Convention on International Civil Aviation* and of the particular mandate and role of ICAO in international air transport;

*The Assembly:*

1. *Reaffirms* the need for ICAO to continue to explore future regulatory arrangements and develop recommendations and proposals to meet the challenges facing international air transport, responding to the internal and external changes affecting it;
2. *Recognizes* that such arrangements should create an environment in which international air transport may develop and continue to flourish in an orderly, efficient and economical manner without compromising safety and security, while ensuring the interests of all Member States and their effective and sustained participation in international air transport;
3. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport;
4. *Urges* Member States that participate in trade negotiations, agreements and arrangements relating to international air transport to:

- a) ensure internal coordination in national administrations and, in particular, the direct involvement of aeronautical authorities and the aviation industry in the negotiations;
- b) ensure that representatives are fully aware of the provisions of the *Convention on International Civil Aviation*, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements;
- c) take into account rights and obligations vis-à-vis those of ICAO Member States which are not members of the WTO;
- d) examine carefully the implications of any proposed inclusion of an additional air transport service or activity in the GATS, bearing in mind, in particular, the close linkage between economic, environmental, safety and security aspects of international air transport; *[Editorial]*
- e) promote a full understanding of the role and mandate of ICAO in developing policy guidance on economic regulation, including liberalization of international air transport, and consider using this guidance; and
- f) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the GATS;

5. *Requests* the WTO, its Member States and Observers to accord due consideration to:

- a) the particular regulatory structures and arrangements of international air transport and the liberalization taking place at the bilateral, subregional and regional levels;
- b) ICAO's constitutional responsibility for international air transport and, in particular, for its safety and security; and
- c) ICAO's existing policy and guidance material on the economic regulation of international air transport and its continued work in the field; and

6. *Requests* the Council to:

- a) continue to exert a global leadership role in facilitating and coordinating the process of economic liberalization while ensuring safety, security and environmental protection in international air transport;
- b) pursue in a proactive manner developments in trade in services that might impinge on international air transport and inform Member States accordingly; and
- c) promote continued effective communication, cooperation and coordination between ICAO, the WTO, and other intergovernmental and non-governmental organizations dealing with trade in services.

## APPENDIX B

### Taxation

*Whereas* the imposition of taxes on international air transport, such as on aircraft, fuel, and consumable technical supplies, on the income of international air transport enterprises, and on the sale or use of such services, may have an adverse economic and competitive impact on international air transport operations;

*Whereas* ICAO's *Policies on Taxation in the Field of International Air Transport* as contained in Doc 8632 make a conceptual distinction between a charge and a tax in that "a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis";

*Whereas* it is a matter of great concern that taxes are increasingly being imposed by some Member States in respect of certain aspects of international air transport and that levies imposed on air traffic, several of which can be categorized as taxes on the sale or use of international air transport, are proliferating;

*Whereas* the matter of aircraft engine emission-related levies is addressed in Assembly Resolution ~~A39-1~~ A40-xx, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H, *Aviation impact on local air quality*); and **[Editorial]**

*Whereas* the ICAO policies on taxation in Doc 8632 supplement Article 24 of the Convention and are designed to recognize the nature of international civil aviation and the need to accord tax-exempt status to certain aspects of the operations of international air transport;

*The Assembly:*

1. *Urges* Member States to follow the *ICAO's Policies on Taxation in the Field of International Air Transport* as contained in Doc 8632, and to avoid imposing discriminatory taxes on international aviation;
2. *Urges* Member States to avoid double taxation in the field of air transport; and
3. *Requests* the Council to continue to promote ICAO's policies on taxation, monitor developments, and update its policies as required.

## APPENDIX C

### Airports and air navigation services economics *[Editorial]*

#### Section I. Charging policy

*Whereas* Article 15 of the Convention establishes the basis for the application and disclosure of charges for airports and air navigation services;

*Whereas* ICAO's *Policies on Charges for Airports and Air Navigation Services* as contained in Doc 9082 make a conceptual distinction between a charge and a tax in that "a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis";

*Whereas* the matter of aircraft engine emission-related levies and market-based measures is addressed separately in Assembly Resolution ~~A39-1~~ A40-xx, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H, *Aviation impact on local air quality*), and in Assembly Resolution ~~A39-2~~ A40-xx, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*; *[Editorial]*

*Whereas* the Council has been directed to formulate recommendations for the guidance of Member States with regard to the principles on which providers of airports and air navigation services for international civil aviation may charge to recover the costs of their provision and derive other reasonable revenue therefrom, and with regard to the methods that may be employed to that effect; ~~and~~ *[Editorial]*

~~*Whereas* the development of air transport infrastructure and the global plan for Aviation System Block Upgrades (ASBUs) requires necessary business case justification to secure funding and financing to support implementation;~~ *[Moving to Section II in page A-12]*

*Whereas* Member States have called on the Organization to provide advice and guidance aimed at promoting equitable recovery of airport and air navigation services costs consistent with ICAO's policies while maintaining a balance between the respective financial interests of providers of airports and air navigation services on the one hand and air carriers and other users on the other; ~~and~~ *[Two whereas paragraphs of Section II in pages A-12 were moved here and combined into one paragraph with clarification]*

*Whereas* the Council has adopted policy guidance on the allocation of Global Navigation Satellite System (GNSS) costs to ensure an equitable treatment of all users who can actually derive benefits from GNSS services; *[Moved from Section II in page A-12 with clarification]*

*The Assembly:*

1. *Urges* Member States to ensure that Article 15 of the Convention is fully respected;

2. *Urges* Member States to base the recovery of the costs of the airports and air navigation services they provide or share in providing for international civil aviation on the principles set forth in Article 15 of the Convention and ICAO's policies as contained in Doc 9082, ~~ICAO's Policies on Charges for Airports and Air Navigation Services~~, regardless of the organizational structure under which the airports and air navigation services are operated; *[Editorial]*
3. *Urges* Member States to ensure that airport and air navigation services charges are applied towards defraying the costs of providing facilities and services for civil aviation;
4. *Urges* Member States to make every effort pursuant to Article 15 of the Convention to publish and communicate to the Organization any charges that may be imposed or permitted to be imposed by a Member State for the use of air navigation facilities and airports by the aircraft of any other Member State;
5. *Urges* Member States to adopt the principles of non-discrimination, cost-relatedness, transparency and consultation, as set out in Doc 9082, in national legislation, regulation or policies, as well as in air services agreements, to ensure compliance by airports and air navigation services providers;
6. *Urges* Member States to ensure that the current ICAO policies for cost recovery of security measures and functions at airports and by air navigation services providers, as set out in Doc 9082, are implemented so that security user charges are reasonable, cost-effective and foster harmonization worldwide; ~~and~~ *[Editorial]*
7. *Urges* Member States to cooperate in the recovery of costs of multinational air navigation facilities and services and to consider the use of the ICAO policy guidance on the allocation of GNSS costs; *[Moved from paragraph 4, Section II in pages A-13] Requests the Council to continue to develop or refine, as required, guidance on funding of air transport infrastructure, appropriate oversight functions and financing of the air transport system, including mechanisms to support operational improvements as described in the ASBU modules. [Moving to paragraph 6, Section II in page A-13 except "oversight functions" part to paragraph 9, Section I in page A-11]*
8. *Requests* the Council to continue to update, as required, ICAO's policies on user charges and related guidance material with a view to contributing to increased efficiency and improved cost-effectiveness in the provision and operation of airports and air navigation services and a sound cooperation between providers and users; *[Moved from paragraph 5, Section II in page A-13 with small edits]*
9. *Requests* the Council to continue to update, as required, guidance on funding of appropriate oversight functions and on the allocation of GNSS costs, as well as to address the cost recovery for provision of aeronautical meteorological (MET) service for international civil aviation; and *[Moved from paragraph 6, Section II in page A-13 (with removal of obsolete text) and from paragraph 7, Section I in page A-11; Text on MET cost recovery was added to reflect work by ANC/ATC]*
10. *Requests* the Council to continue to promote ICAO's policies on user charges and related guidance material in order to increase the awareness of, and implementation by, Member States and their airports and air navigation services entities. *[Moved from paragraph 7, Section II in page A-13]*

**Section II. ~~Economics and management of aviation~~ Aviation infrastructure management and financing** *[Updated to reflect the contents in this section]*

~~Whereas the global costs of providing airports and air navigation services may continue to rise in order to handle growing volumes of traffic; [Obsolete text]~~

Whereas Member States are placing increased emphasis on improving efficiency and cost-effectiveness in the provision of airports and air navigation services;

~~Whereas a balance should be maintained between the respective financial interests of providers of airports and air navigation services on the one hand and air carriers and other users on the other and which should be based on promoting cooperation between providers and users; [Moving to Section I in page A-10 by combining with the whereas paragraph below]~~

~~Whereas Member States have called on the Organization to provide advice and guidance aimed at promoting equitable recovery of airport and air navigation services costs; [Moving to Section I in page A-10 by combining with the whereas paragraph above]~~

Whereas Member States are increasingly assigning the operation of airports and air navigation services to commercialized and privatized entities, which may have less awareness and knowledge of States' obligations specified in the Convention and its Annexes and of ICAO's policies and guidance material in the economic field, and are using multinational facilities and services to meet the commitments they have assumed under Article 28 of the Convention; ~~and~~ [Editorial]

Recognizing the need to make substantial investments over the long term in the development and modernization of quality aviation infrastructure commensurate with the level of predicted traffic growth, including the future needs of new entrants; [New text to reflect A40-WP/17-EC/2]

Whereas the aviation industry has been paying for a vast majority of its own infrastructure costs, rather than being financed through taxation, public investment or subsidies [New text to reflect A40-WP/17-EC/2] ~~Council has adopted policy guidance on the allocation of Global Navigation Satellite System (GNSS) costs to ensure an equitable treatment of all users; [Moving to Section I in page A-10]~~

Whereas the development of air transport infrastructure and the global plan for Aviation System Block Upgrades (ASBUs) requires necessary business case justification to secure funding and financing to support implementation; and [Moved from Section I in page A-10]

Recalling that the *Declaration and Framework for a Plan of Action for Development of Aviation Infrastructure in Africa* was adopted within the framework of the Lomé Plan of Action (2017-2019) of the African Union at the Third ICAO World Aviation Forum (IWAF/3) in Abuja, Nigeria in November 2017; [New text to reflect A40-WP/17-EC/2]

*The Assembly:*

1. *Reminds* Member States that with regard to airports and air navigation services they remain responsible for the commitments they have assumed under Article 28 of the Convention, regardless of what entity or entities operate the airports or air navigation services concerned;
2. *Encourages* Member States to consider the establishment of autonomous entities to operate airports and air navigation services providers, taking into account economic viability as well as the interests of the users and other interested parties;

3. ~~Urges Member States to promote quality air navigation services performance through~~ establish good governance, for example, the creation of enabling institutional, legal and regulatory frameworks, the use of a data-driven approach, and the cooperation and compatible decision-making among transport authorities and other ministries in charge of related portfolios, which can provide a strong impetus to boost investment in aviation infrastructure; *[New text to reflect A40-WP/17-EC/2]*
4. ~~Urges Member States to develop national and/or regional aviation infrastructure programmes and plans, which should be aligned and integrated with an appropriately-balanced development of transport modes, linked with national and/or regional development frameworks and strategies, and harmonized with the international economic and financial frameworks [ditto] cooperate in the recovery of costs of multinational air navigation facilities and services and to consider the use of the ICAO policy guidance on the allocation of GNSS costs; [Moving to paragraph 7, Section I in page A-11]~~
5. ~~Encourages Member States to establish a transparent, stable and predictable investment climate to support aviation infrastructure development, for example, by engaging stakeholders, diversifying funding sources and elevating the role of private sector, including through private investment, business reform, private finance initiatives, public-private partnership and various incentive schemes [New text to reflect A40-WP/17-EC/2] Requests the Council to continue to develop ICAO's policy and guidance material with a view to contributing to increased efficiency and improved cost effectiveness in the provision and operation of airports and air navigation services, including the foundation for a sound cooperation between providers and users; [Moving to paragraph 8, Section I in page A-11 with small edits]~~
6. ~~Requests the Council to continue to develop and update, as required, guidance and tools on financing for the development and modernization of quality aviation infrastructure, including mechanisms to support operational improvements as described in the ASBU modules; [Moved from paragraph 7, Section I in page A-11] Requests the Council to continue, as required, refinement of its policy guidance on the allocation of GNSS costs and the coordination of technical, legal and economic aspects, including cost-efficient interoperability; and [Moving to paragraph 9, Section I in page A-11 with removal of obsolete text]~~
7. ~~Requests the Council to continue to conduct and support relevant follow up work to implement the Declaration and Framework for a Plan of Action for Development of Aviation Infrastructure in Africa under existing arrangements, especially under the ICAO Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan) [New text to reflect A40-WP/17-EC/2] promote ICAO's policies on user charges and related guidance material in order to increase the awareness of, and implementation by, Member States and their airports and air navigation services entities. [Moving to paragraph 10, Section I in page A-11]~~

## APPENDIX D

### Aviation data and statistics

Whereas ICAO's Aviation Data and Statistics Programme provides an independent and global foundation for the purpose of fostering the planning and sustainable development of international air transport;

*Whereas* each Member State has undertaken that its international airlines shall file the data and statistics requested by the Council in accordance with Article 67 of the Convention;

*Whereas* the Council has ~~also~~ laid down requirements for data and statistics on domestic airline operations, international airports, and international route facilities, pursuant to Articles 54 and 55 of the Convention; **[Editorial]**

*Whereas* the Council has **also** laid down requirements for data and statistics collection on civil aircraft on register pursuant to Article 21 of the Convention; **[Editorial]**

*Whereas* there is a need for the Organization to collect data and statistics from States on annual aviation fuel consumption to monitor and report the potential impact of economic measures linked to the operational aspects of the international aviation services and related infrastructure;

*Whereas* the Council has adopted a policy of management by objective which requires collection of pertinent data, statistics and analysis to measure the performance of the Organization as a whole and of its constituent parts in meeting the Strategic Objectives of the Organization;

*Whereas* cooperation amongst international organizations active in the area of collection and distribution of aviation data and statistics may enable expansion of scope, coverage and quality of data, avoidance of duplication of efforts and reduction in the burden on States;

*Whereas* ICAO's role in processing and disseminating aviation data and statistics allows States to use it as a significant tool for the safe and orderly growth of international civil aviation services that are operated soundly and economically; ~~and~~

**Recognizing** that aviation data analytics is under transformation with velocity and quantity of data growing and new technologies evolving to analyze such data; and **[New text to reflect A40-WP/19-EC/4]**

**Recognizing** that ~~Whereas~~ ICAO has continued its effort to make the processes involving aviation data and statistics efficient and effective through the development of a set of electronic tools and to build expertise on emerging technologies to leverage big data potential in order to ~~answer to~~ meet the evolving needs of Member States; **[ditto]**

*The Assembly:*

1. *Urges* Member States to nominate focal points for aviation data and statistics, and to make every effort to provide it to ICAO on time and electronically whenever possible;
2. *Encourages* Member States to use the available electronic tools when providing and accessing aviation data and statistics ~~and actively participate in the development of such tools by providing support and by sharing relevant knowledge and experience;~~ **[Obsolete text]**
3. *Requests* the Council, calling on national experts in the relevant disciplines as required, to examine on a regular basis the data and statistics, **including big data**, collected by ICAO in order to meet more effectively the needs of the Organization and its Member States, ~~and~~ to establish the necessary metrics to monitor the performance of the Organization in meeting its Strategic Objectives, ~~and~~ to improve the uniformity of the data and statistics, ~~the completeness and timeliness of reporting by Member States,~~ and the ~~form and~~ content of analyses; and **[Updated to reflect A40-WP/19-EC/4]**

4. *Requests* the Council to:
- a) continue to explore ways of closer cooperation with the United Nations (UN), its agencies and other international organizations in the collection and distribution of aviation data, statistics and analysis, including big data as required; *[ditto]*
  - b) make arrangements, on an appropriate basis, for assistance to be given upon request to Member States by ICAO for the improvement of aviation data, statistics and analysis and statistical reporting to the Organization;
  - c) continue to collect, process and analyze aviation data, including big data, while ensuring the ~~develop a process by which to enable~~ harmonization of aviation data and statistics from different sources in order to facilitate the provision of accurate, reliable and consistent data required for informed decision-making by States; and *[ditto]*
  - d) disseminate and share with Member States aviation data that are of common interest in the air transport field ~~create, host, and manage a platform where the aviation community can share and promote its data, statistics and electronic tools~~ in accordance with the principles and provisions as contained in the Convention and relevant decisions of the Organization. *[ditto]*

## APPENDIX E

### Forecasting, planning and economic analyses

#### Section I. Forecasting and planning

*Whereas* Member States require global and regional forecasts of future civil aviation developments for various planning and implementation purposes;

*Whereas* the Council, in carrying out its continuing functions in the air transport economic field, must foresee future developments likely to require action by the Organization and must initiate such action in good time; and *[Editorial]*

~~*Whereas* the Organization has to regularly assess its performance against its Strategic Objectives with particular focus on safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport and environmental protection; and *[Editorial to remove redundancy]*~~

*Whereas* the Organization requires specific forecasts for airports and air navigation systems planning and environmental monitoring and planning purposes;

*The Assembly:*

1. *Requests* the Council to develop and update forecasts of future trends and developments in civil aviation, and to make these available to Member States;

2. *Requests* the Council to ~~develop and~~ continue to update one single set of long-term traffic forecast, from which customized or more detailed forecasts can be produced for various purposes, such as air navigation systems planning and environmental analysis; and *[Updated to reflect A40-WP/20-EC/5]*
3. *Requests* the Council to keep improving the accuracy of forecasts through the refinement of forecasting methodologies and ~~use of big data procedures reviewed and improved.~~ *[ditto]*

## **Section II. Economic analysis**

*Whereas* there is a continuing interest among Member States, international organizations, financial institutions, as well as aviation, tourism, and trade industries, in the economic analysis of air transport, including aviation's contribution to global, regional and national economies;

*Whereas* there is an acute shortage of reliable economic information on the increasingly important role of aviation in national economies worldwide; *[Editorial]*

*Whereas* the economic studies conducted by ICAO on international air transport costs and revenues have promoted neutrality and have resulted in a more equitable system of revenue sharing of airlines; and

*Whereas* ICAO requires economic analyses to assist the Council in assessment of the effectiveness of measures proposed for the implementation of the Strategic Objectives of the Organization, and for environmental planning, investment studies and other purposes;

*The Assembly:*

1. *Requests* the Council to ~~instruct the Secretary General to~~ finalize the Aviation Satellite Account (ASA) ~~develop a~~ methodological framework and validate the reconciliation of various data to measure a direct impact for ~~the economic measurement~~ of aviation activity on national economy in line with the System of National Accounts, including aviation's contribution to Gross Domestic Product (GDP), the number of jobs created by aviation, aviation consumption, and the impact of aviation on balance of payments; *[Updated to reflect A40-WP/21-EC/6]*
2. *Requests* the Council to ~~instruct the Secretary General to~~ issue periodically a study on regional differences in the level of international air transport operating costs, analysing how differences in operations and input prices may affect their levels and the impact that changes in costs may have on air transport tariffs; *[Editorial]*
3. *Requests* the Council to develop methodologies and procedures for the ~~assessment~~ measurement of indirect and induced economic impacts of ~~new measures~~ aviation activity on national economy, and guidance on business case, ~~the analyses of~~ cost-benefit analysis, economic impact analysis and ~~or~~ cost-effectiveness analysis, ~~and the development of business cases~~ to meet the needs of the Organization, the regional air navigation planning groups, and other activities of the Organization; and *[Updated to reflect A40-WP/18-EC/3 and A40-WP/21-EC/6]*
4. *Requests* the Council to monitor developments, conduct studies on major issues of global importance, and share its analyses with States, international organizations and the industry.

**Section III. Air mail**

*Whereas* air mail is an integral component of international air transport, which is increasingly affected by e-commerce;

*The Assembly:*

1. *Urges* Member States to take into account the effects on international civil aviation whenever policy is being formulated in the field of international air mail, and particularly at meetings of the Universal Postal Union (UPU); and
2. *Directs* the Secretary General to furnish to the UPU, on request and as stipulated in relevant cooperation arrangements between UPU and ICAO, information of a factual character which may be readily available.

— END —