



WORKING PAPER

LEGAL COMMITTEE – 33RD SESSION

(Montréal, 21 April – 2 May 2008)

Agenda Item 4: Consideration of other items on the General Work Programme of the Legal Committee

CONSIDERATION, WITH REGARD TO CNS/ATM SYSTEMS, INCLUDING GLOBAL NAVIGATION SATELLITE SYSTEMS (GNSS) AND THE REGIONAL MULTINATIONAL ORGANISMS, OF THE ESTABLISHMENT OF A LEGAL FRAMEWORK

(Presented by the Secretariat)

1. INTRODUCTION

1.1 The Item No. 3 of the General Work Programme of the Legal Committee is “Consideration, with regard to CNS/ATM systems, including global navigation satellite system (GNSS) and the regional multinational organism, of the establishment of a legal framework”. This working paper reports on the development of the work under this item since the 32nd Session of the Legal Committee.

2. DEVELOPMENT OF THE WORK SINCE THE 32ND SESSION OF THE LEGAL COMMITTEE

2.1 On the basis of the work of the Secretariat Study Group on Legal Aspects of CNS/ATM Systems, the 35th Session of the Assembly adopted in September/October 2004 Resolution A35-3: *A Practical Way Forward on Legal and Institutional Aspects of Communications, Navigation, Surveillance/Air Traffic Management (CNS/ATM) Systems*. The Resolution invites Contracting States, *inter alia*, to consider using regional organizations to develop mechanisms necessary to address any legal and institutional issues that could inhibit the implementation of CNS/ATM in the region, while ensuring that such mechanisms will be consistent with the Chicago Convention, and public international law. In September 2007, the Legal Commission of the 36th Session of the Assembly agreed to modify Item No.3 of the General Work Programme of the Legal Committee to include the regional multinational organisms in the consideration of a legal framework. EUROCONTROL, on behalf of the Members of the European Civil Aviation Conference (ECAC), apprised the Assembly of the progress made in implementing Resolution A35-3. It highlighted the importance of the contractual framework for addressing the legal and institutional issues of GNSS at the regional level and stated that the model developed at the European level would constitute a flexible and easily applied tool which would be able to accommodate the specific demands of the various regions. It informed the Assembly that the ECAC contractual framework had received recognition within Europe and that it would soon be offered to ICAO for scrutiny or even validation. The crucial issue of liability would be addressed in the contractual framework. The Legal Commission noted its understanding that once a model of a regional legal framework is developed by the Members of ECAC, such model could be distributed through ICAO to its Member States, and interested

States may use the information as guidance material to develop their own regional legal framework as appropriate.

3. **ACTION BY THE LEGAL COMMITTEE**

3.1 The Committee is invited to note this working paper.

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