



WORKING PAPER

LEGAL COMMITTEE – 33RD SESSION

(Montréal, 21 April – 2 May 2008)

Agenda Item 5: Review of the General Work Programme of the Legal Committee

(Presented by the Secretariat)

1. DEVELOPMENTS IN THE WORK PROGRAMME FOLLOWING THE 32ND SESSION OF THE LEGAL COMMITTEE

1.1 According to the Constitution of the Legal Committee (Resolution A7-5) and Rule 8 of the *Rules of Procedure of the Legal Committee* (Doc 7669-139/5), the Legal Committee establishes and maintains, subject to the approval of the Council, a general programme of work which includes subjects proposed by the Committee itself; in addition it shall also include any subjects proposed or decided by the Assembly or the Council.

1.2 At its 32nd Session held in Montreal from 15 to 21 March 2004, the Legal Committee established the General Work Programme as follows:

- 1) Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), of the establishment of a legal framework;
- 2) Acts or offences of concern to the international aviation community and not covered by existing air law instruments;
- 3) Consideration of the modernization of the *Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface*, signed at Rome on 7 October 1952;
- 4) International interests in mobile equipment (aircraft equipment);
- 5) Review of the question of the ratification of international air law instruments; and
- 6) *United Nations Convention on the Law of the Sea* – Implications, if any, for the application of the Chicago Convention, its Annexes and other international air law instruments.

2 ASSEMBLY – 35TH SESSION

2.1 Following its deliberations, the 35th Session of the Assembly (28 September to 8 October 2004) decided to raise the priority of the item dealing with the modernization of the Rome Convention from No. 3 to No. 2.

3. SUBSEQUENT ACTION BY THE COUNCIL

3.1 At the twelfth meeting of its 176th Session, on 29 November 2005, the Council decided to change the order of priority of the first three items on the Work Programme. On account of the fact that work had been progressing with regard to the modernization of the 1952 Rome Convention, item 2) was assigned priority number 1), and the sequence of priority between hitherto items 1) and 3) was changed so that the item dealing with CNS/ATM systems was placed as new item 3), while the item dealing with acts and offences of concern was assigned priority number 2).

3.2 In order to better reflect the work that was being done in relation to item 1) of the General Work Programme, the Council, on 6 December 2006, decided to amend the said item to read, "Compensation for damage caused by aircraft to third parties arising from acts of unlawful interference or from general risks".

4. ASSEMBLY — 36TH SESSION (18 TO 28 SEPTEMBER 2007)

4.1 The Assembly left unchanged the priority of the items on the Work Programme but decided to modify the wording of Item No. 3 of the General Work Programme (dealing with the GNSS legal framework), as set out below in paragraph 4.2 of the working paper.

4.2 Following the subsequent endorsement of the General Work Programme of the Legal Committee by the Council on 7 December 2007, the General Work Programme, in the order of priority of items, stands presently as follows:

- 1) Compensation for damage caused by aircraft to third parties arising from acts of unlawful interference or from general risks;
- 2) Acts or offences of concern to the international aviation community and not covered by existing air law instruments;
- 3) 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;
- 4) International interests in mobile equipment (aircraft equipment);
- 5) Review of the question of the ratification of international air law instruments; and
- 6) *United Nations Convention on the Law of the Sea* – Implications, if any, for the application of the Chicago Convention, its Annexes and other international air law instruments.

5. ACTION BY THE COMMITTEE

5.1 The Committee is invited to determine its General Work Programme, with an indication of priority of items, for submission to the Council for approval.