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INTERNATIONAL CIVIL AVIATION ORGANIZATION

ASSEMBLY - 32ND SESSION

ECONOMIC COMMISSION

Agenda Item 33: Assembly resolutions to be consolidated or to be declared no longer in force

CONSOLIDATION OF ASSEMBLY RESOLUTIONS IN THE AIR TRANSPORT FIELD

SUMMARY

In this paper the Council presents a draft resolution on continuing policies in the air transport field, consolidating, streamlining and updating 32 existing resolutions. In paragraph 4.1 the Assembly is invited to adopt the draft resolution, which appears in Attachment I.

REFERENCES

Doc 9656, A31-EC

Doc 9662, *Assembly Resolutions in Force (as of 4 October 1995)*

1. INTRODUCTION

1.1 The 29th Session of the Assembly endorsed a Strategic Action Plan proposal for "a substantive review of all Assembly Resolutions in Force with a view to assessing their continuing relevance, to streamlining and to clarifying the current and future roles and activities of the Organization". During the subsequent triennium, the Council reviewed existing consolidated statements of policy for various technical areas and prepared consolidated statements of policy for the legal field, for CNS/ATM and for environmental protection, all of which were adopted by the 31st Session of the Assembly. In the case of the remaining subject area, air transport, the Council reported progress to the 31st Session, which endorsed the approach being taken and indicated support for the work proceeding at an early date.

1.2 This work has now been completed and a draft Assembly Resolution on a Consolidated Statement of Continuing ICAO Policies in the Air Transport Field is presented in this paper for consideration and adoption by the Assembly.

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2. CONTENT AND STRUCTURE OF CONSOLIDATED STATEMENT

2.1 Consolidation of Assembly resolutions in the air transport field was felt to be of particular value because there are presently no less than 32 resolutions in total, including resolutions dating back to the Second Session of the Assembly, a large number of outdated elements, considerable overlap, and a number of current elements in the work programme not encompassed by any resolution. Consolidation would provide an effective means of keeping air transport policies of the Organization focused and up-to-date, as well as to facilitate consideration of policies in relation to the Programme Budget and *vice-versa*.

2.2 The consolidation was carried out in two phases. In the first phase, the Secretariat consolidated the existing resolutions, making a number of editorial or factual changes to the text for purposes of accuracy, updating or alignment with other text, and adding some new material to reflect current policy or practice, but making no changes of a policy nature. In the second phase, a working group of the Air Transport Committee was established to review the Secretariat's text with a view to streamlining or reducing expressions of administration or long-established and accepted procedures and to confining the consolidated statement, which in the Secretariat draft covered both policies and practices in the air transport field, to policy matters only.

2.3 The resulting draft Resolution, which was reviewed by the Air Transport Committee and the Council on two occasions, when it was first presented in 1996 and when it was finalized for presentation to the Assembly in 1998, appears as **Attachment I** to this paper. The draft consists of introductory material and eight appendices which together comprise a draft consolidated statement of continuing policies in the air transport field, structured as follows:

- Introduction
- Appendix A – Economic Regulation
- Appendix B – Statistics
- Appendix C – Forecasting and Economic Planning
- Appendix D – Facilitation
- Appendix E – Taxation
- Appendix F – Airports and Air Navigation Services
- Appendix G – Air Carrier Economics
- Appendix H – Air Mail.

2.4 For ease of consideration, the original source of each Whereas or Resolving clause is identified in the right hand column. Furthermore, **Attachment II** to this paper identifies the disposition of Resolving clauses from existing Assembly resolutions, following the sequence of resolutions in Part III – Air Transport of Doc 9662, *Assembly Resolutions in Force* (as of 4 October 1995). However, neither the right hand column of Attachment I nor Attachment II form part of the consolidated resolution and they would not therefore be included in subsequent editions of Doc 9662.

3. PROCEDURE FOR EVALUATION

3.1 The Council believes that the draft consolidated air transport resolution in Attachment I represents a substantial step forward in making the Organization's policies in the air transport field more orderly, transparent and comprehensible without detracting from their content. The single draft replaces 32 resolutions and the volume of words represents a 50 per cent reduction from the relevant existing text in Doc 9662.

3.2 The Assembly may therefore wish to review and endorse the text in Attachment I¹ with a view to its adoption. Once the new resolution has taken its place in subsequent editions of Doc 9662, the consolidated statement will be comprehensively reviewed prior to each regular session of the Assembly and the need for updating or other change brought to the attention of the Assembly.

4. ACTION BY THE ASSEMBLY

4.1 The Assembly is invited to review, amend as required, and adopt the draft Assembly Resolution on a Consolidated Statement of Continuing ICAO Policies in the Air Transport Field which appears in Attachment I.

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¹The text in Appendix A of Attachment I on Computer reservation systems (Section III) and on Trade in services (Section IV), and the text of Appendix E of Attachment I on Taxation, will be considered initially through separate working papers under Agenda Item 31: Regulation of international air transport services and Agenda Item 32: Taxation of international air transport; any amendments made at that time will be carried forward.

ATTACHMENT I

**DRAFT ASSEMBLY RESOLUTION ON A CONSOLIDATED STATEMENT
OF CONTINUING ICAO POLICIES IN THE AIR TRANSPORT FIELD**

Resolution 33/**Consolidated statement of continuing ICAO policies in the air transport field****Sources****Introduction**

Whereas it is considered desirable to consolidate Assembly Resolutions on ICAO's policies in the air transport field in order to facilitate their implementation and practical application by making their text more readily available, clearly understandable and logically organized;

New, modelled on A31-11

Whereas the *Convention* establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly and harmonious 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;

A24-14, first *Whereas* clause
A24-12, first *Whereas* clause

Whereas air transport is a major factor in promoting and fostering sustained economic development at national as well as international level;

New, ex Council Statements
in Doc 9082/5, para. 9

Whereas it is becoming increasingly difficult, particularly for developing countries, to secure the necessary resources for the development of air transport;

A22-24, first *Whereas* clause

Whereas the Organization prepares guidance, studies and statistics on the development of air transport for Contracting States on a continuing basis and this should be disseminated to Contracting States through the most effective means;

New

Whereas Contracting States are required to provide accurate and factual statistical data and other information in order that the Organization may prepare this guidance and these studies and statistics; and

A4-19, second, third and
fourth *Whereas* clauses
combined and expanded

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

New, based on A31-5,
Appendix T (air navigation)

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, up to date as these policies exist at the close of the 32nd Session of the Assembly:

Appendix A – Economic Regulation
 Appendix B – Statistics
 Appendix C – Forecasting and Economic Planning
 Appendix D – Facilitation
 Appendix E – Taxation
 Appendix F – Airports and Air Navigation Services
 Appendix G – Air Carrier Economics
 Appendix H – Air Mail

New, modelled on A31-11, clause 1
2. *Requests* the Council to keep the consolidated statement of continuing ICAO policies under review and advise the Assembly as appropriate when changes are needed to the statement;

New
3. *Urges* Contracting States to have regard to these policies and their continuing elaboration by the Council in Documents identified in this consolidated statement and by the Secretary General in Manuals and Circulars;

New, generalization replacing specific requests (for example on taxation in A29-18), reflecting existing policy and practice
4. *Requests* the Council to provide for workshops, seminars and other such meetings as may be required to disseminate these policies and associated guidance to and amongst Contracting States;

New, generalization replacing specific requests (for example for statistics and forecasting workshops in A16-34 and A16-22), reflecting existing policy and practice
5. *Requests* the Council to attach particular importance to the problem of financing the development of the human and technical resources necessary to ensure the best possible contribution of air transport to the economic and social well-being of developing countries;

A22-24, clause 1
6. *Urges* Contracting States to make every effort to fulfil their obligations, arising out of the Convention and Assembly resolutions, to support the work of the Organization in the air transport field, and, in particular, to provide as completely and promptly as possible the statistical and other information asked for by the Organization for its air transport studies;

A4-19, clause 1,
A7-14, clause 3,
A7-15, clause 4,
A16-33, clause 1,
A16-34, clause 3, and
A31-5, Appendix T (air navigation)

7. *Requests* the Council, when it considers that it would be of benefit in assisting its work on any air transport question, to seek consultation of expert representatives of Contracting States by the most appropriate means, including the establishment of panels of qualified experts reporting to the Air Transport Committee or of Secretariat study groups, and work by correspondence or by meetings;

A7-14, clause 4, and A31-5, Appendix T (air navigation), generalization replacing specific request (for example for Statistics Panel in A16-34)

8. *Requests* the Council to convene Conferences or Divisional meetings, in which all Contracting States may participate, as the principal means of progressing the resolution of issues of world-wide 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; and

New, adapted from Resolution A31-5, Appendix T (air navigation), generalization replacing specific requests (for example for Statistics Division in A16-34)

9. *Declares* that this resolution supersedes Resolutions A2-9, A4-19, A7-14, A7-15, A10-32, A10-36, A12-18, A12-19, A15-5, A15-22, A16-22, A16-26, A16-27, A16-28, A16-29, A16-30, A16-31, A16-33, A16-34, A18-20, A18-21, A21-26, A21-28, A22-24, A24-12, A24-14, A26-13, A27-4, A27-15, A29-18, A31-12 and A31-13.

APPENDIX A

Economic regulation

Section I. Agreements and arrangements

Whereas the Assembly is of the opinion that there is no present prospect of achieving a comprehensive and global multilateral agreement, although multilateralism in commercial rights to the greatest possible extent continues to be an objective of the Organization;

A7-15, Resolving clause 1 amended

Whereas within the framework of the Convention Contracting 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;

New, ex AT Conf/4 Recommendation

Whereas one of the objectives of the Convention is that international air transport services may be operated soundly and economically and in that regard the International Air Services Transit Agreement (IASTA) strengthens the operation of international scheduled services and facilitates the achievement of that objective for the Contracting States who are already parties to it; and

A21-28, first and second Whereas clauses

Whereas the Assembly has repeatedly stressed the obligation of each Contracting State to comply with Article 83 of the Convention by registering with the Council as soon as possible all arrangements relating to international civil aviation between such Contracting State and any other State and between such Contracting State and an airline of another State;

A27-4, first Whereas clause

Whereas the establishment of international air transport fares and rates that are fair and reasonable and designed to promote the satisfactory development of air services is a matter of major importance to the economies of many States;

A21-26, first Whereas clause

Whereas the rules and conditions associated with international air transport fares and rates should avoid unnecessary complication, be uniform where possible and reasonably protect user interests;

New, ex AT Conf/2 Rec 12 and C 100/5

Whereas governments have a responsibility in fares and rates matters pursuant to their national legislation and to obligations under bilateral and other air services agreements;

A21-26, second Whereas clause

The Assembly:

1. *Urges* Contracting States which have not yet become parties to the International Air Services Transit Agreement (IATA) to give urgent consideration to so doing;

A21-28, clause 1

2. *Urges* all Contracting States to register co-operative agreements and arrangements relating to international civil aviation with ICAO in accordance with Articles 81 and 83 of the Convention and the Rules for Registration with ICAO of Aeronautical Agreements and Arrangements;

A27-4, clause 1

3. *Urges* Contracting States to keep the Council fully informed of important problems arising from the application of bilateral agreements and of any developments achieved or contemplated which tend toward the objective of multilateralism in the exchange of commercial rights;

A7-15, clause 4 (part),
A12-18, clause 5 (part)

4. *Requests* the Council to continue to co-operate with regional and sub-regional bodies in their examination and development of measures of co-operation, 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 Contracting States for application on a wider basis;

A12-18, clauses 1, 2, 3 and 5 (part)

5. *Requests* the Council to continue the comparative and analytical study of the policies and practices of Contracting States and airlines concerning commercial rights and the provisions of air services agreements and to inform all Contracting States of any new developments in international co-operation, including liberalized arrangements, with respect to commercial rights;

A12-18, clause 4

6. *Requests* the Council to keep under review the machinery for the establishment of international tariffs as well as the rules and conditions associated with international tariffs; and

A21-26, clause 1 c,
AT Conf/2 Rec 12 and
C 100/5, A27-15 Clause 4

7. *Requests* the Council to review periodically the rules for registration with a view to simplifying the process of registration of aeronautical agreements and arrangements;

A27-4, clause 3

8. *Directs* the Secretary General to remind Contracting States of the importance of registration without undue delay of aeronautical agreements and arrangements and to provide such assistance to Contracting States as they may require in registering their aeronautical agreements and arrangements with the Council; and

A27-4, clause 2

9. *Directs* the Secretary General to promote universal adherence to and implementation of the International Air Services Transit Agreement (IATA) and to ask Contracting States to inform it of their intentions with respect to adherence to the agreement.

A21-28, clause 2

Section II. Co-operation in regulatory arrangements

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;

A24-14, second and third
Whereas clauses

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

A24-12, second Whereas
clause

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 to many developing States a fair and equal opportunity to operate international air services and to optimize the benefits to be derived therefrom;

A24-12, third Whereas clause

Whereas the realization of developmental objectives among such States is increasingly being promoted by co-operative arrangements in the form of regional economic groupings and functional co-operation symbolic of the affinity and community of interest which is particularly shared among developing States belonging to such regional economic integration movements; and

A24-12, fourth and fifth
Whereas clauses

Whereas the exercise of route and other air transport rights of a developing State having such community of interest by an airline substantially owned and effectively controlled by another developing State or States or its or their nationals sharing the same community of interests will serve to promote the foregoing interests of developing States;

A24-12, sixth *Whereas* clause (part)

The Assembly:

1. *Urges* Contracting States to avoid adopting unilateral measures which may affect the orderly 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;

A24-14, clause 1

2. *Urges* Contracting States to accept such designations and allow such airlines to exercise the route rights and other air transport rights of any developing State or States within the same grouping, under mutually acceptable terms and conditions including air transport agreements negotiated or to be negotiated by the parties concerned;

A24-12, clause 2

3. *Urges* Contracting States to recognize the concept of community of interest within regional or sub-regional economic groupings as a valid basis for the designation by one developing State or States of an airline of another developing State or States within the same regional economic grouping where such airline is substantially owned and effectively controlled by such other developing State or States or its or their nationals;

A24-12, clause 1

4. *Invites* Contracting States with experience in various forms of joint operation of international air services to submit to the Council, on a continuing basis, full information concerning their experience, so that the Organization may have in this particular field all information that might be of assistance to Contracting States;

A16-33, clause 1

5. *Requests* the Council, when approached, to render all feasible assistance to Contracting States wishing to enter regional or sub-regional economic groupings with respect to the operation of international air services; and

A24-12, clause 3

6. *Requests* the Council to give assistance, when approached, to Contracting States that take the initiative in developing co-operative arrangements for the joint ownership and operation of international air services, directly among themselves or whose airlines develop such arrangements, and promptly circulate to States information concerning such co-operative arrangements.

A16-33, clauses 2 and 3 and last phrase in clause 1

Section III. Computer reservation systems

Whereas there is a need to define principles of world-wide applicability for computer reservation systems based on transparency, accessibility and non-discrimination to enhance competition among airlines and among such systems, to afford international air transport users access to the widest possible choice of options to meet their needs, and to avoid abuse of these systems which can lead to harmful practices in the distribution of air carrier products;

New, in keeping with A31-13 and Attachments A, B and C to State letter EC 2/28-96/74 (provisions of revised CRS Code)

The Assembly:

1. *Urges Contracting States:*

New, in keeping with A31-13 and Attachments A, B and C to State letter EC 2/28-96/74 (provisions of revised CRS Code)

a) to follow the revised ICAO Code of Conduct for the Regulation and Operation of Computer Reservation Systems adopted by the Council on 25 June 1996;

b) to use as appropriate the Model Clauses, approved by the Council on the same date, to strengthen and complement the Code; and

c) to co-operate at the bilateral, regional and inter-regional levels with a view to reducing difficulties connected with the introduction and operation of computer reservation systems in various parts of the world; and

2. *Requests* the Council to revise the ICAO CRS Code when required.

New, in keeping with A31-13 and State letter EC 2/28-96/74

Section IV. Trade in services

Whereas on the issue of including aspects of international air transport under the General Agreement on Trade in Services, 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;

A31-12, third *Whereas* clause

The Assembly:

1. *Reaffirms* the need for ICAO 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;

A31-12, clause 1

2. *Recognizes* that such arrangements should be based on the general goal of gradual, progressive, orderly and safeguarded change towards market access, and the interests of all Contracting States in ensuring their effective and sustained participation in international air transport; A31-12, clause 2

3. *Urges* Contracting States which participate in trade negotiations, agreements and arrangements relating to international air transport to: A31-12, clause 4

- a) promote a full understanding of the role of ICAO in developing policy guidance on the regulation of international air transport;
- b) ensure that their representatives are fully aware of the provisions of the Chicago Convention, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements; and
- c) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the General Agreement on Trade in Services;

4. *Requests* the World Trade Organization and its Member States to accord due consideration to: A31-12, clause 3

- a) ICAO's constitutional responsibility for international air transport; and
- b) the results of ICAO's World-wide Air Transport Conference (1994) and ICAO's continuing work on the economic regulation of international air transport;

5. *Requests* the Council to:

- a) continue to monitor developments in trade in services which might impinge on international air transport and inform Contracting States accordingly; and A31-12, clause 5
- b) promote continued effective co-operation and co-ordination among ICAO, the World Trade Organization, and other intergovernmental and non-governmental organizations dealing with trade in services.

Section V. Elaboration of policy guidance

Whereas governments have responsibilities in the economic regulation of international air transport and to international obligations; and

New, ex A21-26 second
Whereas clause

Whereas the Organization has addressed many of the regulatory issues concerned and compiled the resulting recommendations and other guidance material;

New, ex A31-12 second
Whereas clause

The Assembly:

1. *Urges* Contracting States in their regulatory functions to have regard to the advice contained in Doc 9587, *Policy and Guidance Material on the Regulation of International Air Transport*; and

New, in parallel with
Doc 8632 (taxation)
Doc 9082/5 (charges)
Doc 9303 (travel documents)
Doc 9636 (airport signs), as
reflected below, for
completeness of policy
guidance in this Resolution
and ease of reference

2. *Requests* the Council to ensure that the advice contained in Doc 9587 is current and responsive to the requirements of Contracting States.

New, as for clause 1

APPENDIX B**Statistics**

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

Article 67 of the Chicago
Convention, adapted

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

New, factual, based on
Council approval of various
Statistics Division
recommendations

Whereas the Council has further established requirements for statistics of non-commercial aviation (business or general aviation);

A15-22, Resolving clause

Whereas a number of Contracting States have still not filed, or have not filed completely, the statistics requested by the Council; and

A4-19, first *Whereas* clause

Whereas co-operation amongst international organizations active in the area of collection and distribution of aviation statistics may enable reduction in the burden of filing statistics;

New, based on suggestion by
IATA, preamble to
clause 3 a) below

The Assembly:

1. *Urges* Contracting States to make every effort to provide the statistics required with the least possible delay; A4-19, clause 1
2. *Requests* the Council, calling on statistical and accounting experts as required, to examine the statistical problems of Contracting States and ICAO in order to meet more effectively the needs of the Organization and to improve the uniformity of the statistics, the completeness and timeliness of reporting by Contracting States, the form and content of analyses and publications, and the speed of dissemination by the Organization; and A16-34, clauses 1 and 3
3. *Requests* the Council to:
 - a) continue to explore ways of closer co-operation with other international organizations active in the collection and distribution of aviation statistics; and New, based on suggestion by IATA
 - b) make arrangements, on an appropriate basis, for assistance to be given upon request to Contracting States by personnel of the Secretariat for the improvement of their civil aviation statistics and their statistical reporting to the Organization. A16-34, clause 5 b)

APPENDIX C

Forecasting and economic planning

- Whereas* Contracting States require global and regional forecasts of future civil aviation developments for various purposes; A16-22, second Whereas clause
- Whereas* the Council, in carrying out its continuing functions in the economic field, must foresee future developments likely to require action by the Organization and must initiate such action in good time; and A16-22, first Whereas clause
- Whereas* the Organization requires specific forecasts for airports and air navigation systems planning and environmental planning purposes; New, ex C 130/3 and 4, CAEP/2 Rec 7/3
- The Assembly:*
1. *Requests* the Council to prepare and maintain, as necessary, long-term and medium-term forecasts of future trends and developments in civil aviation of both a general and a specific kind, including, where possible, regional as well as global data, and to make these available to Contracting States; A16-22, clause 1, A29-EC (Doc 9597, para. 29:2)

2. *Requests* the Council to develop methodologies and procedures for the preparation of forecasts to meet the needs of the regional air navigation planning groups and, as required, other systems or environmental planning bodies of the Organization; and

New, based on C 131/19, Rec 14/5 ASIA/PAC/3 RAN (1993), Rec 6/2 LIM NAT RAN (1992)

3. *Requests* the Council to make arrangements to collect and develop material on current forecasting methods both for the purposes described in clauses 1 and 2 and for dissemination to Contracting States from time to time as guidance in their own forecasting.

A16-22, clause 2

APPENDIX D

Facilitation

Section I. Development of facilitation provisions

Whereas Annex 9 was developed as a means of articulating the obligations of Contracting States under Articles 22, 23 and 24 of the Convention and standardizing procedures for meeting the legal requirements referred to in Articles 10, 13, 14, 29 and 35;

A16-27, first *Whereas* clause revised (part, rest to Section II below)

Whereas it is essential that Contracting States continue to pursue the objective of maximum efficiency in air transport while at the same time safeguarding international civil aviation operations against acts of unlawful interference;

Annexes 9 and 17

Whereas the development of specifications for machine readable travel documents by the Organization has proved effective in the development of systems which accelerate the movement of international passengers and crew members through clearance control at airports while enhancing security and immigration compliance programmes; and

Doc 9303

Whereas the development of a set of standard signs to facilitate the efficient use of airport terminals by travellers and other users has proved effective and beneficial;

Doc 9636

The Assembly:

1. *Requests* the Council to ensure that the provisions of Annex 9, *Facilitation* and Annex 17, *Security* are compatible with and complementary to each other;

New

2. *Requests* the Council to ensure that its specifications and guidance material in Doc 9303, *Machine Readable Travel Documents*, remain up-to-date in the light of technological advances, and to continue to explore technological solutions aimed at improving clearance procedures; and

New, ex Doc 9303, for completeness of policy guidance in this Resolution and ease of reference

3. *Requests* the Council to ensure that Doc 9636, *International Signs to Provide Guidance to Person at Airports and Marine Terminals* is current and responsive to the requirements of Contracting States.

New, ex Doc 9636, for completeness of policy guidance in this Resolution and ease of reference

Section II. Implementation of Annex 9

Whereas implementation of the Standards and Recommended Practices in Annex 9 aimed at minimizing restrictions and providing the necessary services to facilitate the clearance of aircraft, passengers and their baggage, cargo and mail is a most important element in the facilitation programme;

A16-27, first Whereas clause expanded (part, rest to Section I above)

The Assembly:

1. *Urges* Contracting States to give special attention to their obligations arising from Articles 22, 23 and 24 of the Convention and increase their efforts to implement Annex 9;

A16-27, clause 1

2. *Urges* Contracting States to examine critically, at least once a year, any differences that exist in their territory between their national regulations and practices and the provisions of the current edition of Annex 9, and make special efforts to change laws and/or regulations to eliminate such differences at the earliest practicable moment;

A16-27, clause 2

3. *Urges* each Contracting State to notify the Organization of the status of implementation of Annex 9 in its territory in accordance with Article 38 of the Convention; and

A16-27, clause 3

4. *Requests* the Council to take the initiative in reviewing, whenever necessary or at least once every three years, the status of implementation of Annex 9 and in indicating, to the extent practicable, the particular aspects which require further intensive work by Contracting States and their operators.

A16-27, clause 4

Section III. National and international action and co-operation on facilitation matters

Whereas there is a need for continuing action by Contracting States to improve the effectiveness and efficiency of clearance control formalities;

New

Whereas the establishment and active operation of national facilitation committees is a proven means of effecting needed improvements; and

New

Whereas co-operation on facilitation matters amongst Contracting States and with the various national and international parties interested in facilitation matters has brought benefits to all concerned;

New

The Assembly:

1. *Urges* Contracting States to establish and utilize national facilitation committees and adopt policies of co-operation on a regional basis among neighbouring States; A16-30, clause 1
2. *Urges* Contracting States to participate in regional and sub-regional facilitation programmes of other inter-governmental aviation organizations; A16-29, clause 3
3. *Urges* Contracting States to take all necessary steps, through national facilitation committees or other appropriate means, for: A16-30, clause 2
 - a) regularly calling the attention of all interested departments of its government to the need for:
 - 1) making the national laws and regulations conform to the provisions and intent of Annex 9; and
 - 2) working out satisfactory solutions for day-to-day problems in the facilitation field; and
 - b) taking the initiative in any follow-up action required;
4. *Urges* Contracting States to encourage the study of facilitation problems by their national and other facilitation committees, and to co-ordinate the findings of their committees on facilitation problems with those of other Contracting States with which they have air links; A16-30, clause 3
5. *Urges* neighbouring and bordering States to consult one another about common problems that they may have in the facilitation field in cases where it appears that these consultations may lead to a uniform solution of such problems; A16-30, clause 4
6. *Urges* Contracting States to encourage their aircraft operators to continue to co-operate intensively with their governments as regards: A16-28, clause 1 (part)
 - a) identification and solution of facilitation problems; and
 - b) developing co-operative arrangements for the prevention of illicit narcotics trafficking, illegal immigration and other threats to national interests;
7. *Urges* Contracting States to call upon international operators and their associations, to participate to the extent possible in electronic data interchange systems in order to achieve maximum efficiency levels in the processing of passenger and cargo traffic at international terminals; and A16-28, clause 2 updated and amended to remove last section which has been implemented

8. Urges States and operators, in co-operation with interested international organizations, to make all possible efforts to speed the handling and clearance of air cargo. A16-28, clause 9, revised

APPENDIX E

Taxation

Whereas international air transport plays a major role in the development and expansion of international trade and travel and the imposition of taxes on aircraft, fuel, and consumable technical supplies used for international air transport, taxes on the income of international air transport enterprises and on aircraft and other movable property associated with the operation of aircraft in international air transport, and taxes on its sale or use, may have an adverse economic and competitive impact on international air transport operations; A29-18, second and third Whereas clauses, plus new text representing policy in Doc 8632

Whereas it is a matter of great concern that taxes are increasingly being imposed by some Contracting States in respect of certain aspects of international air transport and that charges on air traffic, several of which can be categorized as taxes on the sale or use of international air transport are proliferating; and A29-18, fourth and fifth Whereas clauses

Whereas the resolutions in Doc 8632, *ICAO's Policies on Taxation in the Field of International Air Transport*, supplement Article 24 of the Convention and are designed to recognize the uniqueness of international civil aviation and the need to accord tax exempt status to certain aspects of the operations of international air transport; A29-18, sixth Whereas clause

The Assembly:

1. Urges Contracting States to follow the resolutions of the Council as contained in Doc 8632, *ICAO's Policies on Taxation in the Field of International Air Transport*; and A29-18, clause 2

2. Requests the Council to ensure that the guidance and advice contained in Doc 8632 is current and responsive to the requirements of Contracting States. New, for completeness of policy guidance in this Resolution and ease of reference

APPENDIX F**Airports and air navigation services****Section I. Charging policy**

Whereas the Council has been directed to formulate recommendations for the guidance of Contracting States with regard to the principles on which providers of airport and air navigation services for international civil aviation may charge for the provision and derive other revenue therefrom, and with regard to the methods that may be employed to that effect;

A12-19, first Whereas clause

Whereas the Council has adopted and revised as necessary, and published in Doc 9082, *Statements by the Council to Contracting States on Charges for Airports and Air Navigation Services*; and

A12-19, second Whereas clause

Whereas pursuant to Article 15 of the Convention, Contracting States shall publish and communicate to the Organization information regarding charges imposed for airports and air navigation facilities and services;

A12-19, Resolving clause 2

The Assembly:

1. *Urges* Contracting 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 Doc 9082, *Statements by the Council to Contracting States on Charges for Airports and Air Navigation Services*;

New, ex Doc 9082/5, for completeness of policy guidance in this Resolution and ease of reference

2. *Urges* Contracting States to ensure that airport and air navigation services charges only be applied towards defraying the costs of providing facilities and services for civil aviation;

New, ex Doc 9082/5, for completeness of policy guidance in this Resolution and ease of reference

3. *Urges* Contracting States to make every effort to implement that part of Article 15 of the Convention providing that any charges that may be imposed or permitted to be imposed by a Contracting State for the use of air navigation facilities and airports by the aircraft of any other Contracting State shall be published and communicated to the Organization; and

A12-19, clause 2

4. *Requests* the Council to ensure that the guidance and advice contained in Doc 9082 is current and responsive to the requirements of Contracting States.

New, ex Doc 9082/5, for completeness of policy guidance in this Resolution and ease of reference

Section II. Economics and management

Whereas in handling growing volumes of traffic the global costs of providing airports and air navigation services continue to rise;

New, ex Doc 9082/5, para. 26

Whereas Contracting States are placing increased emphasis on improving financial efficiency in the provision of airports and air navigation services; New, Doc 9082/5, paras. 13 and 32

Whereas a balance should be maintained between the respective financial interests of providers of airports and air navigation services and airlines; New, ex Doc 9082/5, paras. 9 and 29

Whereas Contracting States have called on the Organization to provide advice and guidance aimed at promoting equitable recovery of airport and air navigation services costs; and New

Whereas Contracting States are to an increasing extent using multinational air navigation facilities and services to meet the commitments they have assumed under Article 28 of the Convention; New

The Assembly:

1. *Requests* the Council to keep the economic situation of airports and air navigation services under review and make reports thereon to Contracting States at appropriate intervals; New, ex Doc 9082/5, para. 3

2. *Urges* Contracting States to make every effort to provide with the least possible delay the financial data relating to their airports and air navigation services to enable Council to prepare such reports; and New, ex Doc 9082/5, para. 3

3. *Urges* Contracting States to co-operate actively in the recovery of costs of multinational air navigation facilities and services. New, ex Doc 9082/5, para. 29

APPENDIX G

Air carrier economics

Whereas there is a continuing interest among national users, tourist and trade interests and their international organizations about the level and structure of international fares and rates; A21-16, second and third Whereas clauses

Whereas the costs of operation of international air services, and appropriate yields are of great concern to the airlines of the world; A21-16, fourth Whereas clause

Whereas the objective studies by ICAO on international air transport costs, fares and rates are widely used by Contracting States and other international organizations and have promoted neutrality and resulted in a more equitable system of revenue sharing; and A21-26, fifth Whereas clause and new text based on text from A27-EC (Doc 9547, para. 24.4:5)

Whereas ICAO requires air carrier revenue and cost data for environmental planning, investment studies and other purposes; New, based primarily on CAEP/2, Rec 7/3

The Assembly:

1. *Requests* the Council to instruct the Secretary General to issue periodically: A21-26, clauses 1 a) and b) and, in part d)
 - a) a survey on the level and availability of international air transport fares and rates; and
 - b) a study on regional differences on the level of international air transport operating costs, analyzing how differences in operations and input prices may affect their levels and the impact that changes in costs may have on air transport tariffs; and
2. *Urges* Contracting States to make every effort to obtain from their international air carriers with the least possible delay the cost, revenue and other data requested by ICAO. New

APPENDIX H

Air mail

Whereas the Assembly has given ongoing directions with regard to ICAO's work in the field of international air mail; A16-26, first Whereas clause

The Assembly:

1. *Urges* Contracting 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 A16-26, clause 5
2. *Directs* the Secretary General to furnish the UPU, on request, information of a factual character which may be readily available, and that other requests should be referred to the Air Transport Committee for recommendation to the Council. A16-26, clauses 1 and 2

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ATTACHMENT II

DISPOSITION OF RESOLVING CLAUSES FROM EXISTING RESOLUTIONS

[in order of Resolutions as they appear in
Part III of Doc 9662, *Assembly Resolutions in Force* (as at 4 October 1995)]

Resolution and resolving clause	Title and Action taken (References to Introduction and to appendices are to relocation of clause in Attachment I)
A2-9	Implementation of Article 54(d) – Establishment of an Air Transport Committee, chosen from among the representatives of the members of the Council Declared no longer in force, action having been completed.
A7-14	Future programme and working methods of the Organization in the economic field
Clause 1	Not carried forward, criteria for evaluation of tasks to be developed on an Organization-wide basis
No clause 2	
Clause 3	To Introduction, clause 6
Clause 4	To Introduction, clause 7
Clause 5	Not carried forward, administrative
A22-24	Inventory of major air transport problems
Clause 1	To Introduction, clause 5
Clause 2	Not carried forward, administrative and considered no longer necessary by A31 (Doc 9656, para 36.2:6)
A24-14	Unilateral measures which affect international air transport
Clause 1	To Appendix A, Section II, clause 1
A31-12	Trade in services
Clauses 1 to 5	To Appendix A, Section IV, clauses 1 to 5

Resolution and resolving clause	Title and Action taken (References to Introduction and to appendices are to relocation of clause in Attachment I)
A7-15	Prospects of and methods for further international agreement on commercial rights in international air transport – Scheduled international air services
Clause 1	To Appendix A, Section I, first Whereas clause
No clause 2	
Clause 3	Not carried forward, administrative and superseded
Clause 4	To Introduction, clause 6 and Appendix A, Section I, clause 3
A10-32	Further international agreement on commercial rights
No clauses 1 or 2	
Clause 3	Not carried forward, administrative and superseded (also subsumed in general terms in Appendix A, Section I, clause 3)
No clause 4	
Clause 5	Not carried forward, administrative and superseded (also subsumed in general terms in Appendix A, Section I, clause 3)
Clause 6	Not carried forward, administrative and superseded
A12-18	Commercial rights in international air transport
Clauses 1 to 3	To Appendix A, Section I, clause 4
Clause 4	To Appendix A, Section I, clause 5
Clause 5	To Appendix A, Section I, clauses 3 and 5
A21-28	International Air Services Transit Agreement
Clause 1	To Appendix A, Section I, clause 1
Clause 2	To Appendix A, Section I, clause 8
A16-33	Joint ownership and operation of international air services
Clause 1	To Introduction, clause 6 and Appendix A, Section II, clauses 4 and 6
Clauses 2 and 3	To Appendix A, Section II, clause 6
A24-12	Practical measures to provide an enhanced opportunity for developing States with community of interest to operate international air transport services
Clauses 1, 2 and 3	To Appendix A, Section II, clauses 3, 2 and 5 respectively

Resolution and resolving clause	Title and Action taken (References to Introduction and to appendices are to relocation of clause in Attachment I)
A27-4	Registration of aeronautical agreements and arrangements with ICAO
Clauses 1, 2 and 3	To Appendix A, Section I, clauses 2, 7 and 6 respectively
A21-26	International air transport fares and rates studies
Clause 1 a) and b)	To Appendix G, clause 1 a) and b) respectively
Clause 1 c)	To Appendix A, Section I, clause 6, Panel reference not carried forward, dissolved by A31 (Doc 9656, para 36.1:12)
Clause 1 d)	To Appendix G, clause 1
A27-15	Tariff enforcement
Clauses 1 to 4	Not carried forward, superseded
A31-13	Computer Reservation Systems
Clauses 1 to 3	Superseded by Appendix A, Section III
A16-26	International air mail
Clauses 1 and 2	To Appendix H, clause 2
Clauses 3 and 4	Not carried forward, redundant in present context
Clause 5	To Appendix H, clause 1
A16-22	Air traffic forecasts and forecasting methods
Clauses 1 and 2	To Appendix C, clauses 1 and 3 respectively
A15-5	Economic value of facilities
No clauses 1 and 2	
Clause 3	Not carried forward, administrative
A4-19	Statistical Programme of the Organization
Clause 1	To Introduction, clause 6 and Appendix B, clause 1
A16-34	Statistics Division and Statistical panels and meetings
Clause 1	To Appendix B, clause 2
Clause 2	Not carried forward, administrative
Clause 3	To Introduction, clauses 6 and 8, and Appendix B, clause 2
Clause 4	To Introduction, clause 4
Clause 5 a)	To Introduction, clause 7

Resolution and resolving clause	Title and Action taken (References to Introduction and to appendices are to relocation of clause in Attachment I)
Clause 5 b)	To Appendix B, clause 3 b)
A15-22	Statistics of non-commercial aviation
Resolving clause	To Appendix B, third Whereas clause
A12-19	The study of charges for airports and air navigation facilities
No clause 1	
Clause 2	To Appendix F, Section I, clause 2
A29-18	Taxation in the field of international air transport
Clauses 1 and 2	To Appendix E, clauses 1 and 2 respectively
A16-27	Implementation of the provisions of Annex 9 and of ICAO recommendations in the field of facilitation
Clauses 1 to 4	To Appendix D, Section II, clauses 1 to 4
A16-28	Facilitation action by States and international operators designed to expedite the processing of passengers, baggage, cargo and mail traffic carried by air
Clause 1	To Appendix D, Section III, clause 6
Clause 2	To Appendix D, Section III, clause 7
Clause 3	Not carried forward, now in Annex 9, para. 3.7
Clause 4	Not carried forward, now in Annex 9, para. 6.1 etc
Clause 5	Not carried forward, not regulatory issue
No clause 6	
Clause 7	Not carried forward, now in Annex 9, paras. 4.4 to 4.7
Clause 8	Not carried forward, now in Annex 9, para. 4.6
Clause 9	To Appendix D, Section III, clause 8. Second half of first sentence not carried forward, now in Annex 9, paras. 4.17, 6.1 and 6.7
Clause 10	Not carried forward, administrative
No clause 11	
Clause 12	Not carried forward, now in Annex 9, para 2.33 and Note 2 to 6.62.1
Clause 13	Not carried forward, now in Annex 9, paras. 6.20 and 6.51
Clause 14	Not carried forward, not FAL matter.

Resolution and resolving clause	Title and Action taken (References to Introduction and to appendices are to relocation of clause in Attachment I)
A16-30	National Facilitation committees, co-operation among States and Secretariat assistance to States on Facilitation problems
Clauses 1 to 4	To Appendix D, Section III, clauses 1, 3, 4 and 5 respectively
No clause 5	
Clause 6	Not carried forward, administrative
Clause 7	To Introduction, clause 4
Clause 8	Not carried forward, administrative
A16-29	Co-ordination with other organizations on Facilitation matters
Clause 1	Not carried forward, administrative
Clause 2	Not carried forward, administrative
Clause 3	To Appendix D, Section III, clause 2
A16-31	The effect of Facilitation improvements on airport terminal design
Clauses 1 to 3	Not carried forward, now in Annex 9, paras 6.1 to 6.3
A10-36	Journey log book
Resolving clause	Not carried forward, now in Annex 6, Part 1, para 4.5.5 Note
A26-13	Access to Air Transportation for Elderly and Disabled Persons
Clauses 1, 2 and 3	Not carried forward, implemented
A18-21	Air transport work in the Regions – General policy
	Not carried forward, administrative
A18-20	Regional Air Transport Studies
	Not carried forward, no longer in work programme and much of the content has been relocated elsewhere (C 133/8 and 137/27)
A27-17	Relationship between ICAO and Regional Civil Aviation Bodies
	To be retained as a stand-alone resolution, on the grounds that the activities of regional civil aviation bodies are no longer limited to air transport matters