



LEGAL COMMITTEE – 35TH SESSION

(Montréal, 6 – 15 May 2013)

Agenda Item 7: Report on work done at the Session

DRAFT REPORT ON THE WORK OF THE LEGAL COMMITTEE DURING ITS 35TH SESSION

1. The attached paragraphs 4:1 to 4:5 of the draft Report of the Legal Committee relate to Agenda Item 4.

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Agenda Item 4: Review of the General Work Programme of the Legal Committee

4.1 Following the presentation of LC/35-WP/4-1 (*Review of the General Work Programme of the Legal Committee*), one delegation questioned whether all of the items on the Committee's Work Programme should remain. The delegation pointed out that other items related to the work of ICAO, such as States' implementation of SARPs, States' implementation of treaties, and States' compliance with SARPs, especially in the areas of safety and security, were not included on the Work Programme, while, for example, no work was currently being done on Item 4 on the Work Programme, dealing with international interests in mobile equipment. The delegation further indicated that a reprioritization of remaining items on the Work Programme was in order.

4.2 The Chairman provided the delegates with an overview of the current status of the Work Programme, as set forth in paragraph 5 of LC/35-WP/4-1.

4.3 Following the Chairman's overview, discussion focused primarily on Item No. 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* – after one delegation proposed that it be removed from the Work Programme (or at least moved down in priority), based on the fact that it has been on the work program for 20 years and has seen no activity since 2004. Several delegations thereafter took the floor to oppose removing Item No. 3 from the Work Programme, with one delegation pointing out that the lack of progress on this item was mainly attributable to the fact that it had originally been put in place and supported by many African States upon the condition that an international GNSS regime would include “technical assistance” and that this assistance has not been forthcoming. One delegation also opposed to removing Item No. 3 from the Work Programme added that removing it based on a lack of progress would only make progress that much more difficult. Other delegations supported removing Item No. 3 from the Work Programme, with one such delegation pointing out that the item could be restored in the future when there is a possibility for further progress.

4.4 Aside from the discussion on the proposed removal/reprioritization of Item No. 3, delegations also made various proposals for reprioritizing various other items on the Work Programme, but there was no clear consensus with respect to these proposals, except for the proposal that Item No. 7 – *Consideration of Guidance on Conflicts of Interest* – be given higher priority, which received broad support.

4.5 The **Chairman** then offered his **summary** of the discussion on Agenda Item No. 4, wherein he noted that due to the lack of a clear consensus on the removal of Item No. 3 from the Work Programme, it would remain in the Work Programme at its current priority. He further proposed that, based upon the discussions, Work Programme Item No. 7 would be moved up in priority to Item No. 5 and Items No. 5 and 6 reduced in priority accordingly.