



ASSEMBLY — 42ND SESSION

ECONOMIC COMMISSION

Agenda Item 26: Economic Development of Air Transport

A “TOOLBOX” TO HELP AIR TRANSPORT LIBERALIZATION

(Presented by the United Kingdom)

EXECUTIVE SUMMARY

The Council’s Air Transport Committee (ATC) has asked its Air Transport Regulation Panel (ATRP) to oversee, review and update ICAO’s Template Air Services Agreement (TASA). This paper proposes an ambitious approach to this exercise, aimed at transforming the TASA into a dynamic, multi-option package, kept under rolling review. The ATRP’s objective should be to ensure that the TASA remains fit for purpose, at the cutting edge, reflecting latest best practice and helping to build capacity and understanding globally.

Action: The Assembly is invited to:

- a) mandate the ATRP – and in particular Working Group 4 (WG4) – to take forward its work to review, update and maintain the TASA in accordance with the highly ambitious “toolbox” approach outlined above;
- b) agree that WG4 should provide the ATC with an initial project plan for this work – and details of the working group/subgroup structure that will deliver it, by mid-2026; and
- c) encourage active participation in the work of WG4 and in any resulting courses, workshops or conferences designed to build awareness, and understanding regarding ASAs.

<i>Strategic Goals:</i>	This working paper relates to Strategic Goal: The Economic Development of Air Transport Assures the Delivery of Economic Prosperity and Societal Well-Being for All
<i>Financial implications:</i>	N/A
<i>References:</i>	Strategic Plan 2026 - 2050

1. INTRODUCTION

1.1 In 2015, pursuant to Assembly Resolution A38-14, ICAO adopted a long-term vision for the liberalization of international air transport: -

“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”

1.2 Much of the progress towards realising this vision is through negotiating and updating Air Services Agreements (ASAs), and through the exchange of traffic rights. To help inform such transactions, the International Civil Aviation Organization (ICAO) publishes a non-binding Template ASA (TASA). Over the years, this has provided a useful starting point for some countries to help inform their negotiating positions, but it is a relatively static document that, essentially, espouses just one option. This paper outlines a more ambitious approach to the TASA.

1.3 International air transport has, of course, experienced multiple challenges in the decade since ICAO adopted its long-term vision. This has underlined the need for the TASA to be a “living” document, kept under constant and systematic review to ensure that it reflects best practice and the state of the art. It should also include multiple options to help inform negotiators, reflecting the fact that one size does not fit all and that different countries have different policies and priorities and are at different points on the road to liberalization.

1.4 Against this background, the ICAO Council’s Air Transport Committee (ATC) recently endorsed a proposal from the Air Transport Regulation Panel (ATRP) to establish a standing ATRP Working Group (WG4 – *Rapporteur* UK) to review, update and manage the TASA. Consequently, the TASA will be extracted from Doc 9587 to stand alone, overseen by the ATRP (specifically WG4) which will advise the ATC accordingly.

1.5 This initiative provides an excellent opportunity to re-energise ICAO’s work in this area, ensuring that the TASA both remains fit for purpose and is further developed as a “living”, dynamic, multi-option package that will help all countries build capacity and improve and liberalize their bilateral and multilateral ASAs.

2. A “TOOLBOX” FOR ASA NEGOTIATORS

2.1 WG4 has begun to consider TASA model clauses to bring them up to date and to include multiple options per clause (however, WG4’s task is significant and will take time – they are already having to consider which clauses to prioritise). ASAs typically contain a wide range of provisions covering such things as fair competition, ownership/control, safety, security, user charges and commercial flexibility (and many ASAs go further). A comprehensive template would need to include multiple headings and multiple illustrative options under each heading. This, in turn, points to a need for explanatory text in the TASA to help guide negotiators through their various options and alternatives. Put another way, the resulting TASA should morph from a model text into a far broader “**negotiators’ handbook**”.

2.2 This “handbook” type approach would be a significant upgrade to the existing TASA – particularly if it was then kept under close review and regularly updated (see below). However, in parallel with this, even more could be done to help build awareness, understanding and capability with a view to moving towards ICAO’s long-term vision for the liberalization of international air transport. For instance, whilst developing/maintaining the TASA, WG4 could also:

- initiate and oversee a programme of **courses, workshops and conferences** to help educate ASA negotiators and build networks. These could be arranged in various places worldwide, in conjunction with ICAO Regional Offices and other regional and industry partners, to help maximise opportunities for participation. These courses and workshops should involve ASA negotiators, industry and social partners to help ensure the widest possible amalgamation of ideas;
- facilitate one to one, peer to peer, mentoring – for instance providing a less experienced ASA negotiator with a more experienced mentor in another country;
- commission data gathering and collation to help inform the preparation of TASA content;
- produce a regular (e.g. half yearly), ATRP/WG4 newsletter to keep the wider ASA negotiations community apprised of developments, events, ideas, etc.;
- the annual ICAO Air Services Negotiation (ICAN) conferences should provide regular opportunities to reinforce all these messages;
- encourage and facilitate networking between ASA negotiators – not just through the programme of courses, etc. mentioned above, but also through pro-actively putting negotiators and other stakeholders in contact with each other; and
- ICAO’s Seventh Worldwide Air Transport Conference (ATConf/7 – scheduled for November 2026 in Montreal) could be an early, high-profile, opportunity to review initial progress with this enterprise.

2.3 All of this would build a comprehensive, multi-faceted, “**toolbox**” for air services negotiators, etc., designed to build awareness and understanding, facilitate the sharing of best practice and nurture contacts and working relationships to maximise communication and minimise misunderstandings. In a sense, ASA negotiators worldwide already constitute a loose community of people working in the same field. This approach would strengthen those connections. It would also help ensure that the TASA “toolbox” was an agile package, fully able to reflect what is happening in a very dynamic and high-profile industry – for instance decarbonisation initiatives and international operations by Unmanned Aerial Vehicles (UAVs).

3. **TAKING THIS WORK FORWARD**

3.1 As noted, the ATRP has already set up its WG4 to oversee this work (WG4 is also advising the ATC on preparations for ATConf/7). This paper proposes that WG4 should produce and oversee a detailed project plan for preparing and publishing the updated “negotiators handbook” style TASA referred to in paragraph 2.1 and for delivering the associated programme of events outlined in paragraph 2.2. This project plan should include clear milestones for fixed deliverables and standing arrangements for systematically reviewing and, if necessary, modifying plans in light of experience. A viable target date for presenting a first cut of such a project plan to the ATC for approval would be mid-2026.

3.2 The approach outlined above would involve far too much for a “traditional” Working Group to deliver in a reasonable timeframe. Consequently, this paper proposes that WG4 should function as a management committee that oversees/supervises a series of smaller sub-groups that each focus on a

particular element of the “toolbox”. These smaller groups should consider a flexible approach to their work, embracing in-person meetings, virtual meetings and drafting through correspondence. WG4 would “triage” the outputs of those subgroups before submitting consolidated material to ATC for approval, formal adoption and subsequent publication/dissemination. Again, a viable target date for presenting a proposed subgroup structure to ATC for approval would be mid-2026.

3.3 The act of meeting to discuss such issues provides an opportunity to share best practice and to test assumptions with a broad range of stakeholders, ensuring that the resulting product adds value. Such discussions also help build awareness and forge contacts and networks that can help address the “doing business issues” that inevitably arise in practice. Consequently, WG4 and its subgroups should aim to maximise opportunities for countries to participate in the work. This should include arranging meetings in different locations worldwide and providing Video conferencing (VTC) options.

3.4 To ensure that WG4’s work is as well informed as possible and that the TASA “toolbox” reflects the very latest thinking on ASAs, etc., it is imperative that a wide range of stakeholders engage proactively with the work. ICAO Member States are encouraged to send representatives to WG4 and its smaller subgroups and to participate actively (as noted above, a wide geographical spread of meetings – and VTC options – should help ensure that this is a viable option for all ICAO members). Close collaboration with regional Directorate General of Civil Aviation (DGCA) associations, multilateral political organisations, trades associations, industry and social partners will also improve “the product” and help build more diverse and knowledgeable networks.

3.5 Another element of WG4’s coordinating role should be to facilitate connections with other ICAO Panels (and even other United Nation Agencies) to ensure specialised policy input where necessary – for instance on issues such as safety, security and the environment. Similarly, WG4 should engage ICAO’s Legal Affairs and External Relations Bureau to sign-off any draft ASA text in the TASA prior to publication.

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