

INTERNATIONAL CIVIL AVIATION ORGANIZATION
EIGHTH MEETING OF CIVIL AVIATION AUTHORITIES OF THE SAM REGION
(RAAC/8)

(Buenos Aires, Argentina, 23 - 25 April 2003)

Agenda Item 6: Review of institutional aspects related to the implementation of CNS/ATM systems

CONTACTS WITH THE ANDEAN COMMUNITY OF NATIONS

(presented by Colombia)

Summary

This working paper seeks the support of the States to contacts by ICAO with the Andean Community of Nations to seek alternate synergies for the multinational arrangements that will result from CNS/ATM systems and for common safety aspects.

Reference document:

Regional Air Navigation Plan – Multinational organisations

1. Introduction

1.1 The Andean Community is a sub-regional organisation with international legal status, composed by Bolivia, Ecuador, Colombia, Peru and Venezuela, and by the bodies and institutions of the Andean Integration System (SAI)

1.2 Located in South America, the five Andean countries encompass more than 115 million inhabitants on 4.710.000 square kilometres. At present, they share problems in the aviation sector, in both ATS service provision and operational safety control.

1.3 The main objectives of the Andean Community (CAN) are: to promote the balanced and harmonious development of its member countries under equitable conditions; to expedite growth through integration and economic and social co-operation; to foster participation in the regional integration process, with a view to the gradual creation of a common Latin American market; and to strive for continuous improvement of the living standard of its inhabitants.

1.4 The Andean Community (CAN) and the Andean Integration System (SAI), as a result of the reforms introduced, expanded the scope of integration beyond the purely commercial and economic level.

1.5 The Andean Community started its operations on 1 August 1997, with an executive General Secretariat based in Lima (Peru). Likewise, the Andean Presidential Council and the Andean Council of Ministers of Foreign Affairs were formally established as new political guidance bodies. The Commission shares its legislative faculties with the Council of Ministers of Foreign Affairs, and is authorised to hold extended meetings with sectoral ministers, including those of transport, infrastructure, or, as applicable, those to which the Civil Aviation Bureaus of the sub-region are assigned.

1.6 Most air traffic flows from North to South America cross the space of the Andean Region. Activity in the region is extremely high and growth expectations show a positive trend in the coming years. Consequently, the Andean Community of Nations has been expressing its viewpoints on air transport, and, through Decision 297, an open-sky policy has been established within the sub-region. By virtue of this policy, the transition was made from flag airlines with exclusive rights to provide international air transport services to a multiplicity of companies that enjoy this benefit, with free access to the market and no discrimination at all. This resulted in new routes, new airlines and a better service to the user.

1.7 This decision was supplemented with Decision 360, which defines the “scheduled” and “non scheduled” flight concepts, taking into account the guidelines of the International Civil Aviation Organization (ICAO).

1.8 Furthermore, Decision 320, modified by Decision 361, established Multiple Designation in Air Transport of the Andean Sub-region.

1.9 At present, these decisions are being assessed by the Andean Committee of Aeronautical Authorities (CAAA) and the General Secretariat.

1.10 Regarding multimodal transport, the Andean Community, through Decisions 331 and 393, has adopted a set of common rules to regulate operations in the sub-region.

1.11 In view of the growing trend towards internal exchange, and the need for aeronautical services that can transport people and goods in an effective and efficient manner, the countries of the Andean Community and, particularly, the authorities of the sector, have placed special emphasis on the updating and precision of the common regulatory framework that regulates the various transport modes, so that the aeronautical sector may have the proper rules for the benefit of users.

Intra-community exports by transport mode

Mode	Structure of millions of USD			Structure of thousands of t		
	1997	1998	1999	1997	1998	1999
Air	5,7%	8,7%	9,2%	0,2%	0,3%	0,3%

1.12 In 2000 and 2001, the actions assigned by the Andean presidents for the development of this sector were carried out, *i.e.* the establishment of criteria to facilitate the development of trans-border flights by companies of the sub-region.

2. Analysis

2.1 Within the Andean Community of Nations, there are bodies that can firmly and decidedly contribute to the development of the necessary principles in order to establish the multinational service provision body, or safety control bodies, namely:

2.2 Andean Presidential Council: It is the maximum body of the Andean Integration System (SAI), which issues directives that are implemented by the remaining SAI bodies.

2.3 The Andean Parliament is the common deliberating body of the Andean Integration System that represents the peoples of the Andean Community. It is in charge, *inter alia*, of promoting the harmonisation of legislations of member countries, and of co-operation and co-ordination with the parliaments of Andean and other countries. Consequently, it can contribute to the harmonisation of aeronautical technical and service provision standards.

2.4 The Andean Council of Ministers, composed of the Ministers of Foreign Affairs of member countries, which signs conventions and agreements on co-operation with third countries or groups of countries or with international organisations, such as ICAO. Its decisions constitute legal norms, ruled by the provisions of the Treaty for the Creation of the Court of Justice of the Cartagena Agreement.

2.5 The Andean Development Corporation (CAF) is an international financial institution which is considered to be the financial branch of the Andean Community. Its mission is to support the sustainable development and integration of its associate countries, mobilising resources for the provision of multiple financial services, an instrument which might help build the multinational scenarios in these times of scarce resources.

2.6 The Andean Court of Justice, which is the jurisdictional body of the Andean Community, is composed by five magistrates who represent each of the member countries, and has territorial jurisdiction over the five countries. It would firmly contribute to control the legality of multinational rules, ensuring the sustainability of the multinational service provision or safety control structure, and handling the legal relations with air transport users which might be derived from the application of rules or procedures.

3. Recommendations

3.1 It is suggested that the meeting request ICAO, in co-ordination with the States that wish to participate, to organise a consultation meeting with the Andean Community of Nations, so that, within the scope of co-operation, a study be made of the advantages that this mechanism offers to aviation for the development of multinational service provision or safety control structures which might contribute to harmonise and improve safety levels, as well as the future provision of air navigation services in the CNS/ATM environment.