



ICAO COMPETITION COMPENDIUM

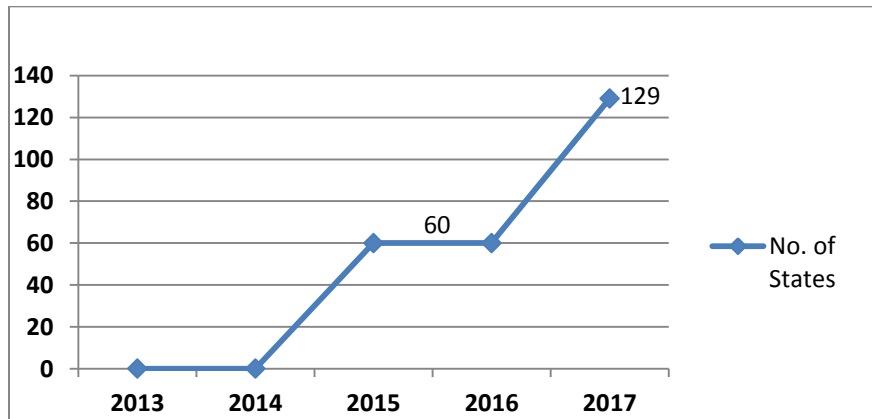
1. BACKGROUND

- 1.1. The Sixth World Air Transport Conference (ATConf/6), held in Montréal from 18 to 22 March 2013, recommended that “*ICAO should develop a compendium of competition policies and practices in force nationally or regionally*” (hereinafter referred to as the “ICAO Competition Compendium”) (Recommendation 2.4/1 g), Doc 10009 refers).
- 1.2. The Twelfth Meeting of ICAO’s Air Transport Regulation Panel (ATRP/12), held from 26 to 30 May 2014, considered the draft compendium “*a useful tool for the exchange of information among interested authorities with a view to fostering more compatible approaches on fair competition in international air transport.*” ATRP/12 recommended that “*ICAO should continue to develop the compendium of competition policies and practices in force nationally or regionally...*” (Recommendation ATRP/12-2 refers).
- 1.3. In parallel to the continuing update of the existing material, the ICAO Secretariat prepared a survey on competition (the “Competition Survey”), which was disseminated in June 2015 under the form of a State Letter, to all Member States with an attached questionnaire (**Appendix A** refers) seeking, both for States and for regional bodies, information on:
 - general competition laws, regulations, and/or policies applicable to air transport activities;
 - aviation-specific competition laws, regulations, and/or policies;
 - practices applicable to air transport activities;
 - government agency responsible for the enforcement of competition laws, regulations and policies; and
 - online publication of competition laws, regulations and/or policies.
- 1.4. Sixty out of ICAO’s 191 Member States responded to the Competition Survey, which represents 31.41 per cent of the total ICAO membership. States who responded to the Competition Survey are referred to as the “Responding States”.
- 1.5. During its Thirteenth Meeting held from 1 to 4 September 2015 (ATRP/13), the Air Transport Regulation Panel highlighted “*the value of the compendium, with particular mention of the individual State competition profiles compiled based on research and feedback from States*”

through the recent survey” and recommended that it be updated and enhanced (Recommendation ATRP/13-1 a) refers).

- 1.6. In line with these recommendations, the Secretariat supplemented the Competition Survey with research from publicly available information sources. As a result, sixty-nine additional States (the “Researched States”) were subsequently analyzed and integrated in the database, reaching a total of 129 States, as described in further detail in para. 2.1 below. The Responding States and the Researched States are hereinafter jointly referred to as the “Surveyed States” and a list of these is presented in **Appendix B**.
- 1.7. The information collected on Surveyed States is available on the ICAO public website and can be accessed for free at: <http://www.icao.int/sustainability/compendium/Pages/default.aspx>. The State Competition Profiles offered on the website present, for each State, the relevant competition information in a standardized format, following the structure of the Competition Survey.
- 1.8. In addition to individual States, information is also provided whenever available, on regional bodies, which include:
 - regional intergovernmental organizations or institutions (e.g. the Association of South East Asian Nations (ASEAN)); and
 - regional intergovernmental civil aviation organizations (e.g. the Arab Civil Aviation Commission (ACAC)).
- 1.9. **Graph 1** below provides an illustration of the increase in coverage of the ICAO Competition Compendium between 2013 (year of ATConf/6) and 2017 (after completion of the Competition Survey and the additional research).

Graph 1 - Evolution of ICAO Competition Compendium Coverage (Number of States, 2013-2017)



2. GLOBAL AND REGIONAL COVERAGE OF THE ICAO COMPETITION COMPENDIUM

- 2.1. **Table 1** below presents total numbers of Surveyed States in each region and globally, as well as global and regional percentages of Surveyed States divided by ICAO Member States.
- 2.2. As of January 2017, the ICAO Competition Compendium covers a total of 129 States, which represents globally close to sixty-eight per cent of the total ICAO membership (191 States). The information can therefore be considered as providing a solid ground for a representative overview of the situation that the Competition Survey intended to assess.

Table 1 – Global and Regional Coverage of the ICAO Competition Compendium

Region	No. of ICAO Member States	No. of Surveyed States	Percentage
Africa	54	29	53.70%
Asia-Pacific	43	23	53.49%
Europe	47	45	95.74%
Latin America-Caribbean	32	23	71.88%
Middle East	13	7	53.85%
North America	2	2	100.00%
Global	191	129	67.54%

- 2.3. In the future, it is expected that the current global coverage gap of close to thirty-two per cent will be continuously narrowed, with a view to contributing to information sharing and transparency on competition rules and practices.
- 2.4. From a regional perspective, the European region has a coverage rate of 95.74 per cent, followed by Latin America-Caribbean (71.88 per cent), the Middle East (53.85 per cent), Africa (53.70 per cent), and Asia-Pacific (53.49 per cent).
- 2.5. It should be noted that only eight out of the 129 Surveyed States (or six per cent) explicitly indicated that they do not have general competition laws, regulations and/or policies applicable to air transport activities.

3. AVIATION-SPECIFIC COMPETITION RULES

- 3.1. As illustrated in **Table 2** below, forty States out of 129 Surveyed States have aviation-specific laws, regulations and/or policies, which represents 31.01 per cent.

Table 2 – Global and Regional Coverage of States Having Aviation-Specific Competition Rules

Region	No. of Surveyed States	No. of States With Aviation-Specific Competition Rules	Percentage
Africa	29	4	13.79%
Asia-Pacific	23	4	17.39%
Europe	45	29	64.44%
Latin America-Caribbean	23	1	4.35%
Middle East	7	1	14.29%
North America	2	1	50.00%
Global	129	40	31.01%

3.2. The high proportion of States having aviation-specific rules are in the European region. This can be explained by the role of the European Union (EU) in competition policy, and taking into account that twenty-eight of the European countries are Member States of the EU (representing 59.97 per cent of the total number of European States).

4. COMPETITION PRACTICES

4.1. In the context of the ICAO Competition Compendium, the term “competition practices” refers to any regulatory practices or action by States or regional bodies, aimed at, or having the effect of, addressing competition-related issues, including, but not limited to, regulatory arrangements under bilateral air services agreements, agreed cooperation arrangements between States/regions for dealing with competition matters, and model clauses on fair competition.

Table 3 – Global and Regional Coverage of States Having Competition Practices

Region	No. of Surveyed States	No. of States With Competition Practices	Percentage
Africa	29	8	27.59%
Asia-Pacific	23	5	21.74%
Europe	45	33	73.33%
Latin America-Caribbean	23	4	17.39%
Middle East	7	4	57.14%
North America	2	1	50.00%
Global	129	55	42.64%

- 4.2. As shown in **Table 3** above, globally, fifty-five out of the 129 Surveyed States have competition practices applicable to air transport activities, which represents 42.64 per cent. The region with the highest proportion of States with competition practices is Europe, with thirty-three out of forty-five Surveyed States (73.33 per cent). The Middle East has four States with competition practices out of seven Surveyed States (57.14 per cent), while North America has one State. Africa has eight States with competition practices, out of fifty-four States (27.59 per cent), while Asia-Pacific has five such States out of twenty-three Surveyed States (21.74 per cent). In Latin America-Caribbean, four States have competition practices out of twenty-three States (17.39 per cent).
- 4.3. Most of the practices accounted for in the Competition Survey stem from:
- membership to regional entities such as the EU, the Central African Economic and Monetary Community (CEMAC), the East African Community (EAC), the Economic Community of Central African States (ECCAS), the Eurasian Economic Union (EEU), or the Western African Economic and Monetary Union (WAEMU); and
 - entering into specific arrangements such as the Euro-Mediterranean Air Transport Agreement, or the EU-Israel Aviation Agreement 2013/398/EU.

5. ENFORCING AUTHORITIES AND ONLINE COMPETITION MATERIAL

- 5.1. Whenever such information is available, the ICAO Competition Compendium lists government authorities responsible for the enforcement of competition rules. Based on the information available, such authorities are usually those agencies or authorities specialized in competition matters. In some States, however, competition laws are enforced by general governmental bodies, such as the Ministry of Economy or Trade.
- 5.2. To facilitate research, over a hundred hyperlinks are made available in the ICAO Competition Compendium, directing users to websites of government authorities or other entities, and giving access to competition material or references.
- 5.3. In order for ICAO to keep enhancing both the coverage and the quality of the information provided in the Competition Compendium, States and relevant regional competition authorities are encouraged to submit contributions for additions, changes or updates to the Secretariat at: ecd@icao.int.

APPENDIX A - ICAO SURVEY ON COMPETITION



International
Civil Aviation
Organization

Organisation
de l'aviation civile
internationale

Organización
de Aviación Civil
Internacional

Международная
организация
гражданской
авиации

منظمة الطيران
المدني الدولي

国际民用
航空组织

Tel.: +1 514-954-8219 ext. 8086

Ref.: EC2/109-15/42

5 June 2015

Subject: Survey on competition rules and practices

Action required: Reply to the questionnaire by
30 June 2015

Sir/Madam,

I have the honour to refer to Assembly Resolution A38-14, Appendix A, Economic regulation of international air transport, which directs the Council to continue to monitor developments in the area of competition in international air transport and update, as necessary, its related policies and guidance. I also wish to refer to Recommendation 2.4/1 g) of the Sixth Worldwide Air Transport Conference (ATConf/6) endorsed by the Council, which recommends ICAO to develop a compendium of the competition policies and practices in force at the national or regional level.

Pursuant to the Assembly Resolution and Council action plan for implementation of ATConf/6 recommendations, the Secretariat has developed a preliminary compendium of competition policies and practices, which is available online at <http://www.icao.int/sustainability/compendium/>.

In order to better understand and increase the value of the compendium, the Secretariat is conducting a survey to seek input from States and regional bodies on competition rules and practices in force regionally and nationally. I therefore would encourage your administration to complete the applicable part of the attached questionnaire by 30 June 2015 and return your response via e-mail to ecd@icao.int, or by facsimile to +1 514 954 6744.

Accept, Sir/Madam, the assurances of my highest consideration.

Raymond Benjamin
Secretary General

Enclosure:

- Survey on Competition Rules and Practices

Attachment to State letter EC 2/109-15/42

SURVEY ON COMPETITION RULES AND PRACTICES

Please complete the applicable part of this questionnaire, either Part A (States) or Part B (regional bodies).

For the purpose of this survey, the term “*practices*” used below signifies any regulatory practices or action by States or regional bodies, other than national/regional laws and regulations, aimed at, or having the effect of, addressing competition-related issues, including, but not limited to, regulatory arrangements under bilateral air services agreements, agreed cooperation arrangements between States/regions for dealing with competition matters, and model clauses on fair competition.

The term “*Regional bodies*” used below signifies **regional intergovernmental organizations or institutions** (for example the Association of South East Asian Nations (ASEAN)), as well as **regional intergovernmental civil aviation organizations** (for example the Arab Civil Aviation Commission (ACAC)).

PART A – FOR STATES

1. Does your country have general competition laws, regulations and/or policies that are applicable to air transport activities?

Yes No

If yes, please send or attach the relevant text of such competition laws, regulations and/or policies, unless the material has already been included in the ICAO Compendium of competition policies and practices (the ICAO Compendium).

2. Does your country have aviation-specific competition laws, regulations and/or policies?

Yes No

If yes, please send or attach the relevant text of such competition laws, regulations and/or policies, unless the material has already been included in the ICAO Compendium.

3. Does your country have *practices* that are applicable to air transport activities?

Yes No

If yes, please send or attach the relevant text of such *practices*, unless the material has already been included in the ICAO Compendium.

4. In your country, which government agency is the enforcing authority for your competition laws, regulations and/or policies?
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5. Does your country publish competition laws, regulations and/or policies online?

Yes No

If yes, please provide the website link here: _____

PART B – FOR REGIONAL BODIES

1. Does your regional body have general competition laws, regulations and/or policies that are applicable to air transport activities?

Yes No

If yes, please send or attach the relevant text of such competition laws, regulations and/or policies, unless the material has already been included in the ICAO Compendium of competition policies and practices (the ICAO Compendium).

2. Does your regional body have aviation-specific competition laws, regulations and/or policies?

Yes No

If yes, please send or attach the relevant text of such competition laws, regulations and/or policies, unless the material has already been included in the ICAO Compendium.

3. Does your regional body have *practices* that are applicable to air transport activities?

Yes No

If yes, please send or attach the relevant text of such *practices*, unless the material has already been included in the ICAO Compendium.

4. In your regional body, which agency is the enforcing authority for your competition laws, regulations and/or policies?

5. Does your regional body publish competition laws, regulations and/or policies online?

Yes No

If yes, please provide the website link here: _____

APPENDIX B – LIST OF SURVEYED STATES

Listed below are the 129 Surveyed States, including (i) States having responded to the Survey (“Responding States”) and (ii) States researched by ICAO on public information sources (“Researched States”) presented in the ICAO Competition Compendium as of January 2017.

Responding States

Argentina	Ecuador	Japan	Paraguay	Switzerland
Australia	Equatorial Guinea	Jordan	Peru	TFYR Macedonia
Austria	Estonia	Kuwait	Philippines	Turkey
Brazil	France	Lithuania	Poland	United Arab Emirates
Cabo Verde	Gabon	Luxembourg	Qatar	United Kingdom
Canada	Georgia	Maldives	Republic of Moldova	United Republic of Tanzania
Chile	Germany	Malta	San Marino	United States
China	Greece	Mongolia	Serbia	Uruguay
Congo	Guatemala	Myanmar	Singapore	Zimbabwe
Costa Rica	Iceland	Netherlands	Slovenia	
Cuba	India	New Zealand	Spain	
Cyprus	Ireland	Niger	Sweden	
Czech Republic	Italy	Norway		Total: 60

Researched States

Albania	Denmark	Lao People's Democratic Republic	Portugal	Venezuela (Bolivarian Republic of)
Algeria	Dominican Republic	Latvia	Romania	Viet Nam
Armenia	Egypt	Madagascar	Russian Federation	Zambia
Azerbaijan	El Salvador	Malawi	Rwanda	
Bahrain	Fiji	Malaysia	Saudi Arabia	Total: 69
Bangladesh	Finland	Mali	Senegal	
Barbados	Gambia	Mauritius	Seychelles	
Belarus	Guyana	Mexico	Slovakia	
Belgium	Honduras	Montenegro	South Africa	
Bolivia	Hungary	Morocco	Sri Lanka	
Bosnia and Herzegovina	Indonesia	Namibia	Swaziland	
Botswana	Israel	Nicaragua	Thailand	
Bulgaria	Jamaica	Nigeria	Trinidad and Tobago	
Burkina Faso	Kazakhstan	Pakistan	Tunisia	
Cameroon	Kenya	Panama	Turkmenistan	
Colombia	Kyrgyzstan	Papua New Guinea	Ukraine	
Côte d'Ivoire				
Croatia				