

**WORLDWIDE AIR TRANSPORT CONFERENCE: CHALLENGES AND
OPPORTUNITIES OF LIBERALIZATION**

Montreal, 24 to 29 March 2003

Agenda Item 1: Preview
1.1: Background to and experience of liberalization

MODEL AIR COMMERCE ACT

(Presented by the United States)

INFORMATION PAPER

SUMMARY

The Model Air Commerce Act provides a flexible template for countries to develop their own regulations regarding the economic aspects of civil aviation, and can be used by States at any level of liberalization.

1. INTRODUCTION

1.1 The Model Air Commerce Act was introduced by the United States (U.S.) at the Sub-regional Workshop on Air Transport Liberalization in Bamako, Mali, 12-14 March 2001. This model statute for the economic regulation of civil aviation reflects an attempt to balance the experience that the United States has had in regulating civil aviation over many years, on the one hand, with the widely different needs, experience, and legal systems of other countries, on the other. The Model Act represents a broad statutory scheme, designed to be adaptable for use in any country, that would provide the basis for a system to regulate the economic aspects of civil aviation. It can be used by States at any level of liberalization.

1.2 Although based on the present U.S. system, the Model Act amends or omits certain provisions from the U.S. law that reflect the particular evolution of U.S. regulation and liberalization and are not necessary components of a general regulatory arrangement. The model can be adapted to conform to existing legal systems. In countries following the “common law” approach, like the United States, many statutory provisions are interpreted and refined through individual judicial decisions; in other systems, this function may be served by more precise and extensive codification. Both forms of clarification are used

extensively in the U.S. system. In either case, this model is designed to be supplemented by additional regulations to implement specific provisions.

1.3 The texts of the Model Air Commerce Act and the associated Commentary are available in English and French on the Internet at: <http://ostpxweb.dot.gov/aviation/index.html>.

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