

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

Montreal, 24 to 29 March 2003

DRAFT REPORT ON AGENDA ITEM 3.1

Agenda Item 3: Review of template air services agreement
3.1: Comprehensive template air services agreement

3.1.1 Documentation

Secretariat (WP/17 and Addendum) provided bilateral and regional/plurilateral versions of the Template Air Services Agreement (TASA) for the guidance and optional use (selectively, adapted, or in full) by States in their air transport relationships. Based on existing ICAO guidance and model clauses as well as bilateral and regional/plurilateral agreements and arrangements, this document was intended to assist States as a practical tool in the liberalization process.

Pakistan (WP/57) noted that the TASA agreement was for optional use of States wishing to liberalize.

United States (WP/90 - information paper) provided for information its model open-skies bilateral and a plurilateral agreement among seven APEC States (the “MALIAT” or “Kona” agreement as useful examples of recent liberalization instruments.

IFALPA (WP/34 - information paper) provided information on principles with respect to ownership and control, Seventh Freedom operations and wet-leasing for inclusion in the TASA.

3.1.2 Discussion

3.1.2.1 There was widespread support and approval for the concept and content of the TASA. States found them a useful tool for the options and approaches contained therein. This enabled them to pursue a balanced approach to liberalization. It was also felt that the TASAs would provide flexibility and enhance the harmonization of language and practice in air services relationships.

3.1.2.2 As a “living document” the TASA could be adapted and updated as experience was gained with the liberalization process. Moreover, it was important for States to inform ICAO of their experiences in this area and on their use of the TASAs. In turn, ICAO should circulate a summary of the feedback received from States on the use of the TASAs

3.1.3 Conclusion

3.1.3.1 From the documentation and ensuing discussion under Agenda Item 3.1 - Comprehensive template air services agreement, the Conference concluded that:

- a) in actively promoting its role in developing policy guidance for States on the economic regulation of international air transport, ICAO’s development of the TASAs in Attachments A and B of this paper is intended to facilitate the liberalization process;
- b) the Template Air Services Agreements provide practical source documents for liberalization for States to use at their discretion in their air services relationships as well as in the development of their approaches and options in liberalization, serving as a useful

tool in the liberalization process. The TASAs are living documents" that should continue to be developed, particularly regarding additional material as to their application, in order to provide comprehensive guidance to States to facilitate liberalization and improve the harmonization of air services agreements in terms of language and approach;

- c) States should be encouraged to use the TASAs in their bilateral, regional or plurilateral relationships and to provide feedback to ICAO on the use of the TASAs; and
- d) ICAO should continue to monitor closely the regulatory experiences of States and regions in liberalization and in the use of the TASA. It should disseminate to States relevant information on these developments and provide assistance on the use and application of the TASAs.

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