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WORLDWIDE AIR TRANSPORT CONFERENCE (ATCONF)

SIXTH MEETING

Montréal, 18 to 22 March 2013

Agenda Item 2: Examination of key issues and related regulatory framework
2.5: Safeguards

DRAFT REPORT

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2.5.1 DOCUMENTATION

2.5.1.1 The Conference considered Agenda Item 2.5 based on the following working papers: WP/3 (Secretariat) and WP/63 (World Tourism Organization (UNWTO)).

2.5.2 DISCUSSION

2.5.2.1 There was general agreement with respect to the continued need for safeguards in the liberalization process in order to ensure the effective and sustained participation of all States in the international air transport system, as enshrined in the Chicago Convention. Many States considered ICAO guidance in this field to be useful for policy making and for the development of their air transport industry.

2.5.2.2 There was virtually unanimous support expressed with respect to the prevailing relevance and validity of ICAO's guidance on safeguard measures concerning participation, assurance of service and State aid/subsidies, essential air service and tourism development route scheme, and avoidance of unilateral action, as well as for the need for ICAO to keep its guidance current and responsive to the changes and requirements of States.

2.5.2.3 It was widely agreed that in regulatory practices, States should follow the ICAO policy guidance on safeguards according to their needs and situation. Particular emphasis was placed on the view that States should refrain from taking unilateral action that would negatively affect other States and the orderly, efficient and sustainable development of air transport.

2.5.2.4 The Conference noted the view that safeguard measures should not be used as a tool to hinder the liberalization progress. Noted also was a suggestion that ICAO should work with States, interested organizations and stakeholders to promote its guidance, and should consult States concerned when developing guidance on safeguard measures.

2.5.3 CONCLUSIONS

2.5.3.1 As a result of the documentation considered and ensuing discussion on safeguards under Agenda Item 2.5, the Conference concluded that:

- a) in the liberalization process of international air transport, there is a continued need for safeguards by some States due to the disparity in the stages of the development, strength of air carriers, and geographical locations, as well as the need to ensure sustainable development;
- b) the guidance developed by ICAO on safeguard measures pertaining to effective participation in international air transport, assurance of service and State

aid/subsidies, essential air services, and avoidance of unilateral action, continues to be relevant, and should be kept current and responsive to changes and States' requirements; and

- c) in regulatory practices, States should give due regard to the common interest of the aviation community and the concerns of other States. Particular attention should be given to the ICAO policy guidance on the avoidance of unilateral action that could negatively affect the efficient and sustainable development of international air transport.

2.5.4 RECOMMENDATIONS

Recommendation 2.5/1 — Safeguard Measures

The Conference Recommends that:

- a) in the liberalization process, States should give due regard to the principles agreed upon by the aviation community at the various ICAO fora pertaining to safeguard measures designed to ensure the sustained and effective participation of all States in international air transport, including the principle of giving special consideration to the interests and needs of developing countries;
- b) in regulatory practices, States should refrain from taking unilateral action that would negatively affect the common interest of the aviation community and the efficient and sustainable development of international air transport;
- c) ICAO should actively promote and encourage States to use the relevant ICAO guidance on safeguard measures in their regulatory practices, and to share with ICAO and other States their experiences in liberalization; and
- d) ICAO should continue to monitor developments with respect to safeguards, and should keep related guidance current and responsive to changes and needs of States and, where required, work with States, interested organizations and aviation stakeholders to develop further guidance.

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