



**THE NEW CARICOM
MULTILATERAL AIR SERVICES
AGREEMENT**

**CONCERNING THE OPERATION OF AIR
SERVICES WITHIN THE CARIBBEAN
COMMUNITY**

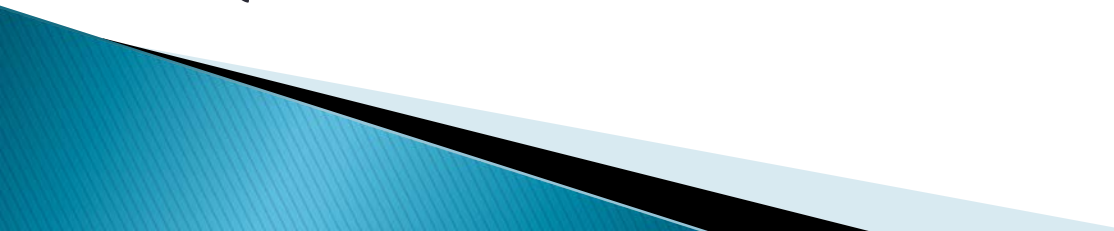
*Presented to the
8TH Meeting of the North American, Central
American and Caribbean Directors of Civil
Aviation [NACC/DCA/08]*

P/22 – Agenda Item 8


PRESENTED BY:

**DR. PAULINE D. YEARWOOD
DEPUTY PROGRAMME MANAGER, TRANSPORTATION
01 AUGUST 2018**

Agenda

- ❑ **DEFINING THE CARIBBEAN COMMUNITY**
 - ❑ **THE MINISTERIAL COUNCIL FOR TRANSPORTATION**
 - ❑ **MANDATE OF THE ORGAN & THE CONFERENCE OF HEADS OF GOVERNMENT**
 - ❑ **THE NEW CARCOM MULTILATERAL AIR SERVICES AGREEMENT [MASA]**
 - ❑ **THE NEW [MASA] – MAIN ELEMENTS**
 - ❑ **THE NEW [MASA] – KEY ARTICLES**
 - **ARTICLE 12 - SAFETY [PARAGRAPHS 1 & 2]**
 - **ARTICLE 13 - AVIATION SECURITY [PARAGRAPHS 1, 4, 5 & 7]**
 - ❑ **EXPECTED BENEFITS OF THE MASA**
 - ❑ **QUESTIONS & ANSWERS**
- 

THE CARIBBEAN COMMUNITY [CARICOM]

- Fifteen (15) Member States and five (5) Associate Member States.
 - Apart from Suriname and Guyana which share a common riverain border, Member States are separated by vast expanses of water.
 - Smaller States depend on a complementary network of small vessels or commuter aircraft operations to link them to their principal markets via regional hubs.
 - Geographical spread and the operational limitations at ports present logistical challenges in establishing a comprehensive, seamless transport system in the Community.
- 

THE CARIBBEAN COMMUNITY [CARICOM]

- No direct links with major trading partners because of their small sizes and low volumes.
- Transportation is vital for Community trade, access to tourism markets, movement of goods, social integration of peoples of Community.

[NO TRANSPORTATION, NO TRADE, NO INTEGRATION]




THE MINISTERIAL COUNCIL FOR TRANSPORTATION COTED

- ▶ Council for Trade and Economic Development (COTED) - portfolio includes and addresses transportation matters.
- ▶ Promoting:
 - Coordination of the national transport policies of Member States.
 - Implementation of uniform regulations and procedures consistent with standards and recommended practices.
 - Development of required institutional, legal, technical, financial and administrative support for the balanced, sustained development of the transport sector.

MANDATE OF THE ORGAN OF THE COMMUNITY

Twenty-Second Meeting of the Council for Trade and Economic Development (COTED) held in November 2006

- ▶ Endorsed a proposal for the removal of restrictions in and the progressive liberalization of the international air transport sub-sector within CARICOM.
 - ▶ Agreed it should be addressed in a revised Multilateral Agreement Concerning the Operation of Air Services within the Caribbean Community.
- 

MANDATE OF THE CONFERENCE OF HEADS OF GOVERNMENT

The Conference of Heads of Government (Barbados, July 2007)

- ▶ *Endorsed*, the revision of the CARICOM MASA in consistent with the provisions of the Revised Treaty of Chaguaramas .
- ▶ The MASA was opened for signature in July 1996 and entered into force in November 1998. .

MANDATE OF THE CONFERENCE OF HEADS OF GOVERNMENT CONT'D

The Conference of Heads of Government (Barbados, July 2007)

- ▶ The MASA was opened for signature in July 1996 and entered into force in November 1998.
- ▶ It has been ratified by Antigua and Barbuda, Barbados, Belize, Dominica, Grenada, Guyana, St Kitts and Nevis, St Lucia, Trinidad and Tobago and St. Vincent and the Grenadines.

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT

The Thirty-Ninth Inter-Sessional Meeting of the Conference of Heads of Government of the Caribbean Community (CARICOM), Port-au-Prince Haiti, February 2018.


- ▶ Approved the MASA and opened the instrument for signature.
- ▶ 4 Member States have signed:
 - Belize, Guyana, St. Vincent and the Grenadines, Suriname

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT CONT'D


- The **Built-in Agenda** is to be completed
 - Article 26–Undertaking

 - 3 matters for the elaboration of a Protocol:
 - (i) Essential Services


 - (ii) Subsidies

 - (iii) The conditions for a single security check for direct transit passengers on multi-stop intra-Community flights.
- 


THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT – MAIN ELEMENTS

- ▶ The Agreement concerns the operation only of CARICOM air carriers.
 - ▶ Allows all types of air services to be performed by those carriers designated by contracting States;
 - ▶ The traffic rights – include the right to carry traffic between a contracting State in which the carrier is registered and another contracting State; and on a reciprocal basis, the right to carry traffic between another contracting State and beyond;
- 

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT - MAIN ELEMENTS [CON'TD]

- ▶ No obligation to grant cabotage traffic rights, nor prohibition to grant such rights.
 - ▶ The Agreement provides for a fair and equal opportunity for all CARICOM air carriers to compete in the air transportation covered by the Agreement.
 - ▶ Contracting States are committed to act in conformity with the provisions of the main Conventions and Annexes of the Chicago Convention which deals with aviation security and to cooperate in this regard.
- 

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT – MAIN ELEMENTS [CON'TD]

- ▶ • No restriction on routes, capacity or traffic rights (including Seventh Freedom and cabotage).
 - ▶ • No regulation of tariffs, except to prevent anti-competitive behaviour.
 - ▶ • Liberal arrangements for granting operating authorizations following receipt of designation.
 - ▶ • Provisions facilitating regulatory cooperation by civil aviation authorities on matters such as trade in aviation goods and services.
- 

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT – KEY ARTICLES

ARTICLE 12 – SAFETY [Paragraphs 1 & 2]

- ▶ *1. A Member State may request consultations with another Member State at any time concerning the safety standards maintained and administered by that other Member State relating to aeronautical facilities, aircrews, aircraft or the operation of designated air carriers. Such consultations shall take place within thirty days of that request.*

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT – ARTICLES OF INTEREST CONT'D

ARTICLE 12 – SAFETY

- ▶ *2. If, following such consultations, a Member State finds that another Member State does not effectively maintain and administer safety standards and requirements in any of the areas mentioned in paragraph 1 in a manner that is at least equal to the minimum standards established pursuant to the Chicago Convention, the Member State shall be notified of such findings and the steps considered necessary to conform with those minimum standards and the Member State shall take appropriate corrective action.*

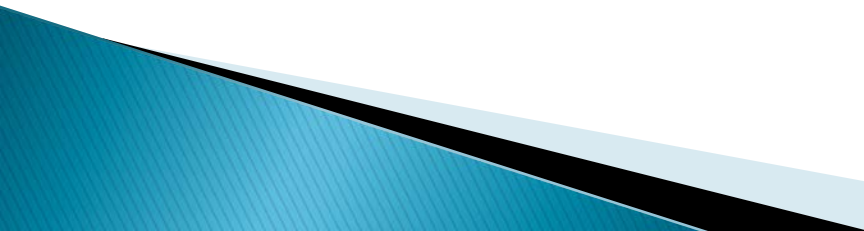
THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT – ARTICLES OF INTEREST CONT'D

ARTICLE 13 – AVIATION SECURITY

- ▶ *1. Consistent with their rights and obligations under international law, Member States reaffirm that their obligation to protect, in their mutual relationship, the security of civil aviation against acts of unlawful interference forms an integral part of this Agreement.*

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT – ARTICLES OF INTEREST CONT'D

ARTICLE 13 – AVIATION SECURITY

- ▶ 4. The Member States shall, in their mutual relations, act in conformity with the aviation security standards and appropriate recommended practices established by ICAO and designated as Annexes to the Chicago Convention to the extent that such security provisions are applicable to the Member States.
- 

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT – ARTICLES OF INTEREST CONT'D

ARTICLE 13 – AVIATION SECURITY

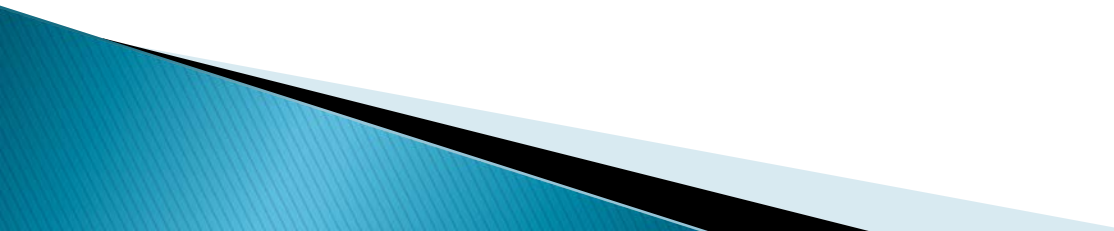
- ▶ *5. Each Member State shall require that operators of aircraft of its registry, operators of aircraft who have their principal place of business in its territory, and the operators of airports in its territory act in conformity with such aviation security provisions as are applicable to the Member State. Each Member State shall advise the other Member States of any difference between its national regulations and practices and the aviation security standards of the Annexes referred to in paragraph 4 above. A Member State may request immediate consultations on such differences with any other Member State at any time.*

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT – ARTICLES OF INTEREST CONT'D

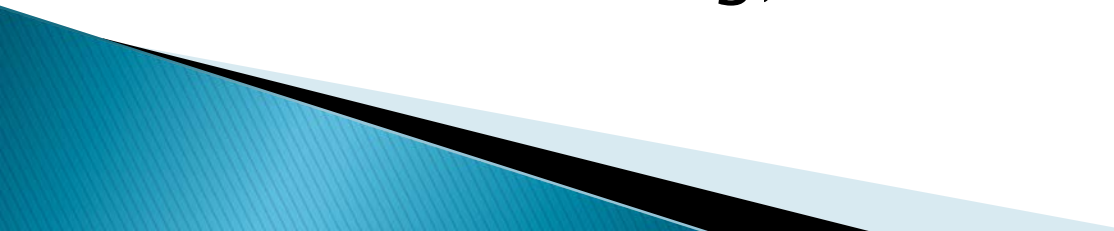
ARTICLE 13 – AVIATION SECURITY

- ▶ *7. A Member State which has reasonable grounds to believe that another Member State is not in compliance with the provisions of this Article may request immediate consultations with that other Member State on the matter. Failure to reach a reasonable agreement within fifteen days from the date of such request shall constitute grounds to withhold, revoke, suspend, limit, or impose conditions on the operating authorization or technical permission of an air carrier designated by the other Member State. When required by an emergency, a Member State may take interim action prior to the expiry of the fifteen days.*

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT - EXPECTED OPPORTUNITIES

- ▶ Increased and improved transport services which will benefit businesses and passengers whilst supporting jobs and economic growth.
 - ▶ Development and utilization of the third tier commuter/feeder carriers. It is envisaged that the development of this category of operation will encourage new route development.
 - ▶ Development and expansion of inter-regional tourism; provision of more cargo options for exporters and importers and cost savings for airline operators.
- 

THE NEW CARICOM MULTILATERAL AIR SERVICES AGREEMENT – EXPECTED OPPORTUNITIES

- ▶ Increased services on low density routes thereby providing increased access and flexibility in routing.
 - ▶ Greater cargo options for exporters and importers.
 - ▶ Creation of niche market opportunities for the aviation sector – aircraft refurbishment; aircraft cleaning; aircraft maintenance, FBOs.
- 

Thank You

