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# ICAO's work in air transport policy and regulation: multilateral agreements

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# Briefing to cover:

- ICAO's role in international air transport regulation
- Mandate and work program
- ICAO long-term vision for liberalization
- International agreements for liberalization
- Addressing key issues
- Other guidance and assistance to States



# Convention on International Civil Aviation (CHICAGO CONVENTION)



## PREAMBLE

“..... the undersigned governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically”



## Article 44 – Aims and objectives of ICAO

.....

- a) Insure the safe and orderly growth of international civil aviation throughout the world; ....
- c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;
- d) Meet the needs of the people s of the world for safe, regular, efficient and economical air transport;
- e) Prevent economic waste caused by unreasonable competition;
- f) Insure that the rights of contracting States are fully respected and that every contracting State have a fair and equal opportunity to operate international airlines;
- g) Avoid discrimination between contracting States; .....
- i) Promote generally the development of all aspects of international civil aeronautics.



## **Assembly Resolution on continuing ICAO policies in the air transport field (A39-15)**

.....

### ***The Assembly:***

**Reaffirms the primary role of ICAO in developing policy guidance on the regulation of international air transport;**

...

**Reaffirms the need for ICAO to continue to explore future regulatory arrangements and develop recommendations and proposals to meet the challenges facing international air transport, responding to the internal and external changes affecting it;**

.....



## ICAO's Strategic Objective D:

### Economic Development of Air Transport

- Foster the development of an economically-viable civil aviation system and enhancing its economic efficiency and transparency.



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# Mandate for the current work

- Recommendations of ATConf/6
- Council's action plan for implementation with prioritization
- Assembly Resolution on continuing ICAO policies in the air transport field



- **Air transport policy and regulation:**
  - a) Study issues and provide guidance to States;
  - b) Work aimed at:
    - helping States in performing economic regulatory functions, reducing cost;
    - increasing consumer's benefits and choices;
    - improving air connectivity; and
    - creating more favorable operating environment.

*Contributing to sustainable economic development and expansion of trade and tourism.*



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# ICAO Long-term Vision for Liberalization

(adopted by Council in June 2015)

*We, the Member States of the International Civil Aviation Organization, resolve to actively pursue the continuous liberalization of international air transport to the benefit of all stakeholders and the economy at large.*

*We will be guided by the need to ensure respect for the highest levels of safety and security and the principle of fair and equal opportunity for all States and their stakeholders.*



## Develop international agreements for liberalization

- On Market access, Air cargo, and Air carrier ownership and control
- Draft to be developed by ATRP
- Process: prepare draft text; consult States; report to governing bodies; finalize agreement; States to sign on



## Work in progress:

- **Agreements to build on existing liberalized agreements and achievements of States**
- **Intended for States to sign on when they feel willing and ready**
- **ATRP (and WG) to address key issues and find solutions**
- **ATRP aimed to “get it right, and take the time as required”**
- **Report to governing bodies and consult States (2017 to 2019)**



## Outstanding issues:

- Form of agreement (*comprehensive vs supplemental*)
  - Scope and pace of liberalization (*traffic rights*)
  - Safeguard provisions (*what & how to cover*)
  - Agreement on O&C (*stand-alone or in baseline agreement*)
- **ATRP (WG) to address & resolve**



## Competition and Safeguards

- Liberalization to be accompanied with safeguards
- Issues: Application of competition laws; Fair competition; State aid/subsidies; Labour concerns; Essential services

### ICAO's work:

- Collect information on States competition policies and practice (Compendium **available online**)
- Forum for exchanges (e.g. ICANs, global/regional meetings)
- ATRP to further examine safeguards when developing draft international agreements for liberalization
- Monitor developments and update guidance material



## Consumer protection

### ICAO's work:

- **Core principles** developed (ATRP, States consulted)
- Adopted by Council in June 2015, as guidance for States and industry stakeholders (**foster convergence and compatibility**)
  - States to follow/apply; and provide feedback
  - ICAO to promote and monitor developments
  - “Living document” to be reviewed and refined



## Other activities:

- Review and updating ICAO policies and guidance  
*(Doc 9587- policies, Doc 9626 - manual)*
- Provide databases and info *(WASA & other material)*  
available at:  
<http://www.icao.int/sustainability/Pages/default.aspx>
- Organize global/regional AT meetings  
*(ICANs, IATSSs, IWAFs, etc.)*



## Support and assistance to States

- Facilitate liberalization and help capacity building
- Assist States on local issues and developmental needs. Recent examples:
  - Air transport/cargo development in Africa (meetings in Togo-2014, Madagascar-2015, Ghana, Ethiopia-2017)
  - Co-development of LCCs & legacy airlines in China (symposiums-2013, 2014); Air cargo forum-2014
  - Air transport development in the Caribbean & South America (Jamaica conference in 2014)



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**THANK YOU!**  
**and**  
**Now, Questions?**

