



| ICAO

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ASSEMBLY
THIRTY-NINTH SESSION

Montréal, 27 September – 7 October 2016

ECONOMIC
COMMISSION

REPORT

*Approved by the Economic Commission of the Assembly
and published by authority of the Secretary General*



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ASSEMBLY — 39TH SESSION

MONTREAL, 27 SEPTEMBER TO 7 OCTOBER 2016

REPORT OF THE ECONOMIC COMMISSION

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REPORT OF THE ECONOMIC COMMISSION TO THE ASSEMBLY

General

1. The Economic Commission held three meetings between 27 September and 7 October 2016.
2. Mr. Geoffrey Puseletso Moshabesha (Botswana) was elected Chairperson of the Commission at the second Plenary meeting of the Assembly. The Commission, at its first meeting, elected Mr. David Dueñas (Chile) and Mr. Hiroki Matsumoto (Japan) as First and Second Vice-Chairpersons, respectively.
3. The Secretary of the Commission was Mr. B. Djibo, Director of the Air Transport Bureau (ATB). The Deputy Secretary was Mr. T. Hasegawa, Deputy Director, Economic Development, ATB. The Assistant Secretaries, all staff of ATB, were Mr. P. Alawani, Mr. F. Malaud, Mr. A. Sainarayan and Mr. Y.-Z. Wang, with Mr. C. Mustapha as the Liaison Officer.

Agenda and working arrangements

4. Agenda Items 38, 39, 40, 41, 42, and 43 referred to the Commission by the Plenary were considered:
 - Item 38: Annual Reports of the Council to the Assembly for 2013, 2014 and 2015
 - Item 39: Economic Regulation of International Air Transport — Policy
 - Item 40: Economics of Airports and Air Navigation Services — Policy
 - Item 41: Aviation Data — Monitoring and Analysis
 - Item 42: Economic Development of Air Transport
 - Item 43: Other issues to be considered by the Economic Commission
5. The documentation considered by the Commission is available on the ICAO website (<http://www.icao.int/Meetings/a39/Pages/default.aspx>). The Commission carried out all of its work in full session. The action taken by the Commission in respect of each item is reported on separately in the paragraphs which follow.

Agenda Item 38: Annual Reports of the Council to the Assembly for 2013, 2014 and 2015

38.1 The Economic Commission, at its first meeting, considered relevant sections of the Annual Reports of the Council for 2013, 2014 and 2015 and the supplementary Report covering the first six months of 2016.

38.2 The chapters included The World of Air Transport, which highlights the principal trends and developments in the world economy and the aviation industry, as well as the chapter related to air transport work programmes which, for the year 2013 covered Strategic Objective — *Sustainable Development of Air Transport*, and for the years 2014 and 2015 covered Strategic Objective — *Economic Development of Air Transport*. The Appendices on statistical data are also considered as the relevant chapter.

38.3 The Commission noted that ICAO's air transport activities include on-going work on air transport policies and regulation, economics of airports and air navigation services, aviation data including statistics, forecasting and economic analysis, and joint financing administration. The Commission recognized that air transport activities were supporting ICAO's *No Country Left Behind* (NCLB) initiative.

Agenda Item 39: Economic Regulation of International Air Transport — Policy

39.1 In WP/4, the Council reported on the development and adoption of the ICAO long-term vision for air transport liberalization and core principles on consumer protection as part of the implementation of the recommendations of the Sixth Worldwide Air Transport Conference (ATConf/6) and relevant Assembly resolutions. The Assembly was invited to endorse the Organization's plan for the promotion and implementation of the long-term vision and the guidance on consumer protection.

39.2 In WP/5, the Council presented a progress report on the development of international agreements on the liberalization of market access, air cargo and air carrier ownership and control as of April 2016, including information on further work to be undertaken with respect to the finalization of the agreements.

39.3 Through WP/66, the Council reported on the work accomplished by the Organization in the implementation of ATConf/6 recommendations since the last Session of the Assembly. It also presented the future work programme in the areas of air transport policy and regulation for endorsement by the Assembly. The implementation of the work programme would support ICAO's *No Country Left Behind* (NCLB) initiative and contribute to enhancing the economic sustainability of air transport.

39.4 WP/149 was presented by fifty-four Contracting States and members of the African Civil Aviation Commission (AFCAC). The paper described the efforts being made on the liberalization of air transport in Africa through the implementation of the Yamoussoukro Decision (YD) aimed at the establishment of a Single African Air Transport Market by 2017. It called on States to support and collaborate for the full implementation of the YD in the spirit of ICAO's NCLB, and for ICAO to organize regional workshops and seminars on air transport liberalization.

39.5 In WP/130, Bahrain reported on certain issues related to the existence of numerous passengers' rights regimes and called for the development by ICAO of guidance material for the purpose of unifying traveller protection systems.

39.6 WP/204 presented by Brazil, Chile, New Zealand and Singapore highlighted the benefits and the need to have an ambitious multilateral agreement on the liberalization of market access. They held the view that the proposed ICAO multilateral agreement to liberalize market access should encompass the exchange of not only 3rd and 4th freedom traffic rights, but should also include, at least, 5th freedom traffic rights.

39.7 WP/313 was presented by Colombia with the support of the Member States of the Latin American Civil Aviation Commission (LACAC). The paper reported on Colombia's experience in incorporating the concept of "reneging" into its consumer protection regulations, and invited ICAO to take this experience into account when updating its core principles on consumer protection.

39.8 In WP/173, Qatar presented its views and suggestions with respect to the proposed provisions on market access, safeguard measures and air carrier ownership and control in the international agreements on the liberalization of market access and air carrier ownership and control, currently under development by the Air Transport Regulation Panel (ATRP). It also discussed some issues relating to ICAO's policies in the air transport field, including on consumer protection.

39.9 In WP/242, the Republic of Korea recalled the benefits of air transport market liberalization and presented suggestions on strategies for the enhancement of fair competition and called for ICAO to develop solutions to help States achieve a more competitive environment for international air transport.

39.10 In WP/246, the Republic of Korea provided information on the operation and growth of the Low Cost Carriers (LCCs) in the country, which contributed to creating more demand in the market, promoting growth of the industry and improving consumer benefits. It called on ICAO to facilitate information sharing among Member States on policies and experiences concerning LCCs.

39.11 Through WP/252, the Republic of Korea shared information on the benefits of liberalization and deregulation of air services industry to the country, including growth of the air transport and tourism industries and enhanced consumer benefits. It called for information sharing among Member States on liberalization of air services, and expressed support to ICAO's on-going efforts thereon.

39.12 In WP/259, the Republic of Korea highlighted the adoption by the ICAO Council of the core principles on consumer protection in June 2015, and the progress made by the State toward harmonization between its consumer protection regime and ICAO's core principles. Some strategies were suggested to proactively address consumer protection, including consumer education and the use of technologies.

39.13 In WP/231, Airports Council International (ACI) presented its views on the current industry guidelines on slot allocation, believing that important criteria for the efficient use of scarce capacity such as destinations served, size of aircraft or best offer for the public are ignored or, at best, regarded as optional secondary criteria. ACI proposed that the issue be referred to a panel to explore and evaluate the potential benefits of alternative capacity allocation methods for airport slots.

39.14 In WP/127, the International Air Transport Association (IATA) described negative economic impacts of the proliferation of taxes. It urged States to adhere to *ICAO's Policies on Taxation in the Field of International Air Transport* (Doc 8632) and called for ICAO to enhance cooperation with the industry and to enhance its guidance on the impact of taxes and other levies.

39.15 In WP/134, IATA highlighted the problem faced by airlines in some countries with respect to local currency conversion and remittance of revenue to their home countries. The paper urged Member States to work collaboratively with airlines to find innovative solutions to the problem of "blocked funds" due to scarcity of foreign currency.

39.16 Through WP/140, IATA advocated the need for States, when developing or implementing air transport regulation, to adopt the smarter regulation approach based on rules that are proportionate, clear and transparent. It called on ICAO to incorporate the smarter regulation principles into its NCLB initiative, in order to remove proliferation of regulations and policies that are inconsistent with ICAO Standards and Recommended Practices (SARPs) and policy guidance.

39.17 In WP/340, IATA described the role of its Worldwide Slot Guidelines (WSG) in the management and allocation of airport slots, and the involvement of all stakeholders in the review and revision process of the WSG. It held the view that the existing industry working groups and fora offered by the WSG sufficiently address slot allocation issues.

39.18 WP/440 was presented by Chile, which provided information on its positive experience in liberalizing market access by unilaterally granting cabotage rights to other countries, including in some bilateral and multilateral air services agreements. It proposed that more flexibility should be promoted in liberalization, including provisions for granting of cabotage rights when developing multilateral open skies air services agreements.

39.19 Through information paper WP/189, the Air Transport Research Society (ATRS) highlighted the positive effects of liberalization on the wider economy. It stressed the need to move towards the implementation of a unified liberalized regulatory system, which will cater to a sustainable and safe air transport sector, and provide economic growth, employment and socio-economic prosperity for all countries and regions.

39.20 In its information paper WP/352, the International Federation of Air Line Pilots' Associations (IFALPA) presented its views concerning the development and inclusion of a labour clause in the multilateral agreement on liberalization of market access and air carrier ownership and control being developed by the ATRP.

39.21 Information paper WP/438 was presented by the International Transport Workers' Federation (ITF). The paper presented ITF's views on some aspects of the work undertaken by the ATRP in the development of international agreements on the liberalization of market access, air cargo and air carrier ownership and control, the progress of which was reported in A39-WP/5.

39.22 In considering the reports of the Council presented in WPs/4, 5 and 66, the Commission expressed appreciation for the work accomplished by ICAO in the implementation of ATConf/6 recommendations pursuant to the action plan endorsed by the last Assembly. It noted, in particular, the development and adoption of the ICAO long-term vision for international air transport liberalization which would serve as an inspirational guide for States in pursuing their liberalization goals, and the

core principles on consumer protection as guidance for use by States and industry stakeholders in their regulatory and operational practices.

39.23 With respect to the work of the Organization in the development of international agreements for the liberalization of market access, air cargo and air carrier ownership and control, the Commission noted the progress made and the remaining challenges reported in WP/5. It was recognized that broad support was required from States for the formulation of the multilateral agreement. It was also acknowledged that divergent views remained over key issues such as scope of exchange of traffic rights and safeguard provisions. The Commission noted that this task is being carried out by the ATRP, and agreed that the Panel should continue its work, taking into account the views and suggestions expressed at this Commission, including those presented in WPs/204, 173, 242, 440 and Information papers 352 and 438.

39.24 Regarding the concerns expressed over the planned timeline for the finalization of the draft international agreements, it was clarified that flexibility exists subject to the progress of the work by the ATRP. The Commission agreed that ICAO should continue this work in line with the long-term vision for liberalization, bearing in mind the mandate and guidance given by the last Assembly, and taking into account the views and suggestions expressed during the discussion.

39.25 The Commission also took note of the information on developments and experiences of States in air transport liberalization, including those presented in WPs/149, 246, 252 and Information paper 189. There was broad recognition of the benefits of liberalization, while various views were presented concerning the need for measures to ensure effective participation and fair competition. A State indicated that safeguard measures covering social issues should be considered. There was also general support for flexible approaches by States in liberalization given the disparity in their developmental stages and the specific challenges facing them. The Commission welcomed the regional liberalization efforts such as those adopted by the African States. In this respect, the Commission agreed that States should be encouraged to continuously pursue liberalization in line with the ICAO long-term vision, and that assistance should be considered by ICAO within available resources, in particular the Voluntary Air Transport Fund, and existing platforms, including capacity building and sharing of experiences amongst States.

39.26 General support was expressed for the “smart regulation” approach advocated by IATA in WP/140, which encouraged States to adopt this approach in their regulatory practices. It was noted that the principles of this approach would be considered by ICAO within the context of its NCLB initiative.

39.27 On the subject of consumer protection, the Commission noted the information shared by several States on their experiences and the issues encountered in WPs/130, 313 and 259. It was recognized that consumer protection required attention by both regulatory authorities and the industry. Noting that ICAO has already adopted the core principles on consumer protection which is a living document, the view was expressed that in any future review, the core principles should remain high level, non-binding and non-prescriptive as endorsed by the last Assembly. The Commission agreed that States and the industry should be encouraged to apply the ICAO core principles, and that ICAO should continue to promote the principles, monitor the developments and review them as and when required.

39.28 With respect to the concerns over the proliferation of taxation on international air transport highlighted in WP/127, there was general acknowledgment that such an imposition could have negative impacts on national economy which is not conducive to sustainable air transport development.

There was wide support for the need for States to adhere to the ICAO policies on taxation in the air transport field contained in Doc 8632. A view was expressed that States have sovereignty over taxation policies. The Commission agreed that States should be encouraged to follow the ICAO policies on taxation.

39.29 On the issue of local currency conversion and remittance of airline revenues raised in WP/134, it was recognized that such problems could also negatively affect the operation of international air services. The Commission agreed that States should take measures, such as those expressed in WP/134, to address the concerns of air carriers in line with relevant ICAO guidance.

39.30 Concerning the issue of slot allocation raised in WP/231 presented by ACI, and WP/340 presented by IATA, the Commission heard and welcomed the joint statement made by both Organizations, which recognized the need to optimize the use of scarce capacity, particularly at capacity constrained airports. As such, the two Organizations agreed to work collaboratively on the ongoing process to develop a more efficient and effective slot allocation process. They also agreed that such a process must ensure transparency, certainty, consistency, fairness and non-discrimination, as well as remaining globally harmonized. The Commission noted that ACI and IATA would work with States, the industry stakeholders as partners and would report progress to the next session of the Assembly.

39.31 In concluding its discussion, the Commission endorsed the future work plan of the Organization in the field of air transport policy and regulation, and agreed that the Council should give due consideration to the views and suggestions presented during the deliberations with respect to the implementation of its work programme in this field for the next triennium.

Agenda Item 40: Economics of Airports and Air Navigation Services — Policy

40.1 In WP/6, the Council reported on major work accomplished by the Organization related to economic aspects of airports and air navigation services, which was undertaken as part of the Council action plan for implementation of the recommendations of the Sixth Worldwide Air Transport Conference (ATConf/6) and relevant Assembly decisions. The report also presented ICAO's future work plan in this area, aimed at supporting connectivity, travel and tourism, trade and economic development, and addressing infrastructure funding and financing needs for the economic sustainability of aviation infrastructure projects.

40.2 In WP/150, fifty-four Contracting States of the African Civil Aviation Commission (AFCAC) drew attention to the effects of excessive taxation, the proliferation of taxes under the form of charges, and the prevalence of monopoly of service providers, which they considered detrimental to the sustainable development of international air transport. The paper recommended that States take into consideration the relevant ICAO's policies and Assembly Resolutions when imposing taxes and charges on international air transport.

40.3 Through WP/322, Brazil described its experience in regulating quality of airport services, including by means of dedicated indicators, and invited ICAO to consider the establishment of economic incentives to promote airport service quality.

40.4 In WP/201, India presented its perspective on the viability of management of Indian airports, notably with respect to the practice of cross-subsidization of non-economically viable airports. It held the view that certain airports, providing for regional connectivity within a State or serving as

alternate aerodromes, may be non-economically viable but, nonetheless, are necessary as part of an integrated air transport network. India suggested that ICAO consider the formulation of guidance on the application of cross-subsidization within airport networks.

40.5 Through information paper WP/416, Brazil shared its experience in governmental monitoring of services and facilities at airports, highlighting the importance of such practice.

40.6 In information paper WP/417, Brazil reported on its experience in the governmental planning for the operation of the civil aviation sector during the Rio 2016 Olympic and Paralympic games, showing the importance of planning and interaction between governmental agencies in the operation of airports, especially for dealing with massive sports, religious or political events.

40.7 In its information paper WP/294, India described the various benefits accruing out of airport privatization by using the Public Private Partnerships (PPP) approach. It also shared some ideas as to where more work or guidance might be warranted by ICAO with respect to PPPs and the hybrid-till approach to airport cost-recovery.

40.8 Information paper WP/372 presented by India shared information on an electronic solution called Sky Rev 360 developed by its Airport Authority and the International Air Transport Association (IATA) for data gathering, invoicing and collection of charges for air navigation services. The paper described the benefits of the tool and invited States to explore the feasibility of utilizing it.

40.9 In its information paper WP/350, Russian Federation provided information on the tariff policy for air navigation services applied to the airspace under its responsibility and sovereignty.

40.10 In considering the report of the Council in WP/6, the Commission expressed appreciation and support for the work accomplished by the Organization in the area of economics of airports and air navigation services.

40.11 There was also broad support to the proposal in WP/150, presented by AFCAC Member States, that ICAO should continue to sensitize States on *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082). It was agreed that ICAO should conduct, within available resources, in particular the Voluntary Air Transport Fund, regional meetings, workshops and other outreach activities with a view to raising awareness of the relevant ICAO policies and guidance, and enhance their implementation.

40.12 With respect to the suggestion made by Brazil in WP/322 Revised to develop guidance on economic incentives to ensure quality of service of airports, while recognizing that this is one of the means to improve user satisfaction, it was considered not appropriate for ICAO to conduct this task, given the fact that there exists different forms of economic oversight and airport business models.

40.13 Different views were expressed on the issue of cross-subsidization for non-economically viable airports raised by India in WP/201. Noting that the issue is currently being addressed by the Airport Economics Panel (AEP), the Commission agreed that the panel should continue its work with the objective of clarifying the existing guidance on this subject.

40.14 In concluding its discussion, the Commission endorsed the future work plan of the Organization in the field of economics of airports and air navigation services, including activities in support of improving air transport connectivity, which has positive impacts on trade and economic

development and advances the *No Country Left Behind* (NCLB) initiative. The Commission agreed that ICAO should continue its leadership role in addressing aviation infrastructure funding and financing needs and, in this respect, to cooperate and collaborate with relevant stakeholders and international organizations. It was further agreed that the Organization should give due consideration to the views and suggestions expressed in the Commission in the implementation of its work programme for the next triennium.

40.15 The Commission noted the information contained in WPs/294, 350, 372, 416 and 417.

Agenda Item 41: Aviation Data — Monitoring and Analysis

41.1 Through WP/7, the Council presented a report on the aviation data and analysis activities undertaken jointly with the United Nations (UN) and its agencies, other international and regional organizations, and academia to address programme issues of mutual interest. The paper also presented ICAO's plan for future work related to the aviation data and analysis work programme, which will focus on improving data, analyses and forecasting through the establishment of a joint venture model in collaboration with partners.

41.2 In WP/9, the Council reported on the re-engineering of the ICAO Statistics Programme and its analytical activities, which provide States and other stakeholders with comprehensive and reliable aviation data and analysis. The paper also presented ICAO's plan for future work related to the Statistics Programme under Strategic Objective — *Economic Development of Air Transport*. The programme would contribute to supporting the ICAO *No Country Left Behind* (NCLB) initiative.

41.3 In WP/64, the Council reported on activities in the area of aviation forecasts pursuant to Assembly Resolution A38-14, which requested the development of one single set of long-term traffic forecasts. The paper also presented ICAO's plan for future work related to forecasting which will focus on the further refinement of econometric methodologies to update the existing forecasts, and the development of detailed customized forecasts to meet the varied needs of States and other stakeholders.

41.4 In information paper WP/165, the Latin American Civil Aviation Commission (LACAC) presented information on its project "Sistema Estadístico Integrado" (Integrated Statistics System). The project included the development of a handbook with definitions and templates for the collection of the civil aviation data, for use by LACAC Member States, including for the collection of on-flight origin and destination (OFOD) traffic, flight stage traffic and on-time traffic.

41.5 In the ensuing review of the Council's reports in WPs/7, 9 and 64, the Commission recognized that a comprehensive and reliable set of aviation data and analysis are required for effective analysis planning in the areas of air navigation, safety, environment and economic development. There was also broad support for ICAO to modernize its Statistics Programme by expanding the scope, coverage and quality of data while avoiding duplication of efforts and reducing operating costs and the administrative burden on States. One State requested that any applicable confidentiality and privacy concerns should be respected.

41.6 The Commission expressed appreciation for the work accomplished by ICAO in the development of one single set of long-term traffic forecasts. There was overall support for ICAO's activities related to forecasting, including the planned work for its customization for the short- and long-term planning and implementation needs of States.

41.7 The Commission welcomed various joint activities undertaken by ICAO with the UN, its agencies, and other organizations. The Commission encouraged ICAO to strengthen collaborations and partnerships with them as a means to further improve data analysis capabilities and operational efficiency.

41.8 In concluding its discussion, the Commission endorsed the future work plan of the Organization in the field of aviation data – monitoring and analysis, and agreed that the Council should give due consideration to the views and suggestions presented during the deliberations with respect to the implementation of its work programme in this field for the next triennium.

41.9 The Commission noted the information contained in WP/165.

Agenda Item 42: Economic Development of Air Transport

42.1 In WP/8, the Council presented a revised *Consolidated statement of continuing ICAO policies in the air transport field* for consideration and adoption by the Assembly, which would replace Resolution A38-14. The proposed revisions to the Resolution were designed to streamline the presentation, remove outdated contents, and incorporate developments since the last Assembly. In addition, the paper presented ICAO's plan for future work related to the development of a Global Air Transport Plan, which would serve as planning and implementation guidance for States and provide the direction for the technical work programmes under the ICAO Strategic Objective — *Economic Development of Air Transport*.

42.2 In its information paper WP/133, India described its Regional Connectivity Scheme (RCS) designed to boost India's regional air connectivity, and the associated funding and management mechanisms.

42.3 In its information paper WP/169, the United Arab Emirates described the Aviation Investment Summit held in Dubai in November 2015, including its main objectives and achievements. The State invited all interested parties to attend the next Aviation Investment Summit to be held in 2017.

42.4 The Economic Commission considered this agenda item under the following two blocks: proposed development of Global Air Transport Plan and revised *Consolidated statement of continuing ICAO policies in the air transport field*.

Proposed development of Global Air Transport Plan

42.5 There was support for the initiative to be considered by the Council. After further clarifications were made regarding the proposed content of the Plan, the Commission noted the ICAO's future work on the development of the Global Air Transport Plan.

Revised consolidated statement of continuing ICAO policies in the air transport field

42.6 In considering the draft resolution on the consolidated statement of continuing ICAO policies in the air transport field contained in the Appendix to WP/8, the Commission noted that a substantive review of Resolution A38-14 had been undertaken and revisions proposed, in order to keep the ICAO policies current and responsive to the needs of States.

42.7 The Commission reviewed the text of draft Resolution presented in the Appendix to WP/8, and agreed on a number of proposed amendments. Clarification was provided on the meaning of the term *aviation consumption* in the review of Appendix E on forecasting, planning and economic analyses. The term was explained in line with the UN System of National Accounts as constituting the value of the final purchase of goods and services by the consumers of aviation. During the discussion, clarification was also provided on the term “stakeholders” which included labour.

42.8 In concluding its consideration of the revised consolidated statement, the Commission agreed to recommend to the Plenary to adopt the Resolution below which would supersede Resolution A38-14.

42.9 The Commission noted the information contained in WPs/133 and 169.

Resolution 42/1: Consolidated statement of continuing ICAO policies in the air transport field

Whereas the *Convention on International Civil Aviation* establishes the basic principles to be followed by governments to ensure that international air transport services may be developed in an orderly, regular, efficient, economical, harmonious and sustainable manner and it is therefore one of the purposes of ICAO to support principles and arrangements in order that international air transport services may be established on the basis of equality of opportunity, sound and economic operation, mutual respect of the rights of States and taking into account the general interest;

Whereas air transport is a major factor in promoting and fostering sustainable economic development at national as well as international levels;

Whereas it is increasingly difficult, particularly for developing countries, to secure the necessary resources required to optimize the opportunities and meet the challenges inherent in the development of air transport, and to keep pace with the challenges posed by demands on air transport;

Whereas the Organization prepares guidance, studies and statistics on the development of air transport for Member States on a continuing basis and these should be kept current, focused and relevant and should be disseminated to Member States through the most effective means;

Whereas Member States are required to provide accurate and factual statistical data and other information in order that the Organization may prepare relevant guidance and studies;

Whereas the Organization is moving toward management by objective with more focus on implementation over standard setting of policies, in line with the *No Country Left Behind* (NCLB) initiative;

Whereas guidance developed by the Organization, and action taken by the Organization in implementing its Strategic Objectives, should assist Member States in developing policies and practices that facilitate the globalization, commercialization and liberalization, as well as the creation of a favourable environment for the sustainable development of international air transport; and

Whereas it is important for Member States to participate in the work of the Organization in the air transport field;

The Assembly:

1. *Resolves* that the Appendices attached to this resolution and listed below constitute the consolidated statement of continuing ICAO policies in the air transport field, as these policies exist at the close of the 39th Session of the Assembly:

Appendix A — Economic regulation of international air transport

Appendix B — Taxation

Appendix C — Airports and air navigation services

Appendix D — Aviation data and statistics

Appendix E — Forecasting, planning and economic analyses

2. *Urges* Member States to have regard to these policies and their continuing elaboration by the Council and by the Secretary General in the relevant ICAO documents;

3. *Urges* Member States to make every effort to fulfil their obligations, arising from the Convention and Assembly resolutions, to support the work of the Organization in the air transport field, and, in particular, to provide complete and prompt statistical and other information requested by the Organization for its air transport work;

4. *Urges* Member States in their regulatory functions to have regard to the policies and guidance material developed by ICAO on economic regulation of international air transport, such as those contained in Doc 9587, *Policy and Guidance Material on Economic Regulation of International Air Transport*;

5. *Requests* the Council to attach particular importance to the challenge of financing the development of the human and technical resources necessary to ensure the best possible contribution of air transport to the economic and social well-being of Member States, especially developing countries;

6. *Requests* the Council, when it considers it of benefit to the work on any air transport issue, to consult expert representatives from Member States by the most appropriate means, including the establishment of panels or Secretariat study groups of such qualified experts, who would meet or work by correspondence and subsequently report to the Air Transport Committee;

7. *Requests* the Council to convene Conferences or Divisional meetings, in which all Member States may participate, as the principal means of progressing the resolution of issues of worldwide importance in the air transport field, when such meetings are justified by the number and importance of the issues to be dealt with and where there is the likelihood of constructive action upon them;

8. *Requests* the Council and the Secretary General to disseminate and promote ICAO's air transport policies and associated guidance to and amongst Member States;

9. *Requests* the Council and the Secretary General to take necessary action to implement Assembly resolutions and decisions concerning the Organization's air transport activities, and to monitor and assist the implementation by States of ICAO's policies in the air transport field;
10. *Requests* the Council to keep the consolidated statement of ICAO's air transport policies under review and advise the Assembly when changes are required to the statement;
11. *Request* the Council to keep ICAO's policies and guidance material in the air transport field current and responsive to changes and the needs of Member States while preserving the core principles on which they are based; and
12. *Declares* that this resolution supersedes Resolution A38-14.

APPENDIX A

Economic regulation of international air transport

Section I. Basic principles and long-term vision

Whereas the basic principles of sovereignty, fair and equal opportunity, non-discrimination, interdependence, harmonization and cooperation set out in the Convention have served international air transport well and continue to provide the basis for and contribute to its future development;

Whereas multilateralism in commercial rights to the greatest possible extent continues to be an objective of the Organization;

Whereas within the framework of the Convention, Member States have many differing regulatory goals and policies but share a fundamental objective of participation through reliable and sustained involvement in the international air transport system;

Whereas there is a need to adapt to the changing regulatory and operating environment in the air transport field and the Organization has accordingly developed policy guidance for the regulation of international air transport, including model clauses and template air services agreements;

Whereas the provision of regular and reliable air transport services is of fundamental importance to the development of the economies of States, especially the developing States, including those dependent on tourism;

Whereas the Organization has adopted the long-term vision for international air transport liberalization which states: *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;*

Whereas the compliance of Member States with provisions of the Convention and the universal adherence to the *International Air Services Transit Agreement* (IASTA) and other ICAO instruments governing international air transport can facilitate and contribute to the achievement of the objectives of the Organization; and

Whereas consumer interest should be given due regard in the development of policy and regulation of international air transport;

The Assembly:

1. *Urges* all Member States to give regard to, and apply, the ICAO long-term vision for international air transport liberalization in policy-making and regulatory practices;
2. *Encourages* Member States to pursue liberalization of market access at a pace and in a manner appropriate to needs and circumstances, giving due regard to the interests of all stakeholders, the changing business environment and infrastructure requirements, as well as to the principles pertaining to safeguard measures designed to ensure the sustained and effective participation of all States, including the principle of giving special consideration to the interests and needs of developing countries;
3. *Urges* Member States to avoid adopting unilateral and extraterritorial measures that may affect the orderly, sustainable and harmonious development of international air transport and to ensure that domestic policies and legislation are not applied to international air transport without taking due account of its special characteristics;
4. *Urges* Member States that have not yet become parties to the *International Air Services Transit Agreement* (IASTA), the Montréal Convention of 1999 and other ICAO instruments governing international air transport to give urgent consideration to so doing;
5. *Urges* all Member States to register all agreements and arrangements relating to international civil aviation with ICAO in accordance with Article 83 of the Convention and the *Rules for Registration with ICAO of Aeronautical Agreements and Arrangements*, to enhance transparency;
6. *Urges* Member States to keep the Council fully informed of serious problems arising from the application of air services agreements or arrangements and of any significant developments in the liberalization process;
7. *Urges* Member States to give due regard to the distinct features of air cargo services when exchanging market access rights in the framework of air service agreements and grant appropriate rights and operational flexibility so as to promote the development of these services;
8. *Urges* Member States, in dealing with the issues related to slot allocation and night flight restrictions, to give due consideration to the needs and concerns of other States and make every effort to resolve any concerns through consultation between the parties concerned, in a transparent and non-discriminatory manner, and to respect and follow the ICAO Balanced Approach principle in regulatory action on aircraft noise management at airports;
9. *Urges* Member States and concerned stakeholders to give regard to, and apply, the ICAO high-level, non-binding, non-prescriptive core principles on consumer protection in policy-making and regulatory and operational practices, and to keep ICAO informed of the experiences gained or issues encountered in their application;

10. *Encourages* Member States to make use of and benefit from the ICAO Air Services Negotiation (ICAN) facility, which facilitates and improves the efficiency of their air services negotiations and consultations;

11. *Requests* the Council to complete the examination of an international agreement by which States could liberalize market access, and continue the development of an international agreement to liberalize air carrier ownership and control and a specific international agreement to facilitate further liberalization of air cargo services, taking into account the goals of the ICAO long-term vision for international air transport liberalization, and the past experience and achievements of States, including existing market access liberalization agreements concluded at bilateral, regional and multilateral levels, as well as the various proposals presented during the Sixth Worldwide Air Transport Conference (ATConf/6);

12. *Requests* the Council to continue to cooperate with regional and sub-regional bodies in the examination and development of measures of cooperation, including liberalized arrangements, and the results of these measures, in order to see whether similar or other measures should at the appropriate time be recommended to Member States for application on a wider basis; and

13. *Requests* the Council to continue the comparative and analytical study of the policies and practices of Member States in the regulation of international air transport, including the provisions of air services agreements, and to share such information with Member States.

Section II. Air carrier ownership and control

Whereas the strict application of the criterion of substantial ownership and effective control for the authorization of an airline to exercise route and other air transport rights could deny many States a fair and equal opportunity to operate international air services and to optimize the benefits to be derived therefrom;

Whereas airline designation and authorization for market access should be liberalized at each State's pace and discretion progressively, flexibly and with effective regulatory control in particular regarding safety and security;

Whereas the broadening or the flexible application of the criteria for airline designation and authorization could help create an operating environment in which international air transport may develop and flourish in a stable, efficient and economical manner, and contribute to the participation objectives of States in the liberalization process, without prejudice to States' obligations for aviation safety and security; and

Whereas the realization of developmental objectives among States is increasingly being promoted by cooperative arrangements in the form of regional economic groupings and functional cooperation symbolic of the affinity and community of interest;

The Assembly:

1. *Urges* Member States to continue to liberalize air carrier ownership and control, according to needs and circumstances, through various existing measures such as waivers of ownership and control restrictions in bilateral air services agreements or designation provisions recognizing the

concept of community of interest within regional or sub-regional economic groupings, and those recommended by ICAO;

2. *Urges* Member States to accept such designations and allow such airlines to exercise the route rights and other air transport rights of a State or States, in particular developing States, within the same grouping, under mutually acceptable terms and conditions including air transport agreements negotiated or to be negotiated by the parties concerned;

3. *Urges* Member States to recognize the concept of community of interest within regional or sub-regional economic groupings as a valid basis for the designation by one State or States of an airline of another State or States within the same regional economic grouping where such airline is substantially owned and effectively controlled by such other State or States or its or their nationals;

4. *Urges* Member States to give consideration to the use of alternative criteria for airline designation and authorization, including those developed by ICAO, and to adopt a flexible and positive approach to accommodate other States in efforts to liberalize air carrier ownership and control without compromising safety and security;

5. *Invites* Member States with experience in various forms of joint operation of international air services to submit to the Council, on a continuing basis, information concerning their experience, so that the Organization may have information that might be of assistance to Member States;

6. *Requests* the Council, when approached, to render all feasible assistance to Member States wishing to enter regional or sub-regional economic groupings with respect to the operation of international air services; and

7. *Requests* the Council to give assistance, when approached, to Member States that take the initiative in developing cooperative arrangements for the joint ownership and operation of international air services, directly among themselves or whose airlines develop such arrangements, and to promptly circulate to States information concerning such cooperative arrangements.

Section III. Cooperation in regulatory arrangements and competition

Whereas certain economic, financial and operational constraints unilaterally introduced at the national level affect the stability of, and tend to create unfair discriminatory trading practices in, international air transport and might be incompatible with the basic principles of the Convention and the orderly and harmonious development of international air transport; and

Whereas the Organization has developed policy guidance for States to foster harmonization and compatibility of regulatory approaches and practices for international air transport, including on competition matters;

The Assembly:

1. *Urges* Member States to take into consideration that fair competition is an important general principle in the operation of international air transport services;

2. *Urges* Member States to develop competition laws and policies that apply to air transport, taking into account national sovereignty and to consider ICAO guidance on competition;

3. *Urges* Member States to encourage cooperation among regional and/or national competition authorities when dealing with matters relating to international air transport, including in the context of approval of alliances and mergers;
4. *Encourages* Member States to incorporate the basic principles of fair and equal opportunity to compete, non-discrimination, transparency, harmonization, compatibility and cooperation set out in the Convention and embodied in ICAO's policies and guidance in national legislation, rules and regulations, and in air services agreements;
5. *Requests* the Council to develop tools such as an exchange forum to enhance cooperation, dialogue and exchange of information on fair competition between States with a view to promoting compatible regulatory approaches towards international air transport; and
6. *Requests* the Council to continue to monitor developments in the area of competition in international air transport and update, as necessary, its policies and guidance on fair competition.

Section IV. Trade in services

Whereas the General Agreement on Trade in Services (GATS) adopted by the World Trade Organization (WTO) has included certain aspects of international air transport; and

Whereas ICAO has actively promoted an understanding by all parties concerned of the provisions of the *Convention on International Civil Aviation* and of the particular mandate and role of ICAO in international air transport;

The Assembly:

1. *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;
2. *Recognizes* that such arrangements should create an environment in which international air transport may develop and continue to flourish in an orderly, efficient and economical manner without compromising safety and security, while ensuring the interests of all Member States and their effective and sustained participation in international air transport;
3. *Reaffirms* the primary role of ICAO in developing policy guidance on the regulation of international air transport;
4. *Urges* Member States that participate in trade negotiations, agreements and arrangements relating to international air transport to:
 - a) ensure internal coordination in national administrations and, in particular, the direct involvement of aeronautical authorities and the aviation industry in the negotiations;

- b) ensure that representatives are fully aware of the provisions of the Convention on International Civil Aviation, the particular characteristics of international air transport and its regulatory structures, agreements and arrangements;
- c) take into account rights and obligations vis-à-vis those of ICAO Member States which are not members of the WTO;
- d) examine carefully the implications of any proposed inclusion of an additional air transport service or activity in the GATS bearing in mind, in particular, the close linkage between economic, environmental, safety and security aspects of international air transport;
- e) promote a full understanding of the role and mandate of ICAO in developing policy guidance on economic regulation, including liberalization of international air transport, and consider using this guidance; and
- f) file with ICAO under Article 83 of the Convention copies of any exemptions and specific commitments pertaining to international air transport made under the GATS;

5. *Requests* the WTO, its Member States and Observers to accord due consideration to:

- a) the particular regulatory structures and arrangements of international air transport and the liberalization taking place at the bilateral, sub-regional and regional levels;
- b) ICAO's constitutional responsibility for international air transport and, in particular, for its safety and security; and
- c) ICAO's existing policy and guidance material on the economic regulation of international air transport and its continued work in the field; and

6. *Requests* the Council to:

- a) continue to exert a global leadership role in facilitating and coordinating the process of economic liberalization while ensuring safety, security and environmental protection in international air transport;
- b) pursue in a proactive manner developments in trade in services that might impinge on international air transport and inform Member States accordingly; and
- c) promote continued effective communication, cooperation and coordination between ICAO, the WTO, and other intergovernmental and non-governmental organizations dealing with trade in services.

APPENDIX B

Taxation

Whereas the imposition of taxes on international air transport, such as on aircraft, fuel, and consumable technical supplies, on the income of international air transport enterprises, and on the sale or use of such services, may have an adverse economic and competitive impact on international air transport operations;

Whereas ICAO's Policies on Taxation in the Field of International Air Transport as contained in Doc 8632 make a conceptual distinction between a charge and a tax in that “a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis”;

Whereas it is a matter of great concern that taxes are increasingly being imposed by some Member States in respect of certain aspects of international air transport and that levies imposed on air traffic, several of which can be categorized as taxes on the sale or use of international air transport, are proliferating;

Whereas the matter of aircraft engine emission-related levies is addressed in Assembly Resolution A39-1, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H, *Aviation impact on local air quality*); and

Whereas the ICAO policies on taxation in Doc 8632 supplement Article 24 of the Convention and are designed to recognize the nature of international civil aviation and the need to accord tax-exempt status to certain aspects of the operations of international air transport;

The Assembly:

1. *Urges* Member States to follow the *ICAO's Policies on Taxation in the Field of International Air Transport* as contained in Doc 8632, and to avoid imposing discriminatory taxes on international aviation;
2. *Urges* Member States to avoid double taxation in the field of air transport; and
3. *Requests* the Council to continue to promote ICAO's policies on taxation, monitor developments, and update its policies as required.

APPENDIX C

Airports and air navigation services

Section I. Charging policy

Whereas Article 15 of the Convention establishes the basis for the application and disclosure of charges for airports and air navigation services;

Whereas ICAO's Policies on Charges for Airports and Air Navigation Services as contained in Doc 9082 make a conceptual distinction between a charge and a tax in that “a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues which are generally not applied to civil aviation in their entirety or on a cost-specific basis”;

Whereas the matter of aircraft engine emission-related levies and market-based measures is addressed separately in Assembly Resolution A39-1, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — General provisions, noise and local air quality* (Appendix H, *Aviation impact on local air quality*), and in Assembly Resolution A39-2, *Consolidated statement of continuing ICAO policies and practices related to environmental protection — Climate change*;

Whereas the Council has been directed to formulate recommendations for the guidance of Member States with regard to the principles on which providers of airports and air navigation services for international civil aviation may charge to recover the costs of their provision and derive other reasonable revenue therefrom, and with regard to the methods that may be employed to that effect; and

Whereas the development of air transport infrastructure and the global plan for Aviation System Block Upgrades (ASBUs) requires necessary business case justification to secure funding and financing to support implementation;

The Assembly:

1. *Urges* Member States to ensure that Article 15 of the Convention is fully respected;
2. *Urges* Member States to base the recovery of the costs of the airports and air navigation services they provide or share in providing for international civil aviation on the principles set forth in Article 15 of the Convention and in Doc 9082, *ICAO's Policies on Charges for Airports and Air Navigation Services*, regardless of the organizational structure under which the airports and air navigation services are operated;
3. *Urges* Member States to ensure that airport and air navigation services charges are applied towards defraying the costs of providing facilities and services for civil aviation;
4. *Urges* Member States to make every effort pursuant to Article 15 of the Convention to publish and communicate to the Organization any charges that may be imposed or permitted to be imposed by a Member State for the use of air navigation facilities and airports by the aircraft of any other Member State;
5. *Urges* Member States to adopt the principles of non-discrimination, cost-relatedness, transparency and consultation, as set out in Doc 9082, in national legislation, regulation or policies, as well as in air services agreements, to ensure compliance by airports and air navigation services providers;
6. *Urges* Member States to ensure that the current ICAO policies for cost recovery of security measures and functions at airports and by air navigation services providers, as set out in Doc 9082, are implemented so that security user charges are reasonable, cost-effective and foster harmonization worldwide; and

7. *Requests* the Council to continue to develop or refine, as required, guidance on funding of air transport infrastructure, appropriate oversight functions and financing of the air transport system, including mechanisms to support operational improvements as described in the ASBU modules.

Section II. Economics and management of aviation infrastructure

Whereas the global costs of providing airports and air navigation services may continue to rise in order to handle growing volumes of traffic;

Whereas Member States are placing increased emphasis on improving efficiency and cost-effectiveness in the provision of airports and air navigation services;

Whereas a balance should be maintained between the respective financial interests of providers of airports and air navigation services on the one hand and air carriers and other users on the other and which should be based on promoting cooperation between providers and users;

Whereas Member States have called on the Organization to provide advice and guidance aimed at promoting equitable recovery of airport and air navigation services costs;

Whereas Member States are increasingly assigning the operation of airports and air navigation services to commercialized and privatized entities, which may have less awareness and knowledge of States' obligations specified in the Convention and its Annexes and of ICAO's policies and guidance material in the economic field, and are using multinational facilities and services to meet the commitments they have assumed under Article 28 of the Convention; and

Whereas the Council has adopted policy guidance on the allocation of Global Navigation Satellite System (GNSS) costs to ensure an equitable treatment of all users;

The Assembly:

1. *Reminds* Member States that with regard to airports and air navigation services they remain responsible for the commitments they have assumed under Article 28 of the Convention, regardless of what entity or entities operate the airports or air navigation services concerned;

2. *Encourages* Member States to consider the establishment of autonomous entities to operate airports and air navigation services providers, taking into account economic viability as well as the interests of the users and other interested parties;

3. *Urges* Member States to promote quality air navigation services performance through good governance;

4. *Urges* Member States to cooperate in the recovery of costs of multinational air navigation facilities and services and to consider the use of the ICAO policy guidance on the allocation of GNSS costs;

5. *Requests* the Council to continue to develop ICAO's policy and guidance material with a view to contributing to increased efficiency and improved cost-effectiveness in the provision and

operation of airports and air navigation services, including the foundation for a sound cooperation between providers and users;

6. *Requests* the Council to continue, as required, refinement of its policy guidance on the allocation of GNSS costs and the coordination of technical, legal and economic aspects, including cost-efficient interoperability; and

7. *Requests* the Council to promote ICAO's policies on user charges and related guidance material in order to increase the awareness of, and implementation by, Member States and their airports and air navigation services entities.

APPENDIX D

Aviation data and statistics

Whereas ICAO's Aviation Data and Statistics Programme provides an independent and global foundation for the purpose of fostering the planning and sustainable development of international air transport;

Whereas each Member State has undertaken that its international airlines shall file the data and statistics requested by the Council in accordance with Article 67 of the Convention;

Whereas the Council has also laid down requirements for data and statistics on domestic airline operations, international airports, and international route facilities, pursuant to Articles 54 and 55 of the Convention;

Whereas the Council has laid down requirements for data and statistics collection on civil aircraft on register pursuant to Article 21 of the Convention;

Whereas there is a need for the Organization to collect data and statistics from States on annual aviation fuel consumption to monitor and report the potential impact of economic measures linked to the operational aspects of the international aviation services and related infrastructure;

Whereas the Council has adopted a policy of management by objective which requires collection of pertinent data, statistics and analysis to measure the performance of the Organization as a whole and of its constituent parts in meeting the Strategic Objectives of the Organization;

Whereas cooperation amongst international organizations active in the area of collection and distribution of aviation data and statistics may enable expansion of scope, coverage and quality of data, avoidance of duplication of efforts and reduction in the burden on States;

Whereas ICAO's role in processing and disseminating aviation data and statistics allows States to use it as a significant tool for the safe and orderly growth of international civil aviation services that are operated soundly and economically; and

Whereas ICAO has continued its effort to make the processes involving aviation data and statistics efficient and effective through the development of a set of electronic tools in order to answer to the evolving needs of Member States;

The Assembly:

1. *Urges* Member States to nominate focal points for aviation data and statistics, and to make every effort to provide it to ICAO on time and electronically whenever possible;
2. *Encourages* Member States to use the available electronic tools when providing and accessing aviation data and statistics and actively participate in the development of such tools by providing support and by sharing relevant knowledge and experience;
3. *Requests* the Council, calling on national experts in the relevant disciplines as required, to examine on a regular basis the data and statistics collected by ICAO in order to meet more effectively the needs of the Organization and its Member States, and to establish the necessary metrics to monitor the performance of the Organization in meeting its Strategic Objectives, to improve the uniformity of the data and statistics, the completeness and timeliness of reporting by Member States, and the form and content of analyses; and
4. *Requests* the Council to:
 - a) continue to explore ways of closer cooperation with the United Nations (UN), its agencies and other international organizations in the collection and distribution of aviation data, statistics and analysis;
 - b) make arrangements, on an appropriate basis, for assistance to be given upon request to Member States by ICAO for the improvement of aviation data, statistics and analysis and statistical reporting to the Organization;
 - c) develop a process by which to enable harmonization of aviation data and statistics from different sources in order to facilitate the provision of accurate, reliable and consistent data required for informed decision-making by States; and
 - d) create, host, and manage a platform where the aviation community can share and promote its data, statistics and electronic tools in accordance with the principles and provisions as contained in the Convention and relevant decisions of the Organization.

APPENDIX E

Forecasting, planning and economic analyses

Section I. Forecasting and planning

Whereas Member States require global and regional forecasts of future civil aviation developments for various planning and implementation purposes;

Whereas the Council, in carrying out its continuing functions in the air transport economic field, must foresee future developments likely to require action by the Organization and must initiate such action in good time;

Whereas the Organization has to regularly assess its performance against its Strategic Objectives with particular focus on safety, air navigation capacity and efficiency, security and facilitation, economic development of air transport and environmental protection; and

Whereas the Organization requires specific forecasts for airports and air navigation systems planning and environmental monitoring and planning purposes;

The Assembly:

1. *Requests* the Council to develop and update forecasts of future trends and developments in civil aviation, and to make these available to Member States;
2. *Requests* the Council to develop and update one single set of long-term traffic forecast, from which customized or more detailed forecasts can be produced for various purposes, such as air navigation systems planning and environmental analysis; and
3. *Requests* the Council to keep forecasting methodologies and procedures reviewed and improved.

Section II. Economic analysis

Whereas there is a continuing interest among Member States, international organizations, financial institutions, as well as aviation, tourism, and trade industries, in the economic analysis of air transport, including aviation's contribution to global, regional and national economies;

Whereas there is an acute shortage of information on the increasingly important role of aviation in national economies worldwide;

Whereas the economic studies conducted by ICAO on international air transport costs and revenues have promoted neutrality and have resulted in a more equitable system of revenue sharing of airlines; and

Whereas ICAO requires economic analyses to assist the Council in assessment of the effectiveness of measures proposed for the implementation of the Strategic Objectives of the Organization, and for environmental planning, investment studies and other purposes;

The Assembly:

1. *Requests* the Council to instruct the Secretary General to develop a methodological framework for the economic measurement of aviation activity, including aviation's contribution to Gross Domestic Product (GDP), the number of jobs created by aviation, aviation consumption, and the impact of aviation on balance of payments;

2. *Requests* the Council to instruct the Secretary General to issue periodically a study on regional differences in the level of international air transport operating costs, analysing how differences in operations and input prices may affect their levels and the impact that changes in costs may have on air transport tariffs;
3. *Requests* the Council to develop methodologies and procedures for the assessment of economic impact of new measures, the analyses of cost-benefit or cost-effectiveness, and the development of business cases to meet the needs of the Organization, the regional air navigation planning groups, and other activities of the Organization; and
4. *Requests* the Council to monitor developments, conduct studies on major issues of global importance, and share its analyses with States, international organizations and the industry.

Section III. Air mail

Whereas air mail is an integral component of international air transport, which is increasingly affected by e-commerce;

The Assembly:

1. *Urges* Member States to take into account the effects on international civil aviation whenever policy is being formulated in the field of international air mail, and particularly at meetings of the Universal Postal Union (UPU); and
2. *Directs* the Secretary General to furnish to the UPU, on request and as stipulated in relevant cooperation arrangements between UPU and ICAO, information of a factual character which may be readily available.

Agenda Item 43: Other issues to be considered by the Economic Commission

43.1 In WP/323 revised, Cuba provided information about the adverse effects on the development of air transport in Cuba caused by the continued economic, commercial and financial embargo imposed by the United States. While noting some progress made in some areas relating to civil aviation since the re-establishment of diplomatic relations between the two Governments, it pointed out that the continued embargo has negative repercussions for Cuban civil aviation and proposed that the Assembly recognize that unilateral measures and their extraterritorial application adversely affect the sustainable development of civil aviation and are in violation of the principles and objectives of the Chicago Convention and requested that this be reflected in the relevant Assembly Resolution.

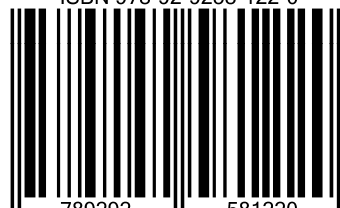
43.2 In WP/317, Sudan provided information on certain impacts of the economic measures imposed unilaterally by the United States on Sudan since 1997, including on the development of civil aviation. It invited the Assembly to examine the issue and take action to ensure that States refrain from taking any unilateral measures that would negatively affect the rights of other States or limit their abilities to achieve sustainable development of the air transport sector.

43.3 In the ensuing discussion of WP/323 and WP/317, support was expressed for the views presented by Cuba and Sudan, noting that economic sanctions have a negative impact on the safe operation of civil aviation, the achievement of ICAO's *No Country Left Behind* (NCLB) objectives, and the development of air transport, trade and economy. It was also pointed out that such sanctions have an extra-territorial impact on aviation businesses beyond the concerned States to third parties. Some States called for action by ICAO to address this situation.

43.4 The United States stated that its actions are fully compliant with international law and the Charter of the United Nations. Each State has the sovereign right to determine how it conducts trade with other countries, including restricting trade in certain circumstances. It held the view that these are bilateral political matters which should not be discussed at this forum.

— END —

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