

1962

## International Review

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# INTERNATIONAL REVIEW†

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† Compiled by Julian Gazdik in co-operation with ICAO Officials, G. F. Fitzgerald (on legal matters) A. M. Lester (on economic/statistical matters) and Mrs. M. A. Dowling.

# INTERNATIONAL CIVIL AVIATION ORGANIZATION

## FINAL ACT

**of the International Conference on Private Air Law held under the auspices of  
the International Civil Aviation Organization at Guadalajara  
in August-September 1961**

The Delegates at the International Conference on Private Air Law held under the auspices of the International Civil Aviation Organization met at Guadalajara, on the invitation of the Government of the United States of Mexico, from 29 August to 18 September 1961, for the purpose of considering a draft convention for the unification of certain rules relating to international carriage by air performed by a person other than the contracting carrier, prepared by the Legal Committee of the International Civil Aviation Organization.

The Delegations attending the Conference were composed as follows:

### **Argentina**

Sr. Commandante Don U. J. FERNANDEZ TAVELLI, Asesor Jurídico de la Dirección Nacional de Aviación Civil, *Jefe de Delegación*.

Dra. A.M. AULET GARCIA, Miembro Titular del Instituto de Derecho Aeronáutico e Interplanetario (Sección de Aeronáutica), *Asesor*.

### **Australia**

Mr. L. R. EDWARDS, Assistant Crown Solicitor (Civil Aviation), *Chief of Delegation*.

### **Belgium**

M. L.A.J. OUTERS, Directeur d'Administration, Chef du Service juridique du Ministère des Communications, *Chef de Délégation*.

M. René GOLDSTEIN, Conseiller juridique, *Représentant*.

M. Roger René NYS, Secrétaire général de la SABENA, *Représentant*.

M. Joseph VERSTAPPEN, Secrétaire d'Administration au Ministère des Communications, *Représentant*.

### **Brazil**

Dr. Trajano Furtado REIS, Director de la División Legal de la Dirección de Aeronáutica Civil, *Jefe de Delegación*.

Dr. Expedito Albano da SILVEIRA, Asistente Jurídico del Ministerio de Aeronáutica, *Représentante*.

Sr. O. L. DE BERENQUER CESAR, Segundo Secretario de la Embajada del Brasil en México, *Representante*.

Dr. José Maria Othon SIDOU, Miembro de la Sociedad Brasileña de Derecho Aeronáutico, *Observador*.

### **Canada**

M. Gérald MORISSET, Membre, Commission des Transports aériens, *Chef de Délégation*.

M. Jean-Pierre HOULE, Chef de la Division des Relations internationales, Commission des Transports aériens, *Représentant*.

Mr. James F. CLARK, Solicitor, Canadian Pacific Airlines, *Adviser*.

Mr. Ian E. McPHERSON, Solicitor, Trans-Canada Airlines, *Adviser*.

### **Colombia**

Dr. Diego PARDO TOVAR, Secretario del Consejo Nacional de Aeronáutica Civil, *Jefe de Delegación*.

Dr. Manuel José LASERNA, Jefe de la Oficina de Relaciones Internacionales del Departamento Administrativo de Aeronáutica Civil, *Representante*.

**Spain**

Sr. Filipe ACEDO COLUNGA, General Inspector del Cuerpo Jurídico del Aire, *Jefe de Delegación*.

Sr. Carlos GOMEZ JARA, Comandante Jurídico del Aire, *Representante*.

**United States of America**

Mr. Robert P. BOYLE, Associate General Counsel, Federal Aviation Agency, U. S. A., *Chief of Delegation*.

Mr. John H. WANNER, General Counsel, Civil Aeronautics Board, U. S. A., *Representative*.

Mr. Richard B. BILDER, Attorney, Office of the Legal Adviser, Department of State, U. S. A., *Adviser*.

Mr. John E. STEPHEN, General Counsel, Air Transport Association, *Adviser*.

**Finland**

Mr. K. T. B. KOSKENKYLA, Director of Civil Aviation, Ministry for Communications, *Chief of Delegation*.

**France**

M. André GARNAULT, Avocat à la Cour d'Appel de Paris, *Chef de Délégation*.

M. A. LE GUEN, Secrétaire des Affaires étrangères à l'Ambassade de France à Mexico, *Représentant*.

M. Jean DARRAS, Conseiller aux Affaires administratives de la Direction des Transports du Secrétariat général à l'Aviation civile, *Représentant*.

**Greece**

Dr. Constantine Chr. HADJIDIMOULAS, Attorney at Law, *Chief of Delegation*.

**Guatemala**

Sr. Coronel de Aviación y Licenciado Fernando JUAREZ RODAS, Representante de Guatemala ante el Consejo de la OACI, *Jefe de Delegación*.

**Honduras**

Sr. L. ROSALES ABELLA, Director General de Aeronáutica Civil, *Jefe de Delegación*.

**India**

Mr. Bhagwan S. GIDWANI, Director, Regulations and Information, Civil Aviation Department, *Chief of Delegation*.

Mr. Luis José PINTO DE ANDRADE, Air India International, *Alternate*.

**Indonesia**

His Exc. Ismael M. THAJEB, Indonesian Ambassador to Mexico, *Chief of Delegation*.

Mr. Sofjan Azis BOERHANOEDIN, Senior Official, Ministry of Air Communications, *Representative*.

Mr. John SENDUK, First Secretary to the Indonesian Embassy, Mexico, *Alternate*.

**Israel**

His Exc. M. SHNEERSON, Ambassador of Israel, Mexico City, *Chief of Delegation*.

Mr. N. BEN YEHUDA, Advocate, Director of International Affairs, Department of Civil Aviation, Tel Aviv, *Representative*.

Mr. L. COOPER, Representative of EL AL Israel Airlines for the United Kingdom, London, *Representative*.

**Italy**

Prof. Avv. Antonio AMBROSINI, Professeur à l'Université de Rome, *Chef de Délégation*.

Sénateur Dr. Mario ZOTTA, Président de Section du Conseil d'Etat, *Représentant*.

Prof. Dr. Salvatore CACOPARDO, Conseiller d'Etat, *Représentant*.

Prof. Giuseppe BARILE, Professeur d'Université, *Représentant*.

Mlle Giovanna AMBROSINI, Professeur Assistant à l'Université de Rome, *Représentant*.

#### Japan

His Exc. Kaoru HAYASHI, Ambassador Extraordinary and Plenipotentiary of Japan to Mexico, *Chief of Delegation*.

Mr. Ichiro NARAHASHI, Representative of Japan on the Council of ICAO, *Alternate*.

Mr. Koichi MIZUTA, Attorney, Civil Affairs Bureau, Ministry of Justice, *Alternate*.

Mr. Naoki NAKANO, Secretary, International Conventions Section, Treaties Bureau, Ministry of Foreign Affairs, *Alternate*.

Mr. Takeshi NAITO, Second Secretary, Embassy of Japan in Mexico, *Alternate*.

Prof. Makoto YAZAWA, Law Department, University of Tokyo, *Adviser*.

#### Mexico

Sr. Lic. Antonio FRANCOZ RIGALT, Subdirector General de Aeronáutica Civil, Secretaria de Comunicaciones y Transportes, *Jefe de Delegación*.

Sr. Lic. Jorge PALACIOS TREVIÑO, Jefe del Departamento de Transporte Aéreo Internacional, Secretaria de Comunicaciones y Transportes, *Representante*.

Sr. Lic. Enrique M. LOAEZA, Coordinador de Asuntos de la OACI de la Dirección General de Aeronáutica Civil, Secretaria de Comunicaciones y Transportes, *Representante*.

Sr. Lic. Reynaldo CALDERON FRANCO, Jefe del Departamento de Organismos Especializados, Dirección General de Organismos Internacionales, Secretaria de Relaciones Exteriores, *Representante*.

Sr. Lic. Fernando ONGAY MENDEZ, Jefe del Departamento de Transporte Aéreo Nacional, Secretaria de Comunicaciones y Transportes, *Representante*.

Sr. Lic. José David BATISTA, Jefe del Departamento Jurídico, Secretaría de Comunicaciones y Transportes, *Representante*.

Sr. Lic. Pedro NOGUERON CONSUEGRA, Subcoordinador de Transportes del Departamento de Tarifas, Secretaría de Comunicaciones y Transportes, *Representante*.

Sr. Lic. Miguel ALEMAN VELASCO, *Asesor*.

Sr. Lic. Mario JAIME PALACIOS, *Asesor*.

#### Norway

Mr. Carl STABEL, Director at the Royal Ministry of Justice, *Chief of Delegation*.

#### Panama

Sr. Lic. José Edgardo EHRMAN, Abogado, Miembro de la Junta Nacional de Aeronáutica Civil, *Jefe de Delegación*.

Sr. Manuel José GRAJALES, Consejero de Embajada, *Secretario de la Delegación*.

#### Netherlands

Dr. Jacobo Houdijn BEEKHUIS, University Professor, *Chief of Delegation*.

Dr. Jan Piet HONIG, Head of Legal Bureau, Civil Aviation Department, *Representative*.

#### Philippines

Mr. Juan B. DIAZ, Acting Deputy Administrator of the Civil Aeronautics Administration, *Chief of Delegation*.

Miss L. B. BARICAN, Attorney, Department of Foreign Affairs, *Representative*.

Mr. Salvador D. LUCUNA, Law Practitioner, Headquarters Member, International Law Association, London, *Representative*.

**United Arab Republic**

M. Ahmed A. H. SEIF, Directeur général de l'Aviation civile, *Chef de Délégation*.  
 Dr. Fouad Kamel MOURSI, Directeur des Transports aériens, *Suppléant*.  
 Mr. Wahid HAWSLY, Directeur de l'Aéroport de Damas, *Représentant*.

**Republic of China**

Mr. Shih-Chen LAI, Counsellor, Embassy of the Republic of China in Mexico,  
*Chief of Delegation*.

**Republic of Haiti**

M. Jan L. MONTES, Avocate Conseil du Département du Commerce et de  
 l'Industrie, *Chef de Délégation*.

**Federal Republic of Germany**

Professeur Dr. Otto RIESE, Président de Chambre à la Cour de Justice Fédérale,  
*Chef de Délégation*.  
 Dr. Joachim HUEBENER, Chief of Air Law Section in the Federal Ministry of  
 Transport, *Representative*.  
 Dr. Günther SCHMIDT-RÄNTSCH, Chief of Air Law Section in the Federal  
 Ministry of Justice, *Representative*.  
 Mr. Bernhard WOLF, First Secretary of Embassy, Mexico, *Representative*.

**Polish People's Republic**

M. Aleksander BEKIER, Chargé d'Affaires a. i. de la République Populaire de  
 Pologne à Mexico, *Chef de Délégation*.  
 Dr. B. SUJKA, Conseiller au Ministère des Affaires étrangères, *Représentant*.  
 Dr. Julian BURIAK, Conseiller au Ministère des Communications, *Représentant*.  
 Mme. K. MISZEWSKA, Conseiller juridique au Département de l'Aviation civile,  
 Ministère des Communications, *Représentant*.  
 M. Eugenius SPYRA, Membre de l'Ambassade au Mexique, *Secrétaire technique*.

**Federal People's Republic of Yugoslavia**

Dr. Boris ZIDARICH, Consejero de la Cámara Federal de Comercio Exterior,  
*Observador*.

**Hungarian People's Republic**

Dr. Endre USTOR, Head of the Department of International Law, Ministry for  
 Foreign Affairs, *Chief of Delegation*.  
 Dr. Ferenc MAJOROS, Legal Adviser to the Board of Civil Aviation, Ministry of  
 Communications and Posts, *Alternate*.

**Byelorussian Soviet Socialist Republic**

Mr. Vladimir GORB, Chief of the Department of Civil Aviation of the Byelorussian  
 SSR, *Chief of Delegation*.

**Ukrainian Soviet Socialist Republic**

Mr. Gennadi UDOVENKO, Ministry of Foreign Affairs of the Ukrainian SSR,  
*Chief of Delegation*.

**Czechoslovak Socialist Republic**

Excmo. Sr. Josef HOKES, Embajador de Checoslovaquia en México, *Jefe de  
 Delegación*.  
 Sr. Václav MALOSIK, Agregado de la Embajada de Checoslovaquia en México,  
*Representante*.

**United Kingdom of Great Britain and Northern Ireland**

The Honourable Sir Richard WILBERFORCE, one of Her Majesty's Judges, *Chief  
 of Delegation*.  
 Mr. Arnold W. G. KEAN, Assistant Solicitor for the Affairs of Her Majesty's  
 Treasury, *Representative*.

Mr. Fred BURROWS, Legal Adviser, Foreign Office, *Representative*.  
Miss Mary Cecilia CAVANAGH, *Secretary to the Delegation*.

#### Holy See

Mons. Andrea CORDERO L. DI MONTEZEMOLO, Secretario de la Delegación Apostólica en México, *Representante*.  
Sr. Pbro. Luis CERVANTES MAYAGOITIA, Oficial de la S. Mitra, *Suplente*.

#### Sweden

Mr. Karl SIDENBLADH, Judge, Court of Appeal, Legal Adviser, Ministry of Justice, *Chief of Delegation*.

#### Switzerland

M. Alfred WACKER, Chargé d'Affaires a. i. de Suisse à Mexico, *Chef de Délégation*.

#### Tunisia

Mr. Ismail KHELIL, First Secretary, Embassy of Tunisia in Washington, D. C., *Chief of Delegation*.

#### Union of Soviet Socialist Republics

Mr. V. M. DANILICHEV, Chief of International Air Services Department of the Main Department of Civil Aviation under the Council of Ministers of the USSR, *Chief of Delegation*.

Mr. V. S. GRIASNOV, Senior Legal Adviser of the International Air Services Department of the Main Department of Civil Aviation under the Council of Ministers of the USSR, *Representative*.

Mr. B. P. PISSAREV, First Secretary of the Treaty and Legal Department of the Ministry for Foreign Affairs of the USSR, *Representative*.

Miss Z. N. NIKIFOROVA, Second Secretary of the Department of International Economic Organization of the Ministry for Foreign Affairs of the USSR, *Representative*.

Mr. L. G. MIKHAILOV, Second Secretary of the Embassy of the USSR in Mexico, *Adviser*.

Mr. M. A. ZAPOROSJETS, Inspector of the International Air Services Department of the Main Department of Civil Aviation under the Council of Ministers of the USSR, *Interpreter*.

#### Venezuela

Sr. Ricardo WINCKELMANN, Primer Secretario, Embajada de Venezuela en México, *Jefe de Delegación*.

The following international organizations were also represented at the Conference:

#### International Law Association

Mr. Peter H. SAND, Research Assistant, Institute of Air and Space Law, Montreal, *Observer*.

#### International Air Transport Association

Mr. Julian G. GAZDIK, Advocate, Bar of Montreal, Secretary of Legal Committee, International Air Transport Association, *Observer*.

#### International Chamber of Commerce

Mr. John C. PIRIE, Vice-President, Associate General Counsel, Pan American World Airways, *Observer*.

Sr. Juan José BREMER BARRERA, General Counsel for "Guest Aerovías México", S. A. de C. V., *Observador*.

#### International Federation of Airline Pilots' Associations

Sr. G. M. ALCARAZ, *Observador*.

**International Institute for the Unification of Private Law**

Prof. Giuseppe BARILE, Professeur d'Université, *Observateur*.

The Conference elected as President Mr. A. Francoz Rigalt, Chief of the Delegation of Mexico, and further elected as Vice-Presidents His Exc. K. Hayashi (Japan), and Messrs. A. Bekier (Polish People's Republic), I. Khelil (Tunisia) and F. Acedo Colunga (Spain).

The Secretariat was composed of: Mr. P. K. Roy, Director of the Legal Bureau of the International Civil Aviation Organization, Secretary General of the Conference; Dr. G. F. FitzGerald, Assistant Secretary General of the Conference; Dr. G. Bonilla and Mr. R. Lemaître, Legal Officers of the Organization, Secretaries of the Conference. Mr. F. Dufau-Labeurie, Chief of the Language Section of the Organization, Administrative Officer of the Conference, directed the Language and Secretariat services. Mr. Alfredo Mendiola Z., Chief of the Administrative Department, Directorate of Civil Aeronautics, S. C. T., Administrative Officer appointed by the Government of Mexico, directed other Conference services.

The Conference established a Credentials Committee, a Committee on Rules of Procedure, a Drafting Committee and a Committee on Final Clauses, to which the following Delegations were appointed by the Conference:

*Credentials Committee*

Canada, represented by Mr. Gérald Morisset,  
Greece, represented by Mr. C. Hadjidimoulas,  
Guatemala, represented by Mr. F. Juárez Rodas,  
Japan, represented by Mr. N. Nakano,  
Czechoslovakia, represented by Mr. J. Hokes.

Mr. Gérald Morisset served as Chairman of the Committee.

*Committee on Rules of Procedure*

Argentina, represented by Mr. U. J. Fernández Tavelli,  
Australia, represented by Mr. L. R. Edwards,  
India, represented by Mr. B. S. Gidwani,  
Netherlands, represented by Mr. J. H. Beekhuis,  
United Kingdom of Great Britain and Northern Ireland, represented by Sir

Richard Wilberforce,

Sweden, represented by Mr. K. Sidenbladh.

Sir Richard Wilberforce served as Chairman of the Committee.

*Drafting Committee*

Argentina, represented by Dr. A. M. Aulet García,  
Spain, represented by Mr. C. Gómez Jara,  
United States of America, represented by Mr. J. H. Wanner,  
France, represented by Mr. J. Darras,  
Israel, represented by Mr. L. Cooper,  
Italy, represented by Mr. G. Barile,  
Mexico, represented by Mr. E. M. Loaeza,  
Federal Republic of Germany, represented by Mr. G. Schmidt-Räntsch and Mr. J. Huebener,

United Kingdom of Great Britain and Northern Ireland, represented by Mr. A. W. G. Kean and Mr. F. Burrows,

Union of Soviet Socialist Republics, represented by Mr. V. S. Griasnov.

Mr. E. M. Loaeza served as Chairman and Mr. A. W. G. Kean served as Vice-Chairman of the Committee.

*Committee on Final Clauses*

Belgium, represented by Mr. L. A. J. Outers,  
Brazil, represented by Mr. T. F. Reis,  
Colombia, represented by Mr. J. Laserna,



United States of America, represented by Mr. R. B. Bilder,  
 France, represented by Mr. A. Le Guen,  
 India, represented by Mr. B. S. Gidwani,  
 United Arab Republic, represented by Mr. F. K. Moursi,  
 Hungarian People's Republic, represented by Mr. E. Ustor,  
 United Kingdom of Great Britain and Northern Ireland, represented by Mr. F. Burrows,  
 Union of Soviet Socialist Republics, represented by Mr. B. P. Pissarev.  
 Mr. T. F. Reis served as Chairman of the Committee.

### I

Following its deliberations, the Conference formulated the text of a Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier. The said Convention has been opened for signature this day at Guadalajara and will remain open for signature in Mexico City, D F, until it comes into force.

### II

The Conference furthermore adopted the following resolutions and recommendations:

#### A

*"The Diplomatic Conference on Private International Air Law held in the City of Guadalajara having adopted a Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier, expresses its deep appreciation to the Government and People of the State of Jalisco for making possible the holding of the Conference in Guadalajara and for their generous hospitality and great contribution to the successful completion of the work of the Conference."*

#### B

#### "THIS CONFERENCE

RECOGNIZING that the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier deals with certain aspects of the charter and hire of aircraft and that, further, the necessity arises also to deal with the legal problems affecting the regulation and enforcement of air safety which have been experienced by certain States when an aircraft registered in one State is operated by an operator belonging to another State,

URGES the International Civil Aviation Organization to study those problems in the light of the most recent experience, with a view to achieving greater safety of air navigation."

#### "THIS CONFERENCE

#### C

##### CONSIDERING

- a) that the Warsaw Convention has conferred great benefits on airlines and their customers alike in achieving international uniformity and certainty of law, the rapid settlement of claims, and reduction of operating costs and fares;
- b) that the Hague Protocol will further increase those benefits;

RECOMMENDS that those States which have not yet ratified the Hague Protocol decide on this question as soon as possible."

#### "THIS CONFERENCE

#### D

HAVING RECOGNIZED that the constant development in international civil aviation of hire, charter and interchange of aircraft gives rise to new problems of private law, particularly in relation to the liability of a person who makes available to another an aircraft without crew;

CONSIDERING, after having taken into account a proposal to that end made by the Polish People's Republic, that those problems require to be further studied;

RECOMMENDS that the International Civil Aviation Organization take appropriate measures for the study and solution of such legal problems as those aforementioned."

IN WITNESS WHEREOF the Delegates have signed this Final Act.

DONE at Guadalajara on the eighteenth day of September of the year One Thousand Nine Hundred and Sixty-one, in three authentic texts in the English, French and Spanish languages, in a single copy which shall be deposited with the Government of the United States of Mexico, and a certified copy of which shall be delivered by that Government to the International Civil Aviation Organization and to each of the Governments represented at the Conference.

## CONVENTION,

### **Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier.**

#### THE STATES SIGNATORY TO THE PRESENT CONVENTION

NOTING that the Warsaw Convention does not contain particular rules relating to international carriage by air performed by a person who is not a party to the agreement for carriage

CONSIDERING that it is therefore desirable to formulate rules to apply in such circumstances

HAVE AGREED AS FOLLOWS:

#### ARTICLE I

In this Convention:

- a) "Warsaw Convention" means the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12 October 1929, or the Warsaw Convention as amended at The Hague, 1955, according to whether the carriage under the agreement referred to in paragraph *b*) is governed by the one or by the other;
- b) "contracting carrier" means a person who as a principal makes an agreement for carriage governed by the Warsaw Convention with a passenger or consignor or with a person acting on behalf of the passenger or consignor;
- c) "actual carrier" means a person, other than the contracting carrier, who, by virtue of authority from the contracting carrier, performs the whole or part of the carriage contemplated in paragraph *b*) but who is not with respect to such part a successive carrier within the meaning of the Warsaw Convention. Such authority is presumed in the absence of proof to the contrary.

#### ARTICLE II

If an actual carrier performs the whole or part of carriage which, according to the agreement referred to in Article I, paragraph *b*), is governed by the Warsaw Convention, both the contracting carrier and the actual carrier shall, except as otherwise provided in this Convention, be subject to the rules of the Warsaw Convention, the former for the whole of the carriage contemplated in the agreement, the latter solely for the carriage which he performs.

#### ARTICLE III

1. The acts and omissions of the actual carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the contracting carrier.

2. The acts and omissions of the contracting carrier and of his servants and agents acting within the scope of their employment shall, in relation to the carriage performed by the actual carrier, be deemed to be also those of the actual carrier. Nevertheless, no such act or omission shall subject the actual carrier to liability exceeding the limits specified in Article 22 of the Warsaw Convention. Any special agreement under which the contracting carrier assumes obligations not imposed by the Warsaw Convention or any waiver of rights conferred by that Convention or any special declaration of interest in delivery at destination contemplated in Article 22 of the said Convention, shall not affect the actual carrier unless agreed to by him.

#### ARTICLE IV

Any complaint to be made or order to be given under the Warsaw Convention to the carrier shall have the same effect whether addressed to the contracting carrier or to the actual carrier. Nevertheless, orders referred to in Article 12 of the Warsaw Convention shall only be effective if addressed to the contracting carrier.

#### ARTICLE V

In relation to the carriage performed by the actual carrier, any servant or agent of that carrier or of the contracting carrier shall, if he proves that he acted within the scope of his employment, be entitled to avail himself of the limits of liability which are applicable under this Convention to the carrier whose servant or agent he is unless it is proved that he acted in a manner which, under the Warsaw Convention, prevents the limits of liability from being invoked.

#### ARTICLE VI

In relation to the carriage performed by the actual carrier, the aggregate of the amounts recoverable from that carrier and the contracting carrier, and from their servants and agents acting within the scope of their employment, shall not exceed the highest amount which could be awarded against either the contracting carrier or the actual carrier under this Convention, but none of the persons mentioned shall be liable for a sum in excess of the limit applicable to him.

#### ARTICLE VII

In relation to the carriage performed by the actual carrier, an action for damages may be brought, at the option of the plaintiff, against the carrier or the contracting carrier, or against both together or separately. If the action is brought against only one of those carriers, that carrier shall have the right to require the other carrier to be joined in the proceedings, the procedure and effects being governed by the law of the court seised of the case.

#### ARTICLE VIII

Any action for damages contemplated in Article VII of this Convention must be brought, at the option of the plaintiff, either before a court in which an action may be brought against the contracting carrier, as provided in Article 28 of the Warsaw Convention, or before the court having jurisdiction at the place where the actual carrier is ordinarily resident or has his principal place of business.

#### ARTICLE IX

1. Any contractual provision tending to relieve the contracting carrier or the actual carrier of liability under this Convention or to fix a lower limit than that which is applicable according to this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole agreement, which shall remain subject to the provisions of this Convention.

2. In respect of the carriage performed by the actual carrier, the preceding paragraph shall not apply to contractual provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.

3. Any clause contained in an agreement for carriage and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless, for the carriage of cargo arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place in one of the jurisdictions referred to in Article VIII.

#### ARTICLE X

Except as provided in Article VII, nothing in this Convention shall affect the rights and obligations of the two carriers between themselves.

#### ARTICLE XI

Until the date on which this Convention comes into force in accordance with the provisions of Article XIII, it shall remain open for signature on behalf of any State which at that date is a Member of the United Nations or of any of the Specialized Agencies.

#### ARTICLE XII

1. This Convention shall be subject to ratification by the signatory States.
2. The instruments of ratification shall be deposited with the Government of the United States of Mexico.

#### ARTICLE XIII

1. As soon as five of the signatory States have deposited their instruments of ratification of this Convention, it shall come into force between them on the ninetieth day after the date of deposit of the fifth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.
2. As soon as this Convention comes into force, it shall be registered with the United Nations and the International Civil Aviation Organization by the Government of the United States of Mexico.

#### ARTICLE XIV

1. This Convention shall, after it has come into force, be open for accession by any State Member of the United Nations or of any of the Specialized Agencies.
2. The accession of a State shall be effected by the deposit of an instrument of accession with the Government of the United States of Mexico and shall take effect as from the ninetieth day after the date of such deposit.

#### ARTICLE XV

1. Any Contracting State may denounce this Convention by notification addressed to the Government of the United States of Mexico.
2. Denunciation shall take effect six months after the date of receipt by the Government of the United States of Mexico of the notification of denunciation.

#### ARTICLE XVI

1. Any Contracting State may at the time of its ratification of or accession to this Convention or at any time hereafter declare by notification to the Government of the United States of Mexico that the Convention shall extend to any of the territories for whose international relations it is responsible.
2. The Convention shall, ninety days after the date of the receipt of such notification by the Government of the United States of Mexico, extend to the territories named therein.

3. Any Contracting State may denounce this Convention, in accordance with the provisions of Article XV, separately for any or all of the territories for the international relations of which such State is responsible.

#### ARTICLE XVII

No reservation may be made to this Convention.

#### ARTICLE XVIII

The Government of the United States of Mexico shall give notice to the International Civil Aviation Organization and to all State Members of the United Nations or of any of the Specialized Agencies:

- a) of any signature of this Convention and the date thereof;
- b) of the deposit of any instrument of ratification or accession and the date thereof;
- c) of the date on which this Convention comes into force in accordance with Article XIII, paragraph 1;
- d) of the receipt of any notification of denunciation and the date thereof;
- e) of the receipt of any declaration or notification made under Article XVI and the date thereof.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having been duly authorized, have signed this Convention.

DONE at Guadalajara on the eighteenth day of September One Thousand Nine Hundred and Sixty-one in three authentic texts drawn up in the English, French and Spanish languages. In case of any inconsistency, the text in the French language, in which language the Warsaw Convention of 12 October 1929 was drawn up, shall prevail. The Government of the United States of Mexico will establish an official translation of the text of the Convention in the Russian language.

This Convention shall be deposited with the Government of the United States of Mexico with which, in accordance with Article XI, it shall remain open for signature, and that Government shall send certified copies thereof to the International Civil Aviation Organization and to all State Members of the United Nations or any Specialized Agency.

### 13th (EXTRAORDINARY) SESSION OF THE ASSEMBLY

#### Resolutions adopted Amending Article 50(a) of the Chicago Convention providing for an increase in the size of the Council

Resolution A13-1: *Amendment to Article 50(a) of the Convention Increasing the Membership of the Council to Twenty-seven*

#### THE ASSEMBLY,

HAVING MET in its Thirteenth (Extraordinary) Session, at Montreal, on the nineteenth day of June 1961,

HAVING NOTED that it is the general desire of Contracting States to enlarge the membership of the Council,

HAVING CONSIDERED it proper to provide for six additional seats in the Council and, accordingly, to increase the membership from twenty-one to twenty-seven, and

HAVING CONSIDERED it necessary to amend, for the purpose aforesaid, the Convention on International Civil Aviation done at Chicago on the seventh day of December 1944,

1. APPROVES, in accordance with the provisions of Article 94(a) of the Convention aforesaid, the following proposed amendment to the said Convention:

"In Article 50(a) of the Convention the expression 'twenty-one' shall be deleted and substituted by 'twenty-seven'."

2. SPECIFIES, pursuant to the provisions of the said Article 94(a) of the said Convention, fifty-six as the number of Contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and
3. RESOLVES that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment above mentioned and the matter hereinafter appearing.
  - (a) The Protocol shall be signed by the President of the Assembly and its Secretary General.
  - (b) The Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation.
  - (c) The instruments of ratification shall be deposited with the International Civil Aviation Organization.
  - (d) The Protocol shall come into force in respect of the States which have ratified it on the date on which the fifty-sixth instrument of ratification is so deposited.
  - (e) The Secretary General shall immediately notify all Contracting States of the date of deposit of each ratification of the Protocol.
  - (f) The Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which the Protocol comes into force.
  - (g) With respect to any Contracting State ratifying the Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

Resolution A13-2: *Ratification of the Protocol Amending Article 50(a) of the Convention*

WHEREAS the Assembly has decided to amend Article 50(a) of the Convention for an increase in the size of the Council; and

WHEREAS the Assembly is of the opinion that it is highly desirable that the aforesaid amendment should come into force before the next session of the Assembly;

THE ASSEMBLY:

1. RECOMMENDS that all Contracting States take expeditious action for ratification of the aforementioned amendment, and
2. DIRECTS the Secretary General to bring the matter to the attention of Contracting States with the objective mentioned above.

### PROVISIONAL AGENDA OF THE 14TH SESSION OF THE LEGAL COMMITTEE

The Council of the International Civil Aviation Organization has decided to convene the Fourteenth Session of the Legal Committee to meet from 28 August 1962, at the site, in Rome, where the Fourteenth Session of the Assembly of the Organization will be held. It is expected that the Session of the Legal Committee will extend over a period of three weeks commencing from the date mentioned.

The Provisional Agenda of the Fourteenth Session of the Legal Committee will consist of the following items:

- (1) Adoption of the Final Agenda of the Session;
- (2) Election of the Chairman and Vice-Chairmen of the Committee;

- (3) The Legal Status of the Aircraft (subject to consideration by the Committee of the comments of States and international organizations);
- (4) Aerial Collisions (Secretariat Report);
- (5) Liability of Air Traffic Control Agencies (Secretariat Report);
- (6) Amendments to the Rules of Procedure of the Committee;
- (7) Review of the General Programme of Work of the Committee;
- (8) Report of the Secretariat;
- (9) Date, Place and Provisional Agenda of the Fifteenth Session of the Committee.

Documentation on the items of the Agenda will be transmitted at a later date. However, it may be noted that the major item of the Agenda will be the Legal Status of the Aircraft and the main documentation in respect of it will consist of:

- (1) the draft Convention prepared by the Legal Committee at Munich, in September 1959, on offences and certain other acts occurring on board aircraft;
- (2) the comments which have been received and which may be received in the future from States and international organizations on that draft Convention; and
- (3) a Report which will have been prepared by a subcommittee of the Legal Committee which is referred to below.

It may also be noted that Item 4 of the Provisional Agenda, namely Aerial Collisions, will only be the subject of a Secretariat Report.

The Council has also decided to convene a subcommittee of the Legal Committee to meet in Montreal during the period 26 March to 13 April 1962. The subcommittee is to consider the comments received from States and international organizations on the draft convention (prepared at Munich in September 1959) on offences and certain other acts occurring on board aircraft, and to make a report to the Legal Committee. The subcommittee will be a comparatively small body. After its composition has been determined, the States concerned will be duly notified.

By the present communication the Secretary General has the pleasure of extending, on behalf of the Council, an invitation to your Organization to be represented at the Fourteenth Session of the Legal Committee to be held in Rome from 28 August 1962.

## INTERNATIONAL AIR TRANSPORT ASSOCIATION

### REPORT OF THE TECHNICAL COMMITTEE TO THE ANNUAL GENERAL MEETING

It was asserted by Capt. R. V. Carleton, Senior Vice President of Braniff Airways, and Chairman of the Technical Committee that the problem of sonic boom may be the principal factor in determining how airlines will some day operate at speeds faster than sound. Capt. Carleton also asserted that the supersonic symposium held in Montreal in April, 1961, had underlined a particular necessity to evaluate supersonic noise levels and subjective reactions connected with sonic boom.

Until theoretical predictions have been checked against actual experience of sonic booms produced by a large supersonic aircraft, it is not possible to say how acceptable the boom will be to people on the ground, nor at what altitude transition to supersonic flight will have to be carried out.

For this reason the development of a large supersonic military transport, like the American B-70 or its counterparts elsewhere, will be an important step toward finding out the character and magnitude of the phenomenon.

Summing up the results of the Montreal discussions, which have been published in book form, the 21-man Technical Committee reported that thorough research is also needed into the behavior of materials for supersonic aircraft construction at very high temperatures through the 30,000-hour cycle which is the minimum operational lifetime of a commercial transport.

It stressed that the airlines have made it clear to manufacturers that the supersonic transport must match or exceed the standards of safety, reliability, comfort and cost which will have been achieved by subsonic aircraft by the time the supersonic becomes available.

In the meanwhile, the Committee cautioned, a very large portion of the problems foreseen for the operation of the supersonic are the same ones which airlines face and must master in their present subsonic flying.

It would also be dangerous to let overly-optimistic expectations of the supersonic jeopardize the normal fleet expansion and improvement programme of any airline over the next ten years. It was pointed out that the supersonic will likely supplement, rather than replace subsonic fleets.

A summary of the Technical Committee report follows:

The complexity of air operations seems to increase as rapidly as flight times over the continents grow shorter. By the same token, the success of each phase of these operations becomes increasingly dependent upon the efficiency with which all other phases are carried out—not only by the airlines, but by governments and other agencies; and not merely individually, but also in concert.

Under these circumstances, co-operation and co-ordination among the many members of the family of the air are a *sine qua non*. They are vital to the successful performance of flight schedules; and they are equally vital to the economic success of every member company.

During the past year, as in the years before, IATA has achieved much in this sphere as the agency of co-operation between the airlines themselves on the one hand, and between their industry and such other organizations as International Civil Aviation Organization (ICAO), International Telecommunication Union (ITU) and World Meteorological Organization (WMO) at the governmental level, and Société Internationale de Télécommunications Aéronautiques (SITA), International Aeradio Limited (IAL), Air Transport Association of America (ATA), and Aeronautical Radio Inc. (ARINC) at the functional level. IATA has also maintained continuous contact and exchange of information with manufacturers, research establishments and consultants. It has co-operated readily with all of them; and whenever it has asked for their help, it has been forthcoming.

The forum of this mutual help has largely been in IATA Technical meetings. Since the Copenhagen AGM, airline Technical experts have come together as IATA Committees and Groups some 30 times; and have represented the airlines' interests in seven meetings of other international organizations.

There could be no better illustration of this co-operation than the 1961 Technical Conference at Montreal, the principal feature of which was the Symposium on Supersonic Air Transport, and which brought together some 600 Technical experts from 186 different airlines, agencies, manufacturers, governments, research establishments and other agencies from 26 countries on the six continents.

#### NOISE ABATEMENT PROCEDURES

The Noise Abatement Study Group has now completed its major assignment, the development of guidance material for members to use in discussing noise abatement procedures with aerodrome authorities. This Reference Document, now in the hands of all members interested in jets, indicates how basic procedures for each type of jet aircraft can be adopted to suit local conditions. The Group continues in existence to review these procedures and amend them as necessary in the light of new techniques and experience.



### DIMENSIONAL UNITS

ICAO has accepted IATA's recommendations for a new table of dimensional units which could bring the ultimate goal of universal conformity with the ideal ICAO Table much closer. IATA's proposals, which are concerned largely with the wider use of metric units for such dimensions as horizontal distances and visibilities and for aircraft weights, have been circulated by ICAO to member states for consideration and comment.

### OBSTRUCTIONS IN THE VICINITY OF AERODROMES

The ICAO Air Navigation Commission have approved circulation to member states for comment of IATA's proposals that Standards be amended to give more realistic protection to aircraft in the vicinity of aerodromes. These urge further restrictions on the height of new construction and the extension of obstruction limit surfaces to a degree compatible with the speed and performance of modern transport aircraft. It will probably be some time before the Standards are actually changed, but ICAO has pointed out to states the advisability of taking full account in the interim of potential hazards arising from new construction near aerodromes, even though these are within the present limits.

### ALL-WEATHER LANDING

The ultimate goal of all-weather operations is one of the Committee's main objects of attention and continues to be studied actively by both the Radio Systems and Flight Technical Groups. Joint sessions between these specialists are becoming more and more a feature of this work.

The all-weather landing programme envisages a three stage evolution:

- i) lowering landing minima now applicable to large jets down to the limits used for piston-engined aircraft;
- ii) progressive lowering of landing minima for all types of aircraft down to a limit of a ceiling of about 100 ft.; and
- iii) fully automatic landings under zero visibility conditions.

There do not appear to be any Technical reasons to prevent the realization of this first phase in the immediate future: in fact, some national authorities have already approved this reduction.

Lower minima for all types of aircraft will require improvements in radio technical devices to provide greater accuracy, consistency of sensitivity and stability of ILS radio guidance patterns. The Committee is confident that this phase can be accomplished with the latest types of equipment available and with relatively minor changes in ILS ground equipment specifications.

Experts now believe that fully automatic landings in zero visibility conditions will be technically possible with additional equipment of new design, both in the aircraft and on the ground. However, there are indications that the airlines will want a great deal of experience with automatic approaches and operations down to a very low limit before applying full automation down to the touchdown point.

In this area IATA can take considerable credit for the recognition by ICAO in the past year of an international operational requirement for visual glide slope indicators to aid the accuracy of landings and avoid undershoots. Supported by IATA, the ICAO Visual Aids Panel has recommended the adoption of the United Kingdom two-colour system and this should appear on the ICAO books as an international standard before the end of 1961. Meanwhile, some states are already working actively to install these indicators. However, it should be noted that an attempt is being made in some quarters to use this aid as a noise abatement measure by setting the approach angle at some figure above the optimum, this diminishes the safety value of the aid and should be rigorously opposed.

IATA's Reference Document on "Cockpit Instrumentation and Layout", which flows from the 13th Technical Conference is being widely considered around the world and is being favourably commented upon.

Automatic communication between the aircraft and the ground is, of course, a vital factor in all-weather operations, and airline radio Technical engineers are paying close heed to this requirement. They are keeping their feet firmly on the ground in these studies and are not being overwhelmed by the magic of automation *per se*. They want to be certain that the functional characteristics of whatever automatic signalling system may be internationally adopted will be exactly what is needed; and that the system will not only improve the effectiveness of air-ground communications, but also lighten the load on the pilot in the cockpit and the air traffic controller on the ground.

#### FUEL MATTERS

Following close scrutiny of fuel specifications and cleanliness standards in the 1960 Technical Conference, the Fuel Study Group has been able to produce guidance material relating to all aviation turbine fuels. Airline requirements as regards dirt and water contamination standards have also been clarified.

The close co-operation between the petroleum industry and carriers which has been developed through the Group holds much promise for the future.

#### DOPPLER RADAR NAVIGATION

Since the appraisal in the 1960 Conference of the potential uses of Doppler radar navigation, the Committee has continued to maintain an active interest in this device. IATA is serving as a clearinghouse for the interchange of reports on an individual airline's evaluation of Doppler. In addition, it is continuing to study such potential benefits as the reduction in horizontal separation between aircraft and the favourable effects on fuel reserves which this improved navigation aid may make possible.

#### PRODUCTION PLANNING AND CONTROL

Although one of the less glamorous and more complex subjects of IATA Technical consideration, Production Planning and Control continues to produce results which promise real monetary savings to the airlines. The PPC Group has already produced the basic chapters of a Handbook on this subject and is adding to them. Copies of this Handbook, available only to Member airlines, have already been ordered—and re-ordered—by 69 members.

#### ATA/IATA INTERLINE COMMUNICATIONS ACTIVITY

The Joint ATA/IATA Interline Communications Sub-Committee and its three working groups have made substantial progress in the past year towards better, faster and cheaper exchange of essential communications between airlines. Because reservations departments are the principal users of this exchange, the work has a direct bearing as well on standards of service to the travelling public.

All ATA and IATA members have now agreed on a standard interline teletypewriter message format and procedure to permit rapid and ultimately fully automatic transmission of messages between the airline teletypewriter networks in North America, Europe and other parts of the world. Since it obviates the need for re-processing messages from one format to another and reduces transmission costs at transfer points, this agreement has considerable economic implications. It became effective on January 1st this year and has been implemented to a very large extent.

With the trend toward automation, electronic data processing machines and computers of varying degrees of sophistication are in increasing use for many reservations functions, such as seat availability and space control. A joint ATA/IATA group has also succeeded in developing a code language by which these systems in the individual airlines can in fact talk with and be understood by one another over the linked teletypewriter circuits. This machineable interline teletypewriter message format is a common reservations language with a vocabulary understood by machines as well as the humans who process the traffic

manually. It was agreed for implementation on October 1 of this year and provides a common basis for internal EDP reservations programming.

The third and newest phase of the joint effort is the study of high-speed exchange of information among these EDP systems without the need for any human intervention at all. Since the airline industry is investing heavily in more highly sophisticated general purpose computers—one manufacturer has estimated the commitment at \$100,000,000 on the North American continent alone—it is vital to make the fullest possible use of them. Present means of inter-communication by conventional teletypewriter facilities are very slow in comparison with the reaction time and data handling rate of these new machines. It is hoped, therefore, to achieve high-speed data interchange without human intervention, editing or error correction which is now required, and not only for reservations, but for such other purposes as maintenance, spares inventories, stores and supplies, finance and accounting.

While much effort must inevitably be concentrated on future planning, the day-to-day problems of operation cannot be overlooked. These take on a particular importance in regional planning and implementation work. Regional Technical Panels are, in fact, field units of the Association through which detailed plans and action are agreed upon to promote efficient facilities and services for the airlines' operations.

IATA's new Regional Technical Liaison Office in Bangkok has now been established and is working closely with civil aviation administrations and the ICAO Regional Office in South East Asia and the Pacific. It is already producing good results.

The establishment of another Regional Office in South America has been approved by the Executive Committee; and the Technical Director hopes to have it in full operation probably at Rio de Janeiro, before the end of the year. Its first job will be the preparation for an ICAO Planning Meeting on Communications and Air Traffic Control in that region.

The Technical Liaison Office in London has been extremely active with immediate problems in an area of great network complexity, covering Europe, the Mediterranean, Africa and the Middle East. It has handled the airlines' brief in meetings of ICAO and the European Civil Aviation Conference and in direct contact with a number of administrations in this region.

The buildup of jet operations over the North Atlantic has proceeded smoothly during the past year; and a recent survey carried out within IATA indicates that approximately 65 jet flights daily will be handled in each direction during the peak months of 1961. It must be remembered that the increased vertical separation standards imposed above 29,000 feet have squeezed this traffic into a relatively narrow band of airspace, with the result that air traffic control problems are becoming more and more severe.

The ATC squeeze has to some extent been alleviated by the almost complete segregation of military jet traffic from the main civil air routes, since a high percentage of the total jet traffic on the North Atlantic is still military, rather than civil. Nevertheless, airlines still encounter significant ATC restrictions; and under existing longitudinal and vertical separation standards, the available airspace is already very nearly saturated at certain peak periods.

Administrations have agreed with the Committee that a reduction in vertical separation requirements would largely resolve the ATC problem. And, on the airlines' part, all of the jets on the North Atlantic have been fitted with improved types of altimeters which should permit separations of no more than 1,000 feet at all useable altitudes. However, administrations must be satisfied with the accuracy with which aircraft can maintain assigned altitudes in the rarer atmosphere above 29,000 feet and there are no universally recognized methods

of determining this rather nebulous factor—flight technical error—at the present time. The Committee hopes that research and technical establishments will concentrate some effort on this matter.

The planning of services and facilities to support North Atlantic operations for the next five years will be undertaken in an ICAO regional meeting this Autumn, and the North Atlantic Regional Technical Panel will participate fully in this session. IATA is considering a proposal that the new under-water cable between the major ATC centres in the area should be used in combination with long-range VHF stations to provide a greatly improved communications link with aircraft. This, plus the improved navigational ability promised by Doppler, could greatly assist the solution of North Atlantic ATC problems.

#### 14TH TECHNICAL CONFERENCE

The 1961 Technical Conference was held at Montreal in April. It was the largest Technical meeting, and possibly the largest meeting of any sort, ever held under IATA auspices.

#### SYMPOSIUM ON SUPERSONIC AIR TRANSPORT

The keen and worldwide interest in flight faster than sound, which was the subject of Item 1 of the Conference Agenda, was no doubt responsible for the massive attendance already mentioned. All who attended were people of the highest qualifications in their fields. They were cooperative, communicative and hard-working. Above all, they were also practical: they were fully aware of the economic, as well as the purely Technical implications of SST, and took pains to examine the aircraft, not only by itself, but in the context of the air transport system in which it must operate.

Much of the credit for this is due to the painstaking preparation of the basic questionnaire of the Symposium; and to the 54 background papers which were distributed to participants in advance.

The Symposium sought no definite conclusions. It did seek information—to find out what is known about SST and, of equal importance, what is not yet determined. It was designed to bring governments, airlines and manufacturers together so that they could match and understand their differing conceptions of what the aircraft should be. It hoped to establish those parameters which will make the SST—at such time as it comes—an acceptable and successful commercial aircraft.

Only time can tell whether the last objective has been achieved, but it is believed that the Symposium accomplished its other purposes and, in so doing, rendered unusual service to the whole civil aviation community. Looking at the probable development costs of the SST, it seems clear that the Symposium has already saved substantial sums for everyone concerned.

The massive record of the Symposium has been published. It is already in widespread use as a working tool for all who have a part in the supersonic future. Everyone is entitled to draw his own conclusions from it; no doubt different conclusions will be drawn quite properly from the same sets of facts or expressions of views.

The airlines have made it clear to manufacturers that SST must match or exceed the standards of safety, reliability, comfort and cost which will have been achieved by subsonic aircraft by the time the SST becomes available.

Governments have made it plain that the SST must be able to operate from the great international airports now in being, as improved by evolution in the years between.

It is also obvious that SST must be able to operate in the same traffic patterns

as subsonic aircraft and that, in short, their own subsonic characteristics will be of vital importance.

There seemed as well to be a general feeling that the SST will be no larger, in terms of passenger capacity, than today's jets; and that, in view of its design requirements, its cargo capacity will be significantly less.

Governments have predicted requirements for precertification testing of a sort and stringency which this industry has never known before.

It has been made very clear that the sonic boom phenomenon could dictate operational procedures of the SST.

These points appear to have been generally accepted by airlines, manufacturers and governments alike.

The Symposium has also underlined certain urgent necessities.

There is a particular necessity to evaluate noise levels and subjective reactions connected with the sonic boom. Until theoretical predictions have been checked against actual experience of sonic booms produced by a large supersonic aircraft, it is not possible to say how acceptable the boom will be to those on the ground, nor at what altitude transition to supersonic flight will have to be carried out.

Thorough research is also needed into the behaviour of aircraft materials when exposed to elevated temperatures for long periods of time. Alloys which may be satisfactory are already developed, but they have only been tested in their critical ranges for about 1,000 hours. This experience cannot be extrapolated with confidence to guarantee the 30,000 hour airframe life which is the airlines' minimum requirement.

There is an understandable anxiety among airlines to know when or if the SST may actually come flying over their horizons. When the Symposium began, the likely date mentioned was around 1970. By the time it was over, few of the participants were inclined to count on that date.

If all necessary research and development funds were available and an all-out co-ordinated effort were made to have everything necessary for SST operation available at the moment of certification, 1970 might be a tenable date. But this is the ideal; and the ideal is seldom realized, since it is contingent on a satisfactory solution being found to the other problems previously mentioned.

Nevertheless the airlines must be keenly interested in making certain that the answers to the supersonic unknowns are found with a minimum delay; their own programmes must progress carefully and thoroughly; they would be well advised to resist hasty conclusions, either negative or affirmative.

In this light, the current development of the B-70 bomber assumes a certain importance to civil air transport. Its size and general configuration will be so much closer to that of a transport aircraft that a great deal may be learned from it—or from any other large supersonic military aircraft developed by any country.

A very large portion of the problems foreseen for the SST are problems which face the airlines today in the operation of subsonic jets. Regardless of whether or when the SST arrives, the solution of these problems is essential to enhance the economy of their present operations.

It would be dangerous to let overly-optimistic expectations of the SST jeopardize the normal fleet expansion and improvement programme of any airline over the next ten years. While every pressure must be exerted to solve the outstanding enigmas of SST development, manufacturers must not slow down prematurely in the further development of the subsonic aircraft.

#### ADVANCED COMMUNICATIONS TECHNIQUES

The second item of the Conference, an exchange of views on advanced tech-

niques and systems, attracted an unexpectedly large attendance of 175 persons from all interested parties.

Principal subjects covered were the applications of extended range VHF techniques to the improvement of radio telephone communications; use of automatic signalling methods between aircraft and ground agencies; and advanced concepts of airline communications systems for all types of information exchange.

To illustrate the complexity into which airlines have come, it was noted that the discussion of automatic signalling methods had to take into account the best role of automatic systems within the overall aeromobile communications network; special requirements of air traffic services for automatic exchange of data with the aircraft; the suitability from the pilot's point of view of message input and output devices; and the problems, both in long and short range, of implementing automatic signalling on an international scale.

This part of the Conference has raised the level of common understanding in the field and provided guidance on a number of significant points of future systems application, research and development.

#### METEOROLOGICAL PROBLEMS

This Conference item provided an opportunity to improve common understanding of a number of advanced problems on which airlines and meteorological authorities had not hitherto seen eye to eye.

It has hopefully resolved some of the difficulties which have arisen in the application of new air reporting procedures set up by the ICAO Fifth MET Division and has made some helpful recommendations for the improvement of turbulence occurrence reports which ICAO has been collecting for study of upper air turbulence.

On the basis of new experience with jets, the Conference also approved new concepts of the presentation of upper air information on meteorological charts for jet flight planning, but agreed that it is still too early to consider any rigid standardization.

In view of the discussion of advanced communications techniques in the Supersonic Symposium, the meteorologists discussed automatic reception and recording of MET information in the cockpit, and were able to provide some general guidance as to the types, relative bulk and handling of the MET data to be transmitted.

#### FUTURE OUTLOOK

The Montreal Symposium has opened up large problem areas which must be explored; and, as research and tests bring these problems into focus, the Committee will start appropriate action within IATA. The success of the supersonic transport—at such time as it comes—will depend upon how successfully its needs are anticipated by joint consultation and action.

Regardless of speed or type of load, the single great common problem of all airlines is the regularity of current operations. There is probably no single item in today's cost of operation more damaging than flight delays, be they for mechanical, weather or air traffic control reasons. For this reason, the Technical Committee will continue to give priority attention to promoting the concept of all-weather landing, to improving air traffic control, and to improving the reliability of equipment. All three deserve priority because they can save millions of dollars annually for the carriers and add immeasurably to the value of their service to the public.

#### REPORT OF THE TRAFFIC COMMITTEE TO THE ANNUAL GENERAL MEETING

The three Chairmen, Messrs. Hans Aeppli, Swissair, V.H.L. Dubourcq, KLM Royal Dutch Airlines and H. B. Renwick, Canadian Pacific Airlines, of the

Conferences at which the airlines negotiate international fares and rates for government approval presented reports.

Reviewing fares agreements which are now valid until March 31, 1963, the reports said that substantial savings should accrue to the public from the introduction of new low fare economy class services over the South Atlantic and North and Central Pacific; from cuts of as much as 35 percent in fares between North and South America; from the extension and improvement of low inclusive tour basing fares in Europe and the Middle East; and from new excursion and family fare discounts on various other routes.

Warning was given, however, that fare levels are increasingly critical in the present economic state of the airlines. It should be realized that a healthy industry must be a profitable industry and that often a one or two percent higher fare level may spell the difference between successful or financially unsuccessful operation.

In the cargo field the report highlighted the important revision in transatlantic cargo rates which came into effect on September 1. The new rating system combines a streamlined pattern of specific commodity rates with drastic reductions of as much as 60 percent for volume cargoes in order to fill the greatly increased cargo capacity of both the new jets and all-cargo aircraft on this highly competitive route.

Due to the revolution in airline equipment, some difficulty was the inevitable result of such developments, the effects of new low fare services, the change-over of many colonial routes from cabotage to international fares status, and the advent of new international carriers.

However, airlines were advised to show speedier grace to compromise and that a little patience, a little anticipation and some collective forethought from an industry point of view might well have eased the difficulties and may ease them in the future.

In a report of the 12-man Traffic Advisory Committee, which acts as a steering committee for the Conferences and oversees other IATA activity in the traffic field, it was stated that the achievement of two year agreements has been one of the most significant steps taken by the industry over the last few years and a major move toward greater stability in ways of doing business.

It predicts that the longer agreements should result in substantial savings and that too frequent and hasty changes in agreed procedures could cause much inconvenience and expense, particularly as many members move gradually into electronic or machine handling in the reservations, communications, revenue accounting and other fields.

Other highlights of the Traffic Advisory Committee report were:

The Traffic Conferences were exploring the possibility of using computers to calculate all fares and rates used by IATA airlines. As a first step, a manual of the shortest operated distances between airports, used for tariffs purposes, has been produced by electronic data processing and is now in force. Further experimental steps are planned.

A special committee has been created at the vice-presidential level to study simplification of airline tariffs, with the hope that new and streamlined rules for constructing fares and rates can be proposed to the next worldwide Conference session in the Fall of 1962.

Efforts to simplify traffic documents and their related procedures are proceeding under the IATA Traffic Handling and Accountancy Working Group, but it seems that a major breakthrough in this connection will not be possible without a radical overhaul of the present fares structure.

Attempts to solve the problem of the "no-show"—the passenger who books a seat but decides not to travel at the last minute and does not cancel his reserva-

tion—are proceeding on a number of fronts. The no-show penalty has been retained in Europe, the Middle East and Africa and ticketing time limits are also being considered in this area. Reconfirmation is being required on North Atlantic and trans-Pacific travel.

In the meanwhile, regional panels of the Reservations Working Group are active in several areas and 27 local interline reservations working groups are dealing with the day-to-day problems which affect smooth handling of interline bookings at major connecting points throughout the world.

To the extent that company error contributes to the no-show problem, a new Interline Reservations Procedures Manual issued this year is expected to help improve airline handling of reservations.

Reservations experts of IATA and the U.S. domestic airlines have also cooperated in the development of new machinable message formats to speed the handling of reservations methods through teletype systems and the computers being used for reservations and space control.

IATA Regulations Relating to the Carriage of Restricted Articles, outlining safety requirements for various types of freight, have been widely and unconditionally accepted by many governments and incorporated in their own Air Navigation Orders, and have been used by the International Atomic Energy Authority as a basis for their own rules for the carriage of radioactive isotopes. The working group responsible for the regulations is now studying detailed packaging requirements for all-cargo aircraft.

A total of 160 air carriers have now become parties to the main IATA interline traffic agreement, which provides standardized documents and procedures for handling interline passengers and cargo. This total includes the 92 members of IATA and domestic trunk and feeder lines in other countries.

Agreement has been reached with the Atlantic, Eastern Mediterranean and Trans Pacific Passenger Steamship Conferences on a multilateral form of air-sea agreement for use by airlines and steamship companies.

These are considerably facilitating the booking of passengers on voyages which combine air and sea journeys.

## REPORT OF THE FINANCIAL COMMITTEE

The financial report of the 15-man Committee of airline financial and accounting executives was submitted by its Chairman, Mr. C. N. Oursler, Vice President of American Airlines, Inc., who reported that airlines are turning to automation to cope with their transactions involving almost \$10,000,000,000 annually and consideration is being given to the possibility of replacing conventional commercial invoices and similar documents with tapes and punched cards and to the use of new electronic machines which will automatically read and record the pertinent information from these sources and from flight coupons, tickets and the like. Almost 90 percent of the 1960 turnover was actually settled without cash payment by offsetting credit and debit transactions between members.

A summary of the Financial Committee report follows:

### IATA CLEARING HOUSE

In 1960, its fourteenth year of operation, the IATA Clearing House cleared a total of two-way turnover of \$1,532,000,000, compared with \$1,013,000,000 in 1959.

The large increase in total turnover of 51.1 per cent for the year was partially due to rearrangement of clearing procedures by two members which affects any comparison between 1960 and 1959 results, both through IATA and its inter-clearances with Airline Clearing House, Inc., (ACH) in the United States. The



adjusted increase over 1959 on a strictly comparable basis is estimated at about 32.6 per cent.

At the end of 1960 the Clearing House was handling 96 accounts for 71 IATA members, 22 non-IATA members of ACH, and three special accounts.

Four new members subscribed to the clearing facility during the year, and two dropped out, one on resignation from IATA and the other on amalgamation.

Interclearances with ACH rose from \$36,203,000,000 in 1959 to \$96,098,000,000 an increase of 165 per cent. About \$52,000,000 of this resulted from the discontinuance of membership in ACH of the two members. The comparable annual increase is estimated at about 23 per cent over 1959.

The average offset ratio during 1960 was maintained at 89.8 per cent, compared with an average of 89 per cent in the previous three years. Offset ratios for individual airline monthly clearances exceeded 99 per cent in 34 cases. In 1959 there were 22 such cases.

A new revenue accounting procedure on currency of billing, and a revised clearance procedure whereby members list claims by code number instead of alphabetically, have considerably reduced the Clearing House work-load and make it possible for more work to be handled in less time with no increase in staff.

The Committee studied, and decided to pursue no further, a proposal to permit non-IATA carriers, particularly those which are signatories to the IATA Interline Traffic Agreement, to join the Clearing House.

#### REVENUE ACCOUNTING

Among a host of other interline revenue accounting problems, the Clearing House and Revenue Accounting Sub-Committee examined various methods of interline billing for freight shipment and agreed that after some further study a single, standardized, worldwide system would be introduced in April, 1962.

The increasingly important problem of theft and of forgery of travel documents prompted the Sub-Committee to prepare a list for IATA Members of some of the dishonest practices and methods of minimizing or eliminating them.

#### CURRENCY

In its first year of activity, the Currency Sub-Committee carried out a survey of blocked currency and remittance procedures and prepared a list of countries where airlines were experiencing remittance difficulties. Specific remittance problems encountered include: heavy documentation; lengthy checking procedures by exchange controls; currency loss through levies; various discriminatory practices; rumours of imminent devaluation; restrictions on the use of currency for local expenses; and income tax clearances for remittances.

While it is not intended to attempt to eliminate currency controls—which are the prerogative of individual states—no effort will be spared to eliminate or alleviate those government proceedings which retard the transfer of revenues. Four co-ordinators were appointed to assist member airlines in solving any problems in this field.

A joint group of two Sub-Committee members and some tariff experts were charged with examining a new concept, developed by the Sub-Committee, for determining the basis of exchange rates.

#### DATA PROCESSING

The increasing importance of electronic data processing techniques in various aspects of aviation was indicated by the large number of observers and massive documentation at meetings of the Sub-Committee on this subject. Major electronic data processing applications examined by the group since its inception three years ago, include: revenue accounting and affiliated functions; property

accounting; accounts payable; expenses; interline billing; cargo accounting; inventory; maintenance, traffic, personnel and other statistics; and labour distribution and reporting.

An exchange of ideas and information on so-called "housekeeping" items has become established as a continuing feature at the Sub-Committee's meetings. This is in view of the expensive and complex equipment the airlines are rapidly acquiring.

Also under examination are: the feasibility of airlines exchanging certain types of records, such as tapes and cards, to replace conventional invoices and other detailed listings; and the development of an effective system of electronic character recognition, the automatic reading and recording of ticket and flight coupon numbers, fares, forms of payment, etc. Both fields give promise of considerable savings in time and money.

#### TAXATION

The Taxation Sub-Committee studied the tax problems in some 30 countries, and their political sub-divisions, and planned continued action by ten regional working groups. For corporate income taxes this means opposing assessments of airlines based on their gross revenues, but supporting assessments on allocated system net income as well as establishing equitable formulae for allocating this income.

The Sub-Committee also considered various aspects of personal income taxes of airline employees, property taxes on aircraft and taxes on tickets.

#### AIRPORT AND AIR NAVIGATION FACILITIES CHARGES

The air transport industry is alarmed at the effect of ever-increasing airport and air navigation facilities charges on airline finances.

The Committee recognizes that IATA's role in combating further imposition of user charges is difficult. Experience has shown that even if governments are willing to discuss proposed increases with the airlines, through IATA, such discussions take place at too late a stage to permit any effective argument on the part of airlines. Government departments have already taken their decisions, and consultation with the users is a mere formality. Thus, it is more than ever apparent that aside from IATA intervention the most effective means of opposing user charges is by action of individual airlines through their own governments.

To keep governments informed of the airlines' position and enlist their help wherever possible, sufficient facts and figures must be available at IATA Head Office. Such information must be up-to-date and complete. User charges take many different forms in various parts of the world, and the cost of air facilities provided by carriers themselves is important if the industry's share of the total bill for facilities is to be determined accurately.

The Financial Committee has recommended that a comprehensive questionnaire be developed by the Charges Working Group and circulated as soon as possible to IATA Members, who are urged to supply all the information requested therein.

#### ORIGIN AND DESTINATION STATISTICS

The ICAO Origin and Destination Statistics Panel held its third meeting in the Spring of this year in Paris. IATA, present there in the capacity of observer, reiterated that it is opposed to the collection of any form of origin and destination statistics.

The Panel did not reach any specific conclusions and a further meeting is scheduled for early in 1962. It is understood that ultimately the Panel's proposals will be submitted to the ICAO Air Transport Committee and Council, and perhaps to the ICAO Assembly as well.

## IATA STATISTICS

IATA members have started supplying the Association with their balance sheets and profit and loss statements (which most are already obliged to submit to ICAO every year) so as to make available a more complete picture of the industry's financial side.

## REPORT OF THE LEGAL COMMITTEE

1. The Chairman of the Legal Committee, Mr. H. E. Marking, BEA, reported that, as in previous years under its terms of reference, the Committee reviewed several draft conventions developed by the International Civil Aviation Organization and other international organizations.

DRAFT CONVENTION FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR PERFORMED BY A PERSON OTHER THAN THE CONTRACTING CARRIER

2. In our 1960 Report we discussed the importance of this Convention and discussed its basic principles. The work on this Convention was completed by the ICAO Legal Committee at Montreal in September 1960 for submission to a Diplomatic Conference to be held in Mexico in August-September, 1961.

3. The object of the new Convention is to fill the gap that may exist under the Warsaw Convention and which is due to the fact that the Convention does not define the term "air carrier". Hence the ambiguity exists as to whether a carrier who performs carriage, but does not contract directly with passengers and shipper is or is not protected by the limitation of liability under the Convention.

4. In our opinion, the new Convention, which seeks to do away with this uncertainty, is an important subject from the carriers' point of view. It is in the interest of the air transport industry that governments finalize the Draft Convention on this subject.

5. We reviewed the latest draft in the light of comments made by the ICAO Legal Committee, and the members of your Committee. While we find that the new Convention is generally satisfactory, it goes further, as did earlier drafts, than merely clarifying the ambiguity referred to above and imposes reciprocal liability between the contracting and the performing carriers so that each will be held responsible for the negligent acts of the other. We believe, however, that the major benefit of general limitation of liability outweighs the additional responsibility placed on carriers in case of voluntary charter or interchange arrangements.

6. We prepared comments on the latest draft text of the Convention as completed by the ICAO Legal Committee in Montreal to be used as the basis of the positions which we recommend should be taken by the observers representing IATA at the Diplomatic Conference. These recommendations are very largely for clarification of the present text, particularly as to certain of the definitions. In principle we feel that the scope of the Convention should make it clear that both charter and interchange operations are covered and that all carriers involved in such interchange should be included and covered by the Warsaw Convention limits of liability. We also feel that it be made clear that if one of the carriers involved is not sued, that the other should have rights of intervention. The Montreal draft makes no exception with respect to cargo to the general rule in the Convention that the applicability of the Convention is dependent on the contract between the contracting carrier and the passenger or shipper. Such an exception might facilitate the acceptance of the Convention by certain States and that therefore some form of exception would be useful such as that proposed at the Montreal meeting which provided in substance that if cargo is reconsigned by the contracting carrier as consignor for carriage by a performing

carrier, between two points in the same contracting State, this Convention shall not apply to the rights and liabilities between the performing carrier and the original consignor.

7. We understand that IATA will be represented by observers at the Diplomatic Conference in Mexico which will consider this Convention. Our detailed recommendations are being made available to these observers. At the 1961 AGM of IATA the Chairman of the Legal Committee will make a supplementary report as to such action as may be taken by the Diplomatic Conference and will comment on the Convention which may result from the Conference.

#### WORK PROGRAMME OF THE ICAO LEGAL COMMITTEE

8. This includes the following subjects for current work:

- a) Aerial Collisions
- b) the Legal Status of the Aircraft
- c) Carriage of Nuclear Material by Air
- d) Legal Status of the Aircraft Commander
- e) Liability of Air Traffic Control Agencies

9. Aerial Collisions is the first item on the programme, but it is not certain that this will be dealt with first at the next meeting of the ICAO Legal Committee. It is possible that the Legal Status of Aircraft will receive preference over the Collisions problem. Each of these conventions is of interest to IATA.

#### DRAFT CONVENTION ON AERIAL COLLISIONS

10. During March, 1961, in Paris, an ICAO sub-committee meeting dealt with this subject and further developed the text of the earlier "Montreal Draft" which was discussed in our last Report. No IATA observer was able to be present at the 1961 sub-committee meeting, but we had before us the ICAO Legal Committee Report and the new draft. We did not consider these documents in detail as the draft will not be considered this year by ICAO. We did, however, note that liability of air traffic control agencies is the last item in Part A of the Work Programme of ICAO. Recent collision cases have indicated that it is difficult to separate the activities of the air carriers from the activities of the air traffic control agencies, and it might therefore be difficult to draw a line and divide liability between them. The proposed Collision Convention, establishing liability limitation, might not be entirely satisfactory without some clarification of the liability of air traffic control operators.

11. We feel that in view of the foregoing it is desirable that IATA urge ICAO to take up the study of the liability of air traffic control operators simultaneously with the Aerial Collision Convention project, as the two subjects are closely allied. We have established a sub-committee for the purpose of studying both problems.

12. In connection with the Work Programme of the ICAO Legal Committee, the Committee considered it desirable that IATA follow the work closely, and to this end an IATA observer or observers should attend all future ICAO Legal Committee meetings, and meetings of its sub-committees, dealing with subjects of concern to air carriers.

#### DRAFT CONVENTION ON LEGAL STATUS OF AIRCRAFT

13. Last year, we reported that a Draft Convention on this subject had been prepared, although not completed, by the ICAO Legal Committee. In view of the Diplomatic Conference which will deal with the Convention on Carriage by Air Performed by a Person other than the Contracting Carrier in August-September, 1961, discussed above, the subject of Legal Status of Aircraft will not be considered by the Legal Committee of ICAO for some time. We therefore deferred further consideration of this subject until our next meeting.

#### CARRIAGE OF NUCLEAR MATERIAL BY AIR

14. On this subject the ICAO Legal Committee did not go beyond the appoint-

ment of a Rapporteur. However, there was considerable activity in this field in other interested international organizations.

15. As we reported last year the European Nuclear Energy Agency of the Organization for European Economic Cooperation (OEEC) developed a third party liability convention during 1960. This has now been signed by all the member States of the OEEC but is not in effect. It is considered to be reasonably satisfactory from a carriers point of view.

16. The International Atomic Energy Agency (IAEA), through its staff and a group of selected experts, also prepared a draft convention, however, on a world wide basis. The draft was considered in May 1961 in Vienna by a committee consisting of representatives of 14 member States. IATA was represented by an observer. Experts representing the OEEC had pointed out certain differences between the European draft and the proposed world wide draft.

17. The group which met in Vienna in May did not finalize the proposed world wide Convention. It did, however, prepare a new draft which contains certain alternatives. In our opinion the development of a world wide convention to deal with civil liability for nuclear damage is most desirable and necessary from the air carrier's point of view. Your Committee will carefully consider the revised Vienna draft when available and will report next year on the general position. It is our hope that the proposed world wide Convention will eliminate any conflict and possible contradiction in the European Regional Convention already signed and the new Convention. It is felt that the principles in the OEEC Convention are sound and practical.

#### ROME CONVENTION OF 1952

18. There is another matter which has given us some concern. We have noted that the ratification by States of the Rome Convention of 1952 has been very slow and that certain countries have shown little or no interest in the ratification of the Convention.

19. Among the reasons for this attitude of certain States, the most important two were:

- i) the difficulty which certain States appear to have in ratifying *any* convention dealing with limitation of liability; and,
- ii) the somewhat complicated "single forum" solution incorporated in Article 20 of the Rome Convention.

20. We wish to reaffirm our position, stated on many previous occasions, that limitation of liability of aircraft operators with respect to third party claims is necessary and desirable, and that in the absence of such limitation of liability air carriers might suffer catastrophic losses. It is therefore in the interest of the airlines that the lagging ratification problem of this Convention should be studied. Accordingly, we have established a Sub-Committee to study this matter and to obtain information regarding the objections that exist against ratification of the Convention. We hope that the Sub-Committee will make recommendations for the steps that might be taken to obtain wide acceptance of the Rome Convention.

#### ECAC STANDARD CLAUSES FOR BILATERAL AGREEMENTS DEALING WITH COMMERCIAL RIGHTS OF SCHEDULED AIR SERVICES

21. In our last Report we directed attention to the fact that the European Civil Aviation Conference had drawn up certain proposed standard clauses and had recommended them to ICAO. We now wish to report that the ICAO Air Transport Committee has decided not to attempt producing a set of standard clauses for bilateral agreements, but has instead aimed at developing a handbook for the guidance of States on bilateral agreements. ICAO has decided to deal with the problem of capacity but only to the extent of preparing some "purely factual and objective examples" without going into the merits of the types of capacity clauses.

## OTHER MATTERS CONSIDERED BY THE COMMITTEE

22. In addition to the subjects dealing purely with international law, we had occasion to consider certain aspects of the IATA Agency programme, the Interline Agreement with non-IATA carriers, the involved question of a standard liability clause in Ground Handling Agreements, as well as in charters between airlines.

## AGENCY

23. Some important developments have taken place during 1961 in the Agency field. The IATA Agency Investigation by the Civil Aeronautics Board has been completed and the Committee has been advised that consequent amendments to Resolution 810 are in process.

## INTERLINE AGREEMENT WITH NON-IATA CARRIERS

24. The Committee understands that the problem of interline relations with non-IATA carriers is under active consideration by the Traffic Advisory Committee with a view to finding a solution to the problem of non-IATA agents which, under the present Conference system, may be able to earn commission through the medium of a non-IATA carrier (or its general sales agent which has an interline agreement with an IATA carrier) and to pass on such commission—or part of it—to passengers.

25. As a possible solution, the requirement that IATA Members should include in their interline agreements with non-IATA carriers a provision to safeguard the IATA fares structure in interline carriage has been suggested. We have commented on a draft resolution to amend Resolution 851 to give effect to the foregoing and have advised the Traffic Advisory Committee of our views.

## GROUND HANDLING AGREEMENTS—STANDARD LIABILITY CLAUSE

26. At our meeting in London in October, 1960, we made tentative recommendations regarding a liability clause in Ground Handling Agreements. Since then, we have learned that there is by no means agreement among IATA Members on what type of standard liability clause should be adopted. The principle as to who should bear the liability is undecided.

27. We are also advised that a Ground Handling Agreement has been drawn up by a group of European operators, known as the European Traffic Handling Committee (ETC). The draft clause which we suggested at our London meeting, and the clauses incorporated in the ETC draft Ground Handling Agreement seem materially different. The first is based on an almost complete indemnity of the handling company (except for its wilful misconduct) whereas in the ETC clauses the handling company would remain responsible for its negligence. Both principles have supporters in the industry. We do not know which system would be acceptable to the industry as a whole.

28. The liability arising out of Ground Handling Agreements is a complex matter. A uniform system would be advisable as it would avoid possible double insurance and expedite settlement of claims. This indicates that the problem has a predominant insurance aspect. We understand that different insurance policies are in force today, some based on a clear-cut though arbitrary division of liability, and others based on the principle that the parties accept liability for their acts of negligence. These latter policies might often include premium provisions based on experience rating. It is obvious that the first type, if generally accepted by carriers, would avoid double insurance, as the handling airline would not take out a policy for its negligent acts. It is equally clear that the second type, while it would require that both parties carry insurance for their negligent acts, would not necessarily result in doubling the insurance premiums. From the insurance point of view both systems have their merits. In addition, some Members feel that there is another aspect to the problem. They feel that through the

liability principle the quality of service given by the handling company might be affected.

29. In the absence of a clear-cut request to the Committee, we cannot take this matter much further. We cannot now urge that the clauses drawn up in London should be promulgated by the DG, nor can we approve the clauses included in the Ground Handling Agreement drawn up by the ETC working Group on Handling Contracts. We hope that the IATA Insurance Sub-Committee and the Ground Handling Advisory Group will, in due course, advise us as to the liability system that they would prefer.

#### STANDARD LIABILITY CLAUSES FOR USE IN CHARTER AGREEMENTS BETWEEN AIRLINES

30. It will be recalled that in the previous year we drew up liability clauses for use in Charter Agreements between IATA Members and Outside Persons and Institutions Other Than an Air Carrier. At our meeting in London in October, 1960, we reviewed suggested liability clauses drawn up by the Working Group under the Chairmanship of Mr. Lionel Cooper for use between IATA Members and Other Air Carriers. We considered that it was useful to draw up such clauses as they would create a clear division of liability between the charterer and the carrier which supplies the aircraft and crew and operates the aircraft. This would facilitate the settlement of claims and the obtaining of insurance coverage. The new Standard Liability Clauses were transmitted by us to the DG who, upon our request, circulated these clauses on 30th November, 1960, to IATA Members for comment.

31. In closing I wish to mention that the Committee had two meetings during the past year, one in London, October 4th-6th, 1960, and the second in Versailles, April 18th-20th, 1961. Both were well attended and I wish to express my appreciation to the members of the Committee for the contributions they made and for the considerable preparatory work they undertook. Finally, I cannot end my Report without once more expressing my sincere thanks to Professor John C. Cooper and Mr. Julian Gazdik for the great help and wise counsel they have always given me personally and to the Committee.

## UNITED NATIONS

### ECONOMIC COMMISSION FOR ASIA AND THE FAR EAST—ECAFE

The 9th Session of the Inland Transport and Communications Committee was held in Bangkok, 9-15 February, 1961.

The Committee dealt only with transport by rail, road and inland waterways when discussing general topics such as transport co-ordination, freight rate structure and technical assistance.

However, on the subject of promotion of tourism and international travel, the Committee suggested in general terms that air fares be lowered and that the schedules of all airlines in the region be modified so as to make connections during travel more convenient within the region. When dealing with telecommunications, the Committee noted that there were difficulties in the establishment of regional training centers, and stated that it was preferable to "develop national training centers which would make facilities available to neighboring countries".

The Committee paid tribute to the ITU for the valuable technical assistance rendered so far and recommended the establishment of a "joint unit" of ECAFE and ITU staff in the ECAFE Secretariat. It stated its opinion that while ECAFE "would be primarily concerned with the economic aspects of telecommunication

development, ITU would maintain its usual responsibility for all technical matters and continue to assist, as appropriate, in implementing the work projects".

### SINGLE CONVENTION ON NARCOTIC DRUGS

The Plenipotentiary Conference on a Single Convention on Narcotic Drugs was held in New York, 24 January-24 March, 1961.

Article 42, Transport of Narcotics by Air was amended to remove the necessity of inspection and recording of narcotics on board aircraft and in transit.

Article 42 Bis was adopted with provisions consistent with the ECOSOC Resolution 770 (XXX).

#### ECOSOC RESOLUTION 770 (XXX) *International Control of Narcotic Drugs*

##### E.

#### RECOMMENDATION FOR THE CARRIAGE OF NARCOTIC DRUGS IN FIRST-AID KITS<sup>1</sup> OF AIRCRAFT ENGAGED IN INTERNATIONAL FLIGHT<sup>2</sup>

*The Economic and Social Council,*

*Having consulted* the International Civil Aviation Organization, the World Health Organization, the Commission on Narcotic Drugs and the International Criminal Police Organization and *noted* their views:

##### I

*Calls the attention* of Governments to:

1. The opinion of the world Health Organization<sup>3</sup> that narcotic drugs are required for use in emergencies on board aircraft engaged in international flight; and
2. The legal advice of the United Nations Secretariat:

(a) That the import certificate and export authorization system provided for in Chapter V of the International Convention relating to narcotic drugs signed at Geneva on 19 February 1925 does not apply to narcotic drugs which, under appropriate safeguards, are carried in first-aid kits of aircraft engaged in international flight for the sole purpose of being readily available for administration in emergency cases to persons on board the aircraft as long as the drugs do not cross the customs lines at points of transit or destination other than those of the country of registration of the aircraft concerned, either because they are not removed from the aircraft, or if so removed at stopovers for a short period, are locked in bonded storage facilities of the operator concerned, and in any case remain under the control of the aircraft commander; and

(b) That such drugs carried in first-aid kits are not exempted from the other relevant provisions of the narcotics treaties;

##### II

*Recommends* that Governments should:

1. Not subject such drugs so carried (paragraph 1 above) to the import certificate and export authorization system of Chapter V of the 1925 Convention;

2. Take all necessary measures to ensure proper use and to prevent misuse and diversion to the illicit traffic of such drugs. To this end the following principles should be observed:

(a) Only such small amounts of narcotic drugs should be carried as are required for emergency purposes;

(b) The narcotic drugs should be used only in emergencies, e.g. in the event of a sudden serious illness or injury caused by a crash or otherwise;

(c) Only those crew members<sup>4</sup> adequately qualified should be permitted to administer narcotic drugs, and wherever possible after seeking medical advice;<sup>5</sup>



(d) The first-aid kits should be safeguarded against fraud, theft and other diversions for illicit purposes;

(e) The operator and each aircraft carrying narcotic drugs in first-aid kits on international flight should keep records in which each individual issue, receipt, expenditure and other movement of these drugs should be entered in such a way as to give a full account of them and to prevent fraud;

(f) Periodic reports should be made to Government control officers by the operators concerned on the acquisition, use, other disposal and stock of narcotic drugs to be used in the first-aid kits. These reports should also give all other data required to explain the balance in the stock;

(g) Inspections should be made periodically by operators' officials and government control officers to establish whether the provisions governing the carriage of narcotic drugs in first-aid kits are being fully implemented. These inspections should not, however, be made by government officers in countries of transit except in special circumstances determined by the local authorities concerned. (Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944, Chapter entitled "Traffic Passing Through the Territory of a Contracting State"). If undertaken in a country of transit in such circumstances they should, in general, be limited to examining whether the seals of the first-aid kits are intact;

(h) The narcotic drugs needed for the first-aid kit should normally be acquired in the country of registry of the aircraft. By arrangement with the local authorities concerned, the operator may maintain small stocks under proper safeguards (paragraph (d) above) in bonded storage facilities at stopovers en route;

(i) Only operators which are capable of organizing the safeguards required by these rules should be permitted to carry narcotic drugs in the first-aid kits;

(j) The countries of transit and destination should recognize that it is the responsibility of the State of registry of the aircraft to enact the necessary laws and regulations and to issue appropriate permits and licences. Actual conditions prevailing in accordance with such laws, regulations, permits and licences, and actions taken in agreement therewith, should be accepted as satisfactory by the local authorities;

(k) Governments should communicate to each other, through the Secretary-General of the United Nations, laws and regulations governing the carriage of narcotic drugs in the first-aid kits;<sup>6</sup>

(l) The Secretary-General should transmit copies of each law and regulation so received to the International Civil Aviation Organization and to the World Health Organization, and also to the International Criminal Police Organization;<sup>7</sup>

### III

*Take into account*, in implementing the above-mentioned recommendations, the suggestions contained in the Annex to this resolution.

1129th plenary meeting,  
25 July 1960.

### ANNEX

It is suggested that in regulating the carriage of narcotic drugs in first-aid kits of aircraft engaged in international flight, the International Standards and Recommended Practices for the facilitation of international air transport as set forth in the International Civil Aviation Organization's annex 9 to the Convention on International Civil Aviation, the detailed proposals made in the document prepared by the World Health Organization on the "Carriage of Narcotics in First-Aid Kits of Aircraft Engaged in International Flights"<sup>8</sup> and the views of the International Criminal Police Organization<sup>9</sup> might usefully be taken into consideration. In particular, the principles outlined in paragraph II, sub-paragraph 2 above, might be implemented by the following measures:

*As regards clause (a):*

For reasons of uniform practice, the drug chosen would preferably be a morphine salt and should never be diacetylmorphine. A supply of 200-400 milligrammes of a morphine salt would be sufficient, the actual amount to be carried within these limits to depend on the size of the aircraft. The best form would be that auto-injectable ampoules each containing 10mg of a morphine salt. It is advisable that a specific morphine antagonist, e.g., nalorphine, be available.

*As regards clause (b):*

If in need of narcotics during the flight, sick passengers, other than those mentioned in this clause, should provide themselves with the necessary supplies and the documents required under relevant national provisions relating to narcotic drugs in their possession.

*As regards clause (c):*

It would be advisable to train as many crew members as possible in a knowledge of first-aid—a knowledge at least equivalent to that required for the First-Aid Certificate of the Red Cross, Red Crescent, and similar societies. It would, moreover, be useful if the crew members had special instructions in the practical use of auto-injectable type of ampoules, in the uses and dangers of narcotics and their specific antagonists, and in the rules regarding safe custody. Even crew members who are trained nurses should receive this special instruction. The narcotic drugs should be administered subcutaneously. Each administration should be authorized by the aircraft commander. If a physician is among the passengers he should be consulted before administration of the narcotic drug. In other cases, and wherever practical, medical advice should be sought by radio.

*As regards clause (d):*

The aim of this clause might be accomplished by keeping the drugs in a special sealed section of the first-aid kit. It is advisable that the first-aid kit be kept in a locked compartment of the aircraft. It would be useful to divide the narcotic drugs in two equal quantities, one to be kept in a first-aid kit in the vicinity of the flight deck and the other in a first-aid kit near the tail of the aircraft, both secured as suggested above. On landing, the first-aid kits may be kept on the aircraft if a responsible member of the crew or ground staff remains on duty. Otherwise the aircraft should be locked. In any case the first-aid kits may on this occasion be removed from the aircraft and kept under lock and key in bonded storage facilities under the control of the operator. They should at all times be under the responsibility of the aircraft commander. Only persons authorized by him should have access to the first-aid kits.

*As regards clause (e):*

1. The operator should keep in its office records indicating:
  - (a) For each acquisition of a narcotic drug to be used in first-aid kits, the date, name and quantity of the drug and the name and address of the supplier;
  - (b) In the case of each issue to and return from an aircraft, the date, name or other designation of the aircraft, name of the person issuing or returning the drug, as well as of the person receiving it, name and amount of the drug, and reference number of first-aid kit;
  - (c) In the case of disposals other than issued to the first-aid kits, the date, quantity, name and address of the recipient;
  - (d) All other data required to explain the balance.
2. Each aircraft should keep on board records indicating:
  - (a) For each receipt of a narcotic drug, the date, name of the person issuing the drug and of the person receiving it, reference number of the first-aid kit, name and quantity of the drug received;
  - (b) For each administration, the date, name of the aircraft commander

authorizing the administration, of the person giving the injection, identity of the patient, the reason for the injection, name and dose of the drug used;

(c) For each return, the date, reference number of the first-aid kit, name of the person returning the narcotic drug and of the operator's official receiving it, name and quantity of the drug returned;

(d) The names and maximum quantities of narcotic drugs of which the transport is authorized by laws or regulations as well as the balance in the first-aid kit; and

(e) All other data required to explain the balance.

3. It might be useful if the first-aid kit contained a check list giving the names and quantities of the narcotic drugs included.

*As regards clause (g):*

Subject to what has been stated in this clause, it would be useful to check records, locks and seals, and exceptionally in appropriate cases the contents of the first-aid kit, and all the other circumstances relevant to establishing whether the rules governing the carriage of the drugs are being fully implemented. It would also be useful to check the records and stocks of narcotic drugs held by the operator itself.

#### FOOTNOTES

<sup>1</sup> The safeguards recommended in the resolution or suggested in its annex need be applied only to first-aid kits actually containing narcotic drugs.

<sup>2</sup> Commission resolution 8 (XV); see ch. XI, paras. 253-255.

<sup>3</sup> E/CN. 7/L.208, pp. 10, 11 and 18; *World Health Organization: Technical Report Series, 1960, No. 188.*

<sup>4</sup> The term "crew members" as used in these rules also applies to unlicensed flight personnel.

<sup>5</sup> In case of a crash, deviation from this and other rules might be justified under the relevant national legal principles relating to emergency situations.

<sup>6</sup> Article 21 of the 1912 Convention; article 30 of the 1925 Convention; and article 21 of the 1931 Convention, all three as amended by the 1946 Protocol. The related article 16 of the 1936 Convention does not seem to be relevant to this connection.

<sup>7</sup> In accordance with para. 40 (Part IX) of Council resolution 288 B (X) of 27 February 1950.

<sup>8</sup> E/CN. 7/L.208

<sup>9</sup> E/CN. 7/363

## INTERNATIONAL FEDERATION OF AIRLINE PILOTS ASSOCIATION — IFALPA

The Sixteenth Annual Conference was held in Mexico City, 7 to 14 March 1961, with sixty-six delegates and 9 observers representing 33 national associations and 3 international organizations present. Also present were 2 observers from the Indonesian Pilots Association. One of the first actions of the meeting was to consider applications for membership from Pilot Associations and Japan, Malaya and Nigeria were admitted, bringing the total in the Federation to 43 Associations consisting of approximately 25,000 pilots.

As usual the agenda was a heavy one containing 17 technical items involving 5 committees. The technical items consisted for the most part of a review of the IFALPA Policy Manual which had been re-written to make it more uniform and give a better representation to the material. Other items included the consideration of the reports of IFALPA delegates who attended ICAO meetings during 1960-1961 and preparation of briefs for those attending future meetings. In addition, regional reports from the various Regional Directors were examined and recommendations made thereon. The Report of the ILO Ad Hoc Meeting on Civil Aviation was considered by a number of the Committees but little action was taken other than to note the Report except that the IFALPA policy dealing with hours of duty and flight time was reviewed and brought up to date in accordance with the recommendations made at the Ad Hoc Meeting. One interesting discussion took place on aircraft fuels in which the meeting was asked to study the current operational practice on the use of jet fuels with a view to determine IFALPA policy. This was the outcome of the current controversy on the use of either JP cut fuels or the normal kerosene fuel. Little technical information was available to the meeting and it was therefore agreed that arguments for or against either fuel appeared to be inconclusive and many operators were using either according to availability. It was also obvious that both must be treated with care at all times. No specific policy was proposed. Other items that led to a considerable amount of discussion were two submitted by the Pilots Association of Central Africa, one on freedom of transit of pilots in entry and stop-overs, irrespective of nationality, colour or creed; and the other on incidents and accidents as a result of civil aircraft infringing national airspace frontiers.

A report on the meeting has been circulated to Representatives on the Council and to members of the Air Navigation Commission.

## EUROPEAN CIVIL AVIATION CONFERENCE HISTORICAL REVIEW

1. A European air transport body was first envisaged when the Consultative Assembly of the Council of Europe considered, in 1951 certain proposals<sup>1</sup> submitted to it with a view to achieving the greatest possible degree of co-ordination in inter-European air transport. The Consultative Assembly at that time recommended to its Committee of Ministers:  
"That a conference of governmental experts and of representatives of the various European air companies be immediately convened in order:  
a) to examine the possibility of setting up, under conditions to be laid down and approved, an association of airline companies to take charge of air communications between member States, or  
b) to report on other possible methods of achieving closer collaboration in order to secure the economic and efficient operation of European air transport."

2. The Committee of Ministers, however, decided not to convene such a conference, but instead agreed that ICAO, as the most appropriate Body, should be invited to undertake the task. This decision was embodied in a Resolution<sup>3</sup> adopted on 19 March 1953, inviting ICAO to convene a European conference to debate the following agenda:
  - (a) Methods of improving commercial and technical co-operation between the airlines of the countries participating in the conference;
  - (b) The possibility of securing closer co-operation by the exchange of commercial rights between these European countries.
3. The Council of ICAO, in response to an invitation of the Council of Europe, adopted in May 1953 a Resolution<sup>3</sup> expressing ICAO's desire to cooperate with the Council of Europe to the fullest extent practicable, but suggesting that before a full-scale conference was actually convened, a preparatory committee consisting of nine States should be established in order to ensure ICAO's role would be clear and effective and to determine clearly the issues involved. This preparatory committee would be charged with the study of the agenda proposed for the conference and any other material referred to it; would give preliminary consideration to the problems arising under the proposed agenda, and would report its findings to the Council of ICAO.
4. The Preparatory Committee met in Paris in November 1953 and, having carried out the tasks assigned to it by its Terms of Reference, reported to ICAO that it had reached unanimous agreement on an agenda for the plenary conference which, it suggested, should be convened in the Spring of 1954.<sup>4</sup> The proposed agenda was drawn up to allow the widest latitude in debate and ranged from a general examination of the possible expansion of air transport in Europe (including the exchange of commercial rights), to the measures necessary to achieve the maximum degree of facilitation within the territories of member States. The matters covered by it thus formed a framework from within which the Work Programme of ECAC was subsequently developed.

#### *Conference on Co-ordination of Air Transport in Europe*

5. The Conference on Co-ordination of Air Transport in Europe (CATE), formally constituted by ICAO in December 1953,<sup>5</sup> met in Strasbourg in April 1954. As many of the recommendations being adopted at the meeting would require follow-up action by some duly authorized and competent body operating in close liaison with ICAO, the Meeting proposed the establishment of a permanent European organization of high-level Aviation Authorities to implement its recommendations and to carry out the work it had initiated. This proposal envisaged a body that would meet periodically and that would, at least at the outset, be serviced by the ICAO Secretariat. It went on to recommend that this body which, it suggested, might be named the "European Civil Aviation Conference", should maintain the closest liaison with ICAO as well as with other interested Organizations, and that its objectives should be:
  - "a) to continue the work of this Conference, as set forth in its agenda and the records of its proceedings;
  - b) generally to review the development of intra-European air transport with the object of promoting the co-ordination, the better utilization and the orderly development of such air transport;
  - c) to consider any special problem that may arise in this field."<sup>6</sup>
6. A number of other CATE recommendations called upon ICAO to assume the responsibility of initiating studies on certain problems. These recommendations were considered by the ICAO Council which agreed to call the first meeting of the proposed European Civil Aviation Conference and to provide the necessary secretariat services for it (a decision to provide such services on a

continuing basis, as requested in CATE Recommendation No. 28, was deferred pending a specific request by ECAC for them).

#### *The European Civil Aviation Conference*

7. ECAC held its inaugural session in Strasbourg at the end of 1955. The session established a Constitutional Commission which considered the formal establishment and status of the "Conference" as it is usually called, its Rules of Procedure and its relationship with ICAO as well as with those European governmental and non-governmental Agencies whose task might be closely associated with that of ECAC.
8. When discussing its constitution, the Conference agreed that the provisions of Recommendation No. 28 (*see* paragraph 5 *supra*) of CATE afforded a satisfactory criterion for establishing ECAC, and then proceeded to examine three possible alternatives; that ECAC should be:
  - (a) a completely independent Agency;
  - (b) a Body subordinate to ICAO and entirely integrated with that Organization, as anticipated in Article 55(a) of the Chicago Convention;
  - (c) a Body of intermediate status, as contemplated in CATE Recommendation No. 28, which would formulate its own Work Programme, call its own meetings and establish their agenda, but would work in closest liaison with ICAO and would use the services of the ICAO Secretariat.

The Conference examined the three alternatives with care and came to the conclusion that a body of intermediate status afforded the great advantages. One reason for this decision was that ECAC, subject to ICAO's concurrence, would be provided from the outset with a competent and fully-trained Secretariat, which would be able to service its meetings and keep its records. At the same time it recognized that some sort of financial arrangement would have to be concluded with ICAO to cover the convening, running and preparation for ECAC meetings, and the Conference proceeded to adopt the formal Resolution as follows:

### CONSTITUTION OF ECAC<sup>7</sup>

THE CONFERENCE THEREFORE RESOLVED:

that the European Civil Aviation Conference is constituted as follows:

- 1) the European Civil Aviation Conference (hereinafter sometimes called the Conference) will normally meet in Plenary Session at least every three years, additional meetings to be held with the agreement of a majority of the Members;<sup>8</sup>
- 2) the Conference shall be composed of the States invited to be members of the 1954 Strasbourg Conference on Co-ordination of Air Transport in Europe\*, together with such other European States as the European Civil Aviation Conference may unanimously admit as members;
- 3) The objects of the Conference are:
  - a) to continue the work of the aforesaid 1954 Conference and of its own first session, held in November-December 1955, as set forth in the Agenda and records of the proceedings of those meetings;
  - b) generally to review the development of intra-European air transport with the object of promoting the co-ordination, the

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\* These States are: Austria, Belgium, Denmark, Finland, France, the Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey and the United Kingdom.

- better utilization, and the orderly development of such air transport;
- c) to consider any special problem that may arise in this field.
  - 4) The Conference shall bring within its scope all matters relevant to these objects and shall supersede independent and more specialized arrangements for carrying out said objects.
  - 5) The functions of the Conference shall be consultative and its conclusions and Recommendations shall be subject to the approval of governments.
  - 6) The Conference shall determine its own internal arrangements and procedures, including the formation of i) groups of limited membership to study and discuss matters presenting special interest to certain members only and ii) committees of experts to deal with specific aspects of intra-European air transport.
  - 7) States should be represented at meetings of the Conference by delegations in number and rank suitable for handling the problems to be discussed, it being understood that heads of delegations would normally be officials of high level.
  - 8) The Conference shall maintain close liaison with ICAO. It shall also establish relations with any other governmental or non-governmental international organizations concerned with European air transport.
  - 9) The Conference will, at least at the outset, not establish a separate secretariat of its own, but requests the Council of ICAO to provide, to the extent practicable:
    - a) secretariat services for studies, meetings, or otherwise;
    - b) for maintenance of records of the meetings, correspondence, etc. in the ICAO Paris Office.

### THE STANDING BODIES OF ECAC

The task of directing, co-ordinating and steering the work programme between plenary sessions of the Conference is the responsibility of the "Bureau" of ECAC, made up of the President and five Vice-Presidents. When the Conference itself is in recess, the highest authority for the continuation of its work is thus vested in this Group.

When sufficiently mature, however, the economic items in the work programme are considered by the other permanent body of ECAC, the Committee on Coordination and Liberalization (COCOLI), which meets at intervals in the period between plenary sessions. These items are there developed to the point where they can be submitted to member States for decisive action and general implementation.

### THE BUREAU OF ECAC

The Bureau of ECAC, in its present form, was conceived at the Third Session in 1959, when the necessity arose for the establishment of a permanent body with sufficient authority to impart the greatest degree of flexibility to the Work Programme as a whole; to co-ordinate and channel the work through the appropriate permanent or ad hoc groups established for the purpose; to agree upon priorities; and to steer each task to its conclusion. This standing body was evolved through the addition of two Vice-Presidents to the three provided for by Rule I of the Rules of Procedure, making a total of five. These five Officers of ECAC, plus its President, form the Bureau and undertake the responsibilities described above under delegated authority (*see* paras. 98-100 of the Report of the Third Session, and paras. 159-161 of the Report of the Fourth Session.)

## COMMITTEE ON CO-ORDINATION AND LIBERALIZATION

The only permanent<sup>9</sup> body so far established by ECAC is the Committee on Co-ordination and Liberalization (COCOLI), which came into being in 1959 pursuant to the following Resolution. It was formed "to permit the free and frank examination by Governments of the practical problems of co-operation and liberalization on a continuing and informal basis."<sup>10</sup>

## RESOLUTION NO. 1

## COMMITTEE ON CO-ORDINATION AND LIBERALIZATION

WHEREAS the European Civil Aviation Conference has as its object generally to review the development of intra-European air transport with the object of promoting the co-ordination, the better utilization, and the orderly development of such air transport; and to consider any special problem that may arise in this field; and

WHEREAS a new era of air transport is beginning; and

WHEREAS in these circumstances it will become increasingly important for the member States to maintain close working relationships; and

WHEREAS there is a need for a more fundamental examination of the problems of co-operation and liberalization; and

WHEREAS the Rules of Procedure of the European Civil Aviation Conference provide that committees open to all States members of the Conference may be established by the Conference as it considers necessary or desirable;

## THE CONFERENCE RESOLVES

- 1) that, provided that a majority of the member States have not, by 1 May 1959, informed the President that they are opposed to this Resolution, a Committee on co-ordination and liberalization be set up, open to all members of the European Civil Aviation Conference, assisted as necessary by their airline advisers;
- 2) that this Committee shall be convened as frequently as necessary by the President of the European Civil Aviation Conference, acting in consultation with the Vice-Presidents;
- 3) that the objective of this Committee shall be to study, in relation to the practical problems involved:
  - (a) measures of a general nature that might be taken at governmental level to facilitate and encourage co-ordination and co-operation between the European airlines, with a view to improving their economic position and their efficiency; and
  - (b) the corresponding measures of liberalization;
- 4) that this Committee shall report to the Conference; and
- 5) that the President, on the assumption that the majority of member States will not, by 1 May 1959, have opposed this Resolution, shall proceed as soon as possible to consult the Vice-Presidents on arrangements for the first meeting of the Committee on co-ordination and liberalization.

## RELATIONS WITH ICAO

The 8th and 9th clauses of the Resolution establishing ECAC (*see* page 81 *supra*) referred to its proposed relationship with ICAO. After considering the ECAC Resolution, the Tenth Session of the ICAO Assembly (Caracas, 1956) took the following action in Resolution A10-5:<sup>11</sup>

## RELATIONSHIP OF ICAO WITH THE EUROPEAN CIVIL AVIATION CONFERENCE

WHEREAS the Assembly notes:

- 1) that, at the instance of the Council of Europe and as a result of action



by ICAO, 19 European States, presently members of ICAO, have constituted the European Civil Aviation Conference (ECAC)—whose constitution, objectives, and rules of procedure are set forth in ICAO Document 7676, ECAC/1—with the particular purpose, among other things, of promoting the co-ordination and better utilization of intra-European air transport;

- 2) that ECAC has sought close liaison with ICAO in order, through regional co-operation, to help achieve the aims and objectives of ICAO as set forth in the Convention on International Civil Aviation;
- 3) that ECAC does not intend, at least at the outset, to establish a separate secretariat of its own, but desires to Council of ICAO to provide, to the extent practicable:
  - i) secretariat services for studies, meetings (plenary meetings normally to take place annually) and other related activities, and
  - ii) maintenance of records, correspondence and the like in the ICAO Paris Office;
- 4) that specific aspects of the relationship to be developed between ECAC and ICAO, at the request of the former, include consultation as to dates of and agenda for ECAC meetings, distribution of ECAC reports to the ICAO Council, performance by ICAO of various functions relating to ratifications, entry into force, adherences, denunciations, safekeeping, etc., of agreements on commercial rights and the like developed by ECAC and also the interchange of documentation and studies on technical aviation subjects;
- 5) that ICAO's work in the Joint Financing field under Chapter XV of the Convention has developed a practice under which the direct costs (such as travel, subsistence, cost of accommodations and supplies at meetings, cost of temporary personnel engaged for meetings, etc.) are charged to the States participating in the particular project involved; and indirect costs (such as salaries of the regular ICAO staff, research and production of advance documentation at headquarters, etc.) are borne by ICAO;

and further notes that the work programme of ECAC is consistent with, and should usefully complement, the work that ICAO is pursuing in the air transport field, particularly along the lines laid down by Assembly Resolutions A7-15 and 16, and is in furtherance of the objectives of ICAO as defined in the Convention;

#### THE ASSEMBLY RESOLVES:

- 1) To assume, on behalf of ICAO, the responsibilities that will devolve upon the Organization as a result of acceding to the request of ECAC, and to declare ICAO's readiness to maintain, for its part, the close liaison proposed by ECAC;
- 2) To direct the Council to provide, always taking into account the overall work-load of the ICAO Secretariat, the Secretariat and other services requested by ECAC to the extent necessary for its proper functioning;
- 3) That indirect costs attributable to the ECAC activity hereunder shall be borne by ICAO;
- 4) That the direct costs attributable to the ECAC activity shall be the responsibility of the member States of ECAC, but may be advanced by ICAO, in which event they shall be recovered from the member States of ECAC in such proportions as may be agreed upon by such States within the framework of ECAC.

Whereupon ECAC, meeting at the Assembly site, adopted the companion Resolution reproduced below:<sup>18</sup>

**WHEREAS**

ICAO, by Resolution of the Tenth Session of its Assembly, has accepted the obligations resulting from the fact that it accedes to the request of the European Civil Aviation Conference expressed in Resolution No. 1 of its First Session (29 November-16 December 1955) and has declared its readiness to maintain the close liaison proposed by the Conference;

The Council of ICAO will provide, taking into account the overall workload of the Secretariat of the Organization, the Secretariat and other services requested by ECAC to the extent necessary for its proper functioning;

ICAO has agreed to bear the indirect costs it incurs within the framework of ECAC activities;

ICAO has decided that the direct costs attributable to the ECAC activity shall be the responsibility of the member States of the Conference, but may be advanced by ICAO, in which event they shall be recovered from the member States of ECAC in such proportions as may be agreed upon by those States within the framework of ECAC;

**THE EUROPEAN CIVIL AVIATION CONFERENCE THEREFORE RESOLVES:**

That the direct costs incurred by ICAO which are attributable to the ECAC activity shall be apportioned among the member States of ECAC in proportion to the number of units of their contribution to ICAO for the year in which any payment hereunder is to be made;

That these direct costs shall be recovered from the member States of ECAC in Canadian dollars or in such other currency as the Secretary General of ICAO may arrange, in the form of a contribution supplementary to that which they pay towards the costs of ICAO.

When experience had been gained regarding the direct costs of meetings incurred annually by member States, ECAC at its 3rd Session in 1959 requested the Secretariat to submit proposals to enable it to examine the financial implications arising from the Work Programme produced at each Session.

Proposals were accordingly submitted to the 4th Session in 1961 and ECAC thereupon adopted the Resolution shown below:

**RESOLUTION NO. 2**

**COST ESTIMATES—GENERAL POLICY**

**THE CONFERENCE RESOLVES:**

- (1) that at each Plenary Session it will prepare and approve approximate estimates of the direct cost of its activities as indicated in its Work Programme for the ensuing years, up to and including the latest year in which the next Plenary Session is expected to be held;
- (2) that the Bureau of the Conference be authorized to revise these estimates after consultation with all Member States, provided that, if the estimates are to be increased, no objection is made by the majority of these States;
- (3) that Resolution No. 2 of ECAC/3 (1959) has now been satisfied.

**THE RULES OF PROCEDURE OF THE CONFERENCE**

The following Rules of Procedure were adopted by the Conference at its First Session in 1955. Subsequent amendments adopted up to the adjournment of the Fourth Session in 1961 are indicated.

## RULE 1

*Officers—Meetings*

1) The Conference, as soon as practical after the commencement of any plenary meeting, shall elect its President and three Vice-Presidents,<sup>18</sup> upon whom the functions of the President will devolve in order of seniority during any unavailability of the President. These officers shall hold office until their successors are appointed, which will normally be at the next annual<sup>14</sup> plenary meeting. The President will preside at any intermediate meetings and is empowered to convene, in consultation with the States members of the Conference and with the Council of ICAO, any such meetings during the time he is in office and to convene the next annual<sup>14</sup> plenary meeting.

2) The Conference shall, simultaneously with the election of the President, elect the Chairmen of Committees of unlimited membership which the Conference establishes in accordance with Rule 8.

3) The senior member of the Secretariat of the International Civil Aviation Organization in attendance at any annual<sup>14</sup> plenary meeting shall act as Secretary General thereof and as Secretary of any intermediate meeting.

## RULE 2

*Provisional Agenda*

1) Before each meeting of the Conference the President, in consultation with the States members of the Conference and with the Council of the International Civil Aviation Organization, shall determine the Provisional Agenda.

2) The first item on the Provisional Agenda of any plenary meeting shall be the discussion of the measures taken by States members of the Conference to implement the conclusions and recommendations of previous meetings of the Conference. The Provisional Agenda shall be made available to all States members of the Conference not less than two months before the date of each plenary meeting of the Conference.

3) In the case of an intermediate meeting as provided by Rule 1, the Provisional Agenda shall be circulated as far in advance as possible and in any event at least one month before each meeting.

## RULE 3

*Final Agenda*

1) The Conference shall fix the Final Agenda upon the convening of a plenary or intermediate meeting.

2) The Conference may, during a meeting, modify the order of items on the Agenda for the better conduct of its work, and may include additional items at any time.

## RULE 4

*Reports*

Reports drawn up by the Conference shall be distributed to States members of the Conference, to the ICAO Council, and to other bodies as decided by the Conference.

## RULE 5

*Delegations*

Delegations of States members of the Conference may be composed of delegates, alternates and advisers. One of the delegates shall be designed as Head of the Delegation and he may designate another member of his Delegation to serve in his stead during his absence. States and Organizations invited to attend meetings, and not in membership of the Conference, will be represented by observers.

## RULE 6

*Credentials*

- 1) Every member of a Delegation shall be provided with credentials from the State or organization concerned, duly authenticated and specifying his name and status. The credentials shall be deposited with the Secretary General of the Conference or his representative.
- 2) The Secretary General of the Conference shall examine the credentials and report thereon to the Conference without delay.

## RULE 7

*Eligibility for participation in meetings*

Delegates, alternates, advisers and observers shall be entitled, pending the presentation of a report on credentials by the Secretary General and action thereon by the Conference, to attend meetings and participate in them, subject however, to the limits set forth in these Rules. The Conference may debar from further participation in the Conference any delegate, alternate, adviser or observer whose credentials it finds to be defective.

## RULE 8

*Committees and subordinate organs*

- 1) The Conference may establish such committees open to all States members of the Conference, groups of limited membership and committees of experts as it may consider to be necessary or desirable, with such functions as it may specify. Groups of limited membership and committees of experts shall appoint their own chairmen, and, if necessary, vice-chairmen.
- 2) A Committee or group may establish such subordinate organs as it may deem fit.

## RULE 9

*Public and private meetings*

Plenary meetings of the Conference shall be held in public, and meetings of its committees, groups and subordinate organs in private, unless in either case the body concerned decides otherwise.

## RULE 10

*Participation of observers*

Observers shall have the right to attend all public meetings and such private meetings as the Conference, or, in the absence of a decision by the Conference, as the private meeting may decide. Observers shall have the right to participate in discussions of the meetings that they are allowed to attend and to present documents, but not to vote or to make or second proposals.

## RULE 11

*Quorum*

- 1) A majority of the States invited to be members of the Conference, having delegations registered and not known to have withdrawn the same shall constitute a quorum for the plenary meetings of the Conference.
- 2) The Conference shall determine the quorum for the committees and groups if, in any case, it is considered necessary that a quorum be established for such bodies.

## RULE 12

*Powers of the presiding officer*

The presiding officer of the Conference or of any body concerned shall declare the opening and closing of each meeting, direct the discussion, ensure observance of these Rules, accord the right to speak, put questions and announce

decisions. He shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings of the body concerned and maintain order at its meetings.

#### RULE 13

##### *Speakers*

1) The presiding officer shall call upon speakers in the order in which they have expressed their desire to speak. He may call a speaker to order if his observations are not relevant to the subject under discussion.

2) Generally, no Delegation may speak a second time on any question, except for clarification, until all other Delegations have had an opportunity to do so.

3) At plenary meetings of the Conference, the Chairman of a committee or group of experts may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned. In meetings of a committee or group of experts, similar precedence may, for the same purpose, be accorded to the Chairman of any other organ of the Conference.

#### RULE 14

##### *Time limit on speeches*

A presiding officer may limit the time allowed to each speaker, unless the body concerned decides otherwise.

#### RULE 15

##### *Point of order*

1) Notwithstanding the provisions of Rule 13, a delegate may at any time raise a point of order, and the point shall immediately be decided by the presiding officer.

2) Any delegate may make a motion appealing against such decision. In that case, and subject to the provisions of Rule 16, the procedure specified in Rule 17 (2) shall be followed. The decision given by the presiding officer under paragraph 1) shall stand unless overruled by a majority of the votes cast.

#### RULE 16

##### *Motions and amendments*

1) A motion or amendment shall not be discussed until it has been seconded.

2) Motions and amendments may be presented and seconded only by members of the Delegations of States members of the Conference.

3) No motion may be withdrawn if an amendment to it is under discussion or has been adopted.

4) Proposals for formal action shall not be discussed until 24 hours after they have been submitted in writing, except in the absence of objection to earlier discussion.

#### RULE 17

##### *Procedural motions*

1) Subject to the provisions of Rule 16, any delegate may move at any time the suspension or adjournment of the meeting, the adjournment of the debate on any question, the deferment of discussion on an item, or the closure of the debate on an item.

2) After such a motion or one under Rule 15 (2) has been made and explained by its proposer, only one speaker shall normally be allowed to speak in opposition to it and no further speeches shall be made in its support before a vote is taken. Additional speeches on such motion may be allowed at the

discretion of the presiding officer. A delegate speaking on such a motion may speak only on that motion and not on the substance of the matter which was under discussion before the motion was made.

#### RULE 18

##### *Order of procedural motions*

The following motions shall have priority over all other motions, and shall be taken in the following order:

- a) to suspend the meeting;
- b) to adjourn the meeting;
- c) to adjourn the debate on an item;
- d) to defer the debate on an item;
- e) for closure of the debate on an item.

#### RULE 19

##### *Reconsideration of proposals*

Reopening within the same body of a debate already completed by a vote on a given question shall require two-thirds of the number of States members of the Conference currently required to constitute a quorum for a plenary meeting under the provisions of Rule 11, in the case of a body on which all States members of the Conference are entitled to sit; or a majority of the full membership, in any body of limited membership. Permission to speak on such a motion shall normally be accorded only to the proposer and to one speaker in opposition, after which it shall be immediately put to vote. Additional speeches may be allowed at the discretion of the presiding officer, who shall decide the priority of recognition. Speeches on a motion to reopen shall be limited in content to matters bearing directly on the justification for reopening.

#### RULE 20

##### *Discussions in subordinate organs*

A subordinate organ established by a committee or group of experts may conduct its deliberations informally, save that it may at any stage decide that these Rules shall be observed at its meetings.

#### RULE 21

##### *Voting rights*

Each State member of the Conference, if duly represented, shall have one vote at meetings of the Conference, committees, groups of experts or subordinate organs of which it is a member.

#### RULE 22

##### *Voting of presiding officer*

Subject to the provisions of Rule 21, the presiding officer of the Conference, committee, group of experts or subordinate organ shall have the right to vote on behalf of his State.

#### RULE 23

##### *Majority required*

Except as otherwise provided in these Rules, decisions shall be by a majority of the votes cast; provided that the affirmative votes of a majority of those present in the meeting where the vote is taken are required for the approval of recommendations and conclusions. An abstention shall not be considered as a vote.

#### RULE 24

##### *Method of voting*

- 1) Subject to paragraph 2) hereof, voting shall be by voice, by show of hands, or by standing, as the presiding officer may decide.

2) In meetings of the Conference and its committees there shall be a roll-call vote if requested by two States members of the Conference. The vote or abstention of each State participating in a roll-call vote shall be recorded in the minutes.

## RULE 25

*Division of motions*

On request of any delegate, and unless the meeting otherwise decides, parts of a motion shall be voted on separately. The resulting motion shall then be put to a final vote in its entirety.

## RULE 26

*Voting on amendments*

Any amendment to a motion shall be voted on before a vote is taken on the motion. When two or more amendments are moved to a motion, the vote should be taken on them in the order of their remoteness from the original motion, commencing with the most remote. The presiding officer shall determine whether a proposed amendment is so related to the motion as to constitute a proper amendment thereto, or whether it must be considered as an alternative or substitute motion.

## RULE 27

*Voting on alternative or substitute motions*

Alternative or substitute motions shall, unless the meeting otherwise decides, be put to vote in the order in which they are presented, and after the disposal of the original motion to which they are alternative or in substitution. The presiding officer shall decide whether it is necessary to put such alternative or substitute motions to vote in the light of the vote on the original motion and any amendment thereto. Such decisions may be reversed by a majority of the votes cast.

## RULE 28

*Tie vote*

In the event of a tie vote, a second vote on the motion concerned shall be taken at the next meeting, unless the Conference or body concerned decides that such second vote be taken during the meeting at which the tie vote took place. Unless there is a majority in favour of the motion on this second vote, it shall be considered lost.

## RULE 29

*Languages*

English and French shall be the working languages of the Conference. Spanish interpretation and interpretation from other languages will be supplied in so far as resources permit.

## RULE 30

*Records of proceedings*

- 1) Minutes of the plenary meetings of the Conference shall be prepared by the Secretariat and approved by the Conference.
- 2) Proceedings of committees, groups of experts and subordinate organs shall be recorded in summary form, except where the Conference directs otherwise in the case of committees dealing with matters of high importance.

## RULE 31

*Amendment of the Rules of Procedure*

These Rules may be amended, or any portion of the Rules may be suspended, at any time by the Conference in plenary meeting by a majority of the members present.

## FOURTH SESSION—STRASBOURG

At the Fourth Session of ECAC held in Strasbourg, 4-18 July, 1961, amongst others the following Recommendations were adopted:

## RECOMMENDATION NO. 3

NON-SCHEDULED COMMERCIAL AIR TRANSPORT OPERATIONS  
THE CONFERENCE RECOMMENDS the following categorization:

- 1) (a) Flights for the purpose of meeting humanitarian or emergency needs.
- 2) (b) Taxi-class passenger flights of occasional character on request, provided that the aircraft does not have a seating capacity of more than six passengers and provided that the destination is chosen by the hirer or hirers and no part of the capacity of the aircraft is resold to the public.
- 3) (c) Flights on which the entire space is hired by a single person (individual, firm, corporation or institution) for the carriage of his or its staff or merchandise, provided that no part of such space resold.
- 4) (d) Single flights, no operator or group of operators being entitled under this sub-paragraph to more than one flight per month between the same two traffic centres for all aircraft available to him.
- 5) Flights where the entire space of an aircraft is hired by a single person (individual, firm, corporation or institution), other than a travel agency, for the carriage of persons or goods associated with the hirer for other purposes than those specified in (3), provided he (it) does not wholly or partly, directly or indirectly, pass on the charter price to the passengers carried, or to the persons interested in the carriage of goods under the charter agreement.

*Example:* The case of an amateur football club hiring an aircraft to take the team and some of the club members to a match, where the persons transported make no individual payments for their passage.

The provision in the last four lines of category (5) is intended to make it clear that certain commercial arrangements are excluded from this category—such as, for example, the case where a hotel-keeper offers free air transportation to patrons travelling to his hotel.

- 6) Flights where the entire capacity of an aircraft is hired on behalf of members of a group, provided:
  - (a) that the group has principal purposes, aims and objectives other than travel and sufficient affinity existing prior to the application for charter transportation to distinguish it and set it apart from the general public;
  - (b) that no part of the said capacity is sold to persons outside this group (though it may be sold to the members of the group);
  - (c) that the group has a permanent character;
  - (d) that the individuals carried have been members of the group for more than six months preceding the flight (or be in the family of such members);
  - (e) that the flight be advertised only to members of the group and by members or officials of the group; and
  - (f) that the group does not exceed a maximum of 20,000 members.

*Example:* The case of a chamber of commerce or professional association hiring an aircraft to travel to a convention and charging a fixed price per seat to its members who wish to use the aircraft.

- 7) Flights for the carriage of students, *provided that:*
  - (a) such flights are sponsored by recognized institutions or students' associations;



(b) such flights shall be reserved for students matriculated at a recognized University or other equivalent establishment of higher education; only registered full-time students who have not yet graduated shall be eligible; students taking evening courses, or courses lasting a few months, shall not be eligible;

except that:

(c) members of the teaching staff shall also be authorized to participate in such flights when they are leading student groups on such flights and are enrolled in the same establishment, provided that the number of such leaders is no larger than is necessary for each group; and

(d) wives and husbands of eligible persons, as well as their dependent children up to the age of 18 years, travelling on the same flight are also authorized to participate in such flights.

8) Flights similar in nature to those of sub-paragraphs (3) and (5), except that the unused capacity is resold to the public (provided the proportion thus resold is small).

*Example:* The case of a shipowner or a petroleum company hiring an aircraft to carry its staff and offering for remuneration a part of the capacity available to the public.

9) Flights where (a) an aircraft operator, or (b) an agency, under the terms of an agreement with this operator, offers the entire aircraft space to individuals, for the purpose of carriage by air to a notified point.

*Note:* This category of flights covers only non-scheduled flights; accordingly, it should be distinguished from scheduled flights of the same nature.

10) Flights exclusively for air inclusive tours.<sup>15</sup>

(End of Recommendation No. 3.

See *Appendix 5* for reservations to this Recommendation.)

#### RECOMMENDATION NO. 4

#### LIBERALIZATION MEASURES

#### THE CONFERENCE RECOMMENDS

1) that the liberalization action described in Article 2, paragraph 2, of the Multilateral Agreement be applied:

—to category (5) for any number of flights;

—to categories (6) and (7) for short series of flights, that is to say for a maximum of four flights in two calendar months performed by any operator or group of operators using all aircraft available to them, for the flight categories as a whole, and not to each one of them, between two specific traffic centres;

2) that, whenever the requirement for prior authorization is maintained for the other categories of flight, national procedures be in all cases as expeditious as possible and that States deal at all times with applications in a liberal spirit;

on the understanding

that national regulations may prescribe, as appropriate, penalties such as temporary suspension against the offending operators, and, in case of repetition of the offence, prohibition of flights; and

that the grant of liberal treatment may be conditional upon reciprocal treatment by the other State in question.

(See *Appendix 5* for reservations to this Recommendation.)

RECOMMENDATION NO. 5  
PROCEDURES FOR FLIGHT CLEARANCE FORMALITIES

THE CONFERENCE RECOMMENDS

- 1) that, if the conduct of a flight or of identical flights in a series is subject to notification or to application, the information required shall be in accordance with paragraph 2.22.1 of Annex 9 to the Chicago Convention;<sup>18</sup>
- 2) that, in filling in the purpose of flight under sub-paragraph v) of that paragraph, the operator should show the category of the flight and, in the case of category (6), the size of the group; and
- 3) that, when necessary, it should be possible for this information to be sent by telex or telegram, reply paid.

46. *Improvement of Information Relating to Non-Scheduled Flights.*—The Conference noted the action take by COCOLI to request ITA to make a study of non-scheduled commercial operations in Europe, other than charter inclusive tours, and approved the terms of reference for this study set forth in paragraph 19 of the COCOLI Report (ECAC/4-WP/10).

47. *Treatment of Non-Scheduled Inclusive Tour Flights.*—The Conference was in agreement with the COCOLI view that non-scheduled inclusive tour flights should be the subject of further study to see whether further measures of liberalization might be possible in this field, and that in the meantime governments continue to adopt a liberal attitude towards them. The Conference therefore adopted the following Recommendation:

RECOMMENDATION NO. 6  
INCLUSIVE TOUR FLIGHTS

WHEREAS inclusive tours in Europe make a contribution to the economy of the countries to which they are operated and have a social value in enabling people, who might not otherwise be able to travel, to see and become acquainted with foreign countries; and

WHEREAS many persons travelling on inclusive tours in chartered aircraft at prevailing low prices might not otherwise travel by air; and

WHEREAS inclusive tour charters are not therefore necessarily detrimental to the scheduled carriers and have, on the contrary, in some cases at least, been the forerunner of new scheduled services, thus generating new traffic for the scheduled carriers;

THE CONFERENCE RECOMMENDS

- 1) that the Study Group established by COCOLI to consider Non-Scheduled Services and Inclusive Tours should now consider the principles that should govern the operation of inclusive tour charters, with the object of establishing the maximum possible liberalization of this type of traffic;
- 2) that, in the meantime, Member States, having regard to their policies of co-ordination for air services, should continue to adopt a liberal attitude toward flights exclusively reserved for inclusive tours.

RECOMMENDATION NO. 9  
ALL-FREIGHT SERVICES

THE CONFERENCE RECOMMENDS

that a study of all-freight services in Europe be set on foot, covering, *inter alia*, the following points:

- (a) an assessment of the future trends of the distribution of air freight traffic between passenger and all-freight services;

- (b) a study of the special features and role of all-freight services which might be relevant to their special treatment;
- (c) an examination of the part currently played by freight forwarders or consolidators, of their potential future role and scope, and the implications.

## RECOMMENDATION NO. 12

## PRIVATE FLYING ACCIDENTS

## THE CONFERENCE

RECOMMENDS that a study group be established, composed of technical, statistical and administrative experts, but predominantly technical and with a technical chairman, to examine the possibility of ECAC collecting information and statistics on the causes of accidents in private non-commercial aviation in Europe, in order that this information may be analyzed and studied with the object of suggesting measures that might help to increase flight safety; and

INVITES the Government of Austria to continue to collect accident information and statistics along the lines already started, submitting the results to the Secretariat for circulation to Member States and for the information of those engaged on the study.

## RECOMMENDATION NO. 30

AIRPORT/CITY GROUND TRANSPORTATION  
AND CAR PARKING FACILITIES AT AIRPORTS

WHEREAS rapid and reliable airport/city ground transportation is a necessary adjunct of air transport; and

WHEREAS inadequate ground transportation can disrupt airline schedules and unduly lengthen the overall air-ground journey, thus detracting from the value of air transport; and

WHEREAS adequate parking facilities for cars at airports are necessary for the convenience of air travellers and others using such facilities; and

WHEREAS the continuous increase in the volume and speed of air traffic aggravates the situation and calls for an early solution to these problems;

## THE CONFERENCE

NOTING that the provision of satisfactory ground transportation and parking facilities are related problems,

RECOMMENDS that Member States bring these matters to the attention of their planning authorities and other bodies concerned and assign the necessary priority to the solution of these problems so that satisfactory results can be effected at an early date.

The Conference also dealt with certain Facilitation questions, including:

Acceptance of Simple Identity Documents for Tourists

Simplified Clearance of Outbound Baggage

Simplified Use of the General Declaration

Simplified Use of the Cargo Manifest

Returnable Containers and Pallets

The Technical questions dealt with by the Conference included:

International Exchange of Licences of Holders of Airline Transport Pilot Licenses

Categorization of Certificates of Airworthiness for Aeroplanes

Continuation of Work of the Study Group

Flight Testing of Navigational Aids and Landing Aids

Technical Aspects of Aircraft Interchange

Included in the Work Programme of the Conference were:  
 Reproduction of ECAC Regulations in one volume  
 Relations between ICAO and ECAC  
 Relations with Other Organizations

## FOOTNOTES

<sup>1</sup> Including:

- a) A French proposal (the "Bonnefous" Plan) to create a European High Authority for Transport;
- b) An Italian proposal (the "Sforza" Plan) for a joint European airspace, a super-national air Authority and a European Air Syndicate to conduct all operations in the European airspace;
- c) A Council of Europe Report, prepared by its Committee on Economic Questions, recommending a conference to examine the possibility of establishing a single European body to assume, under certain conditions, the operation of air routes between member States.

<sup>2</sup> Resolution (53)2. Reproduced in full in ICAO Doc 7447 C/868 entitled "Resolutions of the Council of ICAO and the Council of Europe Relative to the Convening of a Conference on the Co-ordination of Air Transport in Europe."

<sup>3</sup> See ICAO Doc 7447. C/868.

<sup>4</sup> cf. the Preparatory Committee's Report, CATE/P-23.

<sup>5</sup> cf. Doc 7447.C/868. The Council Resolution was endorsed by the Seventh Session of the ICAO Assembly in Resolution A7-15.

<sup>6</sup> CATE Recommendation No. 28, Doc 7575-CATE/1).

<sup>7</sup> Resolution No. 1 adopted at the First Session held in Strasbourg, Nov./Dec. 1955.

<sup>8</sup> This amendment of the text of the 1st Clause was adopted in Resolution No. 1 of the Fourth Session (Strasbourg, July 1961).

The original text was as follows:

"1) the European Civil Aviation Conference (hereinafter sometimes called the Conference) will normally meet in Plenary Session once a year, additional meetings to be held with the agreement of a majority of the members:"

<sup>9</sup> Though its duration has never been formally fixed, it is clear from the Report of ECAC/4, paragraph 185 and Table 2, that this body is to continue.

<sup>10</sup> cf. paragraph 57 of the Report of the Third Session, Strasbourg, March 1959.

<sup>11</sup> See also the 1st Resolving clause of Assembly Resolution A12-18 relating to commercial rights in international air transport, which states:

(1) That the Council should continue to give the cooperation requested by the European Civil Aviation Conference in this field in accordance with Resolution A10-5.

<sup>12</sup> cf. Report of the 2nd Intermediate Meeting, Caracas. Doc. 7720, ECAC/IM2.

<sup>13</sup> At its fourth plenary meeting of the Third Session (1959), the Conference decided, according to Rule 31 of the Rules of Procedure, to suspend that part of Rule I which indicates that it will elect three Vice-Presidents, changing the number to five (cf. paragraph 6 of the Report of ECAC/3, DOC 7977, ECAC/3-1).

The Conference also decided at its Second Session (1957) that the new officers should be elected at the beginning of each session, but that they should take office only towards the end of the session, in order to enable the outgoing President to conduct the debates on questions specially entrusted to him during the preceding period. (cf. paragraph 74 of the Report of the Session, Doc 7799, ECAC/2-1).

<sup>14</sup> The frequency of plenary sessions was amended by Resolution No. 1 of the Fourth Session. (see paragraph (1) of the Resolution constituting ECAC in PART I of this publication.)

<sup>15</sup> An air inclusive tour consists of a round trip or circle trip performed in whole or in part by air for a comprehensive price which includes accommodations for the period the participants are away from the starting point of their journey. It may also provide for additional facilities and may be undertaken either on normal scheduled air services or on aircraft especially hired for the purpose. A tour is normally for a predetermined period and to an announced destination or destinations.

<sup>16</sup> Paragraph 2.22.1 of ICAO Annex 9 reads as follows:

"2.22.1 RECOMMENDED PRACTICE—Contracting States should not require more than the following details in the application referred to in 2.22:

- (i) name of operator;
- (ii) type of aircraft and registration marks;
- (iii) date and time of arrival at, and departure from, the airport concerned;
- (iv) place or places of embarkation or disembarkation abroad, as the case may be, of passengers and/or freight;
- (v) purpose of flights and number of passengers and/or nature and amount of freight;
- (vi) name, address and business of charterer, if any."