



**DIRECTORS GENERAL OF CIVIL AVIATION - ICAO EUROPEAN AND NORTH ATLANTIC  
REGIONS**

**2024 MEETING (EUR/NAT-DGCA/2024)**

*(Toulouse, France, 23 April 2024)*

**Agenda Item 9:** Ratification of International Air Law Treaties

**RATIFICATION OF INTERNATIONAL AIR LAW TREATIES**

*(Presented by the Secretariat)*

**SUMMARY**

*The aim of this paper is to:*

- a) provide updates on actions undertaken in follow up to EUR/NAT-DGCA Conclusion 2023/6 on Ratification of International Air Law Treaties;*
- b) provide an overview of the EUR/NAT States' responses to actions taken by ICAO, including depositary actions, since the EUR/NAT-DGCA/2023 meeting; and*
- c) propose future actions to accelerate ratification of international air law treaties.*

**1. Introduction**

1.1 At the 2023 meeting of the Directors General of Civil Aviation, ICAO European and North Atlantic Regions, held in Paris, France on 20 June 2023 (EUR/NAT-DGCA/2023), the DGCA's considered EUR/NAT-DGCA/2023 – WP/07 REV, which presented the benefits of six international air law treaties<sup>1</sup> and invited States that had not yet ratified those treaties, to do so. Information pertaining to the ratification process<sup>2</sup> and an overview of the resources available for States to assist them with ratification were also provided.

1.2 Following consideration of the working paper, the meeting adopted EUR/NAT-DGCA Conclusion 2023/6, which tasked the EUR/NAT Regional Director to invite the EUR/NAT States to: i) become parties to the highlighted international air law treaties and to any other international air law treaties that they

<sup>1</sup> The six international air law treaties highlighted in EUR/NAT-DGCA/2023 – WP/07 REV were: the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 50 (a)]* (Doc 10077) and the *Protocol Relating to an Amendment to the Convention on International Civil Aviation [Article 56]* (Doc 10076) (Montréal, 2016) (2016 Protocols on Articles 50 (a) and 56 of the Chicago Convention); the *Convention for the Unification of Certain Rules for International Carriage by Air* (Doc 9740) (Montreal, 1999) (Montreal Convention 1999); the *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation* (Doc 9960) and the *Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft* (Doc 9959) (Beijing, 2010) (Beijing Convention and Protocol 2010); and the *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft* (Doc 10034) (Montréal, 2014) (Montréal Protocol 2014).

<sup>2</sup> A State's expression of consent to be bound by a treaty at international law can be in the form of ratification, accession, acceptance or approval

have not yet ratified; ii) make use of ICAO legal seminars and workshops, the Civil Aviation Legal Advisers Forum (CALAF), the ICAO International Air Law Course (IALC) as well as other similar events for the continuous training and development of their legal advisers with regard to ratification and implementation of international air law instruments and to consider hosting from time to time such events in their States and regions; iii) initially inform ICAO before 31 December 2023 of their progress towards the ratification of international air law treaties by using the DGCA tracking matrix appended to the working paper. The EUR/NAT Regional Director was also invited to report on the progress made by EUR/NAT States with respect to the ratification of international air law treaties at the 2024 EUR/NAT-DGCA meeting.

1.3 This working paper presents the actions taken by ICAO and Member States since EUR/NAT-DGCA/2023 and concludes with proposed future actions with respect to States' ratification of international air law treaties.

## 2. Discussion

### *Actions taken to promote the ratification of international air law treaties*

2.1 Since EUR/NAT-DGCA/2023, ICAO has taken the following actions with a view to promoting the ratification of international air law treaties:

- a) **Issuance of a State letter:** On 14 July 2023, State letter EUR/NAT 23-0223.TEC (RAN/FEB) was issued by which EUR/NAT States were invited to nominate Focal Points to coordinate with ICAO on matters related to the ratification and implementation of international air law treaties and to submit a tracking matrix indicating their progress towards ratification of air law treaties. To date, 26 States out of 56 EUR/NAT States have responded to the State letter (46 % of States in the EUR/NAT area). However not all responses received included information related to progress towards the ratification of international air law treaties. The Secretariat wishes to recognize the 26 EUR/NAT States that have nominated a Focal Point and informed the ICAO EUR/NAT Office on the progress toward the ratification of the Air Law Treaties.
- b) **Delivery of a webinar:** On 30 November 2023, the ICAO EUR/NAT Office and the ICAO Legal Affairs and External Relations Bureau (LEB) delivered a webinar to inform and update the Focal Points on matters pertaining to the ratification of international air law treaties. The webinar was attended by 51 participants from 30 EUR/NAT States.
- c) **International Air Law Courses (IALC):** The ICAO EUR/NAT Office hosted three sessions of the IALC (July 2023, November 2023 and February 2024) in both English and French. These sessions were attended by a total of 41 participants from 25 States.

### *Depositary actions by EUR/NAT States*

2.2 Eight depositary actions by 4 EUR/NAT States have been recorded by ICAO since the EUR/NAT-DGCA/2023 as follows:

- a) *Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment*, both signed at Cape Town on 16 November 2001: accession by Cyprus on 20 July 2023;
- b) *Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft*, done at Montréal on 4 April 2014: accession by Hungary on 14 November 2023 and ratification by Tunisia on 24 November 2023;
- c) *Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation and Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft*, both done at Beijing on 10 September 2010: accession by Slovakia on 30 November 2023 and by Tunisia on 2 April 2024.

### *Tracking progress by EUR/NAT States towards ratification*

2.3 The tracking matrices provided by EUR/NAT States to ICAO demonstrate progress towards ratification of the six treaties by several EUR/NAT States, as follows:

- a) 2016 Protocols on Articles 50 (a) and 56 of the Chicago Convention: 1 State has submitted the Protocols for approval to its legislature or other competent authority and 1 State indicated that its Civil Aviation Authority (CAA) was developing draft legislation for submission of the Protocols to its competent authority.
- b) Montreal Convention 1999: 1 State indicated that its CAA was conducting domestic procedures for its ratification, and 1 State reported that its CAA was developing draft legislation for the ratification of the treaty.
- c) Beijing Convention and Protocol 2010: 3 States have indicated that they were in the process of enacting domestic legislation for the ratification of the treaties, while 1 State reported that it had submitted the treaties for approval to its legislature or other competent authority. 4 States have reported that the treaties were being considered for ratification, and 6 States mentioned that the treaties were proposed by the CAA to their competent authority for ratification.
- d) Montréal Protocol 2014: 2 States mentioned that they were in the process of enacting domestic legislation for the ratification of the treaty, and another 2 States indicated that they have submitted the treaty for approval to their legislature or other competent authority. 7 States reported that the Protocol was being considered for ratification, and 3 States indicated that the Protocol was proposed by the CAA to their competent authority for ratification.

2.4 It is noteworthy that 10 States in the EUR/NAT area have ratified all the six key treaties.<sup>3</sup>

2.5 While most States have ratified the Protocols increasing the membership of the Council and the Air Navigation Commission (the 2016 Protocols on Articles 50 (a) and 56 of the Chicago Convention), it is desirable for the remaining States to complete the process so as to enable timely action to be taken ahead of the 42nd ICAO Assembly in 2025. Furthermore, as there is limited progress on those treaties dealing with new and emerging threats against the safety and security of civil aviation, including cyber attacks (the Beijing Convention and Protocol 2010) and on the issue of unruly and disruptive passengers (Montréal Protocol 2014), expedited action by most States is called for. The Montreal Convention 1999 is also widely ratified by most EUR/NAT States, however it is important that all States join the treaty as it will ensure universal application of the modernized compensation rules for air carrier liability for all travellers.

### *Upcoming actions to promote the ratification of international air law treaties*

2.6 While there has been some progress by the EUR/NAT States with respect to ratification of international air law treaties, in the interest of maintaining momentum States are encouraged to participate in the upcoming events:

- a) **Air Law Treaty Workshop**: An Air Law Treaty Workshop will be held in Paris at the ICAO EUR/NAT Office from 22 to 23 May 2024. This Workshop will seek to inform and update civil aviation officials on the importance of air law treaties, highlighting the benefits and obligations of States that become parties to international legal instruments as well as the procedural requirements. Participants will receive in-depth information on the six highlighted treaties, exchange on the benefits of States becoming parties to international air law instruments adopted by ICAO as well as the means and tools to attain ratification. Given the interactive nature of the Workshop, participants will be encouraged to identify actions to advance ratification of treaties through the engagement of key agencies and stakeholders in their States.

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<sup>3</sup> Finland, France, Luxembourg, Malta, Netherlands, Portugal, Romania, Switzerland, Tunisia and Türkiye.

- b) **CALAF**: The Third Edition of CALAF will be held in London, United Kingdom from 26 to 28 November 2024 featuring presentations and discussions by legal advisers of civil aviation regulatory bodies on topical legal subjects of interest or concern regarding aviation safety, security and facilitation and will include the ratification of international air law treaties.

2.7 **Appendix A** to this working paper provides an updated form indicating the status of EUR/NAT States with respect to ratification of the six international air law treaties highlighted in EUR/NAT-DGCA/2023 – WP/07 REV. **Appendix B** contains the tracking matrix which was appended to EUR/NAT-DGCA/2023 – WP/07 REV and to the State letter of 14 July 2023, which DGCAs/Focal Points are again invited to submit to ICAO so as to inform of their State’s further progress towards ratification of international air law treaties. DGCAs are reminded that the tracking matrix can be filled/updated by the Focal Points whenever a State reaches an important milestone in the ratification process, such as when the ratification proposal is presented to the competent authority or organ for approval, or receives executive and/or legislative approval, and when the ratifying legislation is published or gazetted, as applicable.

### *Conclusion*

2.8 In light of the foregoing, the following Conclusion by EUR/NAT-DGCA/2024 is proposed:

### **Draft EUR/NAT-DGCA Conclusion 2024/1 – Ratification of International Air Law Treaties**

That the ICAO Regional Director, Europe and North Atlantic:

- a) take action to invite EUR/NAT States to:
  - i) become parties to the six international air law treaties and to any other international air law treaties that they have not yet ratified;
  - ii) nominate a Focal Point for the Ratification of International Air Law Treaties, if they have not already done so, and to inform the ICAO EUR/NAT Office accordingly;
  - iii) participate in the ICAO Air Law Treaty Workshop from 22 to 24 May 2024 in Paris, France, the third edition of the Civil Aviation Legal Advisers Forum (CALAF) in London, United Kingdom from 26 to 28 November 2024, in upcoming ICAO International Air Law Courses as well as other similar events for the continuous training and development of their legal advisers with regard to ratification and implementation of international air law instruments and to consider hosting from time to time such events in their States;
  - iv) inform ICAO before **30 September 2024** of, not only the status of ratification, but also the progress made towards the ratification of international air law treaties by updating/using the DGCA tracking matrix set out in **Appendix B** to this working paper;
  - v) contact the ICAO LEB Treaty Section for any information or assistance with regard to ratification matters; and
- b) report on the progress made by EUR/NAT States at the 2025 EUR/NAT-DGCA meeting.

### **3. Action by the Meeting**

3.1 The meeting is invited to:

- a) note the information provided;
- b) amend as necessary and endorse the proposed Conclusion; and
- c) provide direction as deemed necessary.

*The following Appendices are provided with this working paper:*

**APPENDIX A:** Status of States in the EUR/NAT area with Respect to Selected International Air Law Treaties

**APPENDIX B:** DGCA Ratification Tracking Matrix

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**APPENDIX A — STATUS OF STATES IN THE EUR/NAT AREA WITH RESPECT TO SELECTED INTERNATIONAL AIR LAW TREATIES (AS OF 15 MARCH 2024)<sup>4</sup>**

*(paragraph 2.7 refers)*

	Article 50 (a) (2016) <sup>5</sup> (93 Contracting States)	Article 56 (2016) <sup>6</sup> (93 Contracting States)	Mtl Convention (1999) (139 Parties)	Beijing Convention (2010) (48 Parties)	Beijing Prot (2010) (50 Parties)	Mtl Prot (2014) (47 Parties)
<b>Albania</b>			X			
<b>Algeria</b>	X	X				
<b>Andorra</b>						
<b>Armenia</b>	X	X	X			X
<b>Austria</b>	X	X	X			
<b>Azerbaijan</b>	X	X	X			
<b>Belarus</b>						
<b>Belgium</b>			X			
<b>Bosnia and Herzegovina</b>	X	X	X			
<b>Bulgaria</b>	X	X	X			
<b>Croatia</b>	X	X	X			
<b>Cyprus</b>			X	X	X	X
<b>Czechia</b>	X	X	X	X	X	
<b>Denmark</b>	X	X	X			
<b>Estonia</b>	X	X	X			
<b>Finland</b>	X	X	X	X	X	X
<b>France</b>	X	X	X	X	X	X
<b>Georgia</b>	X	X	X			

<sup>4</sup> Yellow highlight indicates new ratifications since EUR/NAT-DGCA/2023.

<sup>5</sup> Not in force.

<sup>6</sup> Not in force.

	<b>Article 50 (a) (2016)<sup>5</sup></b> (93 Contracting States)	<b>Article 56 (2016)<sup>6</sup></b> (93 Contracting States)	<b>Mtl Convention (1999)</b> (139 Parties)	<b>Beijing Convention (2010)</b> (48 Parties)	<b>Beijing Prot (2010)</b> (50 Parties)	<b>Mtl Prot (2014)</b> (47 Parties)
<b>Germany</b>	X	X	X	X	X	
<b>Greece</b>	X	X	X			
<b>Hungary</b>	X	X	X			X
<b>Iceland</b>	X	X	X			
<b>Ireland</b>	X	X	X			
<b>Israel</b>	X	X	X			
<b>Italy</b>	X	X	X			
<b>Kazakhstan</b>			X	X	X	X
<b>Kyrgyzstan</b>						
<b>Latvia</b>	X	X	X			
<b>Lithuania</b>	X	X	X			
<b>Luxembourg</b>	X	X	X	X	X	X
<b>Malta</b>	X	X	X	X	X	X
<b>Monaco</b>	X	X	X			
<b>Montenegro</b>	X	X	X			
<b>Morocco</b>			X			
<b>Netherlands</b>	X	X	X	X	X	X
<b>North Macedonia</b>	X	X	X			
<b>Norway</b>	X	X	X			
<b>Poland</b>	X	X	X			
<b>Portugal</b>	X	X	X	X	X	X
<b>Republic of Moldova</b>	X	X	X			

	Article 50 (a) (2016) <sup>5</sup> (93 Contracting States)	Article 56 (2016) <sup>6</sup> (93 Contracting States)	Mtl Convention (1999) (139 Parties)	Beijing Convention (2010) (48 Parties)	Beijing Prot (2010) (50 Parties)	Mtl Prot (2014) (47 Parties)
<b>Romania</b>	X	X	X	X	X	X
<b>Russian Federation</b>			X	X	X	X
<b>San Marino</b>	X	X				
<b>Serbia</b>	X	X	X			
<b>Slovakia</b>	X	X	X	X	X	
<b>Slovenia</b>	X	X	X			
<b>Spain</b>	X	X	X			
<b>Sweden</b>	X	X	X	X	X	
<b>Switzerland</b>	X	X	X	X	X	X
<b>Tajikistan</b>						
<b>Tunisia</b>	X	X	X	X	X	X
<b>Türkiye</b>	X	X	X	X	X	X
<b>Turkmenistan</b>				X	X	
<b>Ukraine</b>	X	X	X			
<b>United Kingdom</b>	X	X	X			
<b>Uzbekistan</b>						



## APPENDIX B — DGCA RATIFICATION TRACKING MATRIX

*(paragraphs 2.1 (a), 2.7 and 2.8 refer)*

<b>[NAME OF THE MEMBER STATE]</b>					
	<b>TREATY PROPOSED BY DGCA TO COMPETENT AUTHORITY FOR RATIFICATION</b>	<b>TREATY SUBMITTED FOR APPROVAL TO LEGISLATURE OR OTHER COMPETENT AUTHORITY</b>	<b>AWAITING SUBMISSION OF THE INSTRUMENT OF RATIFICATION TO THE DEPOSITARY (E.G., ICAO)</b>	<b>TREATY NOT CONSIDERED FOR RATIFICATION</b>	<b>COMMENTS</b>
	PROTOCOL OF AMENDMENT TO ARTICLE 50(a) OF THE CHICAGO CONVENTION, 2016 (Not in force)				
	PROTOCOL OF AMENDMENT TO ARTICLE 56 OF THE CHICAGO CONVENTION, 2016 (Not in force)				
	MONTREAL CONVENTION, 1999				
	BEIJING CONVENTION, 2010				
	BEIJING PROTOCOL, 2010				
	MONTRÉAL PROTOCOL, 2014				

— END —