



WORKING PAPER

LEGAL COMMITTEE – 36TH SESSION

(Montréal, 30 November to 3 December 2015)

Agenda Item 3: Review of the General Work Programme of the Legal Committee

REVIEW OF THE GENERAL WORK PROGRAMME OF THE LEGAL COMMITTEE

(Presented by the Secretariat)

1. INTRODUCTION

1.1 According to the Constitution of the Legal Committee (Resolution A7-5) and Rule 8 of the *Rules of Procedure of the Legal Committee* (Doc 7669-139/5), the Legal Committee establishes and maintains, subject to the approval of the Council, a general programme of work which includes subjects proposed by the Committee itself; in addition it shall also include any subjects proposed by the Assembly or the Council.

2. DEVELOPMENTS IN THE WORK PROGRAMME FOLLOWING THE 35TH SESSION OF THE LEGAL COMMITTEE

2.1 Following the conclusion of the 35th Session of the Legal Committee (Montréal, 6 to 15 May 2013) and subsequent approval by the Council on 17 June 2013 (C-DEC 199/12), the General Work Programme of the Legal Committee had been established as follows:

- 1) Compensation for damage caused by aircraft to third parties arising from acts of unlawful interference or from general risks;
- 2) Acts or offences of concern to the international aviation community and not covered by existing air law instruments;
- 3) Safety aspects of economic liberalization and Article 83 *bis*;
- 4) Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment of a legal framework;
- 5) Consideration of Guidance on Conflicts of Interest;
- 6) International interests in mobile equipment (aircraft equipment); and

- 7) Review of the question of the ratification of international air law instruments.

3. ASSEMBLY – 38TH SESSION

3.1 The Assembly (24 September to 4 October 2013) decided to remove from the Work Programme the item “Compensation for damage caused by aircraft to third parties arising from acts of unlawful interference or from general risks” and the item “International interests in mobile equipment (aircraft equipment)”, as the Committee had already completed its work on these items. It was further decided to modify the item concerned with ratification matters (item 7) to read “Promotion of the ratification of international air law instruments”, in order to emphasize the main aspect of this item. The Assembly also decided to add, with priority number 6, the item “Study of legal issues relating to remotely piloted aircraft”, in order to facilitate as necessary an examination and research of potential liability issues related to such category of aircraft.

3.2 As a result, the Work Programme had been established in the order of priority as follows:

- 1) Acts or offences of concern to the international aviation community and not covered by existing air law instruments;
- 2) Consideration of Guidance on Conflicts of Interest;
- 3) Safety aspects of economic liberalization and Article 83 *bis*;
- 4) Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment of a legal framework;
- 5) Promotion of the ratification of international air law instruments; and
- 6) Study of legal issues relating to remotely piloted aircraft.

4. SUBSEQUENT ACTION BY THE COUNCIL

4.1 At the fifth meeting of the 203rd Session, on 5 November 2014, the Council decided to raise the priority of item 6) “Study of legal issues relating to remotely piloted aircraft” to become fourth in priority. As a consequence, existing item 4) “Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment of a legal framework” and item 5) “Promotion of the ratification of international air law instruments” were reprioritized and reordered as items 5) and 6), respectively. The Council further agreed to the inclusion of an additional item 7) on the determination of the status of an aircraft, while taking note of the caveats arising from its historical background. In so doing, the Council requested that the Legal Affairs and External Relations Bureau (LEB) review the 1993 Secretariat Study on “Civil/State Aircraft” (C-WP/9835) to identify those areas where it would be possible to engage the Legal Committee; and recommended that consideration be given to ways to address item 7) other than through the amendment of Article 3 b) of the Chicago Convention, which could prove to be difficult.

5. **CURRENT STATUS OF THE WORK PROGRAMME**

5.1 In accordance with the foregoing decisions, the General Work Programme of the Legal Committee stands to date as follows:

- 1) Acts or offences of concern to the international aviation community and not covered by existing air law instruments;
- 2) Consideration of guidance on conflicts of interest;
- 3) Safety aspects of economic liberalization and article 83 bis;
- 4) Study of legal issues relating to remotely piloted aircraft;
- 5) Consideration, with regard to CNS/ATM systems including global navigation satellite systems (GNSS), and the regional multinational organisms, of the establishment of a legal framework;
- 6) Promotion of the ratification of international air law instruments; and
- 7) Determination of the status of an aircraft – civil/state.

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