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European Civil Aviation Conference

(Second Session, Madrid, 24th April-11th May 1957)

Report

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1. PART I - Introduction - AGENDA ITEM 1. — Opening of the Session by the President of E. C. A. C, and other statements and addresses. - AGENDA ITEM 2. — Election of the President and three Vice-Presidents. - AGENDA ITEM 3. — Adoption of agenda. - AGENDA ITEM 4. — Establishment of Commissions and Committees, and election of Chairmen thereof.

1. Pursuant to a decision taken at the Second Intermediate Meeting of the Conference (Caracas, 10th July 1956), and in accordance with Rule 1 of the Rules of Procedure, the Second Session of the European Civil Aviation Conference was convened by the President of the Conference, after consultation with the Member States and the International Civil Aviation Organization as to the date, site and agenda.

2. An offer by the Government of Spain to hold the second session in Madrid having been received and accepted, the Second Session was convened in Madrid on 24th April 1957.

3. The Conference adopted its agenda (Appendix I)1[1] at the first plenary meeting (2nd part) on 25th April 1957. The agenda items are grouped under the headings of Parts Í to VI of this report. Under each heading are included the relative resolutions and recommendations of the Conference, preceded by the texts adopted by the Conference in support thereof.

4. In accordance with Rule 4 of the Rules of Procedure, this report is transmitted to the Council of I. C. A. 0. with the request that it be forwarded to the Council of Europe. It is further intended that copies of the report be forwarded to States members of the Conference, as well as to those States and other bodies invited to attend the second session of the Conference as observers.

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1. The appendices are being distributed separately.

5. The following Governments were represented by duly authorized delegations : 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. These are sometimes hereinafter referred to as the " participating States ".

6. The opening plenary meeting of the Conference was convened at 5.30 p. m. in the Assembly Hall of the Instituto de Cultura Hispánica, Ciudad Universitaria, Madrid by Mr. P. M. J. Nottet, the then President of the Conference, in the presence of His Excellency Señor Rodriguez de Lecea, Minister for Air of Spain; Mr. W. Binaghi, President of the Council of I. C. A. 0.; and Mr. C. Ljungberg, Secretary-General of f. C. A. 0. At the second part of the opening plenary meeting, held at 11 a. m. on 25th April 1957, Colonel Luis de Azcárraga (Spain) was elected President of the Conference. The three Vice-Presidents elected were : first Vice-President, Mr. J. W. F. Backer (the Netherlands); second Vice-President, Mr. H. Winberg (Sweden); and third Vice-President, Mr. U. Cercel (Turkey).

7. The Conference did not establish a Credentials Committee, examination of credentials being left to the Secretariat; but it did make use of a Coordinating Committee made up of the officers of the Conference and the Chairmen of the various subsidiary bodies. Two Commissions were established as follows : Commission I (Economic) and Commission II (Facilitation). Commission I did not function as a body, being divided into Sub-Commission IA (Commercial Rights) and Sub-Commission IB (Interchange of Aircraft and Validation of Certificates of Airworthiness). Two Working Groups, reporting directly to the plenary meeting, were also constituted to deal with agenda items 8 (a) and (c)—Relations with the Air Research Bureau (ARB) and Programme and Methods of Work of E. C.A. C, and agenda item 7—Technical Questions. These bodies, together with an indication of their Chairmen, Secretaries, the agenda items assigned to them and the number of meetings they held, are listed below :[2]

8. Mr. Edward M. Weld, Assistant Secretary- General of I. C. A. 0. acted as Secretary-General of the Conference. Mr. A. M. Lester (Chief, Economics Branch, I. C. A. 0.) acted as Deputy Secretary-General and was assisted by Messrs. R. J. Moulton, A. D. Hayward, N. Detière, H. E. Pujade, P. L. Ainley and L. Fielding, all of I. C. A. 0. Mr. J. P. de Loesch-nigg, assisted by Mr. H. de R. Daigle, was in charge of the administration of the Conference, acting in collaboration with Captain J. M. Arbe-loa of the Spanish Ministry for Air. Language services were under the direction of Mr. F. Du-fau-Labeyrie. Public information services were under the control of Mr. L. Boussard, ICAO Public Information Officer.

9. The following contracting States of I. C. A. 0. were represented by observers : Brazil, Canada, Japan, Liberia, Pakistan, Syria, United States and Uruguay.

10. Observers from the following international organizations attended the session : Council of Europe, European Conference of Ministers of Transport (E. C. M. T.), World Meteorological Organization (W. M. 0.), Air Research Bureau (A. R. B.), Fédération internationale des Transports aériens privés (F. I. T. A. P.), Institut du Transport aérien (I. T. A.), International Air Transport Association (I. A. T. A.), International Aircraft Brokers Association (I. A. B. A.), International Association of Aircraft Manufacturers (I. A. A. M.), International Chamber of Commerce (I. C. C), International Federation of Airline Pilots Associations (I. F. A. L. P. A.) and International Union of Aviation insurers (I. U. A. I.).

11. The complete list of delegates and observers is attached to this report as Appendix 21.[3].

2. PART II - Facilitation

AGENDA ITEM 6 (a). — Review of implementation of previous Recommendations (1954 nos. 13-24).

AGENDA ITEM 6 (b). — Consideration of action to be taken to achieve the maximum degree of facilitation in Europe.

Review of implementation of previous Recommendations - [Agenda Item 6 (a)]

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2. Commission or Working Group - Chairman - Secretary - Agenda Item
Commercial Rights (IA) (9 meetings) - Col. L. de Azcarraga (Spain) - Mr. A. M. Lester - 5 («)- 5 (b)
Interchange of Aircraft and Validation of Certificates of Airworthiness (IB) (7 meetings) - Mr. L. J. Pedreira (Portugal) - Mr. A. M. Lester - 5 (C)-8 (b)
Facilitation (II) (9 meetings) - Mr. L. C. Nash (U nited Kingdom) - Mr. R. J. Moulton - 6
Technical Working Group (5 meetings) - Mr. R. Bulin (France) - Mr. H. E. Pujade - 7
Working Group on Programme and Methods of Work of E. C. A. C. (10 meetings) - Mr. D. Haguenau (France) - Mr. N. Detière - 8 (a)- 8 (c)

3. The appendices are being distributed separately.

12. At the outset it became apparent to the Conference that it would be useful to review the status of implementation within Europe of the Facilitation Recommendations of the Conference on Coordination of Air Transport in Europe (CATE, Strasbourg, April-May 1954), as well as the status of implementation of certain provisions in Annex 9 (Third Edition, applicable as from 1st March 1957). This review occupied a good portion of the first three meetings of the Conference's Facilitation Commission, during which it developed from a discussion of Working Papers 11 (presented by the Secretariat), 49 (United Kingdom), 51 (Belgium), as well as from oral presentations made by a number of delegates, that

12.1. most Member States of the Conference either already had achieved or would soon be able to attain a relatively high degree of implementation of both the CATE Recommendations and the Third Edition of Annex 9;

12.2. the discussions were very useful in the sense that they provided an opportunity for delegations to exchange views on methods of securing complete implementation of the various Annex 9 Standards and Recommended Practices and CATE Recommendations, and on providing additional facilitation gener-ally;

12.3. specific recommendations of this Conference on facilitation matters could best be dealt with under the sub-items of Agenda Item 6 (b).

Consideration of action to be taken - [Agenda Item 6 (b)]

13. In connection with (ii) above, the Conference was of the opinion that it would be helpful if more Customs, Immigration, Health and other control authorities could participate in future ECAC facilitation meetings and also if ECAC facilitation recommendations could receive widespread dissemination amongst such authorities prior to the convening of any European meetings of such authorities dealing with their specialized fields.

14. In connection with (iii) above, the Conference decided that each Member State should advise I. C. A. 0. by 1st April 1958 of the degree of implementation in its European territory as of 1st March 1958 of the recommend- ' ations made under the sub-items of Agenda Item 6 (b) below, and, in instances where complete implementation has not been achieved, explain the difficulties and prospects as ; regards complete implementation. I. C. A. 0. ! should in turn circulate the material received to all ECAC Member States as early after j April 1958 as practicable.

Adoption of a system of sample checks for the systematic inspection of documents carried in aircraft, including licences - [Agenda Item 6 (6) (i)]

15. The Conference noted with interest Working Paper 39 prepared by the French Delegation on this item dealing with the advantages resulting from a reduction in the regular checking of certain aircraft documents to that of the occasional sample check, and outlining the French regulations covering the matter. However, discussion revealed that there were no longer any ECAC Member States which regularly inspected on each arrival and departure technical documents carried in aircraft, such as the log-books, licences of crew members, load sheets, airworthiness certificates, aircraft radio licences and aircraft registration certificates. It was therefore decided that a specific recommendation of this Conference was not required under this particular agenda item.

Abolition of visas - [Agenda Item 6 (b) (ii)]

16. The Conference recalled that the 1954 Strasbourg Conference on Coordination of Air Transport in Europe recommended (cf. Recommendation No. 13. Doc. 7575-CATE/I) that visas be abolished as soon as possible on a reciprocal basis by means of bilateral agreements or other arrangements for business or tourist travel between the 19 countries that are now members of E. C. A. C. The Conference noted that this recommendation has now received a large measure of implementation by the countries concerned (ECAC/2-WT/13). Moreover, six countries (Denmark, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom) have, through bilateral agreements or other arrangements, abolished visas for all categories of travellers, including immigrants. However, since there still remain a number of agreements to be negotiated before all visas for business and tourist (non-immigrant) travel within Europe are eliminated, and since a number of existing agreements do not cover all " tourists " as categorized in the definition in Annex 9 and allow for visits of as long as six months' duration, the Conference decided to adopt the following recommendation :

2.1. RECOMMENDATION No. 1 - Abolition of visas

The Conference,

Whereas tourist traffic is becoming increasingly important and is expected to expand considerably with the introduction of jet air travel; and

Whereas the abolition of visas for tourists would greatly facilitate the movement of this type of traffic;

Noting the progress already made by Member States of this Conference in the elimination of visa requirements,

Urges States which have not already done so to make special efforts to remove existing requirements for visas.

Acceptance of identity cards or expired passports for visits of short duration - [Agenda Item 6 (b) (iii)]

The Conference examined this question (ECAC/2-WP/14 and 41) and reached the conclusion that, at least as between countries where national identity cards exist, a considerable measure of facilitation might be achieved if such cards could be accepted in lieu of passports for stays of short duration. Expired passports also appeared to provide a satisfactory travel document for the purpose. Accordingly, the Conference adopted the following recommendation (a statement by the Netherlands Delegation concerning this Recommendation appears in Appendix 5)1 :[4] :

2.2. RECOMMENDATION No. 2 - Acceptance of, identity cards or expired passports

The Conference,

Whereas States generally require less formalities in respect of tourists than of other persons crossing international boundaries; and

Whereas the promotion of tourist travel is in the best interests of States; and

Whereas several Member States of this Conference have already accepted identity cards or expired passports as travel documents in lieu of valid passports for visits of short duration,

Recommends that Member States of this Conference consider the possibility of accepting identity cards or expired passports for visits of short duration.

Facilitation as regards public health measures - [Agenda item 6 (b) (iv)]

17. The Conference examined paragraph 8.2 of Annex 9 and noted that eight Member States, pursuant to Article 104 (d) of the International Sanitary Regulations, had made arrangements to the effect that " an aircraft which begins its flight at any place within the ' excepted area ' (i.e., within Belgium, France in Europe, Germany, Ireland Italy, Luxembourg, the Netherlands and the United Kingdom) and does not call during its voyage at any place outside that area, is not subjected to health control on its arrival at any other place within the ' excepted area '. " The Conference agreed that it appeared practicable to extend this arrangement so as to cover all 19 of the ECAC Member States, and accordingly adopted the following recommendation :

2.3. RECOMMENDATiON No. 3 - Freedom from airport health control

The Conference,

Whereas eight Member States of this Conference have made arrangements to simplify airport health control within a so-called " excepted area " in Europe in accordance with the terms published in The World Health Organization's "Weekly Epidemiological Record, No. 5, 1957 "; and

Whereas it is thought that all the Member States of E. C. A. C. agree that this " excepted area " should be extended to all their European territories,

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4. The appendices are being distributed separately.

Urges all Member States, which have not already done so, to make the effort to include their territories within the so-called " excepted area " and to advise such international organizations as the International Civil Aviation Organization, the European Civil Aviation Conference, the World Health Organization and the Council of Europe of their desire that this be accomplished.

Facilitation measures relating to cargo - [Agenda Item 6 (b) (v)]

18. The Conference examined thoroughly the European situation with respect to the handling of transit air cargo (ECAC/2-WP/19), taking into account particularly the amount of documentation and examination or supervision required, as well as the proper flow and/ or installations needed to facilitate this category of traffic. It was generally agreed that such traffic in transit by air through a country did not in any practical sense " enter " the country concerned. Although a few ECAC Member States {e.g., Ireland and Switzerland) had already achieved maximum facilitation with respect to air cargo in transit in the sense that no documentation or examination was required and such cargo under supervision could be trans-shipped between aircraft and airlines without formality, and a number of other cpuritries had made substantial progress in this direction, there remained nevertheless an overall need for further improvement at many airports within Europe. Therefore, the Conference adopted the following recommendation

2.4. RECOMMENDATION No. 4 - Airport facilities for handling transit cargo

The Conference,

Whereas the formalities involved in the trans-shipment of an ever-increasing volume of air cargo at international airports in many instances remain unduly complex, causing unnecessary delays; and

Whereas trans-shipment cargo does not in effect enter the country where trans-shipment takes place,

Recommends that Member States of this Conference adopt as soon as possible a simplified trans-shipment procedure, incorporating the minimum customs documentation and supervision, with the sole object of ensuring that the movement of international air cargo is expedited to the fullest possible extent.

In the general discussions under this agenda item, it was also revealed that provision of bonded stores facilities had not yet been made at all major international airports in the European region. .Accordingly, the Conference adopted the following recommendation :

2.5. RECOMMENDATION No. 5 - Provision of bonded stores facilities

The Conference,

Whereas aircraft can carry only limited quantities of stores for consumption (tobacco, liquor, etc.) ; and

Whereas it is desirable to avoid the work involved in the payment of duties when such stores are imported into a territory and the subsequent refund of such duties; and ;

Whereas the creation of airline bonded stores at airports helps to overcome these difficulties,

Recommends that Member States of the Conference, which have not already arranged for the setting up at airports of bonded stores to hold airline stores intended for consumption on aircraft, should consider taking this action as soon as possible.

Facilitation measures regarding passengers and their baggage - [(Agenda Item 6 (b) (vi)]

19. The Conference noted that particular difficulties are still experienced in connection with completing documentation for unaccompanied children. Children, particularly young children, may have difficulty in completing a relatively simple form either from straightforward lack of knowledge, lack of comprehension, or language difficulties. The Conference therefore adopted the following recommendation :

2.6. RECOMMENDATION No. 6 - Exemption of children fron governmental documentary requirements

The Conference,

Whereas a few European countries still require unaccompanied children to complete the same documents as adult passengers; and

Whereas such children may have difficiilty in completing these documents; and

Whereas aircraft cabin personnel are frequently required to spend time assisting in the completion of the documents and are thereby distracted from their normal duties; and

Whereas, so far as governmental clearance controls are concerned, children of school age are unlikely to he a security risk,

Recommends that Member States of the Conference, which have regulations requiring the completion of clearance documents by unaccompanied children under the age of sixteen years, should eliminate such regulations.

20. Under this agenda item, the Conference also examined the situation with respect to clearance of outbound baggage, inbound baggage and unaccompanied baggage. It found that, inter alia, although some progress by some States had been made with respect to the handling of all three, much room remained for further improvement and that such improvement was essential prior to the early introduction of jet aircraft of up to 150-passenger capacity. Accordingly, the Conference adopted the three following recommendations :

2.7. RECOMMENDATION No. 7 - Clearance of outbound baggage

The Conference,

Whereas six Member States of the Conference have already achieved the complete elimination of the examination of outbound baggage; and

Whereas a number of other Member States fully implement paragraph 3.16 of Annex 9, in that their inspection of outbound baggage is normally accomplished on a sampling or selective basis; and

Whereas the introduction of jet aircraft of larger capacity will nevertheless require that more efforts should be undertaken in the simplification of clearance of outbound baggage in cases where this has not been completely waived,

Recommends that the Member States of the Conference, which have not yet completely waived outbound passenger baggage inspection, should give special attention to " sampling or selective " techniques which will totally avoid any separate ground handling of the bulk of the baggage for purposes of inspection and also avoid completely any system which involves the attachment of adhesive labels to such baggage.

2.8. RECOMMENDATION No. 8 - Clearance of inbound baggage

The Conference,

Whereas with the early introduction of aircraft of 150-passenger capacity, new and more rapid techniques will have to be found for the unloading by airlines and the clearance by the customs officials of inbound passenger baggage; and

Whereas related to the question of facilitating the clearance of inbound baggage is the matter of minimum uniform allowances for air tourists who comprise the hulk of the passengers, and the United Nations Convention Concerning Customs Facilities for Touring of 4th June 1954 establishes such uniformity,

Recommends

1. that Member States of the Conference and their operators should examine and put into effect any new techniques which will lead : to increasing the speed with which inbound baggage is handled and cleared, taking account particularly of the possibilities referred to in paragraph 3.16 of Annex 9; to the avoidance of requiring that all such baggage be opened; and to the improvement of traffic flow and/or installation arrangements; and
2. That Member States of the Conference which have not already done so should adhere to the United Nations Convention Concerning Customs Facilities for Touring of 4th June 1954 as soon as possible.

2.9. RECOMMENDATION No. 9 - Handling of unaccompanied baggage

The Conference,

Whereas Annex 9, paragraph 4.13, states that unaccompanied baggage should be treated as baggage and not as cargo for customs clearance; and

Whereas I. C. A. 0. has reported that the volume of such traffic is constantly increasing,

Recommends that Member States of the Conference

1. should treat all baggage, accompanied or unaccompanied, as the personal property of the passenger for customs purposes irrespective of the document employed to cover the transportation of such baggage;

2. when planning new airport terminals or rearranging existing installations, should provide storage accommodation in the passenger terminal building for unaccompanied baggage;

3. should make arrangements so that duty-free allowances or concessions may cover articles included in unaccompanied baggage.

21. Further under this agenda item, the Conference noted the considerable progress which had been made by 13 out of the 19 ECAC Member States in the elimination of passenger manifest requirements since the adoption in 1954 of CATE Recommendation No. 21. At the same time it was recognized that the full benefit of this simplification could not be felt either by passengers or airlines until all remaining ECAC Member States take similar action so as to establish uniformity of practice with respect to all intra-European flights operating to and from their territories. The Conference therefore adopted the following Recommendation :

2.10. RECOMMENDATION № 10 - Elimination of passenger manifests

The Conference,

Whereas it is desirable, in the interests of facilitation, to reduce to the minimum all requirements by public authorities for the delivery of documents in connection with the clearance of aircraft, their passengers and cargo; and

Whereas the delivery of lists of passengers' names is not generally required in Europe in respect of traffic carried by rail or road; and

Whereas the preparation of copies of passenger manifests for delivery to public authorities imposesa heavy burden on air transport operators, tends to increase aircraft ground-stop time and will become almost impracticable as larger aircraft come into service and the number of passengers carried in each aircraft becomes substantially greater than at present; and

Whereas 13 European States have dispensed with any requirement for the delivery of passenger manifests on intra-European flights or are just about to do so; and

Whereas the full benefit of this simplification cannot be felt until all members of E. C. A. C. take similar action so as to establish uniformity of practice on all intra-European flights within their territories; and

Whereas it is understood that air transport operators will, in the absence of passengers manifests, always be willing to provide within a few hours a list of the names of passengers who travelled on any particular flight, when such a list is required in exceptional circumstances by the public authorities; and

Whereas provision is made in paragraph 2.3.1 of Annex 9 (Third Edition) for air transport operators, in the absence of a passenger manifest, to make a simple notation on the General Declaration of the number of passengers embarked and/or disembarked by point of embarkation/disembarkation,

Urges all Member States, which have not already done so, to dispense with the requirement for the presentation of passenger manifests on intra-European flights as soon as they are able.

Ground handling operations - [Agenda Item 6 (b) (vii)]

22. The Conference heard statements from several delegations, as well as from the ITA Observer (ECAC/2-WP/35), the IATA Observer (ECAC/2-WP/25) and the Secretary, concerning measures which might improve the facilitation of aircraft and the loads that they carry and at the same time improve overall ground handling operations generally. Particular attention was paid (i) to the importance of flexibility and convertibility of airport terminal buildings, so that they could be adapted to changing requirements without the costly necessity of frequent new construction; and (ii) to the inadvisability of authorities responsible for planning terminal buildings concentrating on appearance at the expense of utility. With a view to improving traffic flow and/or installation arrangements at international airports, the Conference adopted the following recommendation :

2.11. RECOMMENDATION № 11 - Traffic flow andfor installation arrangements at international airports

The Conference,

Whereas experience has shown that most overall progress in the field of facilitation is usually achieved by the technique of taking each category of traffic and determining what is essential for its speedy handling in the way of (1) documentation; (2) examination and/or supervision; and (3) traffic flow and/or installation arrangements; and

Whereas adequate traffic flow and/or installation arrangements often affect not only the amount of documentation and examination or supervision required but the amount of ground-stop time required and ground operations in general at airports,

Recommends that the Member States of the Conference review their traffic flow and/or installation arrangements for each category of traffic at each of their major international airport terminal buildings and, in any case where such review leads to practical results which are produced in published form, circulate the publication to other Member States of the Conference and to the International Civil Aviation Organization.

Facilitation measures relating to the entry and departure of aircraft - [Agenda Item 6 (b) (viii)]

23. The Conference observed that some of its Member States had not yet completely implemented paragraph 2.18 of the Third Edition of Annex 9 and that each of the States concerned had filed deviations which were of a different character from the others. It appeared that much benefit would accrue to operators of aircraft not engaged in scheduled services (both commercial and private) if, at the very ieast, standardization could be obtained throughout Europe on the basis provided in paragraph 2.18 of Annex 9, and the Conference accordingly adopted the following recommendation :

2.12. RECOMMENDATION No. 12 - Temporary importation of non-scheduled aircraft

The Conference,

Whereas it is desirable to extend as far as possible to aircraft, not engaged in scheduled services, the " liberal customs procedure which applies on the temporary importation of aircraft engaged in scheduled services,

Recommends that Member States of the Conference allow aircraft not engaged in scheduled services (both commercial and private) to enter their territories temporarily without the owner or operator having to deposit a sum in respect of customs duties or furnish a guarantee to the customs authorities, and that, where this procedure is not possible without some limitation of time, entry may be allowed on the basis provided in paragraph 2.18 of Annex 9.

24. Under this agenda item, the Conference also discussed the use of clearance documents for statistical purposes, a substantial majority of the delegations present expressing the opinion that Member States of the Conference should consider means for obtaining statistics from sources other than clearance documents and select ways of obtaining them which have no effect upon formalities or the time required to clear an aircraft and the load that it carries. The Conference therefore adopted the following recommendation on this subject (a statement by the French and Italian Delegations concerning this recommendation appears in Appendix 5)1 :[5] :

2.13. RECOMMENDATION No. 13 - Use of clearance documents for statistical purposes

The Conference,

Whereas the elimination or reduction of clearance documentation, particularly at times of arrival and departure of aircraft, is a major objective of facilitation; and

Whereas the General Agreement on Trade and Tariffs (G. A. T. T.) in this connection recommends that, where statistical information is required by Governments, it should, as far as possible, be taken from the customs and other documents normally submitted by the exporter or importer for customs purposes (cf. Appendix 81 of Annex 9); and[6];

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5. LThe appendices are being distributed separately.
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Whereas, in accordance with the aim expressed in Annex 9, the passenger manifest and E/D card have already been eliminated in a number of States and the evntual elimination of the other clearance documentation is envisaged; and

Whereas some States require documents which affect clearance times or formalities for statistical purposes only;

Believing that clearance documents are neither sufficiently permanent in character nor widely and uniformly used in practice to provide satisfactory source material for statistical purposes,

Recommends that Member States of the Conference, to the extent that they require statistics, consider means for obtaining them from sources other than clearance documents and select ways of obtaining them which have no effect upon formalities or the time required to clear an aircraft and the load that it carries.

Development of adequate facilities within Europe for tourists travelling by air - [Agenda Item 6 (b) (ix)]

25. The Conference observed, in connection with its facilitation programme, that the development of European tourist traffic depended mainly on three things : (i) easy entrance formalities (i.e., facilitation); (ii) the so-called " Travel Plant " (i.e., adequate facilities and accommodation such as hotels, monuments, attractions, etc.); and (iii) advertising and promotion. The Conference noted with considerable interest Working Paper 38 submitted by the Institut du Transport Aerien (ITA) which pointed out that the development of jet transport might be hampered by the lack of adequate hotel facilities in Europe, and the resolution of 25th October 1956 adopted by the International Union of Official Travel Organizations (IUOTO) which pointed out steps which Governments might take in this connection (see Appendix 6)1[7]. Accordingly, the Conference adopted the following recommendation :

2.14. RECOMMENDATfON No. 14 - Adequate hotel facilities for the jet age

The Conference,

Whereas the introduction of jet aircraft with a large seating capacity and increased speed will substantially increase tourist traffic within Europe; and

Whereas the Conference is taking a number of steps in the field of facilitation to provide easy entrance formalities in order, inter alia, to promote tourist travel which is in the best interest of EC AC Member States; and

Whereas there are signs which tend to suggest that present hotel facilities will no longer in the jet age meet the needs of incoming European tourists travelling by air; and

Whereas the International Union of Official Travel Organizations has recently examined this problem,

Urges that Member States of the Conference consider the desirability and practicability of taking all necessary steps to ensure that there will be adequate hotel facilities to accommodate the increase in tourist traffic expected in the jet age and that, in this connection, they give consideration to utilizing some or all of the measures cited in the resolution of the International Union of Official Travel Organizations of 25th October 1956.

3. PART III - Technical

AGENDA ITEM 7. — Consideration of technical questions : Review of implementation of previous Recommendations (1954 nos. 25-27 and 1955 No. 5).

26. The Conference decided to divide its work into two main parts :

26.1. Consideration of the progress achieved in the implementation of the technical recommendations of the CATE/1 and ECAC/1 Conferences, namely, Recommendations Nos. 25, 26 and 27, Doc. 7575; and Recommendation No. 5, Doc. 7676. (Agenda Item 7, properly speaking (See paragraphs 28 and 29 infra).

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7. The appendices are being distributed separately.

26.2. Consideration of the technical problems suggested by ECAC/2-WP/32, 57 and 73 (other business). As regards each of the subjects raised in paragraphs 5 and 6 of WP/32 and in WP/57, the Technical Working Group was requested by the Chairman of the Working Group on Programme and Methods to answer the three questions which are given in WP/74 (See paragraphs 30 to 35 infra).

Implementation of Recommendations Nos. 25, 26 and 27, Doc. 7575; and Recommendation No. 5, Doc. 7676

27. *28.1 Recommendation No. 25 of Doc. 7575. The Conference noted that the elimination of the serious deficiencies in the implementation of the ICAO Regional Plan was a specific task for I. C. A. 0. In the particular case of the elimination of the EUM (European-Mediterranean Region) deficiencies, it further noted that AN-WG/IMP 92 (7th Review of Deficiencies in the EUM Region) dated 22nd March 1957 contained the most recent report on both the action already taken and remaining to be taken. Additionally, it was recalled that the EUM Regional Plan was now needing considerable revision owing to important changes in operational requirements, and that a substantially new plan would be prepared by the forthcoming 4th EUM RAN (Regional Air Navigation) Meeting. The Conference therefore considered that, at this stage, no action other than the normal ICAO action was required.*

28.2 Recommendation No. 26 of Doc. 7575. The Conference noted that the progress achieved in the implementation in the EUM Region of air/ground radiotelephony facilities was reported in ECAC/2-WP/66, and it considered that, as a whole, the situation had developed satisfactorily. As regards those remaining difficulties which had not yet been fully resolved, particularly in respect of the dissemination by radiotelephony of operational meteorological information, it was expected that the necessary steps would be taken by the 4th EUM RAN Meeting.

28.3 Recommendation No. 27 of Doc. 7575. Since Recommendation No. 27 was limited to undertaking a survey of the situation and to seeking advice from the users of the existing briefing and debriefing services, the Conference, after having examined the contents of ECAC/2-WP/27, recognized that full implementation had been achieved. The Conference noted with satisfaction that I. C. A. 0. had decided to continue action with the object of issuing guidance material aimed at achieving uniformity on a worldwide basis.

28.4 Recommendation No. 5 of Doc. 7676. The Conference, taking into account the fact that the use of helicopters for commercial services had developed only to a very small extent since the first session of the Conference, considered that the ICAO action already taken on this Recommendation, and reported in ECAC/2-WP/29, was sufficient at this stage.

28. The Conference did not consider that the foregoing review required embodiment in a formal recommendation.

Technical questions suggested by ECAC/2-WP/32, 57 and 73

29. These questions are dealt with in the following five paragraphs, numbered 31 to 35, inclusive.

European Cooperation in Aircraft Maintenance :

30. *31.1 Definition of the problem. When inter-airline arrangements for aircraft maintenance are made between airlines of different States, problems may arise in connection with the following :*

a. the continuing airworthiness of aircraft when they are maintained, overhauled, repaired or receiving a periodic inspection in foreign hands;

b. the reciprocal acceptance of the technical value of States' personnel licences and the validation of such licences by the countries concerned;

c. The recognition by States of specialized overhaul and maintenance workshops or organizations.

31.2 Advisability of maintaining the subject on the work programme of E. C. A. C. The Conference agreed that the subject should be maintained on ECAC's work programme.

31.3 Method suggested. The Conference was of the opinion that, until new circumstances arise which would call for a different approach, the problem of European cooperation in aircraft maintenance could be satisfactorily tackled by the adoption and application of the following recommendation :

RECOMMENDATION No. 15 Aircraft maintenance The Conference recommends

30.1. that States should take such steps as may be necessary to eliminate any difficulties caused to airlines by the application of national regulations for the maintenance of aircraft, when they are away from the State of Registry;

30.2. that each State should communicate to the other States, through I. C. A. 0., detailed information on regulations governing maintenance, especially in respect of maintenance outside the country in which the aircraft is registered. The Conference notes that, should the exchange of information referred to in paragraph 2) above show that serious difficulties could still arise, methods to eliminate them should be sought within E. C. A. C.

European Cooperation in the Basic Training of Flight Personnel

31. *32.1 Definition of the problem. By basic training is meant the studies leading to the issue of the different basic licences to flight personnel, excluding any subsequent aircraft ratings. Thus defined, the problem reduces itself to studying the possibility of coordinating the use of training facilities.*

32.2 Desirability of including this subject in the work programme of E.C.A. C. The Conference decided that the question should be placed on the work programme of E. C. A. C. It was noted that this question did not appear to lie within the present field of activities of I. C. A. 0.

32.3 Proposed method of handling the problem. The Conference considered that the matter should be referred to a Study Group with suitable terms of reference. It accordingly adopted the following recommendation :

RECOMMENDATfON No. 16 Basic training of flight personnel The Conference recommends that a Study Group should be established to consider and report on European cooperation in the basic training of flight personnel, with terms of reference as follows :

31.1. to analyse the training programmes specified in the Member States for the issue of licences to flight personnel and, if necessary, the related regulations and practices;

31.2. to analyse the training facilities available in the Member States;

31.3. to consider the possibility of coordinating the use of training facilities and to make recommendations with a view to making them available on a cooperative basis.

31.4. 32.4 The Conference was of the opinion that the fact that a Study Group of E. C. A. C. would be called upon to deal with the above-mentioned general problem would not be incompatible with smaller-scale arrangements made in the same field, on a bilateral or multilateral basis, by certain European States.

European Cooperation in the Training of Air Navigation Services Ground Personnel

32. *33.1 Definition of the problem. The problem consists in studying the possibility of standardizing training methods and coordinating the use of training facilities for certain categories of air navigation services ground personnel.*

33.2 Desirability of including this subject in the work programme of E. C.A. C. The Conference considered that the subject should be placed on the work programme of the European Civil Aviation Conference.

33.3 Proposed metliod of handling the problem. The Conference considered that the matter should be referred to a Study Group, with suitable terms of reference. It accordingly adopted the following recommendation :

RECOMMENDATION No. 17 Training of air navigation services ground personnel The Conference recommends that a Study Group should be established to consider and report on European cooperation in the training of Air Navigation Services ground personnel, with terms of reference as follows :

32.1. détermination des catégories de personnel au sol des services de navigation aérienne pour la formation desquelles la coopération européenne est souhaitable;

32.2. analyse des programmes d'études adoptés par les Etats membres pour la formation de ces catégories de personnel au sol;

32.3. analyse des moyens d'instruction existant dans chaque pays;

32.4. examen de la possibilité de coordonner l'utilisation des moyens d'instruction et élaboration de recommandations en vue de leur utilisation en coopération.

33.4 La Commission a estimé que le fait qu'un groupe d'étude de la C. E. A. C. serait chargé d'examiner le problème général ci-dessus ne serait pas incompatible avec la conclusion d'arrangements à une plus petite échelle dans ce domaine, sur le plan bilatéral ou multilatéral, entre certains Etats européens.

Création d'un centre d'expérimentation de la circulation aérienne - (Note ECAC/2-WP/57)

33. La Commission a noté avec intérêt l'idée évoquée dans la note ECAC/2-WP/57 concernant la création d'un centre d'expérimentation de la circulation aérienne, mais elle a estimé qu'il était prématuré d'inscrire cette question au programme de travail de la C. E. A. C.

Uniformisation des règlements - (ECAC/2-WP/73)

34. En réponse à une demande du président du groupe d'étude sur le programme et les méthodes de travail de la C. E. A. C, le groupe d'étude technique a noté avec intérêt la proposition présentée dans la note ECAC/2-WP/73 de créer un groupe d'étude chargé d'étudier le problème de l'uniformisation des règlements relatifs lau personnel navigant, à l'exploitation technique des aéronefs et à la navigabilité. Sur la recommandation du groupe d'étude technique, la Commission a estimé que le groupe proposé pour étudier la formation du personnel navigant devrait examiner selon les besoins les règlements des divers Etats sur la délivrance des licences au personnel navigant. Elle n'a pas jugé nécessaire pour le moment d'instituer un groupe d'étude pour les autres questions. Elle est toutefois convenue qu'il y aurait avantage à s'assurer s'il existe d'autres problèmes résultant du défaut d'uniformité des règlements relatifs à la circulation aérienne et à l'exploitation technique des aéronefs. Elle a donc proposé l'adoption de la recommandation suivante :

3.1. RECOMMENDATION. No. 18 - Standardization of regulations

The Conference recommends that States should communicate, through I. C. A. 0. to other Member States, information on any difficulties encountered due to lack of uniformity in regulations governing air traffic and the technical operation of aircraft.

The Conference notes that, where such information indicates the existence of serious difficulties, E. C. A. C. should consider the action necessary to eliminate them.

Other business

Consideration of Runway Lengths (ECAC/2-WP/37)

35. The Conference, through its Technical Working Group, examined with interest ECAC/ 2-WP/37, presented by the Institut du Transport Aérien (ITA), and noted that this item had been dealt with by the sixth session of the AGA Division and had been eliminated from the Agenda of the Conference.

4. PART IV - Interchange of aircraft and validation of certificates of airworthiness

AGENDA ITEM 5 (c). — Interchange of aircraft:

1. Review of implementation of previous Recommendations (1954 Nos. 7-12 and 1955 Nos. 3 and 4), including consideration of the report of the study group established pursuant to the Conference's Recommendation No. 4 (1955);
2. Consideration of the need for further action.

AGENDA ITEM 8 (b). —- Validation of certificates of airworthiness. Exchange of views on the need for a multilateral agreement.

Interchange of aircraft

Review of Implementation of Previous Recommendations

36. Reports received by the Conference indicated that the Recommendations made in connection with the interchange of aircraft at the two previous European Conferences at Strasbourg had been to a large extent implemented. The Governments of ECAC Member States appear to be substantially in agreement in desiring to facilitate aircraft interchange arrangements, and a number of such arrangements have in fact been concluded in the European region. It was observed that there were certain practical difficulties that were likely to arise in connection with the interchange or aircraft without crew, owing to differences in Government regulations relating to operation of the aircraft, and this gave rise to a suggestion that an attempt should be made to standardize such regulations in the European region. It was decided, however, that such standardization might tend to retard progress by making it too difficult to modify regulations when required, and was in any event a proposal that went beyond the question of aircraft interchange.

37. Pursuant to Recommendation No. 3 of the 1955 Conference, the Council of I. C. A. 0. arranged that the study of the I problems of the charter and hire of aircraft being carried out by its Legal Committee should include consideration of the problems that arise when, in an arrangement for interchange of aircraft without crew, certain functions of the State of registry are transferred to the State to which the operator of the aircraft belongs. The Legal Committee has not yet completed its study of these problems, but the Conference had before it a report of the Sub-committee established for the purposes of this study and also received an informal verbal report from the Chairman of the Legal Committee on the tentative conclusions so far reached. The Conference noted that the preliminary conclusions of these legal studies suggested that such interchange of aircraft as might be found useful within the European region would not seem likely to raise legal problems in relation to the Chicago Convention of a kind that would require either amendment of that Convention or the establishment of a special convention. A statement made by the Legal Adviser of I. A. T. A. dealing with the Chicago Convention pointed in the same direction. The Conference records its appreciation of these contributions to its work in this field.

Report of the Study Group Established Pursuant to Recommendation (1955) No. 4

38. The Conference examined in detail the report presented by the Study Group established pursuant to Recommendation No. 4 of the 1955 Conference (Appendix 3)1[8]. The Conference agreed generally with the proposals put forward by the Study Group except in respect of certain matters concerned with the application of the IATA " Regulations for the Carriage of Restricted Articles by Air ", the adoption of a unified code of aircraft performance, and the need for a study by airworthiness experts of the arrangements for certain aspects of aircraft maintenance.

39. The proposal for the general adoption in national regulations of the IATA " Regulations for the Carriage of Restricted Articles by Air" was generally supported but was considered to touch on matters beyond the terms of the agenda of the Conference, and no recommendation is suggested in this connection.

40. On the subject of aircraft performance, the Conference, while agreeing that the development of a unified code would facilitate aircraft interchange agreements, did not accept that this should be brought about by the adoption of the present United States type code, since additional requirements were necessary when this was applied to turbine-powered aircraft. The Conference felt it unnecessary to make any recommendations in this connection in view of the work being undertaken by the ICAO Airworthiness Committee. As regards long-term airworthiness problems, the Conference, although agreeing generally with the analysis of the problem made by the Study Group, decided that there was no need for a study of this subject by airworthiness experts at this time, but that this could be reconsidered in the future if a position developed which justified it.

The Development of a Multilateral Agreement to Facilitate Interchange Arrangements

41. Recommendation No. 4 of the 1955 Conference envisaged the possibility of some form of international multilateral action to deal with some of the practical problems requiring governmental attention in aircraft interchange arrangements and hence to facilitate such arrangements. The Conference believes that the recommendations developed from the proposals contained in the report of the Study Group will be generally accepted by the Governments of ECAC States and could form the basis of a multilateral agreement in this field. It is therefore proposed that the Secretariat, in consultation with the Governments of ECAC States, should prepare a suitable draft for such an agreement and should circulate this draft to member States in good time for consideration at the next session of the Conference.

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8. The appendices are being distributed separately.

42. The Conference received a statement from the International Federation of Airline Pilots Associations pointing out that certain difficulties might arise in connection with international interchange arrangements in Europe if crews were required to fly aircraft of several different types or of the same type, but with different or differently arranged equipment. The Conference took note of these points but felt that it was the responsibility of the carriers concerned to ensure that air crews taking part in interchange arrangements would be at all times properly familiarized with the aircraft they were required to fly.

Recommendations governing Interchange of Aircraft

43. The Conference has therefore adopted the following recommendations :

5. RECOMMENDATION No. 19 - Validation of crew licences

The Conference,

Whereas national regulations guarantee that flight crew members of aircraft engaged in international air transport meet the minimum requirements specified in Annex 1 to the Chicago Convention; and

Whereas flight personnel of aircraft engaged in European international commercial operations have experience considerably in excess of the minimum experience required by Annex 1; and

Desirous of facilitating the conclusion of agreements for interchange of aircraft between airlines of the Member States of E. C. A. C,

Recommends

1. that, for the purpose of implementing such interchange agreements, the licensing authorities of the State of Registry of the aircraft should validate the licences of the crew that is to fly it, either

   a. in the form of a statement to be kept in the aircraft to the effect that the State of Registry validates the licences of any such crew; or

   b. in the form of annexes to the crew's own licences;

2. that, if the procedure described in (1) (6) above is adopted, the competent licensing authorities of the State of Registry should grant validation upon request from the authorities that issued the crew licences in question, giving the full name, nationality and date of birth of the holders of the licences to be validated, together with the particulars of each licence held, including the number and date of issue;

3. that these procedures should be followed also in connection with the recognition of the special licence provided for in Article 30 (b) of the Chicago Convention in connection with the use of radio apparatus.

6. RECOMMENDATION No. 20 - Delegation of annex 6 functions

The Conference,

Whereas Annex 6 to the Chicago Convention does not prevent the State of Registry from delegating to another State the functions it is required to carry out by that Annex; and

Whereas such a delegation of functions might in certain cases facilitate interchange arrangements,

Recommends that, where interchange arrangements would be thereby facilitated, the State of Registry of the aircraft interchanged should to the extent considered necessary delegate to the State of the Operator its functions under Annex 6 of the Chicago Convention.

7. RECOMMENDATION No. 21 - Accident inquiries

The Conference recommends that, in case of an accident involving an interchanged aircraft,

1. the State of the Operator should provide the State of Registry with all information required by it in order to comply with the provisions of Annex 13 to the Chicago Convention;

2. the State of Registry should allow the State of the Operator the possibility of designating representatives among the observers that the State of Registry may appoint in accordance with Article 26 of the Chicago Convention; and

3. the State of Registry should communicate to the State of the Operator the report and findings on the accident inquiry.

8. RECOMMENDATION No. 22 - Report on implementation of recommendations

The Conference recommends that States should inform the President of E. C. A. C. by 1st November 1957 of their acceptance of Recommendations 19, 20 and 21, and of the procedure they have adopted for the validation of personnel licences referred to in Recommendation 19.

9. RECOMMENDATION No. 23 - Preparation of draft multilateral agreement

The Conference recommends that the Secretariat, in consultation with the Governments of ECAC States, should prepare a draft for a multilateral agreement on the technical aspects of aircraft interchange, taking account of Recommendations 19-22, and should circulate this draft to Member States at least four months before the next Session of the Conference.

Validation of certificates of airworthiness

Desirability of a Multilateral Agreement

44. The Conference first established that there was sufficient support for a multilateral agreement within E. C. A. C. on the validation of certificates of airworthiness .to suggest that the idea should be pursued. Some Delegates indicated that their Governments had felt no need for a multilateral agreement of this kind, but there was no opposition to the proposal and a substantial number of States were strongly in favour of it. The Conference therefore has decided that steps should be taken to develop such a multilateral agreement for finalization and adoption at the next session of the Conference.

Procedure for developing the Agreement

45. Having established that an attempt should be made to develop a multilateral agreement, the Conference examined the draft provisions submitted by the United Kingdom in ECAC/2-WP/34 and WP/103, in order to see whether they would provide a basis for such an agreement. Some of these provisions were the subject of discussion and suggestions for alternative drafting, and it seems probable that Governments will wish to submit them to their technical experts before finally adopting them, but the Conference found them acceptable in principle and believes that they will form a useful starting-point for the development of a multilateral agreement.

Recommendation Governing Validation of Certificates of Airworthiness

46. The Conference has therefore adopted the following Recommendation :

10. RECOMMENDATfON No. 24 - Preparation of draft multilateral agreement

The Conference,

Whereas the validation of Certificates of Airworthiness of aircraft constructed in a State other than that of registration has so far been achieved either under ad hoc arrangements or in accordance with conditions established under formal bilateral agreements; and

Whereas the form of agreement achieved bilaterally would appear to be capable, with modification in form but without major change in substance, of adaptation to an agreement on a wider basis; and

Whereas a multilateral agreement within the European Civil Aviation Conference on the validation of Certificates of Airworthiness would obviate the present need for bilateral and ad hoc negotiations and, by standardizing and unifying to the greatest practical extent the technical conditions which Member States would accept and the administrative procedures they would follow, facilitate the acceptance by one State of aircraft constructed in another, thus helping the orderly development of civil aviation in Europe,

Recommends

1. that the Secretariat prepare a draft multilateral agreement on the validation of Certificates of Airworthiness, using as a starting-point the draft in Appendix 4 to this Report and taking account of the views expressed at the Second Session of the European Civil Aviation Conference;

2. that a Study Group be established to examine this draft in order to develop a text to be considered at the next Session of this Conference and to be recommended for signature.

11. PART V - Economic questions

AGENDA ITEM 5 [a). —• Commercial rights for scheduled services

AGENDA ITEM 5 (b). — Commercial rights for non-scheduled operations

Commercial rights for scheduled services

Development of a Multilateral Agreement on Scheduled Services in Europe - [Agenda Item 5 (a) (1)]

47. A number of proposals concerning the action to be taken to achieve a multilateral agreement were presented by various delegations for consideration by the Conference. On the one hand, the Netherlands and Luxembourg, in WP/63, proposed for adoption by that session of the Conference a specific form of agreement designed to confer on the participating States full commercial rights for the operation of scheduled international air services on all aerodromes open to international air traffic in the territories of other participating States, and incorporating certain safeguards against excessive competition. This proposal was favoured by Denmark, Finland, Iceland, Norway and Sweden.

48. On the other hand, France proposed, in WP/65, as a partial solution, the establishment of a study group to prepare for consideration at the next session a draft multilateral agreement, based on standardized clauses from existing bilateral agreements. This form of action was supported by Belgium, Italy, Portugal and Spain. France also, together with Spain, proposed (WP/65 and WP/53) that a study group should prepare for the next session a draft model plurilateral (" plurilateral " connotes a smaller number of States than " multilateral ") agreement for a group of States whose carriers would operate routes or groups of routes on a cooperative basis, such agreement to set forth the schedule of routes to be operated and the methods of allocating the services, frequencies and capacities. This plurilateral approach was also favoured by Italy and Sweden.

49. Other partial solutions were suggested by the United Kingdom in WP/64 and by Germany in WP/71. The United Kingdom proposed that a working group should be set up to prepare for consideration at the next session of the Conference a draft multilateral agreement, which would embody standardized general clauses from existing bilaterals, include Bermuda-type capacity provisions, and leave routes for bilateral negotiation. Germany favoured the development of a multilateral agreement on the basis of standardized provisions from bilaterals and dealing with the liberalization of direct traffic rights.

50. None of these proposals was found to be acceptable to a majority of the Conference. There was complete agreement that the achievement, as soon as possible, of a multilateral agreement to liberalize air transport in Europe remained the prime objective in this field, but it was recognized that the present divergence of views on the fundamental questions of capacity control and allocation of routes rendered impossible the immediate adoption of a multilateral agreement as proposed by the Netherlands. This being the case, it was generally conceded that an attempt should be made to move towards the ultimate goal by gradual stages or partial solutions.

51. The various proposals for partial multilateral agreements were not felt to be suitable for development at the present time, but the Conference agreed that it would be useful to have carried out a study of the general administrative and technical provisions of existing bilateral agreements relating, for example, to charges for airports and air navigation facilities; customs duties on aircraft fuels, lubricants and spare parts; entry and clearance of foreign aircraft, passengers, crew and cargo; recognition of foreign licences and certificates required in the operation of aircraft; and the settlement of disputes. It was further agreed that this study should not cover the provisions relating to capacity control and the allocation of routes, in view of the fundamental lack of agreement on these questions. Accordingly the Conference adopted the following recommendation :

11.1. RECOMMENDATION No. 25 - Study of bilateral agreements

The Conference,

Whereas the achievement, as soon as possible, of a multilateral agreement to liberalize air transport in Europe remains a basic objective of the European Civil Aviation Conference;

Whereas the present divergence of views on methods of regulating capacity and allocating routes renders impractical any immediate attempt to adopt a multilateral agreement, and

Whereas the Conference believes that some work should be done in order to make progress towards the ultimate objective,

Recommends

1. that the Secretariat study the provisions of bilateral agreements (excluding those relating to routes and capacity) and attempt to develop standard clauses in a form acceptable to all ECAC Member States;

2. that a Study Group be established to be convened at the discretion of the President of the Conference to consider material prepared by the Secretariat in accordance with (1) above; and

3. that the Study Group prepare a report on this matter for the next session of E. C. A. C.

Interim Action

52. The Conference considered also, on the basis of a draft recommendation presented by Belgium in WP/55 and an amendment thereto proposed by the Netherlands in WP/87, the need for an interim policy to be followed pending the achievement of a multilateral agreement. There was a division of opinion on the amended Belgian proposal, and a working group composed of representatives of Belgium, France, the Netherlands and the United Kingdom was established to attempt to prepare a generally acceptable text. This group produced two draft recommendations, one favoured by Belgium, France and the Netherlands (WP/97) and the other favoured by the United Kingdom (WP/100), which were considered together. Taking into account the views expressed in the Sub-commission to which this agenda item had been assigned, the representatives of Belgium, France and the Netherlands prepared a revised text (WP/105) which was eventually, after certain amendments had been made, adopted by the Sub-commission by a vote of 11 to 0, with 5 recorded abstentions (Denmark, Norway, Sweden, Turkey and the United Kingdom). Those States that abstained explained that they were unable to support the draft recommendation, for the reason that the policy defined therein was insufficiently liberal, particularly with regard to fifth freedom traffic. Statements explaining the positions of Denmark, Norway, Sweden and the United Kingdom appear in Appendix 51[9].

53. The text of the recommendation proposed for adoption by the Sub-commission, and adopted by the Conference at its final plenary meeting, is as follows :

11.2. RECOMMENDATION No. 26 - Liberalisation of scheduled services

The Conference,

Whereas one of the basic objectives of the European Civil Aviation Conference is the achievement, on a multilateral basis, of progressive and orderly liberalization of intra-European scheduled air transport; and

Whereas until a multilateral agreement can be achieved, it is desirable to follow a policy aimed at creating conditions favourable to the attainment of such results; and

Whereas it is desirable that the costs of air transport operation should be reduced and its efficiency improved by the removal of economic impediments, utilizing cooperation between the airlines and other means, in order to extend the benefits of air transport to an ever increasing number of users,

Recommends that, in conformity with Recommendations Nos. 1 and 2 of the Conference on Coordination of Air Transport in Europe (Strasbourg 1954), States should follow a liberal policy in general in the granting of traffic rights, and, with this objective :

1. should adopt a liberal attitude towards direct intra-Europcan services (i. e., services without commercial stops in the territories of third States); and should facilitate the establishment and operation of other intra-European air services of Member States unless it is considered that these services unduly affect national carriers or do not serve the interests of the users; and

2. should give favourable consideration to cooperative arrangements between airlines aiming at improving the service given to users or the reduction of operating costs; and

3. when they approve such arrangements, should take the necessary steps to ensure that any provisions of bilateral agreements and operating permits incompatible with the arrangements will not prevent their implementation; and

9. The appendices are being distributed separately.

4. should when necessary consult with each other, bilaterally or plurilaterally, on the implementation of these policies.

Development of a Multilateral Agreement on the Transport of Freight in Europe - [Agenda Item 5 (a) (ii)]

54. In addition to a general review of the subject submitted by the Secretariat in WP/4, the Conference had before it two proposals; the first, presented by Spain in WP/54, being a draft multilateral agreement for scheduled all-freight services; and the second, presented by Denmark in WP/56, being a draft recommendation advocating freedom at all traffic stops as regards freight loaded and unloaded within the region on mixed passenger and freight services. It was decided to consider separately the questions of all-freight services and mixed services.

55. On the subject of scheduled all-freight services, the Conference, while appreciating the contribution made by Spain, was of the opinion that the consideration of a multilateral agreement at the present time would be premature, in view of the small amount of this category of traffic. The general view was that the development of scheduled all-freight services could best be fostered at the present stage by the widespread and liberal application of Recommendations Nos. 3 and 4 of the 1954 Strasbourg Conference, and it was also agreed that a. Secretariat study of the problems of intra-European freight traffic would be useful. The Conference accordingly adopted the following recommendation :

11.3. RECOMMENDATION No. 27 - Freight traffic

The Conference,

Whereas the present state of scheduled all-freight air services in Europe is not such as to warrant consideration of a multilateral agreement for this category of traffic; and

Whereas the liberalization and development of freight traffic remains an objective of the European Civil Aviation Conference,

Recommends :

1. that States implement fully Recommendations Nos. 3 and 4 of the 1954 Strasbourg Conference; and

2. that the Secretariat study further the problems of intra-European freight traffic on the basis of the draft multilateral agreement presented in ECAC/2-WP/54, the views expressed at the second session of E. C. A. C, and available statistical information, with a view to submitting a report to a later session of the Conference.

56. The carriage of freight on scheduled mixed services was considered on the basis of the draft recommendation presented by Denmark in WP/56. This proposal, which advocated freedom at all traffic stops as regards freight loaded and unloaded within the region on mixed passenger and freight services, was supported by Belgium and several other delegations but opposed by a greater number, one of the principal objections being that no distinction should be made between the various classes of traffic in the granting of traffic rights. In view of the lack of general support, the Danish Delegation withdrew its proposal. The Conference was in agreement, however, that the Secretariat study called for in paragraph 56 above should cover the carriage of freight on mixed services.

Air Mail : Present Situation and Action to be taken to develop this category of Traffic - [Agenda Item 5 (a) (iii)]

57. A proposal presented by France in WP/42 to the effect that a thorough study should be undertaken of the operation of air mail services in Europe received no support and the examination of this subject was based on a Netherlands' draft resolution, first submitted in WP/30, explained in WP/84 and subsequently re-issued in revised form in WP/90. A number of delegations opposed the proposed recommendation for two main reasons. The first was that it was felt to imply that postal administrations should follow a certain practice, namely of loading air mail on the first available aircraft, which might be contrary to their policy. The second objection was that, as in the case of freight, it was undesirable to grant traffic rights to mail that were not granted to other classes of traffic. A compromise proposal aiming at improving the air mail service in cooperation with the U. P. U., submitted by France (WP/98), was not accepted and the Conference finally adopted the following recommendation by 9 votes to 5 with 3 abstentions. A statement by the French Delegation, endorsed by the Portuguese Delegation, concerning this recommendation appears in Appendix 5 1.[10].

11.4. RECOMMENDATION No. 28 - Air mail

The Conference,

Whereas it is desirable and important that air mail be despatched in the most rapid way so as to serve the public in accordance with the possibilities provided by the latest achievements in the technical field; and

Whereas the States. Parties to the Convention on International Civil Aviation of Chicago, 7th December 1944, have agreed on the development of international air transport services in the interests of the nations and peoples of the world,

Recommends that each State, member of the Conference, shall, in respect of the transportation of mail on scheduled services within the Region, refrain from taking or, as the case may be, abolish any measures which directly or indirectly prevent or hamper their postal authorities from making use, for the carriage of air mail, of the first available aircraft, whatever its nationality, providing the most rapid and suitable means of conveyance of mail to its destination.

Commercial rights for non-scheduled operations

Multilateral Agreement on Commercial Rights of Non-Scheduled Services in Europe - [Agenda Item 5 (è) (i)]

58. The status of the Multilateral Agreement on Commercial Rights of Non-Scheduled Services in Europe [Agenda Item 5 (b) (i)j, which had been approved at the first session of the Conference and opened for signature in Paris on 30th April 1956, was considered by the Conference. The delegates of Switzerland and France announced that their Governments had ratified the Agreement on 2nd and 23rd April 1957 respectively and it was noted that in accordance with Article 6 (i) the Agreement would enter into force between these two States three months after the date of the deposit of the second instrument of ratification. A number of other delegates indicated that their Governments were planning to ratify the Agreement in the near future and the Conference adopted the following recommendation :

11.5. RECOMMENDATION No. 29 - Multilateral agreement concerning non-scheduled operations

The Conference,

Whereas the Multilateral Agreement on j Commercial Rights in Non-Scheduled International | Air Services within Europe, opened for signature j on 30th April 1956, has been signed by all but three i States Members of the European Civil Aviation j Conference, but has as yet been ratified by only | two,

Recommends :

1. that those States that have signed the Agreement complete as speedily as possible such legislative and other processes as will enable them to proceed with ratification;
2. that those States that have not yet done so sign and ratify the Agreement; and
3. that States apply the clauses of the Agreement in a liberal spirit.

Development of Non-Scheduled Air Transport Services in Europe - [Agenda Item 5 (b) (ii)]

59. The Conference considered this matter on the basis of a Secretariat paper (WP/7) reviewing the statistical considerations involved in studying this question, and comments submitted by Switzerland in WP/50. The Swiss comments were discussed, and it was noted that they appeared to offer suggestions for future amendment of the existing Multilateral Agreement which should be borne in mind in any study of the subject.

60. On the question of collecting statistics, raised by the Secretariat in WP/7, the Conference was in general agreement that more statistical information was required to enable a proper study to be made of the development of non-scheduled aviation. The difficulty of obtaining statistics from non-scheduled operators was recognized, but it was felt that the possibility should be explored, and there was general agreement that statistics covering aircraft movements at airports which are generally available in Europe, might provide a good source of information concerning non-scheduled operations. Accordingly the Conference adopted the following recommendation :

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10. The appendices are being distributed separately.

11.6. RECOMMENDATION No. 30 - Non-scheduled aviation statistics

The Conference,

Considering the necessity of obtaining fuller statistical information to enable a study to be made of development of non-scheduled aviation in Europe,

Recommends that the Secretariat examine the possibility of obtaining regular statistics of non-scheduled operations in Europe from airport returns of aircraft movements or other sources, and submit a report on the matter to the next session of the Conference.

12. PART VI - Working methods and programme

AGENDA ITEM 8. — Other business :

(a) Consideration of relations with the Air Research Bureau (A. R. B.);

(c) Programme and methods of work of E. C. A. C.

61. The Conference decided to divide its work under this heading into three main parts :

61.1. Consideration of its general working methods (paragraphs 63 to 75 infra); and

61.2. Consideration of the work programme developed at its present (second) session (paragraphs 76 to 80 infra); and

61.3. Consideration of its relations with the Air Research Bureau (A. R. B.) (paragraph 81 infra).

General Working methods

62. The Conference was of the opinion that E. C. A. C.'s efficiency was conditional upon thorough preparation of its sessions, which in turn required continuity in its work. In this respect, it is important to make a very clear distinction between the work programme of E. C. A. C. and the agenda of each session. Special attention should therefore be given to the definition of an initial programme, to its periodical revision and to the selection of working methods best suited to each of the subjects on its programme.

Structure of Work Programme

63. It is proposed that the programme should be divided into three parts :

a. the first and second parts would be limited to those items which the Conference has decided to study prior to the following session. However, with respect to the second part, the Conference would make this study dependent upon the fulfillment of certain well defined preliminary conditions. Thus, in the case of the subject " Consideration of certain problems raised by the possible pooling of European air traffic control facilities " (paragraph 79 infra), the Conference would subject the actual commencement of the study to a series of definite conditions, namely : that the EUMED/RAC and EUMED Regional meetings result in recommendations to pool traffic control services; and that the President obtain the consent of the interested States;

b. the third part would consist of subjects considered important by the Conference and likely to be studied by it at some later stage, but not until at least the following session, the States or other organizations being meanwhile entrusted with the task of furthering such study.

Establishment and Revision of the Work Programme

64. The Conference's proposals on the initial programme appear in paragraphs 76 to 79 of this report. The programme would be systematically revised, it was understood, at each ordinary session of E. C. A. C.

65. The question arises of the possible need to add new items to the programme in the interval between two sessions, or to transfer any of the questions under the third part to one of the other two parts of the programme. The Conference proposes in this connection that, unless the President has obtained by correspondence the unanimous consent of Member States to the addition of a further item, or to the above-mentioned transfer, which may be proposed by the President himself or by one or more Member States, any such addition, or transfer, must result from a decision taken at an extraordinary meeting of E. C. A. C.

However, the President, the State or States that have taken this initiative may further the study by their own means and inform E. C. A. C. and the Member States, at such time as they see fit, of the conclusions they have reached.

Methods available for preparing and documenting Questions included in the Work Programme

66. The bodies at the disposal of the ECAC President and Vice-Presidents for the preparation and documentation required to further the study of subjects in the first part of the programme may be classified as follows :

66.1. Ithe ICAO Secretariat, as a whole, or elements therefrom placed at the disposal of E. C. A. C. under the conditions laid down in Resolution 1, paragraph 9, of the first session;

66.2. a Member State, designated to act as rapporteur;

66.3. working groups composed of representatives of Member States and open to all Member States, or of limited membership, as may be decided, membership of limited groups being determined by the Conference or its President;

66.4. committees of experts which E. C. A. C. may ask States to place at its disposal;

66.5. inter-governmental organizations other than E. C. A. C and I. C. A. 0.;

66.6. any other person (individual, firm, corporation or institution) or groups of persons, as appropriate.

67. The choice of the method for preparing and documenting questions, including the selection of the corresponding body or bodies, normally falls to the Conference. It is normally made when an item is added to the first or the second part of the work programme.

68. The Conference may, in specified cases, leave latitude to the President, in the interval between sessions, to amend the methods it has adopted for preparing and documenting questions.

69. In the case considered in paragraph 66, namely, consultation of States on the addition of a new item to the programme, the President should, at the same time, consult them on the selection of the method for preparing and documenting questions.

Establishment of the Provisional Agenda of an EC AC Session

70. When consulting States and the ICAO Council in accordance with Rule 2, paragraph 1, of the Rules of Procedure on the provisional agenda of an ECAC session, the President shall provide full information on the progress of studies, and he should normally propose to retain only those subjects which have reached a sufficient degree of maturity and have been sufficiently prepared to yield solutions, or at least be susceptible of development through joint consideration.

71. The agenda should be finalized by him in time for circulation to States, together with the supporting documentation, two months in advance of a session. The agenda should include the following items :

a. report on the action taken by the President;

b. action required on items remaining in the third part of the work programme.

Periodicity of Sessions

72. The Conference noted that Rule 1 of the Rules of Procedure, while providing for an annual session, does not state the exact interval which should elapse between two sessions. It was of the opinion that this Rule could be applied with the flexibility needed for the efficient conduct of E. C. A. C.'s work. Should the Conference prefer, during a session, not to decide on the date of the next session, the President would determine it in consultation with Member States and I. C. A. 0.

Conduct of Sessions

73. The Conference decided that the new officers should be elected at the beginning of each session, but that they should not take office until 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.

General Remarks

74. The foregoing proposals should not be considered as providing a complete and final solution to the establishment of the programme and working methods to be adopted by E. C. A. C.1[11]. They are rather a starting point, and it will be for the President to report to the next session on the functioning of the overall machinery that will result from the decisions of the present session.

Work programme developed at the second session of E. C. A. C.

75. The Conference gave careful consideration to the establishment of its inter-session work programme and arranged it according to the threefold classification mentioned in paragraph 64 above. A detailed discussion of the considerations that led to the inclusion and classification of the various items will be found in ECAC/2-WP/102 (Revised), and a synopsis of the programme finally drawn up is attached as Appendix 8 to this Report. It will suffice merely to record the classification here, with references to previous paragraphs in this report as appropriate.

76. The following items were decided for inclusion in the first part :

76.1. European cooperation in the basic training of flight personnel (paragraph 32 supra);

76.2. European cooperation in the training of air navigation services ground personnel (paragraph 33 supra);

76.3. Multilateral agreement on interchange of aircraft (paragraphs 37 to 44 supra);

76.4. Multilateral agreement on validation of certificates of airworthiness (paragraphs 45 to 47 supra);

76.5. Examination of common clauses in bilateral agreements (paragraphs 48 to 52 supra);

76.6. Study of problems of intra-European freight services (paragraphs 48 through 52 supra);

76.7. Examination of possibility of collecting regular statistics on non-scheduled services in Europe (paragraphs 59 and 60 supra).

77. The following item was decided for inclusion in the second part:

78. The subject was proposed and defined by Spain in WP/32, paragraph 8. It was also considered, from a different angle, by the special Implementation Panel in its Report on the European-Mediterranean Region (Doc. 7758, PNL/2)1[12].

79. The Conference, while recognizing the interest of the subject, was of the opinion that no action was required of E. C. A. C. until it knew the results : first, of the EUMED Regional Air Navigation Meeting which is to revise the Regional Plan; and second, of the meeting on charges for en rouje air navigation facilities which is expected to be held in March 1958 under the auspices of I. C. A. 0.

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11. 1. In the preliminary stage of consideration of the work programme by the Programme and Methods Group, the President of the Conference invited suggestions on this question from all delegations. The invitation and the written suggestions received and taken into account by the Group are reproduced as Appendix 7*. * Th e appendices are being distributed separately.

12. " I t is generally foreseen that the forthcoming regional meeting will find it necessary to recommend oxtensivo changes in the air traffic control scheme for Europe; particularly, the advent of jet transports seems to demand new provisions. It seems to us of the greatest importance that the work of the meeting, especially in the field of air traffic control, be conducted on a broad truly regional concept, unhampered by considerations of national boundaries, to meet practical operational requirements with the greatest attainable efficiency. There could bo various ways of attaining those objectives : Air traffic services could bo operated by a common agency established for that express purpose, or by some other internationally agreed means. "

80. The question may therefore be usefully examined at the next ordinary session of E. C. A. C. and, with this in view, is included in the third part of the Work Programme. However, if the problem became more urgent, the President, in conformity with the general working methods proposed in paragraphs 63 -75 of this report, could call an extraordinary meeting to decide on the immediate study of the problem;

a. Elimination of difficulties resulting from lack of uniformity in regulations governing air traffic and the operation of aircraft (paragraph 35 supra);

b. Facilitation. Although the Facilitation Commission of the Conference had considered that a Standing Working Group on Facilitation matters might be useful, the Conference observed that no specific subject was proposed for study by such a group in the inter-session period, and therefore thought it could dispense with the establishment of such a group. However, the subject is being kept on the work programme so that any questions arising may be documented for the next session.

Subject not included in the Work Programme. Consideration of Procedures to Hasten Implementation in Europe of International Conventions on Private Air Law, developed under the sponsorship of ICAO, and particularly of the 1955 Protocol to amend the Warsaw Convention.

81. The possibility of developing procedures to hasten the implementation of international conventions on private law in Europe was raised by France (WP/58). The French Government had been concerned by the slowness with which these international conventions had been ratified, particularly in the case of the Hague Protocol to the Warsaw Convention. It was suggested that a study group should be established to study methods for speeding up the application of such conventions in the European region. It was, however, decided that it would be best to make a general appeal to European States in the form of a recommendation of E. C. A. C. The Conference therefore adopted the following recommendation :

13. RECOMMENDATION No. 31 - Ratification of international conventions

The Conference recommends that European States take all necessary steps to proceed as rapidly as possible with the ratification :

a. dof the 1948 Convention on the International Recognition of Rights in Aircraft; and

b. of the 1952 Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface; and

c. of the 1955 Hague Protocol to amend the Warsaw Convention.

Consideration of relations with the Air Research Bureau [A. R. B.)

82. This matter was considered on the basis of ECAC/2-WP/16, WP/88 and WP/89, as well as a statement of the Secretary-General of the Air Research Bureau before the Conference's "Working Group on Programmes and Methods of Work. It was noted that ARB membership comprises companies performing about 95 % of European scheduled air transportation. The report of the Working Group on this subject (WP/ 108, reproduced as Appendix 9)1[13] was approved, and the Conference agreed with its conclusion that there was no need to make any recommendation concerning the relations between the A..R. B. and the Conference since these relations are already sufficiently well defined. The Conference wishes, however, to emphasize the importance of the contribution that the A. R. B. has made in the past and can make in the future to the work of E. C. A. C. It reaffirms its appreciation of this contribution already expressed at its first session and takes this opportunity to thank also those other Organizations that have contributed by their work to the documentation of the Conference. 1.

13. The appendices are being distributed separately.