

COMMUNICATION FROM COLOMBIA¹

Air Transport Services

The following communication has been received from the delegation of Colombia, with the request that it be circulated to Members of the Council for Trade in Services.

I. INTRODUCTION

1. The Annex on Air Transport Services provides that the disciplines of the General Agreement on Trade in Services (GATS) do not apply to measures affecting traffic rights and services directly related to the exercise of traffic rights. Nevertheless, it provides that the operation of this Annex should be reviewed periodically, and at least every five years, with a view to considering the possible further application of the GATS in this sector.

2. In accordance with this Annex, the GATS therefore applies to measures affecting (i) aircraft repair and maintenance services, (ii) the selling and marketing of air transport services, and (iii) computer reservation system (CRS) services.

3. Traffic rights have been negotiated on the basis of bilateral agreements coming within the framework of the 1944 Convention on International Civil Aviation (Chicago Convention) and administered by the International Civil Aviation Organization (ICAO). All WTO Members (with a few exceptions) are Contracting States of the Chicago Convention. Colombia is of the opinion that the mechanisms established in the Chicago Convention have worked well and proved an appropriate framework for the harmonious development of air transport.

4. The liberalization of traffic rights should respect national policy objectives and Members' varying levels of development. Given the marked difference between the levels of industrial development of developing and developed countries, all liberalization efforts should take equality of opportunity and fairness into consideration, as established in the principles of the Chicago Convention.

II. PROPOSAL

5. Having regard to the Chicago Convention, with a guiding body like the ICAO, the current system of exchange of traffic rights between Contracting States should be maintained. Traffic rights and, as a general rule, all aspects directly related thereto should therefore remain outside the disciplines of the General Agreement on Trade in Services.

¹ Colombia reserves the right to amend this proposal at any time.

6. Members should hold discussions on the definition of services directly related to the exercise of traffic rights.

7. Points 5 and 6 notwithstanding, it would be desirable for Members to examine alternative ways of embarking upon a liberalization process for some services directly related to the exercise of traffic rights, such as ancillary services, in particular those related to ground handling services, rental and leasing services, catering services, and other supporting services, notably cleaning and disinfecting services.

8. This sector should be liberalized without detriment to the regulatory and safety measures developed by the ICAO and competent national authorities. These measures come under Article VI (Domestic Regulation) of the GATS.
