

Trade in Services Agreement (TiSA) Annex on Air Transport Services

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Description

This is a secret draft of the Trade in Services Agreement (TiSA) Annex on Air Transport Services, including negotiating positions. TiSA is currently under negotiation between the United States, the European Union and 23 other countries. The Agreement creates an international legal regime which aims to deregulate and privatize the supply of services - which account for the majority of the economy across TiSA countries. The draft Annex concentrates on the privatization of air transport services in TiSA countries, opening up the air transport services industries to competition by transnational companies and contractors. Affected services would include aircraft repair and maintenance, the sale and marketing of air transport services, computer reservation system services, airport operations and ground handling services such as catering, crew administration and flight planning, passenger and baggage handling.



[ANNEX] ON AIR TRANSPORT SERVICES

For the purposes of this draft, we refer to Annex. As the architecture of the TiSA text takes shape, it is possible that it could be a Chapter or Section.

- 1. [AU/CH/CL/EU/JP/NZ/NO/IS propose; CA/CO/MX/PE/TR oppose: This Annex applies to measures affecting trade in air transport services, whether scheduled or non-scheduled, and ancillary services.
- 2. The Agreement [CH/NO oppose: including its dispute settlement procedures,] shall not apply to measures affecting:
 - (a) traffic rights, however granted; or
 - (b) services directly related to the exercise of traffic rights;

except as provided in paragraph 3 of this Annex.

3. The Agreement shall apply to measures affecting:]

[TR propose: 1. In relation to air transport services, the Agreement shall exclusively apply to measures affecting:]

[CA/CO/MX/PE propose; US considering: 1. This Agreement does not apply to air services or related services in support of air services, other than:]

- (a) aircraft repair and maintenance services;
- (b) the selling and marketing of air transport services;
- (c) computer reservation system (CRS) services;

(d) [AU/CA/CH/CL/EU/IS/MX/NO/NZ/TR propose; KR oppose: ground handling services;

- (e) airport operation services;] and
- (f) [AU/CL/NZ/PE propose; CH/EU/HK/KR/TR oppose: specialty air services.]

[CA/MX propose: 2. In the event of any inconsistency between this Agreement and a bilateral or multilateral air services agreement to which two or more Parties are party, the air services agreement shall prevail in determining the rights and obligations of those Parties that are party to that air services agreement.]

4. [CH/CL/NZ propose; AU/CA/CO/EU/IL/MX/PE/TW oppose: The Parties recognise the importance of air transport services in facilitating the expansion of trade, enhancing

economic growth and benefiting consumers.] [CH/CL/NZ propose; AU/CA/CO/EU/HK/IL/JP/MX/PE/TR/TW oppose: Therefore, the Parties should work, in appropriate fora, such as the ICAO, towards [CH opposes: an Open Skies air services] [CH proposes: a liberal multilateral] agreement.]

5. Parties will come back to dispute settlement, when dispute settlement provisions are agreed.

6. Definitions:

- (a) "Aircraft repair and maintenance services" mean such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance.
- (b) "Selling and marketing of air transport services" mean opportunities for the air carrier concerned to sell and market freely its air transport services including all aspects of marketing such as market research, advertising and distribution. These activities do not include the pricing of air transport services nor the applicable conditions.
- (c) "Computer reservation system (CRS) services" mean services provided by computerised systems that contain information about air carriers' schedules, availability, fares and fare rules, through which reservations can be made or tickets may be issued.
- (d) [AU/CA/CH/CL/EU/IS/MX/NO/NZ/TR propose: "Ground handling services" mean the supply at an airport, on a fee or contract basis, of the following: airline representation, administration and supervision; passenger handling; baggage handling; ramp services; catering (except the preparation of the food); air cargo and mail handling; fuelling of an aircraft; aircraft servicing and cleaning; surface transport; and flight operations, crew administration and flight planning. Ground handling services do not include self-handling; security; line maintenance; aircraft repair and maintenance; or management or operation of essential centralised airport infrastructure such as de-icing facilities, fuel distribution systems, baggage handling systems, and fixed intra-airport transport systems.
- (e) "Airport operation services" mean the supply of air terminal, airfield and other airport infrastructure operation services on a fee or contract basis. Airport operation services do not include air navigation services.]
- (f) [AU/CL/NZ propose; CH/EU/HK/TR oppose: "Specialty air services" mean any specialized commercial operation using an aircraft whose primary purpose is not the transportation of goods or passengers such as aerial fire-fighting, flight training, sightseeing, spraying, surveying, mapping, photography, parachute

jumping, glider towing, and helicopter-lift for logging and construction, and other airborne agricultural, industrial, and inspection services.]

(g) [CA oppose: "Traffic rights" mean the right for scheduled and non-scheduled services to operate and/or to carry passengers, cargo and mail for remuneration or hire from, to, within, or over the territory of a Party, including points to be served, routes to be operated, types of traffic to be carried, capacity to be provided, tariffs to be charged and their conditions, and criteria for designation of airlines, including such criteria as number, ownership, and control.]

CO notes that if paragraphs 1 and 2 are deleted, a definition for traffic rights would not be necessary.