

1 ANNEX ON AIR TRANSPORT SERVICES OF THE GENERAL AGREEMENT ON TRADE IN SERVICES..... 1

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1 ANNEX ON AIR TRANSPORT SERVICES OF THE GENERAL AGREEMENT ON TRADE IN SERVICES

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Annex on Air Transport Services

1. This Annex applies to measures affecting trade in air transport services, whether scheduled or non-scheduled, and ancillary services. It is confirmed that any specific commitment or obligation assumed under this Agreement shall not reduce or affect a Member's obligations under bilateral or multilateral agreements that are in effect on the date of entry into force of the WTO Agreement.

2. The Agreement, 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:

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

4. The dispute settlement procedures of the Agreement may be invoked only where obligations or specific commitments have been assumed by the concerned Members and where dispute settlement procedures in bilateral and other multilateral agreements or arrangements have been exhausted.

5. The Council for Trade in Services shall review periodically, and at least every five years, developments in the air transport sector and the operation of this Annex with a view to considering the possible further application of the Agreement in this sector.

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repair and maintenance services' mean such activities when undertaken on an aircraft or a part thereof while it is withdrawn from service and do not include so-called line maintenance.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) '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 Member, 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.

1.2 Paragraph 5: Reviews

1. The Council conducted the review mandated under paragraph 5 of the Annex on Air Transport Services at meetings held on 28-29 September 2000, 4 December 2000, 9 October 2001 and 18 March 2002.¹ The Council decided at its meeting of 2, 9 and 24 October 2003 on the conclusion of the review and the start-date for the next meeting:

"The Council decides to conclude the first review mandated under paragraph 5 of the Annex on Air Transport Services. While noting that the Annex requires that a review be conducted at least every five years, the Council decides that the formal commencement of the second review shall take place at the last regular meeting of the Council for Trade in Services of 2005. This shall not prejudice Members' interpretation of paragraph 5 of the Annex."²

2. In accordance with the decision taken at the conclusion of the first review, the Council formally commenced the second review at its last 2005 meeting, i.e. on 23 September 2005.³ Three dedicated meetings have taken place in the context of the second review, on 12 September 2006, 1 March and 2 October 2007.⁴

Current as of: July 2022

¹ [S/C/M/49](#); [S/C/M/50](#); [S/C/M/57](#); and [S/C/M/62](#).

² [S/C/M/68](#), paras. 115-116.

³ [S/C/26](#).

⁴ [S/C/M/84](#); [S/C/M/87](#); and [S/C/M/89](#).