

Economic Community of West African States, African Regional Bodies

## Regulation C/REG.20/12/11 Relating to the Negotiation of Air Services Between ECOWAS and Third Parties

Legislation as at 17 February 2012

FRBR URI: /akn/aa-ecowas/act/reg/2011/12-20/eng@2012-02-17

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PDF created on 23 August 2023 at 14:58.

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Regulation C/REG.20/12/11 Relating to the Negotiation of Air Services Between ECOWAS and Third Parties  
Contents

Article 1 ..... 2  
Article 2 ..... 2  
    Paragraph 1. .... 2  
    Paragraph 2. .... 2  
    Paragraph 3. .... 2  
Article 3 ..... 2  
Article 4 ..... 2  
Article 5 ..... 2

Economic Community of West African States

## Regulation C/REG.20/12/11 Relating to the Negotiation of Air Services Between ECOWAS and Third Parties

[Published in official journal 60 on 17 February 2012](#)

**Commenced in full**

*[This is the version of this document at 17 February 2012.]*

### **The Council of Ministers**

**MINDFUL** of Articles 10, 11 and 12 of the ECOWAS Treaty as amended establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of Chapter VII of the said ECOWAS Treaty which amongst other issues, provides that Member States commit themselves to develop Regional air transportation services and encourage co-operation in flight scheduling, leasing of aircraft and granting the joint use of fifth freedom rights to airlines in the ECOWAS region;

**MINDFUL** of the Convention on International Civil Aviation signed at Chicago, on the 7<sup>th</sup> December 1944 and its annexes;

**MINDFUL** of the Yamoussoukro Decision relating to the Declaration concerning the Liberalisation of Access to Air Transport Markets in Africa signed on the 14 November 1999 and adopted by the Assembly of Heads of State of the African Union/African Economic Community on 11 July 2000;

**MINDFUL** of Article 85 of the said ECOWAS Treaty which provides that Member States of ECOWAS formulate and adopt common positions within the Community on issues relating to International negotiations with third Parties in order to promote and safeguard the interests of the region;

**MINDFUL** of Article e, [new Articles 19 (2), 79 and 83 (3)] of the Supplementary Protocol A/SP.1/06/06 amending the Revised Treaty of 1993 which appoints the President of the ECOWAS Commission as the legal representative of ECOWAS and authorises the said President of the Commission to conclude co-operation agreements with other Regional Communities on behalf of the entire Community;

**MINDFUL** of the fact that international aviation relations between Member States of the Economic Community of West African States (ECOWAS) and third parties respectively are traditionally governed by bilateral air service agreements, their annexes and other related multilateral agreements;

**RECOGNISING** the need to put in place, within the context of all negotiations, adequate safeguards which will sustain effective participation of air carriers within ECOWAS Member States in international airtransport;

**RECALLING** the Guidelines on a Common African Position for the Negotiation of Air Services Agreements adopted by the African Ministers of Transport in Algiers (Algeria) from 21-25 April 2008;

**HAVING NOTED** the Resolution No. 12/JMTICAF/09 on the Common External Policy of ECOWAS Member States for the Negotiation of Air Services Agreements with Third Countries adopted by the ECOWAS Ministers in charge of Civil Aviation in Yamoussoukro on 5<sup>th</sup> June 2009;

**ALSO NOTING** the conclusions of the meeting of a Technical Committee of Experts in relation to Negotiation of Air Services Agreement with Third Countries that was held in Bamako, Mali May 2010;

**DESIROUS** of strengthening the capacity for negotiation of Air Transport agreements between ECOWAS Member States and third Parties;

**ON THE RECOMMENDATION** of A Joint Meeting of ECOWAS Ministers Transport/Civil Aviation/Infrastructure/ Finance and Chief Executive Officers of Airlines held in Yamoussoukro, Cote d'Ivoire, 1<sup>st</sup>-5<sup>th</sup> June 2009; charge of Civil Aviation that was held on 17<sup>th</sup> September 2010 at Yamoussoukro, Cote d'Ivoire;

## ENACTS

### Article 1

Having regard to Article 83 of the 1993 ECOWAS Treaty as amended, which authorises the Community to conclude cooperation agreements with third countries, the ECOWAS Commission shall engage in negotiations with third parties on matters relating to Air Services.

### Article 2

1. The ECOWAS Commission shall, prior to any negotiation, convene meetings of the Air Transport Committee established by Regulation C/REG.20/12/11, in order to ensure the formulation and adoption of common positions that would promote and safeguard the interests of the Region.
2. The ECOWAS Commission shall take into account the technical advice and guidelines provided by the Air Transport Committee referred to in paragraph 1 of this Article.
3. The ECOWAS Commission shall ensure regular reporting of the status of these negotiations to the Council of Ministers.

### Article 3

The ECOWAS Commission shall in the course of these negotiations with third parties, take into account the guidelines developed by the African Union (AU) for the negotiation of air service agreements.

### Article 4

The President of the ECOWAS Commission shall in compliance with Article 2 (new Article 83, paragraph 3) of the Supplementary Protocol A/SP.1/06/06 amending the Revised Treaty and on behalf of the entire Community, conclude and sign all cooperation agreements negotiated with third parties in the air services sector.

### Article 5

This Regulation shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Council of Ministers. It shall equally be published by each Member State in its Official *Gazette* within thirty (30) days upon notification by the Commission.

Done at Abuja, this 21<sup>st</sup> day of December 2011

H.E. Olugbenga Ashiru

Chairman for Council