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P. O. Box 3243, Addis Ababa, ETHIOPIA Tel.: (251-11) 5182402 Fax: (251-11) 5182400
Website: www.au.int

**FOURTH MEETING OF THE MINISTERIAL WORKING GROUP
ON THE SINGLE AFRICAN AIR TRANSPORT MARKET
UNDER THE PATRONAGE OF THE SAATM CHAMPION –
PRESIDENT OF TOGO, 25-28 MAY 2018, LOME, TOGO**

FINAL REPORT OF THE EXPERTS' MEETING

I. INTRODUCTION

1. The Meeting of Experts of Member States of the Ministerial Working Group of the Single African Air Transport Market(SAATM) took place from the 25th – 27th May 2018 in Lomé, Togo, hosted by Togo under the patronage of the President of Togo

2. In attendance, were representatives from twenty (20) Member States out of the twenty-six (26) member states which have declared their Solemn Commitment to the implementation of the Yamoussoukro Decision towards the establishment of the SAATM. These were Benin, Botswana, Burkina Faso, Cabo Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Ethiopia, Gabon, Ghana, Guinea, Liberia, Mali, Niger, Nigeria, Rwanda, Sierra Leone, South Africa and Togo. Egypt was represented by a consulate of the Embassy and Angola participated as an observer, represented by its Embassy to Togo.

3. The following organisations also participated: African Union Commission (AUC), African Civil Aviation Commission (AFCAC), the African Airline Association (AFRAA), NEPAD Planning and Coordination Agency (NPCA), the Arab Maghreb Union (UMA), Economic Commission for Central Africa (ECCAS), Economic Community of West African States (ECOWAS), International Civil Aviation Organisation (ICAO), International Air Transport Association (IATA), Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) and Aviation and Allied Business. The following airlines also attended: IMEXKA, South African Airways, RwandAir, ASKY, COMAIR, Niger Airways, Niger Airlines, Alpha Aviation Niger, Air Côte d'Ivoire, Africa World Airlines, Air Burkina, Bessah Airlines, Ethiopian Airlines and Aero Contractors.

4. The list of participants is attached herewith – Annex 1.

II. OPENING

5. Representing the host country, **Colonel Latta**, Director General (DG) of ANAC Togo delivered the welcome address on behalf of the host country. He welcomed the participants and thanked them for having foregone some of the most important commitments to attend the fourth meeting of the Ministerial working Group. The DG encouraged the participants to fully utilise the three days meeting to achieve the planned objectives of the meeting and to reach appropriate conclusions to be considered by the Ministerial meeting.

6. The African Airlines Association (AFRAA) Secretary General, **Mr Abdérahmane Berthé**, in his opening remarks briefed the meeting about the mission of AFRAA that is to serve African airlines, promote and protect their common interests. He further said that the current membership is 38 airlines representing over 85% of total international traffic carried by all African airlines. Mr Abdérahmane Berthé underlined the challenges facing the sector related to safety and security; high cost of the business; regulations for fair competition and dispute settlement as well as consumer protection. He emphasised the need for coordination and the benefit of mutual cooperation among African airlines for the development of the air transport industry in Africa and to overcome challenges by global liberalization of air services and opening up African skies.

7. The Interim Secretary General of AFCAC, **Mr. Papa Atoumane Fall**, expressed sincere gratitude to the President of the Republic of Togo, for accepting the appointment of being a Champion of the SAATM. AFCAC ISG went on to explain that , It is a historic coincidence that, the Government of Togo hosting this event noting that it was here in Togo where the Thirty-Sixth Ordinary Session of the Assembly of the Heads of State and Government in 2000, Lomé, Togo that the Yamoussoukro Decision was made ,Togo is champion to the unconditional implementation of the YD and on the establishment of SAATM, and today hosting this Event to concretize the unconditional implementation of the YD by establishing the Single African Air Transport Market (SAATM). Mr. FALL described Yamoussoukro Decision as a vehicle to the establishment of SAATM. He reaffirmed the commitment of AFCAC as a Specialized Agency of the AU, to implement the Decision of the AU Heads of State and Government and emphasised to Participants on the expected Outcome of the meeting, is to remove all restrictions from existing Bilateral Air Services Agreement, as entrusted to us by the Heads of State and Government to actualize the SAATM in order to accelerate the attainment of the objectives of the SAATM and AU-Agenda 2063.

8. On behalf of the Director of Infrastructure and Energy, **Mr. David Kajange**, the head of transport and tourism division in the Department of Infrastructure and Energy, addressed the opening ceremony of the meeting and noted the support of the Minister for Infrastructure and Transport of the Togolese Republic, Mr. Ninsao Gnofam to the work related to the SAATM. He emphasized on the need for all Member States of the African Union to benefit from SAATM and he underlined the importance oaf having one message to all MS not subscribed to SAATM. He further welcomed the three new member States who joined the SAATM: CAR, Chad, and The Gambia. Mr. David Kajange, on behalf of the AUC, expressed appreciation to the various stakeholders of the industry particularly the African Civil Aviation Commission (AFCAC), the African Airlines Association (AFRAA) and the International Air Transport Association (IATA) for their untiring support. He also briefed the meeting on the main activities on the prioritized action plan of the SAATM formulated during the aviation industry consultative meeting held on the 7th March 2018 in Abidjan, Côte d'Ivoire, and expressed the particular need for a dynamic communication strategy to strengthen advocacy for the SAATM.

9. The final opening remarks were delivered by the Honourable Minister of Infrastructure and Transport of the Togolese Republic, **S.E.M Ninsao Gnofam**. He extended his appreciation to the AU Commission for organizing this event under the patronage of the SAATM Champion, President of the Togolese Republic and chairman of the Economic Community of West African States (ECOWAS) H.E. Mr. Faure Gnassingbé. The minister encouraged Member States that have not yet joined the already 26 African countries, members of the SAATM, to do so. He underlined that the Ministerial Working Group meeting will provide the opportunity for the Champion to interact with the Ministers responsible for the SAATM and offer necessary guidance to all stakeholders on the effective operation of the single market.

III. PROCEDURAL MATTERS

10.. The Chair of the Ministerial Working Group, the Minister of Transport of South Africa informed the AU Commission by an official letter that he could not attend due to other pressing commitments. He therefore requested the First Vice-Chairperson of the MWG to preside over the meeting in his absence. The meeting was therefore chaired by Congo, with Rwanda as Rapporteur. The following agenda items were considered:

- Update on the Prioritised Action Plan for the operationalisation of the SAATM
- Presentation of the Highlights on the YD Institutional and Regulatory Texts / Disputes Settlement provisions of the YD
- Consideration of draft Common instrument Memorandum of Implementation (Mol) for the implementation of the Yamoussoukro Decision towards operationalisation of the SAATM
- Presentation on the Benefits of operationalisation of the SAATM
- Member States' consultations on the Harmonization of Bilateral Air Services Agreements (BASAs) and report on outcomes;
- Consideration of the agenda of the 4th meeting of the Ministerial Working group and draft final communique
- Adoption of the Experts' Report
- Any other Business; and
- Closing Ceremony

11. The Agenda and the detailed programme of the meeting is attached as Annex 2.

IV. PROCEEDINGS

Agenda item 1: Update on the Prioritised Action Plan for the operationalisation of the SAATM

12. The AUC presented the updated prioritised action plan for the operationalisation of the Single African Air Transport Market, including highlight of some of the provisions in the AU Decision establishing the Single African Air Transport Market [Assembly/AU/Dec.665(XXX)]. The updated action plan was elaborated in Abidjan in March 2018 with the following six pillars:

- a. A focus on advocacy for at least ten more States to join the SAATM by the next July African Union Summit 2018. Proposed activities include advocacy at regional economic community high level meetings, encourage AFRAA to engage advocacy amongst African airlines for SAATM.
- b. Ensure the availability of the appropriate regulations for the oversight of the Single African Air Transport Market, in particular establishing the Dispute Settlement Mechanism and dissemination of the existing adopted Regulatory text.
- c. Operationalisation of the SAATM focusing on capacity strengthening of the Executing Agency, in particular resource mobilisation for advocacy, harmonisation of policies on aeronautical related taxes and charges and other

- tariff barriers; undertake a continent-wide study on the benefits of the SAATM, establish an evaluation mechanism of SAATM and to facilitate airline cooperation in the operation of the SAATM;
- d. Planning for future traffic growth through ensuring development of the RECs aviation infrastructure master plans, the Continental master plans and elaboration of the road map for the establishment of the Single African Sky architecture;
 - e. Enhancing Aviation Safety and Security through providing technical assistance to States with under 60% effective implementation of the ICAO Safety Oversight critical elements. This involves collaboration with the International Civil Aviation Organisation(ICAO) in expanding the Fundamental of Safety Oversight projects to cover such States; and
 - f. Focusing on resource mobilisation to ensure the industry has access to sustainable funding. In this regard, the African Development Bank and the World Bank have expressed interest in supporting activities on the SAATM prioritised action plan (2018-2019).

Agenda item 2: Presentation of the Highlights on the YD Institutional and Regulatory Texts / Disputes Settlement provisions of the YD

13. The presentation was delivered in two parts:
 - a. Highlights of the provisions of the Competition Regulations and the Consumer protection regulations. These regulations have been adopted by the African Union and need to be published; and
 - b. Presentation on proposals for interim guidelines of the dispute settlement mechanism;
14. In the ensuing discussions, publication and circulation of the adopted Regulatory and Institutional Legal Instruments was recommended as well as forming a team of legal minds to consider the proposed interim dispute settlement guidelines presented by AFCAC.

Agenda Item 3: Consideration of draft Common instrument Memorandum of Implementation for the implementation of the Yamoussoukro Decision towards operationalisation of the SAATM

15. AFCAC presented the draft Memorandum of Implementation (Moi) on the harmonisation of existing Bilateral Air Services Agreements among States party to SAATM. The objective of the Memorandum of Implementation was to enable SAATM States with Solemn Commitments to the unconditional and full implementation of the YD, harmonize existing BASA and also States that do not have existing BASA establish a YD compliant BASA. Provisions of the draft document was intensively debated and considering the merit of signing the MOU at this meeting, a task team was assigned to revise the draft Memorandum of Implementation and propose a version that meets the objective of the Memorandum of Implementation and at the same time address the concerns raised by the Experts.

16. In that regard, Congo presented on behalf of the Team the revised Mol which incorporated all the concerns and the issues raised.

Agenda item 4: Presentation on the Benefits of operationalisation of the SAATM

17. The Vice President of IATA – Africa, **Mr. Raphael Kuuchi**, made a presentation on the benefits of SAATM which addressed the way forward on implementing the SAATM and the key benefits of operationalisation of the market for the entire continent. Considering that the SAATM has now been established and the Regulatory texts adopted, IATA-Africa urged eligible African airlines to test/challenge the national Institutions established for the SAATM by applying massively to operate any of the routes within the market.

Agenda item 5: Member States Consultation on the Harmonization of bilateral air services agreements and report on outcome

18. As indicated in the concept note of the fourth Ministerial Working Group meeting, Member States were given the opportunity to consult among themselves in order to harmonise their various Bilateral Air Service Agreements with the provisions of the YD and/or establish YD compliant BASAs.

Outcome of the Consultation

The final results of the consultations are indicated in the attached table (Annex 3).

Agenda item 6: Consideration of the agenda of the 4th Ministerial Working group meeting and draft final communique

19. A draft agenda for the Ministerial Meeting was considered and adopted. It is attached hereby as Annex 4.

20. The Experts also considered and adopted the draft final communique of the Ministerial working group to be submitted to the Ministerial meeting for consideration and adopted.

V. ANY OTHER BUSINESS (AOB)

21. No issue was raised under this agenda item

VI. ADOPTION OF THE EXPERTS' REPORT

22. The meeting convened on the 27th May 2018, considered and adopted its report as amended.

VII. CLOSING

23. The Expert meeting was closed by the Chairperson. He appreciated the enthusiasm by all the member States, in particular their contribution to the elaboration of the Memorandum of Implementation and recommended to various heads of delegation to brief their principals and be ready to sign the memorandum during the Ministerial meeting on the 28th May 2018.