

APPENDIX D

**Aviation Laws and Regulations
Adopted and Enacted by the
West African Economic and
Monetary Union**

<i>Name of regulation</i>	<i>Adoption</i>	<i>Summary of major provisions</i>
Regulation No. 06/2002 on air carrier certification within WAEMU	27 June 2002, in Dakar, Senegal, by the Council of Ministers	<p>Article 4: Conditions for carrier certification include (a) place of business in member state, (b) main activity is air transport, and (c) member states or member states nationals represent the majority in relation to the carrier's capital and control.</p> <p>Article 5: Carrier must be able to (a) cover liabilities within a 24-hour period, and (b) finance the fixed and operating cost of the first three months of operations in accordance with its stated business plan.</p> <p>Article 6: Management must be appropriately trained and of good moral standing.</p> <p>Article 7: Liability insurance requirement exists for air carriers.</p> <p>Article 9: Registration of aircraft is to occur in member state, but exceptions may be granted for leased aircraft.</p> <p>Article 10/13: Issuance of air operator certificates will have a validity of initially one year, thereafter three years.</p> <p>Article 12: Certification is to be published in official bulletin by the state and WAEMU.</p> <p>Article 3: WAEMU carriers shall freely fix tariffs for passenger, freight, and mail transportation.</p>
Regulation No. 07/2002 on tariffs for air service for passengers, freight, and mail within WAEMU	27 June 2002, in Dakar, Senegal, by the Council of Ministers	<p>Article 4: Tariffs for transportation of passengers under service public regulations may be regulated in accordance with WAEMU Regulation No. 24/202.</p> <p>Article 5: Tariffs must be filed with member states concerned at least 24 hours in advance, except in the case of alignment of an existing tariff.</p> <p>Article 7: A member state may suspend a tariff if considered excessively high or abnormally low. The WAEMU Commission and any other member state concerned must be notified of the suspension. The commission and the other state may approve or disapprove the proposed tariff. In the case of disapproval, consultations between all parties shall seek a conclusion. If no conclusive settlement is reached, the matter shall be submitted to the Council of Ministers for a final decision by rule making.</p> <p>Article 9/10: The commission shall consult once a year with air carriers and users on air fares and rates and every two years submit a report on enforcement of this regulation that shall be published in the union's official bulletin.</p>

Directive No. 05/2002 on investigation of aviation accidents and incidents within WAEMU	27 June 2002, in Dakar, Senegal, by the Council of Ministers	Article 3/4: Accidents or serious incidents that occur in the union's territory or involving an aircraft registered in a member state must be investigated. Article 6: Each member state must enact national legislation for the creation of a permanent or ad hoc accident investigation entity in accordance with the relevant provisions of annex 13 of the Chicago Convention.
Regulation No. 24/2002 on conditions for market access by air carriers within WAEMU	18 November 2002, in Ouagadougou, Burkina Faso, by the Council of Ministers	Article 7/8: Accident and incident investigation is subject to a report that shall incorporate relevant air safety recommendations. Article 3: WAEMU air carriers are entitled by their member states to operate any intracommunity traffic (cabotage). Article 4: Public service obligations may be issued by one or several member states by decision based on general interest in territorial development. Restrictions or obligations imposed on carriers must be notified to the commission for publication in the union's official bulletin. Article 5: Traffic rights to nonmember states of the union shall be granted based on international agreements; however, a third party state that operates to the territory of a member state of the union must grant the same treatment (access) to the union's carriers.
Regulation No. 02/2003 on air carriers' liability in case of an accident	20 March 2003, in Ouagadougou, Burkina Faso, by the Council of Ministers	Article 6: The exercise of traffic rights is subject to competition legislation, as well as to respective national or union regulation on safety, security, environmental protection, and slot allocation. Article 8: Member states may suspend the granting of cabotage rights during a transitional period until 31 December 2005, at the latest. Article 9: Necessary enforcement action may be taken by the commission. Article 3: Air carriers cannot limit liability except for damages above SDR 100,000 provided that the carrier proves that the damage is not caused by negligence or other wrongful acts or omission by the carrier or its servants or agents, or the damage is solely due to the negligence of a third party. Article 5: Advance payment shall be for at least SDR 15,000 within 15 days in case of death of a person entitled to compensation.

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Regulation No. 03/2003 on compensation due to denial of embarkation, flight cancellation, or mayor flight delays	20 March 2003, in Ouagadougou, Burkina Faso, by the Council of Ministers	<p>Article 6: Travelers must be informed about a carrier's liability.</p> <p>Article 7: Jurisdiction is according to the plaintiff's choice in any union member state, carrier's domicile or place of establishment, or a court of the final destination.</p> <p>Article 3: Carrier must determine and communicate its embarkation rules.</p> <p>Article 4: Passenger has several choices when embarkation is denied and is entitled to minimum compensation according to class and distance of the leg of the journey.</p> <p>Article 6: Several choices exist, including full refund for paid ticket in case of cancelled flight.</p>
Regulation No. 04/2003 on common rules for slot allocation at WAEMU airports	20 March 2003, in Ouagadougou, Burkina Faso, by the Council of Ministers	<p>Article 7/8: Compensation is for major delays, defined as more than three hours on trips less than 2,000 kilometers, and more than five hours for longer trips.</p> <p>Article 3: Definition of a "coordinated airport" is when carriers represent majority of traffic and/or capacity considered insufficient by authorities.</p> <p>Article 4: Designation of an airport coordinator shall be by a member state that shall act in a transparent, neutral, and nondiscriminatory way.</p> <p>Article 5: Coordinating committee shall be established involving different users and operators, as well as the authorities.</p>
Regulation No. 01/2003 on ground handling market access at WAEMU airports	20 March 2003, in Ouagadougou, Burkina Faso, by the Council of Ministers	<p>Article 6: Airport capacity must be determined twice a year by the relevant authorities of the concerned member state.</p> <p>Article 4: Member states must grant free access to ground handling market, provided the service provided meets certain financial and operational criteria.</p> <p>Article 5: Centralized infrastructure may be exempt from ground handling operations of a device provider (for example, joint fuel distribution system).</p> <p>Article 7/8: A user and an advisory committee are to be created for implementation.</p> <p>Article 10: Member states must define the selection process for the provider.</p>

<p>Regulation No. 01/2004 on the legal status of civil aviation authorities of member states</p>	<p>17 September 2004, in Lomé, Togo, by the Council of Ministers</p>	<p>Article 11: Number of service providers may be limited when justified by a low level of activity, space constraints, or safety and security considerations. The state must inform the commission, which approves or rejects the limitation. Article 15: Member states must implement the directive by issuing the necessary legislation, as well as making regulatory and administrative provisions for enforcement.</p>
<p>Regulation No. 06/2005 on licensing, training, and supervision of aeronautical personnel</p>	<p>16 September 2005, in Ouagadougou, Burkina Faso, by the Council of Ministers</p>	<p>Article 3: The civil aviation authority must be a public legal entity with financial autonomy and must report to the ministry in charge of civil aviation. Article 4: The mission of the civil aviation authority includes implementing the government's civil aviation policy, undertaking negotiations of bilaterals, developing technical regulations according to standards and recommended practices, engaging in regulatory and operational supervision of civil aviation with respect to safety and security, supervising airport and air navigation services, and ensuring training and development within the sector. Article 5: The minimal organizational structure includes a board of directors and a directorate general. Article 9: Financial resources of the civil aviation authority are provided by policy sector budgetary allocation or come from air navigation services, fees for services rendered, concession income, loans, subsidies, and/or grants. Article 16: An appropriate compensation system must be implemented in order to recruit and retain qualified personnel that demonstrate professional integrity. Article 2: The licensing of aeronautical personnel, the requirements for the certification of flight training centers, and the certification of instructors and examiners are outlined in the regulation and its annex. Article 3: The regulation is applicable to licensing, training, authorizations, and certifications by WAEMU civil aviation authorities. Article 4: Member states, the commission, and the union's supervisory entity are to cooperate to implement this regulation.</p>

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Regulation No. 07/2005 on aircraft airworthiness certification	16 September 2005, in Ouagadougou, Burkina Faso, by the Council of Ministers	<p>Article 7: National regulations on licensing, training, and supervision of aeronautical personnel that are not contradictory to the specification in the annex of this regulation remain valid.</p> <p>Article 2: Certificates of aircraft airworthiness are delivered according to the joint technical regulations.</p> <p>Article 3: The regulation applies to all aircraft registered in a member state.</p> <p>Article 4: Member states, the commission, and the union's supervisory entity are to cooperate to implement this regulation.</p> <p>Article 7: National regulations of airworthiness that are not contradictory to the technical specification in the annex of this regulation remain valid.</p>
Regulation No. 08/2005 on medical requirements for licensing of aeronautical personnel	16 September 2005, in Ouagadougou, Burkina Faso, by the Council of Ministers	<p>Article 2: The medical requirements for the licensing of aeronautical personnel in member states are outlined in the regulation and its annex.</p> <p>Article 3: The regulation applies to all licensing of aeronautical personnel by WAEMU civil aviation authorities.</p> <p>Article 4: Member states, the commission, and the union's supervisory entity are cooperating for the implementation of this regulation.</p>
Regulation No. 09/2005 on operational requirements for commercial operators and air carrier certification	16 September 2005, in Ouagadougou, Burkina Faso, by the Council of Ministers	<p>Article 7: National regulations on medical requirements for licensing of aeronautical personnel, which are not contradictory to the specifications in the annex of this regulation, remain valid.</p> <p>Article 2: The certification of commercial operators and air carriers is done according to the joint requirements of the present regulation and its annex.</p> <p>Article 3: The regulation does not apply to state aircraft of member states.</p> <p>Article 4: Member states, the commission, and the union's supervisory entity are to cooperate to implement this regulation.</p> <p>Article 7: National regulations on operational requirements for commercial operators and air carrier certification that are not contradictory to the requirements in the annex of this regulation remain valid.</p>

Regulation No. 10/2005 on certification of aircraft maintenance and repair organizations	16 September 2005, in Ouagadougou, Burkina Faso, by the Council of Ministers	<p>Article 2: The requirements for certification of aircraft maintenance and repair organizations are set forth in the regulation and its annex.</p> <p>Article 3: The regulation applies to all aircraft maintenance and repair organizations that are domiciled in the union or that maintain an aircraft registered in the union.</p> <p>Article 4: Member states, the commission, and the union's supervisory entity are to cooperate to implement this regulation.</p> <p>Article 7: National regulations on certification of aircraft maintenance and repair organizations that are not contradictory to the requirements in the annex of this regulation remain valid.</p>
Regulation No. 11/2005 on security of civil aviation in member states	16 September 2005, in Ouagadougou, Burkina Faso, by the Council of Ministers	<p>Article 2: The purpose of the regulation is to assure the security of passengers, crew, ground personnel, and the public, against unlawful interference with the civil aviation of member states. The regulation also provides a common basis for interpretation and applicability of annex 17 of the Chicago Convention.</p> <p>Article 3: The provisions of the regulation are applicable to all international airports of the union.</p> <p>Article 5: The joint norms for security are issued as an executing regulation by the commission on the basis of annex 17 of the Chicago Convention.</p> <p>Article 6: Member states may apply rules or regulations that are stricter than those set forth in this regulation.</p> <p>Article 7: Each member state establishes a national organization for civil aviation security and develops a national program of aviation security that is headed by a national aviation security committee.</p> <p>Article 8: Each member state establishes a coordination unit that implements the security measures at all airports to which this regulation applies.</p> <p>Article 12: A consultative committee for aviation security is established by the union. The committee is headed by the commission.</p>

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Regulation No. 13/2005 on a regional mechanism for the supervision of aviation safety	16 September 2005, in Ouagadougou, Burkina Faso, by the Council of Ministers	<p>Article 15: The commission will initiate inspections of member states on the implementation of and conformity with the national security programs six months after the regulation comes into force.</p> <p>Article 2: A regional mechanism for the supervision of aviation safety is to be developed to assist member states in their regulatory oversight of the civil aviation sector. The Cooperative Development of Operational Safety and Continued Airworthiness Program builds these objectives by establishing a regional safety oversight entity.</p> <p>Article 3: The commission of the union coordinates the activities of the Cooperative Development of Operational Safety and Continued Airworthiness Program during the transitory period of two years starting in July 2005, after which the regional safety oversight entity should become operational.</p> <p>Article 4: The coordination activities of the commission are carried out in accordance to the memorandum of understanding between the International Civil Aviation Organization and WAEMU.</p> <p>Article 7: Participation in the regional safety oversight mechanism is open to any International Civil Aviation Organization contracting state.</p>
Regulation No. 01/2007 on the adoption of a WAEMU Civil Aviation Code	6 April 2007, in Lomé, Togo, by the Council of Ministers	<p>Article 1: The WAEMU Civil Aviation Code, as outlined in the annex of the present regulation, is hereby adopted.</p> <p>Article 2: The regulation is rendered into force upon its signature and publication in the official bulletin of the WAEMU.</p>

Source: WAEMU 2007.

Note: WAEMU = West African Economic and Monetary Union.