

## Executing Agency

### Chapter 2 Powers and Functions

#### Article 4 Functions of the Executing Agency

1. In addition to the functions provided for under Article 9 (4) of the Yamoussoukro Decision the Executing Agency shall inter alia:
  - (a) Outline, stipulate and enforce conditions under which a state may limit its commitment under Article 3.2 of the Yamoussoukro Decision;
  - (b) Continuously review, recommend and, where applicable, enforce modern and effective measures of tariff notification under Article 4, frequency and capacity notification under Article 5.1, designation and authorization of eligible airlines under Article 6.1, 6.2 and 6.3 of the Yamoussoukro Decision;
  - (c) Develop and enforce the criteria for eligibility under Article 6.9 of the Yamoussoukro Decision and safety of airline operations;
  - (d) Conduct studies on the further liberalization of air transport in Africa. ,
  - (e) Enforce competition and consumer protection Regulations;
  - (f) Ensure the efficient functioning of the dispute resolution mechanisms
  - (g) Ensure State Party application of the International Civil Aviation Organization (ICAO) safety, security and environmental protection standards and recommended practices; and
  - (h) On its own initiative, or at the request of the Monitoring Body or any Organ of the African Union, undertake action aimed at assisting and advising the Monitoring Body in relation to its function provided for under Annex 2 to the Yamoussoukro Decision.

**Article 5**  
**Powers of the Executing Agency**

- 1.** The Executing Agency shall have the power to:
  - (a)** Ensure that the Yamoussoukro Decision is applied consistently throughout the African continent;
  - (b)** Formulate and enforce appropriate rules and regulations that give fair and equal opportunities to all players and promote healthy competition in the air transport market;
  - (c)** Formulate opinions, make decisions, guidelines and guidance materials including clarifications of provisions of the Decision and acceptable means of compliance;
  - (d)** Ensure that senior management of aeronautical authorities or any such senior personnel in State Parties, regional economic communities, organs of the African Union and other relevant institutions who are directly involved in the implementation of the Decision are reasonably trained in the understanding of their global responsibilities in relation to the Decision;
  - (e)** Request specific action of State Parties and other stakeholders, including but not limited to, collection and submission of data and reports to the Executing Agency;
  - (f)** Make determinations on the state of compliance of the Decision and any relevant implementing rules and regulations and recommend or take appropriate remedial action;
  - (g)** Make recommendations to the Monitoring Body or organs of the African Union on imposition of sanctions on State Parties, where appropriate;
  - (h)** Impose sanctions on airlines and other air transport service providers including fines and any other penalty payments.
  - (i)** Enforce the penalties including sanctions, interim measures and commitments of compliance from states and eligible airlines set out in the Regulations on Dispute Settlement Mechanisms relating to the implementation of the Yamoussoukro Decision.
  - (j)** Report annually or as often as is determined from time to time on the status of implementation of the Yamoussoukro Decision;
  - (k)** Carry out any other decisions, declarations and functions from the relevant Organs of the African Union and of the Yamoussoukro Decision
  - (l)** Conduct investigations in the territories of the State Parties and undertake all necessary measures within the powers conferred on it by this Regulation or other legislation; and

**(m)** Exercise such other powers and perform such other functions as are vested in or conferred on it by the Executive Council, or any other organ of the African Union or the Yamoussoukro Decision.

**2.** In exercising the above functions the Executing Agency shall have full regard of the sovereign rights of State Parties and the commercial interests of air transport service providers, save that no aeronautical authority shall of its own have the power to dictate the terms and conditions of operations of the Executing Agency.