

Air Law, Regulation and Compliance Management

Course designed for:

the Istanbul Technical University
&
the Turkish Aviation Academy



To be offered in February 2015

Organised by:

the McGill University Institute of Air & Space Law

- *This course was developed for the M.Sc. in Air Transport Management Program and is designed for professionals in the civil aviation sector currently registered in the program. The course will address contemporary, cutting-edge issues in aviation law, regulation, compliance management and policy.*

MONDAY, 9 February 2015

HOUR	TOPIC	DESCRIPTION
1000 - 1100	1. Introduction to Contemporary Issues in Aviation <i>Prof. Dr. Paul Stephen Dempsey</i>	<ul style="list-style-type: none"> • The Growth of Aviation Markets • Liberalisation of Air Transport • Technology and Air Transport • Environmental, Security, Safety and Financial Issues • Trends in Co-operation and Competition • Privatisation of Airlines, Airports, and Air Navigation Service Providers • Alliances • Analysis of Current Aircraft Financial Market and Cycle • Predation and the Competition Laws
1100 - 1115	Refreshment Break	
1115 - 1215	2. Conventional and Customary International Aviation Law <i>David Kuan-Wei Chen</i>	<ul style="list-style-type: none"> • The Origins and Evolution of Conventional and Customary International Air Law • The Convention Relating to the Regulation of Aerial Navigation (Paris Convention of 1919) • The Convention on International Civil Aviation (The Chicago Convention of 1944) • The Antarctic Treaty of 1959 • The Outer Space Treaty of 1967 • The Law of the Sea Convention of 1982 • The Role of the International Civil Aviation Organization in Establishing Standards and Recommended Practices • What international aviation conventions have States ratified, and how are they being implemented? • What are the major principles of international law to be derived from these Conventions?
1215 - 1230	Refreshment Break	
1230 - 1330	3. The Conflict Between National And International Aviation Safety Standards <i>Prof. Dr. Paul Stephen Dempsey</i>	<ul style="list-style-type: none"> • What are the means by which legal obligations in the area of aviation safety have become binding upon States? • What are the substantive conventional international laws governing safety? • What has been the level of national compliance with and implementation of such laws and standards? • What means have been employed, unilaterally and multilaterally, to monitor compliance, and sanction noncompliance? • How have ICAO safety audits, and the US and EU blacklisting efforts, impacted commercial aviation? • State Compliance with SARPs • US FAA Category I and II, as well as airport blacklisting • EU blacklisting of airlines
1330 - 1430	LUNCH	
1430 - 1530	4. Origins of International Law-making: The Chicago Convention <i>Prof. Dr. Ludwig Weber</i>	<ul style="list-style-type: none"> • What are the nationality and public policy considerations that governed air transportation during the 20th Century? • How does ICAO facilitate law making in aviation? • What is the role of the Chicago Convention in the regulation of international air transportation?
1530 - 1545	Refreshment Break	

1545 - 1645	<p>5. Environmental Regulation</p> <p><i>David Kuan-Wei Chen</i></p>	<ul style="list-style-type: none"> • Aircraft noise, emissions and the environment • Surface and ground water contamination from aviation fuel and aircraft de-icing chemicals • Aircraft noise and restrictions • How do governments regulate environmental issues (e.g., emissions trading and curfews)?
1645 - 1700	Refreshment Break	
1700 - 1800	<p>6. Environmental Regulation</p> <p><i>David Kuan-Wei Chen</i></p>	<ul style="list-style-type: none"> • What impact do governments have on airport planning, development and operations? • Emissions: the challenge of technology and regulation • The Kyoto Protocol • ICAO's Standards and Recommended Practices • Unilateralism: The EU Emissions Trading Scheme

TUESDAY, 10 February 2015

HOUR	TOPIC	DESCRIPTION
1000 - 1100	7. Aviation Safety <i>Prof. Dr. Paul Dempsey</i>	<ul style="list-style-type: none"> Carrier and aircraft airworthiness requirements. What are the current requirements regarding airport and airline safety? The ICAO Safety and Security Audits of State Compliance with Standards and Recommended Practices How are State obligations enforced?
1100 - 1115	Refreshment Break	
1115 - 1215	8. Aviation Safety <i>Prof. Dr. Paul Dempsey</i>	<ul style="list-style-type: none"> Certification of Personnel Certification of Aircraft Certification of Maintenance Annex 13: Aircraft Accident and Incident Investigation Annex 19: Safety Management Systems
1215 - 1230	Refreshment Break	
1230 - 1330	9. Aviation Security <i>Prof. Dr. Ludwig Weber</i>	<ul style="list-style-type: none"> What are the multilateral and bilateral legal requirements of aviation security? How have the existing international conventions addressed acts of unlawful interference, and are they equipped to handle the problem? What have been the results of the ICAO security audit programme? The world in a post-9/11 environment Facilitation vs. Security Machine Readable Travel Documents
1330 - 1430	LUNCH	
1430 - 1530	10. Airline Liability for Passenger Injury, Death and Delay <i>Prof. Dr. Paul Dempsey</i>	<ul style="list-style-type: none"> Under what circumstances are airlines liable for damage and loss to passengers under the Warsaw System, and Montreal Convention of 1999? What are the limits of liability? What are the procedural requirements? What are the requirements for air carrier liability under the Warsaw and Montreal Conventions? How is the Montreal Convention of 1999 being interpreted and applied since it entered into force in 2003? Which states have ratified which liability regime: Warsaw and its progeny, or Montreal 1999?
1530 - 1545	Refreshment Break	
1545 - 1645	11. Airline Liability for Passenger Injury, Death and Delay <i>Prof. Dr. Paul Dempsey</i>	<ul style="list-style-type: none"> What are the differences in carrier liability for passengers, baggage, and cargo? The Liability Insurance Market in the Post 9/11 World Efforts to Update the Rome Convention How does the Rome Convention seek to cap carrier liability for surface damage, and what are the proposals to modernise it?
1645 - 1700	Refreshment Break	
1700 - 1800	12. Air Carrier Liability for Loss and Damage of Air Freight <i>Prof. Dr. Ludwig Weber</i>	<ul style="list-style-type: none"> How do issues of cargo liability differ from issues of passenger liability? What are the governing rules of cargo liability under the Warsaw, MP4 and Montreal Regimes? Liability Insurance

WEDNESDAY, 11 February 2015

HOUR	TOPIC	DESCRIPTION
1000 - 1100	13. Manufacturers' Liability <i>Prof. Dr. Ludwig Weber</i>	<ul style="list-style-type: none"> • What are the elements of products liability for aircraft and engine manufacturers? • Current Issues of Products Liability for Airframe and Engine Manufacturers • Liability Insurance
1100 - 1115	Refreshment Break	
1115 - 1215	14. Aircraft Finance and Registration of Security Interests <i>Kate Markhvida</i>	<ul style="list-style-type: none"> • The role of debt and equity in airline formation, and innovative financing methods. • How are aircraft financed and financial interests protected? • How does bankruptcy influence finance?
1215 - 1230	Refreshment Break	
1230 - 1330	15. Aircraft Finance and Registration of Security Interests <i>Kate Markhvida</i>	<ul style="list-style-type: none"> • Issues of registry of financial interests in aircraft. • What are the requirements of the Cape Town Convention?
1330 - 1430	LUNCH	
1430 - 1530	16. Consumer Protection Laws <i>David Kuan-Wei Chen</i>	<ul style="list-style-type: none"> • The Origins of Passenger Rights • Airline Tariffs • Passenger Rights Regimes • Flight Delays, Cancellations
1530 - 1545	Refreshment Break	
1545 - 1645	17. Consumer Protection Laws <i>David Kuan-Wei Chen</i>	<ul style="list-style-type: none"> • False and Misleading Advertising • Code Sharing • Funnel Flights • Oversales • Discrimination against Passengers with Disabilities
1645 - 1700	Refreshment Break	
1700 - 1800	18. Introduction to the Group Case Study <i>Kate Markhvida</i>	<ul style="list-style-type: none"> • The class will be divided into working groups, and introduced to a hypothetical case study on which they will work and make presentations on Saturday.

THURSDAY, 12 FEBRUARY 2015

HOUR	TOPIC	DESCRIPTION
1000 - 1100	<p>19. Licensing and Economic Regulation of Airlines</p> <p><i>Prof. Dr. Paul Dempsey</i></p>	<ul style="list-style-type: none"> • Administrative Law and Structure of Civil Aviation Agencies • Air Carrier Operating Certificates • Safety Regulation • Aircraft Certification • Government Ownership • Domestic flag Certification • Foreign flag Permits • Managerial, Operational and Financial Fitness • Insurance
1100 - 1115	Refreshment Break	
1115 - 1215	<p>20. Licensing and Economic Regulation of Airlines</p> <p><i>Prof. Dr. Paul Dempsey</i></p>	<ul style="list-style-type: none"> • Foreign Ownership Restrictions • Ownership and Control of Airlines • Ownership Structures • Evolving Rules on Foreign Ownership • Cabotage
1215 - 1230	Refreshment Break	
1230 - 1330	<p>21. Competition Law and the Airline Industry</p> <p><i>Kate Markhvida</i></p>	<ul style="list-style-type: none"> • What are the fundamental principles and objectives of antitrust law? • What forms of airline behaviour offend the antitrust and competition laws? • What forms of airline anti-competitive behaviour constitute civil and criminal antitrust prohibitions? • How does the extraterritorial reach of domestic antitrust law impact international airlines?
1330 - 1430	LUNCH	
1430 - 1530	<p>22. Airline Mergers, Acquisitions and Airline Alliances</p> <p><i>Kate Markhvida</i></p>	<ul style="list-style-type: none"> • What motivates airlines to acquire feeder and other carriers? • What is the cross-border interest in airline investment? • What are the impediments to cross-border ownership, such as “effective ownership and control” restrictions?
1530 - 1545	Refreshment Break	
1545 - 1645	<p>23. Airline Mergers, Acquisitions and Airline Alliances</p> <p><i>Kate Markhvida</i></p>	<ul style="list-style-type: none"> • What are the principal benefits and costs of major airline alliances? • Why have they been formed? • How do they operate? • What are the economic and marketing reasons airlines enter into alliances? • What is the impact of alliances on consumers and non-aligned competitors?
1645 - 1700	Refreshment Break	
1700 - 1800	<p>24. Traffic Rights and Air Transport Agreements</p> <p><i>Prof. Dr. Paul Dempsey</i></p>	<ul style="list-style-type: none"> • How have bilateral air transport agreements evolved? • What are the essential components of bilateral air transport agreements in areas of pricing, entry, capacity, competition, security, safety, and dispute resolution? • What are the negotiating approaches to achieve desired public policy goals?

FRIDAY, 13 February 2015

HOUR	TOPIC	DESCRIPTION
1000 - 1100	25. Predatory Practices & Collusion Between Airlines <i>Kate Markkvida</i>	<ul style="list-style-type: none"> • What motivates incumbent airlines to prohibit new entrants and low cost carriers from surviving? • What constitutes below cost pricing? • What constitutes capacity dumping? • What is unlawful monopolisation, or abuse of a dominant position? • What cooperation among competitors is unlawful? • How did the industry receive fines in excess of \$1 billion globally for its decision to collaboratively impose a fuel surcharge on air freight?
1100 - 1115	Refreshment Break	
1115 - 1215	26. Liberalisation, "Open Skies", and Beyond "Open Skies" <i>Prof. Dr. Ludwig Weber</i>	<ul style="list-style-type: none"> • Cabotage, Foreign Ownership, and Seventh Freedom Rights • What are the components of an "open skies" regime? • What is the EU seeking beyond open skies? • How has the European Union addressed its needs to create "Community Carriers", and how do other governments respond? • What is the Appropriate Role for Government? • Which Countries are Liberalising? • Which are Not, and Why (Not)?
1215 - 1230	Refreshment Break	
1230 - 1330	27. Liberalisation, "Open Skies", and Beyond "Open Skies" <i>Prof. Dr. Ludwig Weber</i>	<ul style="list-style-type: none"> • The Role of the National Airline, Revisited. • If markets are to be free, should there be competition rules and state aid prohibitions? • Will the world go beyond "open skies" in liberalising traffic rights, cabotage, and ownership & control? • Will bilateral, plurilateral, and/or multilateral agreements exchange Seventh Freedom and cabotage rights, and allow foreign ownership?
1330 - 1430	LUNCH	
1430 - 1530	28. Contract Law <i>Prof. Dr. Ludwig Weber</i>	<ul style="list-style-type: none"> • What are the main types of contracts airlines are making? • How are airline contracts structured? • Drafting principles and allocation of risk
1530 - 1545	Refreshment Break	
1545 - 1645	29. Contract Law <i>Prof. Dr. Ludwig Weber</i>	<ul style="list-style-type: none"> • Overview of types of contracts: • Contracts of carriage • Distribution agreements • Aircraft purchase and lease agreements • Interline agreements • Maintenance/catering agreements • Ground handling agreements
1645 - 1700	Refreshment Break	
1700 - 1800	30. Working Groups Meeting	<ul style="list-style-type: none"> • The working groups will meet in order to discuss and prepare their presentations.

SATURDAY, 14 February 2015

HOUR	TOPIC	DESCRIPTION
1000 - 1100	<p>31. Airports and Air Navigation Service Providers</p> <p><i>Prof. Dr. Paul Dempsey</i></p>	<ul style="list-style-type: none"> • Why and how are some airports are slot or curfew controlled? • How are landing slots allocated? • Do airport landing slot restrictions restrain competition? • How can airports enhance the margin of safety and security without impairing airline efficiency? • What new airport and air navigation infrastructure is needed to meet growing demand for air travel? • How do airports measure and address the impact of aircraft noise and other environmental problems? • What are the current requirements regarding airport safety? • What has been the impact of airport privatisation on infrastructure and charges?
1100 - 1115	Refreshment Break	
1115 - 1215	<p>32. Airports and Air Navigation Service Providers</p> <p><i>Prof. Dr. Paul Dempsey</i></p>	<ul style="list-style-type: none"> • What air navigation technology can enhance safe and efficient flight? • How can air navigation services help reduce fuel burn? • Are air navigation charges limited to the cost of service, and are they being applied in a non-discriminatory fashion? • How has corporatisation worked in terms of safety, efficiency and cost? • How do developing States finance advance air navigation technology and infrastructure? • Do we need a (global or regional) framework governing CNS/ATM systems, including Global Navigation Satellite System (GNSS)? • What issues of liability impact air navigation service providers? • Privatisation of Airlines, Airports and Air Navigation Services • From government operation, to corporatisation, to private ownership • Innovative financing • Build-operate-transfer <p>Concerns about the natural monopoly characteristics of infrastructure, and opportunities for abuse</p>
1215 - 1230	Refreshment Break	
1230 - 1330	Working Group Presentations	
1330 - 1430	LUNCH	
1430 - 1530	Working Group Presentations	
1530 - 1545	Refreshment Break	
1545 - 1645	Working Group Presentations	
1645 - 1700	Refreshment Break	
1700 - 1800	Critique by Faculty of Group Presentations	