

Aviation Advocacy

Introduction to Regulated Contracts

Thursday 16 April 2015: Module 9

Andrew Charlton
Matthew Feargrieve
Richard Gimblett
13 - 18 April 2015

Agenda

- Regulations and their impact on Contracts
- Consumer Protection
- Liability
- Safety

Regulations and their Impact on Contracts

Regulations (1)

- Will of the Government
- Can be legislation, administrative order etc
- Issued centrally
 - Requires local compliance
 - Requires knowledge
 - Ignorance no excuse

Regulations (2)

- Sources:
 - ICAO
 - ICAO Annexes
 - EASA
 - Eurocontrol
 - Turkish CAA
 - Turkish Government more generally
 - Local Governments
 - Planning laws
 - Etc.

Consumer Protection

Consumer Protection (1)

- Obligation on carriers imposed regardless of contract
- Contract needs to reflect situation
- EU Reg 261/2004
 - Rights to compensation for delay and cancellation
 - Definition of reasonable delay
 - Further interpreted by the European Court of Justice
- Other states also have similar things

Consumer Protection (2)

- Package Travel Directive
- CRS codes of conduct
- Airline Compensation Funds
- Consumer protection rules generally
 - Mis-description of goods or services

Safety

Safety (1)

- Particular body of law and practice in aviation
- Obligations arising from:
 - Chicago Convention
 - Annexes
 - SARPs
 - EASA
 - CAA
- Overrides all other considerations
 - Contracts
 - Employment contracts etc

Safety (2)

- Role of the Captain
 - Impacts labour contracts
 - Ticket terms and conditions
 - Ground Handling agreements
- Operation of the aircraft
 - Impacts labour contracts
 - Ticket terms
 - Arrangements with airports/ANSPs
 - Outsourcing agreements etc

Liability

Liability (1)

- Terms on a ticket
- No ability to rewrite?
 - Claims for baggage value
 - Airway Bills
- International rules, impacted locally
 - Montreal as impacted by 227/1997

Aviation Advocacy

Aviation Advocacy Sarl
Rue de la Gare 17
1260 Nyon Switzerland
Phone: + 41 22 361 06 33
info@aviationadvocacy.aero
www.aviationadvocacy.aero