

Workshop on Aviation Law

Jointly organised with McGill University

4 – 8 Jul 2016

This 4-day workshop provides a comprehensive and in-depth coverage on contemporary issues on aviation law for airport regulators and examine how the knowledge can be applied to protect the interests of the various airport stakeholders.

WHAT YOU WILL LEARN

Upon completion of this workshop, you will be able to:

- Understand contemporary issues in aviation
- Understand the legal and regulatory framework
- Examine the common and new challenges faced by regulators of airport operators, aircraft manufacturers, air navigation service providers (ANSPs), and airlines
- Apply legal knowledge in decision making and protect the public interest of the relevant stakeholders

WHAT IS COVERED

- Introduction to Contemporary Issues in Aviation
- International Conventional and Customary Aviation Law
- Administrative Procedure and the Structure of Civil Aviation Agencies
- Licensing, Certification and Economic Regulation of Airlines, Airports and ANSPs
- International Traffic Rights and Air Transport Agreements
- Aviation Safety
- Accident Investigation
- Aviation Security
- Environmental Regulation
- Airline Mergers & Acquisitions
- Competition Law and Airline Alliances
- Predatory Practices & Collusion between Competitors
- Regional/Global Framework of ANSPs
- Consumer Protection Laws
- Privatisation of Airlines, Airports and ANSPs
- Aircraft Finance and Registration of Security Interests

LEARNING ACTIVITIES

- Case Studies
- Group Exercises

WHO SHOULD ATTEND

Of interest to professionals from airlines, civil aviation authorities and transport ministries, airports; ANSPs, aviation security providers as well as personnel of organisations directly involved in supporting the aviation business such as air cargo operators, insurers, risk managers, manufacturers, law and consulting firms, and international and regional organisations.

INSTRUCTORS

Prof Paul Stephen Dempsey holds B.A. in journalism and Juris Doctor in Law from University of Georgia. He went on to acquire an LL.M in International Law from George Washington University and a DCL in Air & Space Law at McGill University. Since 2002, Dr Dempsey has served as Tomlinson Professor of Global Governance in Air & Space Law and Director of the Institute of Air & Space Law at McGill University.

Prof Ludwig Weber is a Senior Civil Aviation Policy and Management Adviser to ICAO, and Adjunct Professor of Law at McGill University, where he teaches Comparative Air Law. He holds a Doctorate in Law (Heidelberg University) and an LL.M. in air and space law (McGill University), and is also a Member of the Board, Institute of Air & Space Law Centre for Research at McGill University.

Ms Kate Markhvida holds B.A. in economics and statistics from the University of British Columbia (2007), an M.A. in economics from Carleton University (2008) and a graduate diploma in Air & Space Law from McGill (2012). Ms. Markhvida is also a recipient of the Social Sciences and Human Research Council (SSHRC) graduate scholarship. Her areas of expertise include competition assessments, regulatory and policy analysis, demand analysis and forecasting, economic modelling and cost-benefit analysis.

DURATION

4 days

FEE

S\$2,800

Fees may also be paid in USD. Participants from Singapore are required to add GST to the course fee.

Workshop on Aviation Law Program

Jointly Organised by:
The Singapore Aviation Academy
&
The McGill University Institute of Air & Space Law



July 4-8, 2016

Who should attend?

- *Professionals from airlines, civil aviation authorities and transport ministries, airlines, airports, air traffic services providers, aviation security providers as well as personnel of organizations directly involved in supporting the aviation business such as air cargo operators, insurers, risk managers, manufacturers, law and consulting firms, and international and regional organizations.*
- *This event will address contemporary, cutting-edge issues in aviation technology, business, law and policy.*

MONDAY – July 4

HOURL	TOPIC	DESCRIPTION
0900 - 1030	Introduction to Contemporary Issues in Aviation	<ul style="list-style-type: none">• The Growth of Aviation Markets• Liberalisation of Air Transport• Trends in Co-operation and Competition• Privatisation of Airlines, Airports, and Air Navigation Service Providers• Competitive Product Strategies• Alliances• Analysis of Current Aircraft Financial Market and Cycle• Financing the Next Generation of Aircraft• Overview of economic theory of deregulation, economies of scale, scope and density, economic and regulatory barriers to entry, contestability and the neo-classical model of perfect competition, price elasticities of demand, and airline financial performance pre- and post-deregulation.• Fungible nature of air transport product, geographic focus, leisure vs. business markets, hub vs. linear route system, route selection, airports, single vs. multiple class cabin configuration, seat pitch, in-flight amenities, and frequent flyer programs.• Predation and the Competition Laws

1030 - 1100	Refreshment Break	
1100 - 1230	International Conventional and Customary International Aviation Law	What are the nationality and public policy considerations that governed air transportation during the 20th Century?
1230 - 1330	LUNCH	
1330 - 1500	Administrative Law and the Structure of Civil Aviation Agencies	<ul style="list-style-type: none"> • Organization of air transport agencies • Fairness, Due Process, Transparency • Regulatory responsibilities • Agency Autonomy; Anti-Corruption Measures • Sanctions and enforcement • Components of Due Process • Transparency • The process of rulemaking and adjudication • On the record vis-à-vis less formal decisionmaking • Enforcement, Sanctions • License suspension and revocation • Appeals
1500 - 1530	Refreshment Break	
1530 - 1700	Licensing, Certification and Economic Regulation of Airlines, Airports and ANSPs	<ul style="list-style-type: none"> • Safety Regulation • Aircraft Certification • Government Ownership • Air Carrier Operating Certificates • Domestic flag Certification • Foreign flag Permits • Managerial, Operational and Financial Fitness • Insurance • Foreign Ownership Restrictions • Ownership and Control of Airlines • Ownership Structures • Corporate Citizenship • Socio-economic Obligations • Small Community Service • Aircraft Registration Obligations • Article 83 bis of the Chicago Convention • Common Carriage Obligations • Military Obligations • Evolving Rules on Foreign Ownership

TUESDAY - JULY 5

HOUR	TOPIC	DESCRIPTION
0900 - 1030	International Traffic Rights and Air Transport Agreements	<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? • Liberalisation of Air Traffic Agreements: "Open Skies", and "Beyond Open Skies" • Negotiating Air Transport Agreements • Cabotage, Foreign Ownership, and Seventh Freedom

		<p>Rights</p> <ul style="list-style-type: none"> • 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)? • 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? •
1030 - 1100	Refreshment Break	
1100 - 1230	Aviation Safety	<ul style="list-style-type: none"> • Carrier and aircraft airworthiness requirements. • What are the current requirements regarding airport and airline safety? • How do governments certify airlines, airports and air navigation service providers? • The ICAO Safety and Security Audits of State Compliance with Standards and Recommended Practices • How are State obligations enforced? • 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 • Regulation of Military Aircraft and Military Airspace
1230 - 1330	LUNCH	
1330 - 1500	Accident Investigations	<ul style="list-style-type: none"> • Designation of Investigator in Charge • Process of Accident Investigation • “Just Culture” and the Impact of Criminalization on the Success of Candid Investigations
1500 - 1530	Refreshment Break	
1530 - 1700	Aviation Security	<ul style="list-style-type: none"> • How do governments implement Annex 17 of the Chicago Convention? • How do governments certify airlines, airports and air navigation service providers? • 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
	Environmental Regulation	<ul style="list-style-type: none"> • Environmental Regulation • Aircraft noise and emissions are imposing

		<p>significant burdens on the environment.</p> <ul style="list-style-type: none"> • Environmental concerns restrict airport development and aircraft operations, and impact engine design and manufacture. • Surface and ground water contamination issues are created by aviation fuel and aircraft de-icing chemicals. • How do governments regulate these environmental issues (e.g., emissions trading and curfews), and what impact do they 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 •
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WEDNESDAY - JULY 6 HOLIDAY, NO CLASS

THURSDAY - JULY 7

HOUR	TOPIC	DESCRIPTION
0900 - 1030	Airline Mergers & Acquisitions	<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?
1030 - 1100	Refreshment Break	
1100 - 1230	Competition Law and Airline Alliances	<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 forms of airline behaviour offend the antitrust and competition laws? • What are the economic and marketing reasons airlines enter into alliances? • What is the impact of alliances upon consumers and non-aligned competitors? • Will three airline alliances come to dominate passenger transportation world-wide? • How does the extraterritorial reach of domestic antitrust law impact international airlines? • What are the fundamental principles and objectives of antitrust law? • What types of airline conduct potentially violates antitrust and competition law? • What forms of airline anti-competitive behaviour constitute civil and criminal antitrust prohibitions?
1230 - 1330	LUNCH	
1330 - 1500	Predatory Practices & Collusion Between Competitors	<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 monopolization, or abuse of a

		<p>dominant position?</p> <ul style="list-style-type: none"> • 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?
1500 – 1530	Refreshment Break	
1530 - 1700	Airports and Air Navigation Service Providers	<ul style="list-style-type: none"> • Which airports are slot or curfew controlled? • How are landing slots allocated? • How 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 privatization on infrastructure and charges? • 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 corporatization 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 GNSS? • What issues of liability impact air navigation service providers?

FRIDAY – JULY 8

HOURL	TOPIC	DESCRIPTION
0900 – 1030	Consumer Protection Laws	<ul style="list-style-type: none"> • The Origins of Passenger Rights • Airline Tariffs • Passenger Rights Regimes • Flight Delays, Cancellations • False and Misleading Advertising • Code Sharing • Funnel Flights • Oversales • Discrimination against Passengers with Disabilities
1030 – 1100	Refreshment Break	
1100 – 1230	Privatization of Airlines, Airports and Air Navigation Services	<ul style="list-style-type: none"> • From government operation, to corporatization, to private ownership • Innovative financing • Build-operate-transfer • Concerns about the natural monopoly characteristics of infrastructure, and opportunities for abuse
1230 – 1330	LUNCH	

1330 - 1500	Aircraft Finance and Registration of Security Interests	<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? • Issues of registry of financial interests in aircraft. • What are the requirements of the Cape Town Convention?
1500 - 1530	Refreshment Break	
1530 - 1700	Wrap Up Session	<ul style="list-style-type: none"> • This time is reserved for any issues that warrant additional discussion and interactive workshop presentations

FACULTY:

Paul Stephen Dempsey

With a BA in Journalism and an Juris Doctor in Law from University of Georgia, Prof. Dempsey went on to acquire an LL.M in International Law from George Washington University and a DCL in Air & Space Law at McGill University. He was Vice Chairman of Frontier Airlines Holdings, Inc., and Chairman of Lynx Aviation, Inc. Prof. Dempsey served as Attorney-Advisor to the Interstate Commerce Commission's Office of Proceedings (1975-77), Attorney-Advisor to the former Civil Aeronautics Board's Office of General Counsel, and its Bureau of Pricing and Domestic Aviation (1977-79), and the Legal Advisor to the Chairman of the U.S. Interstate Commerce Commission (1981-82). He was also the Director of the Transportation Law Program at the University of Denver in Colorado and Director of the National Center for Intermodal Transportation. Since 2002, Dr. Dempsey has served as Tomlinson Professor of Global Governance in Air & Space Law and Director of the Institute of Air & Space Law at McGill University.

Kate Markhvida

Kate Markhvida holds B.A. in economics and statistics from the University of British Columbia (2007), an M.A. in economics from Carleton University (2008) and a graduate diploma in Air & Space Law from McGill (2012). Ms. Markhvida is also a recipient of the Social Sciences and Human Research Council (SSHRC) graduate scholarship. Ms. Markhvida worked at the at Canada's federal antitrust agency (2008-11), and since has served as Manager of Economic Analysis and consulted with InterVISTAS Consulting Inc., while conducting courses in aviation economics and law to students and professional audiences. Her areas of expertise include competition assessments, regulatory and policy analysis, demand analysis and forecasting, economic modeling and cost-benefit analysis.

Ludwig Weber

Professor Ludwig Weber is Senior Civil Aviation Policy and Management Adviser to ICAO, and Adjunct Professor of Law at McGill University, where he teaches Comparative Air Law. He was previously Legal Counsel of the International Air Transport Association (IATA) in Geneva and Montreal (1982-1995), Director of the Legal Bureau of the International Civil Aviation Organization (ICAO) in Montreal (1995-2004), and Consultant to ICAO. He holds a Doctorate in Law (Heidelberg University) and an LL.M. in air and space law (McGill University), and is also a Member of the Board, Institute of Air & Space Law Centre for Research at McGill University.