

EVENT CALENDAR:

January 21-22, 2020 года – 12th European Space Conference, Brussels, Belgium

February 4-5, 2020 – European Business Aviation Association – Air Ops Europe 2020, Brussels, Belgium

February 10, 2020 – Russian National Round of the 11th Leiden–Sarin International Air Law Moot Court Competition, Moscow, Russia

February 19-21, 2020 – IATA Legal Symposium 2020, New York, USA

March 31 - April 1, 2020 – Sixteenth Symposium and Exhibition on the ICAO Traveller Identification Programme (TRIP), Montreal, Canada

April 17-19, 2020 – The 11th Leiden–Sarin International Air Law Moot Court Competition, Shanghai, China

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- EU

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- Air Law Workshop in Leiden
- 31st Annual EALA Conference
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EVENTS: CELEBRATING THE 75TH ANNIVERSARY OF THE CHICAGO CONVENTION AND ICAO



On December 7, 2019, on the initiative of Studio Pierallini Named Partner Laura Pierallini, in collaboration with ENAC, ENAV and International Institute of Air and Space Law of Leiden University at the University of LUISS, Rome, the Celebrating the 75th Anniversary of the Chicago Convention and ICAO was held.

NEWS: NEW ICAO COUNCIL PRESIDENT ELECTED



The 36-member governing body of the International Civil Aviation Organization (ICAO), the ICAO Council, has elected Mr. Salvatore Sciacchitano of Italy as its President for a three-year term, beginning 1 January 2020. He succeeds Dr. Olumuyiwa Benard Aliu of Nigeria, who has held the position for two consecutive terms since 2014.



On 1 November, the Federal Ministry of Labor adopted the Professional Standard for ground handling for civil aviation aircraft workers. The Standard provides for a description of the following labor functions: (1) performance of civil aviation aircraft ground handling; (2) management of civil aviation aircraft ground handling, including organization and control of aircraft ground handling. The Standard is not compulsory; however it can be applied by employers as a basis for setting qualification requirements to employees responsible for aircraft ground handling.

On 4 November, Russia ratified the Agreement signed on November 2, 2018 in Astana on the implementation by the Commonwealth of Independent States (CIS) member States of joint activities in the field of research and use of Outer Space for peaceful purposes. The objective of the Agreement is to create an institutional and legal framework for multilateral cooperation in the exploration and use of outer space for peaceful purposes, as well as for the development and conclusion by States of treaties on specific joint space activities areas. The Agreement specifies the provisions of the CIS Convention on cooperation in exploration and use of Outer Space for peaceful purposes (Dushanbe, September 28, 2018), which entered into force for Russia on May 22, 2019.

On 18 November, the Federal Government amended the Rules for granting budget subsidies to air transport organizations in order to ensure the availability of air transportation services. The amendments provide, among others: (1) reduction of the deadline for airlines to submit statements of readiness to carry out passenger air transportation at a special tariff – from 1 December to 15 November of the year preceding the year of grant; (2) the possibility of concluding additional contracts for the grant; (3) establishment of the criterion for achieving the result of the grant by all air transport organizations which concluded contracts for the grant.

On 21 November, the Federal Government amended the Statute of Ministry of Transport Security Office. The new Statute provides, in particular, that the Security Office is now responsible for ensuring transport security, and for that reason the Ministry is now entitled to acquisition of combat hand-held small arms and ammunition for the performance of the named duty.

It should be noted that in the end of 2017 police was denied the function of ensuring transport security. Respective amendments were made to the laws “On transport security” and “On police”, as well as to the Air Code of the Russian Federation.

On 2 December, several amendments were made to the legislation on transport security. First, article 12.3 of the Law on Transport Security was supplemented by a provision granting transport security units the right to purchase, store and use electroshock devices and spark arresters. Secondly, the state security services were empowered to shoot down unmanned aircraft used in violation of the law.

On 4 December, the Federal Government acting in compliance with part 2 of article 13 of the Law on Competition Protection approved the conditions of permissibility of restricting competition agreements between Federal Executive Bodies, State Bodies of the RF Subjects and economic entities on passengers air transportation on the routes in which the departure or destination point is the city of Norilsk.

On 24 December, the Federal Government included into the Rules for granting subsidies to airports for servicing state aircraft the provisions regarding revision of the refusals dated before 25 January 2019 to grant airports subsidies due to exhaustion of the budget obligation limits. The lost income will be reimbursed to airports in full in 2019-2020.

On 25 – 26 December the Federal Government approved the Rules for granting in 2019 subsidies to Russian leasing companies for the purchase of aircraft (planes and helicopters), as well as simulators for them. The Rules also provide support to domestic aircraft manufacturers who purchase aircraft simulators. On 25 December, the Federal Government amended the Rules for subsidizing air carriers which lease aircraft for domestic regional and local transportation. The purpose of the subsidies is to implement the “Development of the Aviation Industry” and “Development of the Transport System” State Programs.–

On 27 December, the Law returning isolated smoking premises to airports was published. It is expected that this will be a more effective measure to protect non-smoking passengers and airport workers than actually ignored full smoking ban which was introduced in 2013.

On 27 December, article 56 of the Air code of the Russian Federation was supplemented with a clause providing that in certain cases foreign citizens can join the crew of an experimental aircraft. At the same time the crew captain in all cases shall be the RF citizen.

EVENTS: 31ST ANNUAL EALA CONFERENCE



On November 8, 2019, the 31st Annual Conference of the European Air Law Association (EALA) was held in Paris (France). This year’s Conference was focused on the following topics:

- The external relations of the EU, including the enactment of a new regulation on the safeguarding of fair competition in international air transport and the EU agreements with Qatar and the Association of South Easter Asian Nations (ASEAN). The implications of Brexit.
- A discussion on how to cope with the management of air traffic in Europe’s airspace which is becoming ever more crowded and impacted by questions on labour arrangements, the need to align technology among stakeholders and privatisation.
- Safety in relation to automation. Explaining the enormous implications of the recent aviation tragedies involving investigations regarding certification of aircraft and liability for the compensation of damages.
- The organisation of infrastructure. The use of drones near airports and airport-airlines relations in the context of envisaged privatisation plans, with special reference to the situation in France.

Also great news was the decision of the EALA Committee to hold the 33rd annual conference in 2021 in St. Petersburg (Russia).



On 7 November, a coalition of nine EU member States including Belgium, Bulgaria, Denmark, France, Germany, Italy, Luxembourg, the Netherlands and Sweden urged the European Commission of the need to propose new measures on aviation pricing, most notably, the introduction of further taxes on air transport fares in order to bring aviation pricing in line with other sectors', such as, for instance, rail transportation. The initiative is led by the Dutch Government that insisted on the fact that "aviation is not sufficiently priced". Remarkably, the countries in question are responsible for more than half of the EU's aviation emissions. However, although the Dutch and German governments consider it an option, the joint statement does not recommend imposing a jet fuel tax on intra-EU flights. A report recently concluded by the European Commission shows that an EU-wide tax on aviation activities would lower emission, while, at the same time, generating an annual income of around EUR 27 Billion.

The European Commission has opened an in-depth investigation to assess the proposed creation of two joint ventures by aircraft manufacturers Boeing and Embraer, under the EU Merger Regulation. The Commission is concerned that the transaction may reduce competition as regards commercial aircraft. At this early stage, the Commission is concerned that the proposed transaction may remove Embraer as the third largest global competitor in the already highly concentrated commercial aircraft industry. Potential entrants from China, Japan and Russia seem to face high barriers to entry and expansion and may be unable to replicate within the next years the competitive constraint currently exerted by Embraer. The transaction may therefore result in higher prices and decreased offer.

Yet in November, the European Commission has also reactivated talks with Oman in the context of a negotiation of a comprehensive air transport agreement. Negotiation with Oman, which is one of the 11 overseas markets identified in 2015 in the "Aviation Strategy for Europe", are currently retracing the successful negotiations between the EU and Qatar, which led the two parties to conclude an air transport agreement, which is awaiting to be signed and become fully effective and applicable.

In early December, the European Commission today updated the "EU Air Safety List", the list of airlines that do not meet international safety standards, and are therefore subject to an operating ban or operational restrictions within the European Union. This seeks to ensure the highest level of air safety for Europeans and all other passengers travelling in the European Union. Commissioner for Transport Adina Vălean said: "Today's decision illustrates our continuous efforts to offer the highest level of safety. Not only to European travellers, but to travellers worldwide, because aviation safety knows no border or nationalities". Following today's update, a total of 115 airlines are banned from EU skies: 109 airlines certified in 15 states, due to a lack of safety oversight by the aviation authorities from these states and six individual airlines, based on safety concerns with regard to airlines themselves.

On 13 December, at the COP25 Climate Summit in Madrid, the President of the European Commission presented the Green Agreement. The Agreement, adopted by all member States with the only exception of Poland, is a great step for Europe to combat climate change. It highlights the critical current state of the environment, where the climate change is increasingly evident every year. The main objective of the document is to achieve zero net emissions of greenhouse gases in Europe by 2050. In addition, it is clarified that the environmental ambitions of the Green Agreement will not be achieved with Europe acting alone.



OLEG AKSAMENTOV

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DIRECTOR OF THE AEROHELP INSTITUTE OF AIR AND SPACE LAW

The Government of the Russian Federation Act of September 14, 2019 №1200 "On Amending Certain Acts of the Government of the Russian Federation and Recognizing Certain Provisions of Some Acts of the Government of the Russian Federation as invalid" approved changes that affected four government acts directly related to administrative reform in Russia, namely

1. The Government of the Russian Federation Act of 08.13.1997 №1009 "On the approval of the Rules for the preparation of regulatory legal acts of federal executive bodies and their state registration";
2. The Statute on the Government Commission for Administrative Reform, approved by the Government of the Russian Federation Act of July 31, 2003 №45;
3. The Regulation of the Government of the Russian Federation, approved by the Government of the Russian Federation Act of 01.06.2004 №260;
4. The rules for the federal executive bodies to assess the regulatory impact of draft regulatory legal acts and draft decisions of the Eurasian Economic Commission, approved by the Government of the Russian Federation Act dated December 17, 2012 №1318.

Among others, a significant innovation is that now the regulatory legal acts of federal executive bodies containing provisions that establish, amend or invalidate mandatory requirements that are assessed for compliance with state control (supervision), municipal control, when considering cases about administrative offenses, or mandatory requirements, compliance with which is checked when issuing permits, licenses, accreditation certificates all other documents of a permissive nature are sent for state registration to the Ministry of Justice of the Russian Federation with an appendix of the Protocol of the meeting of the working group or the Protocol of the meeting of the Government Commission for Administrative Reform or its Sub-Commission, at which the draft of the relevant regulatory legal act of the federal executive body was considered.

The composition of the working groups on the implementation of the mechanism of the "Regulatory Guillotine" was approved by the decision of the Sub-Commission on improving the control (supervisory) and licensing functions of the federal executive bodies under the Government Commission for Administrative Reform.

The working group on the implementation of the "Regulatory Guillotine" mechanism in the field of air transport included representatives of Civil Aviation Authorities, representatives of business and public industry associations. The Co-Chairs of the working group, acting on an equal footing, are the head of the Federal Air Transport Agency Alexander Neradko and General Director of the S7 Group Vladuslav Filev. Director of the AEROHELP Institute Oleg Aksamentov was pointed as an Executive Secretary.

This procedure will continue until 01.01.2021, that is, until the Government Commission for Administrative Reform makes a decision to complete the implementation of the "Regulatory Guillotine" mechanism and terminate the work of working groups.

EXPERT'S OPINION: AVIATION INSTITUTE IS LAUNCHED IN BRAZIL



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Instituto de Tecnologias, Capacitação e Desenvolvimento em Transportes Aéreos — INSTITUTO CEPTA – has been launched in Brazil.

Our history has begun in 2006 when the Instituto CEPTA was launched. During our first attempt, the aviation sector wasn't consolidated in Brazil. Since 2016, a team has been studying a way to start again the Instituto CEPTA.

After 3 years, the Instituto was reformatted to develop aviation in Brazil and make Brazilian aviation great again like in past:

So, the main activities are:

1. Encouraging initiatives on air transport;
2. Promoting volunteers to spread aviation;
3. Organising courses, lectures and conferences;
4. Creating job opportunities;
5. Developing researches to encourage innovation in air transport;
6. Operating and managing aircraft;
7. Managing any other assets involving air transport;
8. Developing technologies, studies and researches on air transport and airports.

Of course, this mission seems to be challenging but Brazil is a place of opportunities because there is a market for all kinds of activities in air transport here.

Good luck to the Institute.

NEWS: THE MONTREAL PROTOCOL 2014 ENTERS INTO FORCE

The Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Montréal on 4 April 2014, shall enter into force on 1 January 2020. The necessary twenty-second instrument of ratification was deposited with the Secretary General of ICAO, Dr. Fang Liu, by the Government of the Federal Republic of Nigeria on 26 November 2019.

The instrument was ratified by the President of Nigeria, H.E. Muhammadu Buhari, on 22 November 2019, and deposited by Nigeria's Minister of Aviation, H.E. Hadi Sirika.

The Montreal Protocol 2014 amends the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Tokyo on 14 September 1963 (Tokyo Convention, 1963). "The Protocol addresses the issue of rising incidents of unruly and disruptive behaviour on board aircraft by significantly improving the ability of States to expand jurisdiction over relevant offences and acts to the State of landing and the State of the operator," declared Secretary General Liu. "The Protocol will also serve to enhance global aviation security provisions by expressly extending legal recognition and protections to in-flight security officers."



3rd TRAVEL LAW FORUM

Friday, March 27th 2020
Novotel Istanbul Bosphorus

We are pleased to announce that Palladian Conferences is organizing the 3rd TRAVEL LAW FORUM - The future Traveller in cooperation with the International Institute of Air & Space Law-University of Leiden. The Forum will take place at the Hotel Novotel Istanbul Bosphorus, on Friday March, 27th 2020.

THE FORUM:

PANEL I: Regulatory Issues Affecting Air Carriers, Hotels and Tour Operators

PANEL II: Leasing Financing Issues

PANEL III: Future Traveller: Technology & Regulations

PANEL IV: Public Law Aspects: Managing Package Travel Services in light of Tour Operator/Airline Bankruptcies

AIR LAW LITERATURE: THE AVIATION HERALD OF BELORUSSIAN STATE ACADEMY OF AVIATION



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The educational institution “Belarusian State Academy of Aviation” organized the publishing of the first issue of the only scientific and practical magazine in the field of air transport in the Republic of Belarus “Aviation Bulletin” (No. 1 2019).

The main topics of the journal are analysis of the state, problems and prospects of development of civil aviation and the global aviation community. Considerable attention is paid to the regulatory aspects of the organization of the air transport market; the most important documents and decisions adopted at the state and regional levels of the legislative and executive authorities.

The journal presents three branches of science: technical, pedagogical and legal.



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Dear friends, we present to your attention a new section of AEROHELP.today Journal – the Air and Space Law Academic Review, which will provide an overview of the most interesting, in our opinion, various publications in legal journals of different countries devoted to the problems of air and space law, and monographs on the same subject. We also invite everyone to send us their short reviews of publications, which we will try to post in the next issues of AEROHELP.today.

And so, first of all, we want to draw your attention to the article by Matthew E. King and Laurie R. Blank “International Law and Security in Outer Space: Now and Tomorrow”, which is published in the 113th issue of the American Journal of International Law (JIL). The authors of the article consider the important role of international space law in ensuring clarity, predictability and consistency of actions of States related to the use of outer space.

JIL is a leading peer-reviewed journal published quarterly since 1907 and featuring articles, essays, editorial comments, current events, and book reviews by prominent scholars and practitioners from around the world on developments in public and private international law. The journal also contains an analysis of the decisions of national and international courts and tribunals, as well as a section on current US practice in international law.

Of little interest, in our opinion, is the article by Laura K. Ashdown “Preventing Cyber-9/11: How Universal Jurisdiction Could Protect International Aviation in the Digital Age” published in the 84th issue of The Journal of Air Law and Commerce. The author of the article raises the issue of aviation security and the prevention of threats to civil aviation in the context of the digital age. The paper analyzes the possibilities of overcoming cyber threats, cyber hacker attacks aimed at the operation of digital aircraft communication systems.

The Journal of Air Law and Commerce is the oldest scientific periodical devoted mainly to the legal and economic problems of aviation and space and contains articles by prominent lawyers, economists, government officials and scientists, which in turn are devoted to domestic and international problems of the aviation industry, private aviation and space, as well as general legal topics that have a significant impact on the aviation industry.

The 44th issue of the journal of Air and Space Law published an article by Cyril-Igor Grigorieff, Charlotte Thijssen, Annick Sleenckx, “Attacks Against Aviation: Beijing Convention and Protocol Now in Force”. The authors of the article study in detail in their work key documents in the field of combating acts of unlawful interference in the activities of civil aviation, explaining the difference in their application.

The publishers of Air and Space Law journal aim to provide a forum for practitioners and scholars involved in the international legal aspects of air and space law and focused on the study and practice of aviation policy, as well as civil, commercial, administrative and criminal aspects of the development of these sectors of international law .

EVENTS: SPACE LAW SCHOOL 2020



The Second School on International Space Law, which is a student project whose main goal is to popularize knowledge of international space law, has opened at the Belarusian State University (BSU).

The organizers of the First School in 2018 were the champions of Europe in the Manfred Lachs International Space Law Moot Court Competition in 2018, the owners of the world's best legal arguments for the contest in 2018, Daria Bogdan and Elena Lavrenova, who also acted as the main lecturers of the School.

In 2019, the Second School is held by the national contacts of the Space Generation Advisory Council in Belarus Daria Bogdan and Miroslava Kozlovskaya.

The School is co-organized by the Faculty of International Relations of the Belarusian State University, the Space Generation Advisory Council and the Public Organization International Law Society.

The main topics of the School cover an introduction to international space law, the legal regulation of mining in Outer Space, the military use of Outer Space and the responsibility for space activities. In 2019, graduates of the First School were offered an in-depth program. Students, undergraduates and graduate students of the Belarusian State University can become participants in the School, regardless of specialty.

Classes at the School are free, conducted internally at the Faculty of International Relations of the Belarusian State University. As a rule, the format of the meetings consists of a full-time lecture and work in groups in order to carry out assignments on the topic with subsequent discussion. Taking into account the topics of the meetings, video lectures from invited experts in the field of space law (in Russian or English) are also provided.

EVENTS: AIR LAW WORKSHOP IN LEIDEN

On 14-15 November 2019 the Annual Workshop on Air Law was held at Leiden University (the Netherlands). The organizers of the Workshop are the International Institute of Air and Space Law of the Leiden University, together with Clyde & Co (London), Gorrissen Federspiel (Copenhagen) and Erkelens Law (Brussels).

Speakers from different countries and jurisdictions spoke out on a wide range of pressing issues in the field of air law.

Traditionally, on the first day of the Workshop, PhD thesis was defended. This time, our friend and colleague from Ecuador Fernando Fiallos Pazmino presented his theses on the topic "Legal Perspectives on the Cross Border Operations of Unmanned Aircraft Systems".



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