

EVENT CALENDAR:

June 21, 2019 – LUISS Sixth Air Law Conference «Facing the new challenges in the Aviation Industry», Rome, Italy

June 28, 2019 – 12th EALA Munich Liability Seminar, Munich, Germany

July 23-28, 2019 – MAKS 2019 – the 14th International Aviation and Space Salon, Moscow, Russia

September 24 – October 04, 2019 – The 40th regular session of the ICAO Assembly, Montreal, Canada

October 4, 2019 – The 9th St. Petersburg Air Law Conference, St. Petersburg, Russia

October 16-18, 2019 – 31th IAWA's Annual Conference, Lima, Peru

October 18-19, 2019 – 12th Annual McGill Conference on International Aviation Liability, Insurance & Finance, Montreal, Canada

October 22, 2019 – 2019 Shanghai International Air Law Forum, Shanghai, China

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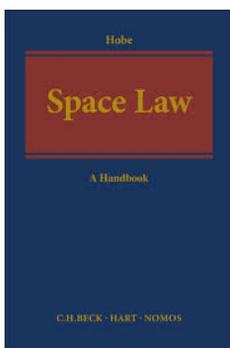
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AEROHELP INSTITUTE NEWS



PUBLICATIONS: STEPHAN HOBE "SPACE LAW"

The new book "Space Law" published in May 2019 written by an Expert in International Air and Space Law, Doctor of Law, Professor, LL.M. (McGILL) Stephan Hobe stands out through with in-depth approach to all relevant legal aspects of space activities and includes numerous graphics and illustrations. Short summaries for each chapter facilitate a quick orientation and make the book an ideal companion for undergraduate and postgraduate students as well as for practitioners.



RUSSIAN AIR LEGISLATION: OVERVIEW OF JUNE 2019 CHANGES

On 4 June the Federal Government published its Decree of 31 May which assigns Roscosmos as operator of Remote Sensing Data Federal Fund. The Fund was established last year to accumulate remote sensing data collected both by state and non-state spacecraft.

On 6 June amendments to the article 164 of the Tax Code of Russian Federation were adopted. The amendments establish for indefinite time period a zero VAT rate for domestic passenger air carriages bypassing Moscow. The amendments are aimed at stimulation of the expansion of interregional regular passenger air routes network, as well as the development of regional aviation transport infrastructure and reduction of the load on the Moscow Air Hub. The amendments will enter into force upon expiry of one month from the date of their publication (7 June), but not earlier than the 1st day of the next VAT period.

On 10 June the federal Government approved, on the grounds of the article 164 of the Russian Tax Code, the list of services rendered at Russian international airports in respect of international flights subject to zero VAT rate. The list includes a number of services related to ensuring of international flights departures and arrivals, as well as maintenance of aircraft engaged in international flights. The list will be applied starting from 1 July.

On 17 June amendments to the article 263 of the Russian Criminal Code were adopted. The amendments provide for criminal responsibility of private pilots operating light and ultra-light aircraft in case they violate rules of safety in air transport.

The new crime is similar to the one contained in the article 264 of Criminal Code and related to car drivers violating road traffic rules. The article 263 was earlier applicable only to personnel employed at transport sector, but by virtue of the new clause 1.1, any private person operating light or ultra-light aircraft and violating safety rules is subject to criminal responsibility provided that this act caused serious harm to human health or material damage exceeding RUR 1 million. The most severe type of punishment for this crime shall be imprisonment for up to two years. The amendments also provide for a number of aggravating circumstances of the crime, including being intoxicated at the moment of its commission.

On 21 June the President of Russian Federation enacted a temporal ban starting from 8 July on Russian airlines to perform passenger carriages between Russia and Georgia. This measure is aimed at ensuring Russia's national security and protection of its citizens from illegal actions in connection with the anti-Russian riots of 20 June in Tbilisi.



EU AIR LEGISLATION: OVERVIEW OF JUNE 2019 CHANGES

On 11 June 2019, the Commission Delegated Regulation (EU) No. 2019/945 of 12 March 2019 on unmanned aircraft systems and on third-country operators of unmanned aircraft systems and the Commission Implementing Regulation (EU) No. 2019/947 of 24 May 2019 on the rules and procedures for the operation of unmanned aircraft were published.

The new Regulations contain a set of technical and operational requirements that drones must comply with in order to operate in the EU. As Patrick Ky, EASA's Executive Director, observed: *"Europe will be the first region in the world to have a comprehensive set of rules ensuring safe, secure and sustainable operations of drones both for commercial and leisure activities. Common rules will help foster investment, innovation and growth in this promising sector"*.

According to the new rules, drones must be registered in an EU Member State and identifiable at all times. Furthermore, the Regulations make a distinction between different categories of UAS on the basis of the risk involved. These are: (i) the ‘open category’, including low-risk flights, does not require prior authorisation or operator’s declaration; (ii) the ‘specific category’, which includes those operations which, in view of the risk involved, would generally require – with some exceptions – an authorisation by the competent Civil Aviation Authority; and (iii) the ‘certified category’, which includes the high-risk operations and requires the certification of the UAS, a licensed remote pilot and an operator approval by the competent Civil Aviation Authority.

The Commission Delegated Regulation also lays down the requirements for third-country drone operators, that is, operators that are resident or established or with a principal place of business outside of Europe, if they intend to conduct operations in the EU.

The Regulations will be officially applicable in one year. This will give Member States and operators time to prepare for its implementation. As of June 2020, drone operators will be required to be registered in the Member State where they have their residence or main place of business. Later this year, the European Aviation Safety Agency (EASA) will publish guidance material to assist drone operators. EASA will also make a proposal to the European Commission for a U-space Regulation. U-space concerns all the necessary procedures and services, including infrastructure to ensure the safety of drone flights in the airspace.



ASIA AIR LEGISLATION: OVERVIEW OF RECENT CHANGES

On 21 January 2019, the CAAC issued the *Roadmap for Restructuring the GA Regulatory System* with a *GA Business Framework* and a *GA Regulatory Framework*, which established the general principles and specific requirements for the policy orientation, legislative idea and institutional design of future Chinese GA sector.

As to civil Unmanned Aircraft Systems (UAS), since 2013 the CAAC has continued to issue and update numerous rules, procedures and opinions pertaining to UAS categorisation, airworthiness, personnel licensing, unmanned operation management (UOM), real-name registration, civil and commercial operations (excluding air transport) and liability etc. In 2019, the CAAC issued new opinions regarding the operational risk-based Remotely Piloted Aircraft Systems (RPAS) airworthiness certification and the interim procedures for trial operation of specific types of UAS based on Specific Operations Risk Assessment (SOAR). In addition, currently in China more than 12 provinces, 4 autonomous regions, 4 municipalities, 12 cities and the Hong Kong SAR have published local UAS regulations and/or policies, and on 15 March 2019, the CAAC’s Northwest District Authority for the first time implemented the UAS commercial logistics and distribution (air cargo transport) rules specific for the northwest regions of China.

In respect of air passenger rights, the 2016 *Provisions on the Punctuality Management of Flights* implemented on 1 January 2017 is China’s latest and the first regulation specifically addressing the issues of guarantee for regular flight schedules, handling of flight delay – including flight arrival delay, flight departure delay, delay after boarding and large-scale delay – and cancellation, passenger complaints management, supervision and liability of relevant entities. In the case of flight delay, the regulation prescribes detailed rules concerning passenger services at the airport yet it does not impose any mandatory compensation requirement on the carrier. Under the regulation the compensation shall be made in accordance with each carrier’s conditions of carriage, and currently for most Chinese carriers, the compensation should be 200 CNY (roughly 26 EUR) for a delay between 4 to 8 hours, and 400 CNY (roughly 52 EUR) for a delay that is more than 8 hours.

EVENTS: 12th MUNICH LIABILITY SEMINAR OF EALA



OLGA KOLOSHICH

MINSK (BELARUS)

EXPERT IN LEGAL REGULATION OF THE USE OF AIRSPACE, AIR NAVIGATION SERVICE, AIR CARRIAGE OF PASSENGERS AND BAGGAGE, LL.M.

One of the most significant events in the field of international air law was held on June 28, 2019 in Munich, Germany. The European Air Law Association (EALA) held the 12th Aviation Liability Seminar on Liability, Insurance and Reinsurance, Passenger Rights, Litigation, Urban Air Mobility Issues and Commercial Pilots with Mental Disorders. The Liability Seminar is a regular EALA satellite event, which has been held every two years since 1997. The main organizer of the Munich Seminar is the Partner of the law firm Ehlers Ehlers & Partner – LL.M., Dr. P. Nikolai Ehlers.

The seminar was attended by lawyers and experts in the field of International Air Law and Air Law of the EU from different countries and organizations, in particular from EASA, the Croatian Civil Aviation Administration, Ehlers Ehlers & Partner (Germany), Lufthansa Group (Brussels), Turkish Airlines (Turkey), AirHelp (Cyprus), Austrian Airlines (Austria), Debevoise & Plimpton (Moscow office, Russia), Studio Pierallini (Italy), Wizz Air (Budapest), as well as leading educational and scientific institutions dealing with the air law doctrine – International Institute of Air and Space Law of the Leiden University (Netherlands), East China University of Political Science and Law (China), AEROHELP Institute of Air and Space Law (Russia) and others.

The 12th Seminar in Munich discussed issues affecting the observance of passenger rights under the Regulation (EC) N° 261/2004, sanctions against Russia and their impact for insurers operating in Russia, support and monitoring of programs successfully implemented in the aviation industry for commercial psychiatric pilots, claims handling, litigation and mediation, non-negotiable US issues and safety issues, development of urban air mobility, two-aircraft accidents B737 MAX 8, position of operators, passengers claims and their families.



The Seminar finished with a closing remarks by the President of EALA, Professor Pablo Mendes de Leon and Dr. P. Nikolai Ehlers, who thanked the speakers and moderators for participating in the Seminar and an interesting discussion.

EXPERT'S OPINION: PAI ZHENG. RECENT UPDATES OF THE CHINESE CIVIL AVIATION LAW



PAI ZHENG

SHANGHAI (CHINA)

EXPERT IN INTERNATIONAL AIR LAW AND SPACE LAW, PH.D. IN LAW, ASSISTANT PROFESSOR AT EAST CHINA UNIVERSITY OF POLITICAL SCIENCE & LAW (ECUPL)

On December 29, 2018, the latest Amendment of the *Chinese Civil Aviation Law*, the fundamental norms in the civil aviation field of China, entered into force. This is the fifth revision of the original legislation, which was implemented on March 1, 1996.

The Amendment introduced new classification standards for the management of civil airports in order to promote the development of Chinese general aviation (GA) industry. Civil airports in China are divided into public air transport airports and GA airports. In 2017, the Civil Aviation Administration of China (CAAC) classified GA airports into two categories: Type A airport opened to the public and Type B airport not opened to the public. Under the new Amendment (Article 62), the operations of Type A airports shall continue to implement *ex ante* permits as required by the CAAC, while the management approach of Type B airports shall change to a more relaxed *ex post* filing regime.

In addition, the Amendment added a new provision (Article 214) authorising the Chinese State Council and the Chinese Central Military Commission to develop and enact specific regulations for regulating Unmanned Aircraft Systems (UAS). The existing regulatory regime under *Chinese Civil Aviation Law* is not feasible and specific enough for regulating UAS, as the regulatory challenges raised by UAS operations were not envisaged in the original legislation. The new provision added is aiming to provide the legislative basis at the national level for future rulemaking in respect of UAS, and to designate the competent authorities for such legislation.

EXPERT'S OPINION: CHRYSTEL EROTOKRITOU: AIR PASSENGER RIGHTS ECJ UPDATE. MOENS V RYANAIR (C-159/18)



CHRYSTEL EROTOKRITOU

NICOSIA (CYPRUS)

EXPERT IN AIR PASSENGERS COMPENSATION FOR CANCELLED, DELAYED AND OVERBOOKED FLIGHTS, LL.M.

On 26th June, the European Court of Justice (ECJ) made another important preliminary ruling in regards to air passenger rights, further clarifying how the legislation should be interpreted.

In the case *Moens v. Ryanair (C-159/18)*, the ECJ held that the presence of fuel on a runway of an airport which had led to its closure and, consequently, the long delay of a flight to or from that airport, fell within the concept of 'extraordinary circumstances' within the meaning of Article 5(3) of the Regulation EC 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding, flight cancellations, or long delays of flights, when the petrol in question did not originate from an aircraft of the carrier that had operated that flight.

Ryanair passengers demanded compensation under regulation EC261, since they were delayed for more than 3 hours on a flight from Treviso to Charleroi because of fuel on the runway. The ECJ confirmed this being outside the airlines control, which frees them from the obligation to financial compensation to the affected passengers.

The decision that limits the airline's accountability for long delays is fair, validating how the ECJ takes airline operations into consideration and divide their rulings equally between airlines and passengers.

EVENTS: THE SIXTH LUISS AIR LAW CONFERENCE “FACING THE NEW CHALLENGES IN THE AVIATION INDUSTRY”



ANASTASIA TELEGINA

SAINT PETERSBURG (RUSSIA)

ANALYST AT THE STRATEGIC PLANNING DEPARTMENT OF RESEARCH AND PRODUCTION ENTERPRISE “DIGITAL RADIO SYSTEMS”

On June 21, 2019, the Sixth LUISS Air Law Conference “Facing the New Challenges in the Aviation Industry” was held in Rome, the main organizer of which is the Founder and Managing Partner of the law firm Studio Pierallini – Professor Laura Piurallini. I was fortunate to attend this event as part of a delegation from the Institute of Air and Space Law AEROHELP.



Traditionally, the Conference is held at LUISS University – the largest private University in Italy. In this beautiful place, the historical appearance of the University building is in the best way combined with modern, perfectly technologically equipped auditoriums and a conference hall.



All day along, during the Conference, discussion panels were held on the most up-to-date and relevant topics and issues that confront the professional aviation legal community here and now, literally. Along with the acute possible consequences for aviation because of Brexit issues, the problems of airline investments and their fair competition, there were reports on interesting topics such as the trends towards greater automation and its liability implication, as well as unmanned aircraft problems.

The idea that the best specialists of the industry have the opportunity to exchange experience, opinions, voice questions and get answers in a lively dialogue represents a great value of such events.

For me personally, this was the first visit to an international conference outside of Russia. And I can note the special benefit and value of such experience for myself as for a young specialist. The high level of the Conference itself, meeting and communicating with interesting people who are passionate about their work, and, of course, walking through the delightful, summer Rome will remain unforgettable.

NEWS OF THE AEROHELP INSTITUTE

Ishembay Abdraimov Kyrgyzstan Aviation Institute and the AEROHELP Institute of Air and Space Law signed a Memorandum of Cooperation to develop educational, scientific and other forms of mutual cooperation. The Kyrgyzstan Aviation Institute named after Ishembay Abdraimov is an educational organization of higher professional education in the field of civil aviation and provides initial training, retraining, and advanced training of flight and technical specialists for civil aviation.

Expert in International Air and Space Law of the AEROHELP Institute Benjamyn Scott defended his thesis on aviation cybersecurity at the University of Cologne and have been awarded Doctorate.



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