Domestic Air Laws in India: An Overview

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Why India has to Regulate Civil Aviation?

- What is Regulations and Why India has to regulate its Civil Aviation?
- to provide for the transport requirements of foreign commerce
- To promote tourism sector
- to provide employment and earn foreign exchange
- to meet the needs of the postal system
- to create the conditions for a viable, healthy air transport sector
- to aid in national development
- to serve national defence.
- to meet disaster assistance needs etc.

Legislative component (making of laws, policies, rules and regulations, and these rules for granting or denying of permission etc.)

Organizational Component, Ministry of Civil Aviation and various other agencies like DGCA, Air India, Indian, other private airlines and AAI provides infrastructure

Air Laws in India

- India is party to all important treaties on Int. civil aviation and to implement most of these treaties it also made enabling legislations which include:
- Air Ships Act 1911
- Aircraft Rules (Custom)1920
- Aircraft Act, 1934
- Aircraft Rules, 1937
- Air Corporations Act 1953
- Aircraft Public Health Rules 1954
- Carriage by Air Act, 1972
- Tokyo Convention 1975
- Anti-Hijacking Act, 1982
- Unlawful Seizure against the Safety of Civil Aviation 1982
- Air Corporations (Transfer of Undertakings and Repeal) Act 1994
- The Aircraft (Demolition of obstructions caused by Buildings and Trees etc.) Rules, 1994
- Airport Authority Act 1994
- The Aircraft (Carriage of Dangerous Goods) Rules, 2003
- The AERA 2008
- Carriage by Air Act (Amended) 2009
- Domestic Implementation of Annexure 17 to Chicago convention

How India Regulate Civil Aviation?

- The Ministry of Civil Aviation (**MCA**) is the nodal Ministry responsible for the formulation of policy and regulation of civil aviation in India.
- The MCA oversees the planning and implementation of schemes for the growth and expansion of civil air transport, airport facilities, air traffic services and carriage of passengers and goods by air.
- The following are the principal regulatory authorities functioning under the authority of the MCA:
- -DGCA-
- - AAI
- - BCAS
- - Metrology
- Airlines
- -Scheduled operators
- -non scheduled operators

Indian Regulations- DGCA

- The Directorate General of Civil Aviation (**DGCA**) enforces civil air regulations, regulates air transport services, air safety and airworthiness standards.
- The DGCA draws its authority from the Aircraft Act and Rules and performs functions like issuance of licences, approvals, certificates and permits.
- Over all control of civil aviation in India
- Power to issue directions
- Power to Issue CAR
- Power make specifications
- Power to Issue licenses- persons, aircrafts, aerodromes,
- Power to approve schedules
- Power to issue investigate Accidents and incidents

Indian Regulations- DGCA Cont..

- Administration Directorate
- Aerodrome Standards Directorate (AD)
- Air Safety Directorate (DAS)
- Air Transport Directorate (AT)
- Airworthiness Directorate (DAW) (which is also responsible for registering drones in India)
- Flight Standards Directorate (FSD)
- Information & Regulation Directorate (DRI)
- Aircraft Engineering Directorate (AED)
- Directorate Of Flying Training (DFT)
- Medical Section
- Directorate of Training & Licensing (DTL)
- Directorate of Airspace and Air Navigation Services Standards (ANSS)

Indian Regulations- AAI

- The Airports Authority of India or AAI is a statutory body (created through the Airports Authority of India Act, 1994) working under the Ministry of Civil Aviation is responsible for creating, upgrading, maintaining and managing civil aviation infrastructure in India.
- It provides Communication Navigation Surveillance / Air Traffic Management (CNS/ATM) services over Indian airspace and adjoining oceanic areas.
- It also manages a total of 126 Airports, including 11 International Airports, 11 Customs Airports, 89 Domestic Airports and 26 Civil enclaves at Military Airfields.
- AAI also has ground installations at all airports and 25 other locations to ensure safety of aircraft operations.
- AAI covers all major air-routes over Indian landmass via 29 Radar installations at 11 locations along with 700VOR/DVOR installations co-located with Distance Measuring Equipment (DME).
- 52 runways are provided with Instrument landing system (ILS) installations with Night Landing Facilities at most of these airports and Automatic Message Switching System at 15 Airports

The Airport Economic Regulatory Authority (AERA)

- Why AERA?
- Airports Economic Regulatory Authority (AERA) of India Act was passed in 2008, to establish an independent aeronautical regulatory authority.
- The authority was to work for the protection of the interest of airports, airlines and passengers and also regulate traffic for aeronautical services.
- Aeronautical services primarily include navigation, surveillance and supportive communication for air traffic management and landing facilitation.
- To determine the amount of the Development Fees in respect of major airports.
- To determine the amount of the Passengers Service Fee levied under rule 88 of the Aircraft Rules, 1937 made under the Aircraft Act, 1934.
- To monitor the set Performance Standards relating to quality, continuity and reliability of service as may be specified by the Central Government or any authority authorized by it in this behalf.
- To perform such other functions relating to tariff, as may be entrusted to it by the Central Government or as may be necessary to carry out the provisions of this Act.

Aircraft operation

- Rules 134 and 134A of the AR1937 permit the operation of the following types of air transport services upon fulfilment of minimum requirements laid down in the relevant CAR (Series C, Section 3, Air Transport) issued by the DGCA:
- Scheduled Air Transport Service (Passenger).
- Scheduled Air Transport Service (Cargo).
- Non-Scheduled Air Transport Service (Passenger).
- Non-Scheduled Air Transport Service (Cargo).
- The aforesaid permit is equivalent to the Air Operator's Certificate that is required to be issued by an ICAO Member State.
- Besides other requirements, the issuance of a permit shall depend on the applicant demonstrating adequate organisation, method of control and supervision of flight operations, a training programme and maintenance arrangements consistent with the nature and extent of the operations specified.
- The CAP 3100 Air Operators Certification Manual provides guidance to an applicant seeking an air operator's permit on the systematic procedures to be followed during a certification process

Aircraft operation Cont..

- Clearance from DGCA for the operation
- Valid licenses
- Approval of BCAS
- Approval of flight plan
- Fueling
- ATC clearances
- security clearance
- ATC control till landing.
- Disembarking
- Parking, housing of Aircraft
- Clearance of all dues
- Types of Airline operations: Scheduled air transport services Permit
- Non scheduled airlines Permits (NSOP) - For Chartered operations - For Occasional private use (Private aircraft operations)

Indian Regulations- BCAS

- The main responsibility of BCAS are lay down standards and measures in respect of security of civil flights at International and domestic airports in India.
- ORGANISATION: BCAS is the regulatory authority for civil aviation security in India. It is headed by an officer of the rank of Director General of Police and is designated as Commissioner of Security (Civil Aviation).
- Commissioner of security (CA) is the appropriate authority for implementation of Annexure 17 to Chicago convention of International civil aviation organization (ICAO). Commissioner of security (CA) is responsible for the development, implementation and maintenance of the National Civil Aviation Security Programme.
- Functions: Laying down Aviation Security Standards in accordance with Annex 17 to Chicago Convention of ICAO for airport operators, airlines operators, and their security agencies responsible for implementing AVSEC measures.
- Monitoring the implementation of security rules and regulations and carrying out survey of security needs.
- Ensure that the persons implementing security controls are appropriately trained and possess all competencies required to perform their duties.
- Planning and coordination of Aviation security matters.

The Indian Airships Act, 1911

- Heavier-than-air craft started flying in the initial years of the twentieth century and when the whole world was still amazed at the 'uniquity' of the invention by Wright brothers and was intently watching further development of the machine, India had already enacted an Act to regulate possession, export and operations of aircraft
- *Act No XVII of 1911.* Received assent of the GG on the 23rd September, 1911.
- The Indian Airships Act, 1911 was passed "to control the manufacture, possession, use, sale, import and export of airships" and authorised the Governor General to issue appropriate licenses for respective purpose and empowered the government to prohibit its use and operations.
- Later, Aircraft Rules, 1920 were framed under powers of the Act and some rules of that vintage, particularly "Rules Governing the Arrival and Departure of Aircraft" are still operative in India.
- This Act later got substantially absorbed into The Aircraft Act, 1934.
- Applied to whole British India
- Sec 3- defines the power and function of the Governor General in Council including those for making Rules for licensing of Manufacture, Possession , Use ,Sale, Import and Export of Ship.
- Sec 4 –GG power to prohibit – Import or Export for public good
- Sec 5- GG power to Cancelled or suspend licenses & to acquire airships for public services

The Indian Aircraft Rules (Customs)1920

- Each country has its own laws and regulations for the import and export of goods into and out of a country, which its customs authority enforces.
- The import or export of some goods may be restricted or forbidden.
- A customs duty is a tariff or tax on the importation (usually) or exportation (unusually) of goods.
- The rates of customs duties are either specific or on ad valorem basis, that is, it is based on the value of goods Part 9 from 53-64-Rules governing arrival and departure of Aircraft
- 53 Custom Aerodromes & Customs Officers
- 54 Arrival and Departure
- 55 import and Export of goods
- 56 Procedure on arrival in India
- 57 Delivery of Log Books, manifest , Declaration of goods and stores carried in A/C
- 58 unloading of goods on airport
- 59 Procedure on export
- Prohibition of signals in certain cases
- Forced landings
- Examination of aircraft by customs
- Provision of Sea Customs Act VIII of 1878 to be deemed to apply to import and export by air

The Air Corporations Act, 1953

- Why Nationalization Aviation Sector?
- Prior to 1953 Air Transport in India was provided by private airlines
- Aviation was not developed and air routes were not profitable and companies were in loss
- Aviation Safety and Security was also problem
- Therefor the Nationalization was an inevitable
- The preamble of the Act stats " better provisions for the operation of air transport services by the establishment of air corporations in the public sector
- The two corporations i.e. Air India and Indian air lines were established
- The Act comprised of VII Chapter and 45 sections

Nationalization Era and Problems in Aviation Industry

- The early years of Indian aviation industry and especially 1949-1950, witnessed soaring prices of aviation fuel, mounting salary bills and disproportionately large fleets.
- The result was shown in the declining financial health of the airline companies inspite of a slightly favourable and liberal patronage by the government and an increasing trend in air passenger traffic.
- The Nationalization era witnessed excessive governmental control, lack of a strategic vision, cumbersome procedures characterized by the infamous 'red-tape 'and delayed decision making led to a decline in the standards and efficiency of both the corporations and they were unable to meet the growing demands of the aviation market.
- Similarly, the airports management and development was sluggish and was far behind the actual requirements. The inefficiency caused in the aviation industry by nationalization not only hampered the growth of aviation but also severely hampered tourism, trade and commerce and employment generation.
- Airline industry in India is plagued with several problems. These include high aviation turbine fuel (ATF) prices, rising labor costs and shortage of skilled labor, need or rapid fleet expansion, and infrastructure constraints and need for up gradation
- The Tata Committee Recommendations and the establishment of IAAI, NAA later on merging these two into AAI

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Why the Air Corporation (Transfer of Undertakings and Repeal) Act 1994

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- Post Nationalization Era- 1960s.
- Developments in 1970s and 1980s including De-regulations, Globalization, Liberalization and Privatization
- Indian's response to the above global developments
- India's Open Sky Policy for Cargo sector
- India's Open Sky Policy relating to Passengers
- India's Liberalization Policy of 1990s and its Impact on Civil Aviation
- The Need for repealing of the 1953 Act.

Overview of Act, 1994

- Preamble +12 Sections
- 1. Short title and Commencement
- 2. Definitions
- 3. Undertaking of corporations to vest in companies
- 4. General effect of vesting of undertakings in the companies
- 5. Licenses ,etc. to be deemed to have been granted to companies
- 6. Tax exemption or benefit to continue to have effect
- 7. Guarantee to be operative
- 8. provision in respect of officers and other employees of corporations
- 9. Power of Central Govt to give directions
- 10. Power to remove Difficulties
- 11. Repeal of Act 27 of 1953 and corporations to cease to exist
- 12. Repeal and Saving

Overview of Act, 1994

- In its objectives the act says " An Act to provide for the transfer and vesting of the undertakings of Indian Airlines and Air India respectively to and in the companies formed and registered as Indian Airlines Ltd. and Air India Ltd. and matters connected therewith or incidental thereto and also to repeal the Air Corporations Act 1953."
- The Act also defined important terms like 'appointed day' 'company' 'corporations' etc. Under Section 3 of the Act undertakings of corporations to vest in the companies. And there shall be transferred to, and vest in (a) Indian Airlines Ltd., the undertakings of Indian Airlines . and (b) Air India Ltd., the undertakings of Air India.
- Under Section 4 the General effect of vesting of undertakings in the companies. The undertakings of a corporation which is transferred to, and which vests in a company under Section 3 shall be deemed to include all assets including movable & immovable. Licenses etc. to be deemed to have been granted to companies (Section 5).
- Other important provisions of the act includes tax exemption or benefit to continue to have effect, Guarantee to be operative, provisions in respect of officers and other employs of corporations, power of Central Government to give direction, powers to remove difficulties etc.

Why Liberalization?

- Pre-Liberalization More regulations: Trade Barriers, Tariff Barriers and Non-Tariff Barriers, Technical Barriers to Trade, More Taxes, Restrictive Regulations
- Since its independence in 1947, India has implemented six major industrial policies, the most recent being announced July24, 1991.
- Why Liberalization in India? India Globalized its economy in 1991 With Mounting problems- huge fiscal deficits, BoP crisis and foreign exchange crisis, Foreign investors and NRIs had lost confidence in Indian economy
- Major measures as a part of the Globalization strategy, Devaluation of Currency, Disinvestment, Dismantling of The Industrial Licensing Regime Abolition of the MRTP Act , Allowing Foreign Direct Investment, Wide-ranging financial sector reforms

Why Liberalization Cont..

- Restrictive Regulations
- Monopolies and Restrictive Trade Practice Act, 1969 (MRTP) and the Competition Act, 2002. The Foreign Exchange Regulation Act, 1974 (FERA), and Foreign Exchange Management Act. FDIs and The Foreign Investment Promotion Board (FIPB). Export Processing Zones (EPZs) and Export Oriented Units (EOUs):
- Reforms relating to the banking system-- Capital base of the banks were strengthened by recapitalization, public equity issues and subordinated debt, Prudential norms were introduced and progressively tightened for income recognition, classification of assets, provisioning of bad debts, marking to market of investments,
- New private sector banks were licensed and branch licensing restrictions were relaxed., Credit delivery was shifted away from cash credit to loan method

Liberaliation in India

- In 1991,Narashima Rao government initiated liberaliation and dismantle the 'license raj' which heavy regulated and controled the economic activity in India through various methods like quotas, permits, permissions.
- The new govt. introduce much-needed economic reforms in the country.
- The Planning Commission of India, which had earlier advocated nationalization, in its 1989 report, advocated a phased deregulation of the industry.
- License Raj refers to the Naresh Chandra Committee Report in 2004 stated that "India has lost out in aviation, it has missed the travel boom of the nineties, ceded natural geographic and economic advantages as the cargo and courier hub to other countries and air travel still remains confined to a tiny section of the domestic population".

Post Liberalization Era of Civil Aviation

- Most airlines are now privately owned and government role is declining
- Airports are also being gradually privatized
- Air navigation services are still largely with the government but limited privatization is taking place
- Regulation is in the domain of government but independent entities are being established
- Scope of economic regulation has considerably reduced
- India has also moved along with international trends

Post Liberalization Era of Civil Aviation

- New concepts of ownership, financing, management and operation of air transport are emerging.
- Traditional patterns of state involvement are increasingly being questioned. Many governments have begun to pursue competitive policies domestically - including the continuing movement to privatize many government-owned airlines - and to expand foreign holdings in airline equity.
- As a result, there is a significant growth in the number of alliances over marketing, code sharing and computer reservation system.

Post Liberalization Era of Civil Aviation

- New operating environment , Bankruptcy and shut downs of Airlines
- Regulation vs. Liberalization vs. Deregulation
- Rising costs (fuel, labor, maintenance, security)
- New generation airlines vs. legacies (tiers)
- Restructuring and alliances , Excessive capacity , Competition (transport and technology) Customer (target, loyalty)
- Air carrier ownership and control, Sustainability of air carriers and safeguards , Physical and environmental constraints
- Air transport and the global trade mechanism , Consumer protection and passenger rights Impact of technology (aircraft, e-commerce, CRSs and GDSs, Internet) on liberalization process
- Future approaches to regulatory reform etc are the future trends in international air Law

Scope for Civil aviation growth

- Civil aviation industry in India is experiencing a new era of expansion driven by factors such as low cost carriers, modern airports, foreign direct investments in domestic airlines, cutting edge information technology interventions and growing emphasis on regional connectivity.
- India is the 9th largest aviation market in the world with a size of around US$ 16 billion and is poised to be the 3rd biggest by 2022.
- India aviation industry promises huge growth potential due to large and growing middle class population, rapid economic growth, higher disposable incomes, rising aspirations of the middle class and overall low penetration levels.
- The growing aircraft fleet size, strategic location advantage, rich pool of engineering expertise, and lower labour costs have huge potential to be a global MRO hub.

Growth Factors

- a. growing domestic aircraft demand,
- b. liberalization of civil aviation policies,
- c. offset requirements,
- d. a strong domestic manufacturing base,
- e. cost advantages, talent pool, and
- f. a liberal Special Economic Zones law,
- g. globalization of Maintenance, Repair and Overhaul (MRO) services,
- h. manpower cost competitiveness,
- i. availability of talent,
- j. locational advantages,
- k. use of technologies such as increased use of composites, modern engine technology, all weather capabilities, etc.

Business Opportunities in Aviation

- At present the existing aviation business is strongly dependent on the general economy.
- The past and projected future growth of general business aviation in India has been driven by the strong economic growth the country has witnessed in the last five years.
- Air travel was once considered a luxury for both business and private needs. This perception has now changed as savings in travel time, comfort and convenience and higher reliability compared to other modes of travel have outweighed the cost differential.
- The poor connectivity between the metros and smaller cities is why more and more companies and individuals are gradually branching out to use private jets and helicopters.
- The business avenues in civil aviation are vast and diverse and given the increasing human dependency on civil aviation, it has become a very crucial aspect of the economic development of any country.

Business Opportunities Cont..

- The tourism and cargo industry of today relies heavily on the enhanced connectivity and cost effective means of distributing goods and services established by the dynamic air transportation industry
- India is poised to experience a rapid upswing in the business aviation sector due to its strategic geographic location, favourable demographics and robust economic growth.
- Located strategically between the Middle East and Europe on one side and the East Asian economies on the other, India's geography offers a lucrative opportunity for growth of general and non-scheduled aviation due to the rising demand from the ever-growing volume of high net-worth individuals and business houses in the country.
- The country has witnessed a significant growth in the number of non-scheduled airline operators with the total number of operators having crossed 400 in 2018 from a mere 36 in 2000.

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Business Opportunities Cont..

- The Directorate General of Civil Aviation (DGCA) estimates that the general aviation fleet in India comprises around 800 small aircraft and 300 helicopters. Around 20% of this fleet size is expected to be more than 25 years old and may not be operational.
- Apart from the said scheduled airlines, the trend of private airlines and jets are also on the rise.
- India is one of the strongest markets for private jets with strong economic growth, expanding business interests and increasing number of billionaires.
- The private jets market in India constitutes 12 % of the global market and is bigger than Asian markets in China and Japan.
- As per the Business Aviation Association of India, there are 680 business aviation aircraft including private jets, helicopters, turboprops and piston engines and this number is expected to reach 2000 by 2022.

Scope and Opportunities in MRO

- Alongside, as support to the aviation industry, the opportunity to provide maintenance, repair and operations (MRO) activities will grow with the industry.
- India's MRO segment is estimated to grow at 10% and reach USD 2.6 billion by 2020. Establishing MRO facilities in India will enable operators to achieve faster turnaround times, savings in operating costs and a decline in foreign exchange outflows. 100% foreign direct investment (FDI) is permitted under the automatic route for MRO, flying training institutes and technical training institutions.
- The government has also undertaken a major programme to develop and improve the ecosystem for the civil aviation sector. However, the focus of these efforts has been a scheduled commercial aviation.
- At present, Airlines operating in India get nearly 90% of their MRO done abroad, mainly due to cost advantages resulting from the comparatively high tax burden, cumbersome operating procedures, and the inadequate MRO service facilities available in India.
- A strong MRO industry could achieve lot of benefits including the Create thousands of Jobs for Aerospace engineers and other professionals Save and earn foreign exchange by attracting national and international carriers to Indian MROs, Reduce dependency of Indian carriers on other countries for their MRO requirements.

MRO Industry – New Opportunities

- The MRO Industry will increase the opportunities for employment, leading to considerable saving in foreign exchange, and the revenue earned by taxes will increase every year and Make India an attractive MRO hub in this part of the world.
- The Indian MRO industry is rapidly adapting to new opportunities and challenges that lie ahead in the global aviation marketplace.
- India's MRO sector has set its gear in overdrive by increasing the globalization of supply chains, advancing the technological sophistication of its aircraft, increasing military outsourcing and creating a substantial MRO sector in a low cost economy.
- The Indian MRO sector needs to take a take advantage of all future opportunities to create profitability.
- The Indian MRO industry is projected for substantial growth in the years to come.
- By implementing timely changes in their policies now, could really benefit India in the years to come.
- The seed is already planted, but nourishing the program with proper oversee and policies would make it not only grow but thrive in the global aviation environment.
- The demand is present, the growth is unquestionable, and the only thing left is the overseas that programs and policies are practiced. India's MRO economic boom has only reached the tip of the iceberg.
- There is a lot more work to be done and a lot more revenue to be made in the years and decades to come.

Different kinds of Business models in Aviation Sector

- General Business Model:
- Partnership
- Company (Public, Private and Joint Venture)
- LLP
- Business Models in Aviation Sector:
- Government Owned and Operated
- PPP (Public-Private Partnership)
- Partial/Full Privatization Model
- PPI (Public Private Investor) Peoples Airport

Recent Changes

- The Government of India has brought several recent changes in the civil aviation policy and other related regulatory framework to boost the civil aviation Industry.
- The changes include an attempt to liberalize the regulatory compliances, tax benefits given to those industries, improving regional air connectivity, taking measures to cut cost in operating and building existing and new airports, obtaining 'make in India' policy to further promote the scope and market size of this sector and several other measures.
- With the ever growing fleet size, growing popularity of air travel in Indian population, expansion, growth and modernization of regional and international airports, the Government has finally stepped up to completely revive the civil aviation sector and specially, the MRO sector to stop the outflow of revenue for performing maintenance operations outside India.

Recent Changes Cont..

- With the new surge of change in the regulatory requirements and possible tax benefits, and the Government's objective to bring the air travel cost within the budget of the huge middle class population of India, Indian MRO industry is finally ready to grow and explore the huge market opportunities available to the sector.
- In the coming year and within 2022, the MRO industry of India is expected to become one of the strongest MRO sector in the whole world and to cater to the needs of not only domestic airlines, but also international airlines operating in and around India.

Future Regulatory Changes

- The proposal to replace the DGCA with a new regulator – the Civil Aviation Authority – with financial autonomy and power to address issues relating to consumer protection and environment regulations.
- The government's proposed construction of 17 highways-cum-airstrips; 18 greenfield airports; reviving 50 unserved and under-served airstrips in the next three financial years; starting a new regional connectivity scheme; and reviving an air services agreement with countries an agreement already having been concluded with the Netherlands to operate up to 28 flights each week).
- The Executive Development Programme of Rajiv Gandhi National Aviation University in collaboration with the US–India Cooperation Program to promote skills development for the senior leadership and close the gap of increasing demand for trained people in the aviation sector.
- The Requirements for the Operation of Civil Remotely Piloted Aircraft Systems, 2017, issued by the DGCA.

Future Regulatory Changes

- The MRO industry in India is likely to expand and gain expertise in the likeliness of a fully fledged MRO venture hosted by Thailand. The venture is favoured owing to the fast-growing commercial aviation market in India.
- Government has planned to enter into an 'Open Sky' Air Service Agreement as per National Civil Aviation Policy 2016, on a reciprocal basis with SAARC countries and countries with territory located entirely beyond a 5,000km radius from New Delhi.
- The taxes levied on the Aviation Turbine Fuel must be brought within the purview of GST, which will attract input tax credit thereby enabling the airlines to pass down the cost fully to passengers.
- The DGCA until recently had prohibited the use of drones in India citing privacy and security concerns. Past attempts by the civil aviation regulator to draw a framework to govern its operations in India was met with criticism and never saw fruition. In 2014, the DGCA issued a public notice enlisting several approvals required for civil application of an unmanned aircraft vehicle; followed by draft guidelines issued in 2016 and 2017. Although the drafts were not given effect, it largely announced the Government's intention to permit the use of UAV's for civilian and recreational purposes in the future. On August 27, 2018, the National Drone Policy has legalised the use of drones in India to be effective from December 1, 2018.

Rise of Litigation in Aviation Sector

- Role of Aviation Attorneys:
- It presents distinct challenges for trial counsel.
- Specialized technical, legal and regulatory knowledge is critical to the effective handling of an aviation case.
- Aviation Attorneys have vast experience in the legal doctrines, conventions and statutes that arise with regularity in the aviation context like :
- Warsaw Convention/Montreal Convention,
- Airline Deregulation Act and Federal Aviation Act preemption,
- the government contractor defense,
- the economic loss doctrine,
- the General Aviation Revitalization Act and
- the Foreign Sovereign Immunities Act.

Rise of Litigation in Aviation Sector

- The nature of aviation cases that go for litigation may vary from design or manufacture of an aircraft or component parts to aircraft and airline operations or aircraft maintenance.
- Aviation Attorneys are enabled to effectively advise their clients on how best to avoid litigation or pitfalls that compromise subsequent litigation.
- They have technical expertise in advising manufacturers of aircraft with respect to such areas as warnings, accident investigation, document retention, documentary privileges, and legal aspects of product integrity programs.
- Aviation Attorneys work towards helping their clients in avoiding practices and procedures that are either "litigation magnets," or which will impair our client's defense in the event of litigation.

Rise of Litigation in Aviation Sector

- Varied Forms of Claims:
- Commercial disputes directly for airlines, including multi-jurisdictional claims, arbitration and mediation
- Claims handling, advice and legal representation arising from accidents including major air disasters and passenger and cargo liability claims
- Disputes arising in other sectors of the aviation industry underwritten by insurers
- Liability and coverage disputes for underwriters
- Disputes arising out of aircraft purchase, sale, leasing and financing, including those concerning re-delivery condition requirements on operating leases

Rise of Litigation in Aviation Sector

- Disputes arising out of alliances, joint ventures, franchising and general sales agencies
- Disputes arising out of the termination of leases and enforcement of security, aircraft repossessions and related issues, including insolvency
- Anti-trust and regulatory investigations including price-fixing and anti-trust issues between airline alliance members
- Regulatory matters, including EU legislation, CAA regulation and licensing
- Intellectual property matters
- Political risk policies and aero-political matters, including access to airports and the application of international embargo rules
- Slot allocation and slot transactions
- Development of emergency response policies for major disasters
- Blacklisting issues – including representation for removal from the EU blacklist

Thank You