THE STRATEGIC IMPORTANCE OF THE CURRENT AND FUTURE
EU LEGAL FRAMEWORK ON AVIATION AND THE
HARMONISATION OF THE RULES APPLICABLE TO STATE
AVIATION OPERATORS

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Abstract: The article aims to provide a detailed insight into the current regulatory framework regarding civil aviation activities and their inherent link to the activity of state aviation operators throughout the member states of the European Union. The analysis begins with an introduction into the historic overview of how the fundamental principles of aviation law were established and developed, starting with the first harmonization attempts and reaching the current EU rules, regulations and initiatives to further the development of unified aviation legislation. The main focus of the research is how state aviation operators (police/customs air support units, HEMS state operators and other similar services, as envisaged by Regulation (EC) no. 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency) function in the context of the rules and regulations that currently apply to the Single European Sky, and the future development of these rules considering their inherent link with the activity of state operators. The further harmonization of European civil air rules, under EC/EU Regulation, specifically exclude air support operations carried out by state operators, with future regulation in this field to be determined at a national level by each Member State. This type of approach creates a high probability that differing regulations might be implemented, thus leading to state operators/police forces being precluded from using the single European sky. The analysis concludes with a case study of how the regulatory aspects taken into consideration directly affect the activity of the General Inspectorate for Aviation of the Ministry of Internal Affairs – Romania, given its specific tasks and objectives as state aviation operator, with missions ranging from police air support, to search and rescue and HEMS operations.

Key – Words: civil aviation, EASA, state operators, ICAO, EU regulations, international aviation law.
1 The historic development of the fundamental principles of aviation law

The need to organize and regulate the great diversity of human activities and forms of interaction represents one of the fundamental imperatives of human existence, which has dawned upon man since times immemorial, when the first primitive tribes made contact with each other either for peaceful or hostile reasons. Irrespective of the scope or resolution, the interaction between individuals or groups has always had a common denominator: movement, powered by curiosity – that tireless source of human progress – and supported by what is one of the main fields of the age old human efforts for knowledge and progress – transportation [1].

1.1 Early sources of aviation law

Even if relatively new in the human repertoire of means for transportation, flight has always been a source of fascination, which has its roots in historic antiquity. It has since been one of the most powerful creative drives for scientific research and progress. But, considering that human flight remained a physical impossibility for many centuries, flight as such was not a subject of law in ancient times. In this respect, one author concludes bluntly that "it appears misguided to comb the legal history and claim that the <Roman law> concept cuius est solum eius est usque ad coelum ed ad inferos (whoever owns the land owns it all the way to the sky and to the depth of the earth) was a nascent principle of air law" [2].

According to that same author, this concept had nothing to do with typical aviation concepts, as it was designed to offer a more clear definition to classical legal constructs, such as propriety right and its branches. Yet, we cannot be immune to the fact that, as will result from herein, one of the fundamental principles of aviation law has its conceptual origins in the legal notions of early human law [3].

Therefore, before analysing the first proper sources of international aviation regulations, from the early 20th century, it is necessary that two specifically interesting moments in the history of its evolution be mentioned here. One of these instances could very well be considered among the first scientific attempts in the field of aviation and space law. The doctoral thesis entitled "De jure principis aereo" (on the Duke's rights with respect to the air), presented in 1687 by one Stephan Dancko at the Viadrina University (Frankfurt/Oder), postulates the idea that the air is public propriety and belongs to every man, with certain limitations enforced by the ruler (a precursor of the territorial sovereignty principle) [4]. The second moment refers to what aviation law scholars [5] consider to be the first sui generis regulation in the field: a directive of the Paris police from April 23rd 1784 prohibiting hot air balloons from being operated in the city without prior authorization. This notwithstanding, the fires international agreement in the field of aviation was concluded much later, in the year 1898, and it provided for the Austrian – German border crossing of hot air balloons used for military purposes.

1.2 The official establishment of international aviation law

The true origins of international public aviation law can be identified beginning with the first decade of the 20th century, when the possibility to fly using man-made devices had become a reality. Thus, as early as 1900, the French jurist Paul Fauchille suggested the
creation of an international code regarding aviation law [6], one of the rare instances where the legal evolution process is ahead of technology.

In the attempt to regulate that same issue of balloon flight, France took the initiative to organize an international conference aiming to develop a precise legal framework for the operational issues regarding flight over foreign territory. Thus, the international Conference Relating to the Regulation of Aerial Navigation took place in Paris, in 1910. It was attended by 19 states [7], and this can be considered the fires real diplomatic effort to formulate the principles of international law regarding aerial navigation.

This Conference, though technically a diplomatic failure (no legally binding document was signed), was of great historical importance. When the conference met, there was no acceptable plan for international flight regulation. When the conference adjourned, it had completed a draft convention of 55 articles and 3 annexes, including such subjects as aircraft nationality, registration, rules of the road and photographic and radio equipment in aircraft. The conference agreed on the following basic principles which will later on greatly influence forthcoming regulations: the subjacent State may set up prohibited zones above which no international flight was lawful; coasting traffic may be reserved for national aircraft; the establishment of international airlines will depend upon the assent of interested States.

After the First World War, during which the number of aircraft had risen without precedent, within the Paris Peace Conference, The Convention on the Regulation of Aerial Navigation was drafted and submitted for signing on October 13th 1919 [8]. This Convention contains provisions which were taken from the visionary opinions of early scholars, such as Fauchille and those who took part in the 1910 Conference. The main principles of the Convention, which would remain as fundamental principles for the international regulation of aviation activities, may be stated as follows [9]:

- the recognition that every State has complete and exclusive sovereignty over the airspace above its territory;
- the freedom of innocent passage of aircraft of contracting States over the territory of other contracting States and the right to use the public aerodromes of that State;
- regulations made by a contracting State as to the admission over its territory of the aircraft of the other contracting States shall be applied without distinction of nationality;
- for military reasons or in the interest of public safety, aircraft may prohibited from flying over certain areas of a State's territory, no distinction being made between its own and a foreign aircraft;
- other legal questions dealt with by the convention included registration of aircraft, certificates of airworthiness, certificates of competency and licences to be issued to aircraft personnel, coasting, etc.

1.3 Current international and European Union regulatory framework

Because the rules set forth by the 1919 Paris Convention and the 1929 Warsaw Convention [10] became progressively insufficient, as well as after the conclusion of a number of bilateral state agreements, the governments of the states reunited on December
1944, in Chicago, reached the conclusion that, in order to insure the safe and organized development of international civil aviation with a healthy and economic use of international air travel services, it is necessary to draft a Convention by which to establish an organization called "the International Civil Aviation Organization" [11].

The Chicago Convention is divided into two separate parts, the first representing an exhaustive codification and unification of public international law that replaces all previous sources of international aviation law (the Paris Convention of 1919 etc.), while the second part represents a constitutional instrument of the ICAO [12].

The Chicago Convention (Annex 2) also provided for the five fundamentals freedoms of the air. Later on, owing to the development of the economy and of the aerial transport, the five freedoms were expanded and another four were added. The latter are not officially recognised by ICAO, because only the first five were established by international treaty [13].

The European Union (a name used starting with the Maastricht Treaty of 1993) will have had no regulating initiative in the field of aviation until 1986-1987, immediately after the Single European Act had produced substantial changes in the institutional system of the European Community and had widened its field of competence. In Peter Haanappel's view, what makes EU transport law so complicated is the fact that it has a dual regulatory source, following both under specific EU law as well as international aviation law stemming from the ICAO Convention, which can give rise to potential conflicts between the two [14].

The current legal framework applicable to the field of aviation at EU level stems from the provisions of Title VI of the Treaty on the Functioning of the European Union (TFEU) [15], its architecture aiming at integrating transportation in the single European market, as an essential part of the common policies system of the Union. For air transports, only art. 100 para. (2) of the TFEU is applicable, which gives EU institutions the wide ranging possibility to adopt and enforce legislation in the field, using ordinary legislative procedure (with prior consultation of the Social and Economic Committee and the Committee of the Regions) The transport policy is characterized by the simultaneous application of the principles of non-discrimination and free supply of services, on one hand, and a system which allows member states to intervene, under the supervision of the Union institutions, in order to ensure the proper functioning of public services and the status of the national carriers [16].

The current regulatory system regarding civil aviation in the European Union is based on two basic pieces of legislation, namely: Regulation no. 549/2004 on the creation of the single European sky [17] and Regulation no. 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, both with subsequent amendments [18].

According to the Preamble of Regulation no. 549/2004 (paragraph 3), the single European sky initiative is to be developed in line with the obligations stemming from the membership of the Community, and in line with the principles laid down by the 1944 Chicago Convention on International Civil Aviation. Furthermore, art. 1 of the Regulation establishes its scope and objective: "[…] to enhance current safety standards and overall efficiency for general air traffic in Europe, to optimise capacity meeting the requirements of all airspace users and to minimise delays. In pursuit of this objective, the aim of this Regulation is to
establish a harmonised regulatory framework for the creation of the single European sky [...]

In the context of unification created by the Regulation on establishing a Single European Sky, Regulation no. 216/2008 has the main goal of obtaining a "[...] high and uniform level of protection of the European citizen, [which] should at all times be ensured in civil aviation, by the adoption of common safety rules and by measures ensuring that products, persons and organisations in the Community comply with such rules and with those adopted to protect the environment [...]" (Preamble, paragraph 1).

In order to achieve the goals of Regulation n. 216/2008, it provides for the establishment of the European Aviation Safety Agency (EASA) [19]. According to the Regulation, the responsibilities of EASA include to conduct analysis and research of safety, authorising foreign operators, giving advice for the drafting of EU legislation, implementing and monitoring safety rules (including inspections in the member states), giving type-certification of aircraft and components as well as the approval of organisations involved in the design, manufacture and maintenance of aeronautical products.

2 State operators and state aircrafts in the context of civil aviation regulations

2.1 The concepts of "state operator" and "state aircraft"

Concepts such as "state aviation operator" or "state aircraft" have been referred to as early as the first regulations in the field of aviation law. Thus, the 1919 Paris Convention (discussed supra) devotes the whole of Chapter VII to these issues. Art. 30 of the Convention states:

"The following shall be deemed to be State aircraft:

(a) Military aircraft.
(b) Aircraft exclusively employed in State service, such as Posts, Customs, Police.

Every other aircraft shall be deemed to be private aircraft.

All State aircraft other than military, customs and police aircraft shall be treated as private aircraft and as such shall be subject to all the provisions of the present Convention."

Furthermore, through the provisions of art. 32, the 1919 Paris Convention excludes military aircraft from enjoying the rights and freedoms it provides, requiring a special authorisation for flight over the territory of another contracting party.

An interesting aspect to be noted is the provision of the possibility for states to determine the regimen for border crossing by police or customs aircraft, through special arrangements (art. 33). This regulatory loop hole proves a deep understanding of the distinctive operational concept of these aircraft, thus resulting in a rationale that could serve for a better understanding of the place and role of state aircraft in the context of civil aviation rules.

In line with the Paris Convention of 1919, The Chicago Convention, by its terms, does not apply to "state aircraft," which though not defined by the treaty, is deemed to include military aircraft. Specifically, Article 3 states “[t]his Convention shall be applicable to civil aircraft, and shall not be applicable to state aircraft. … Aircraft used in military, customs and police services shall be deemed to be state aircraft.” Paradoxically, however, several treaty
provisions expressly apply to state aircraft. For example, Article 3(c) of the treaty circumscribes traffic rights for state aircraft, and Article 3(d) provides that contracting States “will have due regard for the safety of navigation of civil aircraft” when issuing regulations for state aircraft.

Michael Milde offers some interconnecting criteria for determining if the "military" (state) status could be applied to any given aircraft [20]:

- design of the aircraft and its technical characteristics: some aircraft by their design and characteristics (including their weaponry) are constructed exclusively for military combat, while other types may be readily converted for other purposes; it does not appear reliable to define the nature of the aircraft solely on the basis of its technical characteristics;

- registration marks: the nationality and registration marks of an aircraft may designate the aircraft as “military” but that fact by itself is not a proof that the aircraft is “used in military services” in a particular situation;

- ownership: the fact that the aircraft is owned by the State or specifically by a military arm of the State is a valid indication of its status but in itself does not prove that it is “used in military services” in a particular situation;

- type of operation: the nature of the flight, documents carried on board, flight plan, communications procedures, composition of the crew (military or civilian?), secrecy or open nature of the flight, etc. could assist in the qualification of an aircraft as “military”.

Considering that the specific freedoms provided by the ICAO Convention do not apply to state aircraft, it is of important relevance to determine what practical implications this situation has on the said aircraft and on the operational activity. As discussed earlier, consistent with the principles of sovereignty and national airspace confirmed by the Chicago Convention, a foreign aircraft may lawfully enter another country’s airspace only with that State’s authorization. Any unauthorized incursion into national airspace by a foreign aircraft – or “aerial intrusion” – would thus violate customary sovereignty and the Chicago Convention. The affected State would then have the legal right to respond by intercepting the offending aircraft and turning it away, forcing it to land at a designated airfield, impounding the aircraft if it lands or even shooting it down.

In this context and in lack of a unanimously accepted and legally provided definition, it is necessary to establish a unitary method for determining the state or civil status of an aircraft. A dully substantiated approach in this matter is provided by Milde [21]: “in the absence of any other guidance, [...] the interpretation should focus on the expressions “used” and “services” in Article 3 (b) of the Chicago Convention - aircraft used in military, customs and police services. This wording, in the absence of any other guidance, suggests that the drafters had in mind a functional approach to the determination of the status of the aircraft as civil and military: regardless of the design, technical characteristics, registration, ownership etc.; the status of the aircraft is determined by the function it actually performs at a given time".
The practical experience of the past few decades, as well as legal doctrine, have outlined a standalone type of state aircraft, which, considering its mission range, does not fall within either of the types discussed supra, although being registered like any other state aircraft: aircraft which are dedicated to rescue missions (search and rescue, aero medical transport, etc.). Considering their special status, experts have been proposing various solutions that will take into account their uniqueness. These solutions generally tackle the amendment of art. 3 of the Chicago Convention. Here some of these initiatives, as provided in An Introduction to Air Law [22]:

- to further define the categories designated as "state aircraft" in Article 3(b) of the Chicago Convention;
- to insert rules governing public health aircraft;
- to avoid introducing a general definition of the term "state aircraft", because it is impracticable to incorporate all the divergent elements in a satisfactory formula.

An original and interesting approach of the matter of interpreting the notion of "state/military aircraft" and that of the applicability of civil aviation rules thereto has been given by a relatively new Convention regarding acts of terrorism in international civil aviation. The document at hand is the Beijing Convention [23], which is a 2010 treaty by which state parties agree to criminalise certain terrorist actions against civil aviation. The Convention was concluded on 10 September 2010 at the Diplomatic Conference on Aviation Security in Beijing. Parties that ratify the Convention agree to criminalise using civil aircraft as a weapon and using dangerous materials to attack aircraft or other targets on the ground. The illegal transport of biological, chemical and nuclear weapons is also criminalised under the Convention.

Following the long-standing precedent set by the Chicago Convention, neither of the Beijing instruments applies to aircraft used in military, customs, or police services (Art. 5, para. 1). Without further pursuing the specific object of regulation of the Convention and the contextual connexions that derive therefrom, it is interesting to note how the Beijing Convention forces a novelty interpretation of the applicability of this exclusion clause, as provided in the wording of Art. 6, para. 2: "The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention".

Using a basic argumentum a contrario, one might easily conclude that the activity of military forces will fall within the scope of the 2010 Beijing instrument to the extent that such actions are not carried out in the exercise of official duties. That notwithstanding, where the activities of armed forces are would be carried out beyond the context of the rules of armed conflict, such actions would not be subject to the military exclusion clause, and, if they would further satisfy the elements of the Beijing instruments, they would fall under the regime prescribed therein [24]. Therefore, by extending the aforementioned argument to the notion of state aircraft and considering the criterion regarding the actual activity carried out, a
regulation inherently dedicated for civil aviation and under the auspices of the ICAO system could, in fact, be applicable to state aircraft.

2.2 State operations in the context of recent EU initiatives to further the harmonisation of rules applicable to civil aviation

In light of the arguments detailed above, state aviation operators (either military, police, customs, search and rescue or carrying out other similar missions) are historically and by default excluded from civil aviation regulations. This situation has numerous consequences in a great variety of fields, leading to more or less significant difficulties for the various state operators within a member state of the EU.

A relevant example in this respect can be found in the case of police air support services. Currently, police air operations are considered to have a "state activity" status and, according to Regulation no. 216/2088, and the 1944 Chicago ICAO Convention, the rules to be followed by police air support lie outside the civil scope for "commercial activity".

In this respect, Art. 1 para. (2) of Regulation no. 216/2008 provides that it shall not apply to:

"(a) products, parts, appliances, personnel and organisations referred to in paragraph 1(a) and (b) while carrying out (...) police (...) activities or services. The Member States shall undertake to ensure that such activities or services have due regard as far as practicable to the objectives of this Regulation".

According to a position paper issued by the Management Group for European Police Air Support Services, by being specifically excluded from the rules developed under Art. 1 (2) police aerial support units, operating under national rules, cannot follow other elements of the EC Regulations, including parts 145, 66, M, 147, 21, FCL, ATO, FSTD, ORO, ORA, NCC. However closely national interpretation may mirror EASA/EC rules, they do not have direct equivalence. This lack of harmony is likely to reduce the level of aviation safety, due to a lack of focus on minority- use and divergent national rules, as well as having the unintended consequence of severe economic disadvantage. These range from individual components, including engines, being outside an EASA ‘Controlled Environment’ whilst fitted to ‘State’ aircraft and requiring factory recertification for re-issue, to the whole airframe holding little residual value without the appropriate airworthiness history. At an operational level, cross-border operations and the temporary use of ‘Civil’ aircraft, for covered police activity, will be made more difficult.

This type of approach creates a high probability that differing regulations might be implemented, thus leading to state operators/police forces being precluded from using the single European sky. The underlying result, considering the specific role and missions of state operators/police air support units, would be fundamentally incoherent for the European unification process, with continuously deepening co-operations at political, social, economic, administrative, cultural, scientific and other levels.

The implications of this type of exclusion of state operations from the scope of harmonized EU legislation in the field of aviation are dully summarized in the recent EASA Advance Notice of Proposed Amendment 2014-12 [25]: "Over the past years, the application
of this system surfaced issues which have been raised repeatedly by Member States and industry. Those mainly refer to interoperability, market access and product sale, as well as harmonisation concerns. [...] This illustrates possible advantages of including State services into the Basic Regulation in terms of efficiency and harmonisation, while no general safety objections to an inclusion are identified. Such inclusion could also remove hindrances to cross-border operation”.

According to the position paper mentioned supra, at the current juncture, not all member states are willing or able to conform to the EASA rules, considering the specific architecture of their national regulations concerning state air support units. The process to change the meaning of Art. 1 (2) of Regulation no. 216/2008 and add special provisions concerning police operations carried out by state air support units, should allow member states the choice of rule set to be followed, although harmonisation is to be encouraged.

3 Case study: the activity of a state air support unit from an EU member state

The regulatory aspects analyzed herein require a practical contextualization. To this end, this section shall provide a brief presentation of the institutional particularities and the functioning rules of the General Inspectorate for Aviation of the Ministry of Internal Affairs of Romania (the GIA).

Considering the legal concepts detailed above, the GIA falls within the category of state aviation operators. It is a public institution with military status, operating military registered aircraft. This notwithstanding, through its specific missions and tasks, the activity of the GIA is designed to achieve objectives pertaining to the public order and safety field, emergency situations interventions (such as search and rescue operations, fire extinguishing, the evacuation of persons and transport of food and supplies in case of natural or man-made disasters, etc.) and also aero medical emergency interventions.

Therefore, the GIA is a specialized state institution with military status, which carries out aerial missions for the safeguard of public order and human life. It is an integral part of the National system for medical assistance and qualified first aid and it carries out aerial missions of strategic importance for the rescue and protection of human life. The military status of the GIA was established by art. 1 of State Council Decree no. 289/1978 on the establishment of the Special Aviation Unit within the Ministry of the Interior.

Law no. 95/2006 on healthcare reform, with subsequent amendments, provides that the GIA is the aerial operator for the Ministry of Health and carries out its activity in cooperation with the General Inspectorate for Emergency Situations. The helicopters which are used within the aeromedical service have a national public interest status and they are operated according to the provisions of E.G.O. 126/2003 (approved by Law no. 40/2004).

In Romania, the aeromedical services are integrated public intervention services of strategic importance, carried out by integrated emergency teams, specialized in medical and technical emergency assistance, having the aviation units of the Ministry of Internal Affairs as exclusive aerial operators, in collaboration with county and regional hospitals as well as with local public authorities.
It is important to take note that air rescue crews are alerted in accordance with legally established procedures, including directly through the 112 system – the physician who is on duty decides upon the opportunity of carrying out the intervention, relying on on-site information and/or data from the GIA operational centre. This means that the operational span of the GIA is very wide and in carrying out these types of missions it is totally dependent on civil aviation regulations.

With regard to the personnel authorization, the current legislation provides that for carrying out the specialized missions within the GIA, in the territory and airspace of Romania, with military or civil aircrafts, the members of the flight crews have to be certified by the Romanian Air Force Staff (military aeronautical authority) and the Romanian Civil Aeronautic Authority (according to Law no. 35/1990 and the Civil air Code).

4 Conclusion
In conclusion, considering the special status of the GIA from both an institutional (military institution) and from an operational point of view (military registered aircraft), the GIA is excluded from the domain of application typical for civil aviation regulations, in the cases and conditions detailed supra. Nevertheless, through its missions pertaining to public order and safety and even more through those aiming at saving human lives (including even on-site emergency medical interventions), the GIA basically operates in an airspace and within the scope of civil aviation rules, having to abide by the provisions of the Romanian Civil Air Code and by those of the Romanian Aeronautical Authority.

Therefore, considering the substantial deepening of inter-state cooperation at EU level (including massive funding by the EU for encouraging joint cross-border initiatives) in fields such as police service and customs, but especially disaster relief and medical emergencies, there is an obvious and priority need to provide for the access to the Single European Sky for state operators such as the GIA. This can be achieved, firstly, by including state aviation operators in the regulatory framework of EASA, which should remain a top priority for current and future regulatory initiatives in the field.

References:
[3] From a chronological point of view, the origin of the cuius est. solum principle cannot be exactly determined. In this respect, Michael Milde argues that it “cannot be found in the classical (royal, republican and early imperial) Roman law. It cannot be found even in the Byzantine 6th century A.D. Justinian’s codification in Digesta seu Pandectae (525 A.D.) much later named Corpus Iuris Civilis. The concept was apparently used for the first time only in the 13th century by the Bologna Professor Accursius as a ‘glossa’ or comment on the ancient Roman texts.” in Michael Milde, op. cit., pp. 5-6; see also Peter P.C. Haanappel, The Law and Policy of Air Space and Outer Space: A Comparative Approach, Kluwer Law International, 2003, pp. 1-2.


[7] Austria-Hungary, Belgium, Bulgaria, Denmark, France, Germany, Great Britain, Italy, Luxemburg, Monaco, Netherlands, Portugal, Romania, Russia, Serbia, Spain, Sweden, Switzerland and Turkey (see Michael Milde, op. cit., pp. 8-9).

[8] At that time, the Convention was signed by the following states: The United States of America, Belgium, Bolivia, Brazil, British Empire, China, Cuba, Czecho-Slovakia, Ecuador, France, Greece, Guatemala, Haiti, Hedjaz (Saudi Arabia), Honduras, Italy, Japan, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Romania, Serbo-Croat-Slovene state, Siam and Uruguay (see Michael Milde, op. cit., pp. 10-12; Peter P.C. Haanappel, op. cit., pp. 3-4; Elmar Maria Giemulla, Ludwig Weber, op. cit., pp. 9-10).


[10] Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on 12 October, 1929 (consulted from www.jus.uio.no – The University of Oslo Faculty of Law). The convention applies to the international transportation of persons, baggage and goods performed by aircraft for remuneration or hire, as well as to gratuitous transportation by aircraft performed by an air transportation enterprise.

[11] The document was signed on December 7, 1944 in Chicago, Illinois, the United States of America, by 52 signatory states. It received the requisite 26th ratification on March 5, 1947 and went into effect on April 4, 1947, the same date that ICAO came into being.


[22] Isabella Henrietta Philepina, Diederiks-Verschoor, M. A. Butler (legal adviser), op. cit., pp. 42-43.


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