



TOPIC

Assess government air transport policy and determine what impact it will have on airlines and airports

ESSENTIAL CONTENT

- The roles and responsibilities of international governing bodies
- International policies that affect air transport

NATIONAL REGULATION

THIS REGULATION OF AIR TRANSPORT IS REGULATION UNDERTAKEN BY A STATE WITHIN ITS TERRITORY IN ITS EXERCISE OF SOVEREIGNTY OVER THAT TERRITORY AND THE AIRSPACE ABOVE IT.

(ICAO, 2004)

NATIONAL REGULATION

THE PARTICULAR AIMS OF NATIONAL REGULATION IN THE FIELD OF INTERNATIONAL AIR TRANSPORT VARY FROM STATE TO STATE AND ARE INFLUENCED BY NATIONAL ECONOMIC POLICIES, TERRITORIAL SIZE AND LOCATION, THE DEGREE OF NATIONAL DEVELOPMENT, DOMESTIC AND INTERNATIONAL POLITICS.

(ICAO, 2004)

NATIONAL REGULATION

THE PROCESS OF NATIONAL REGULATION INVOLVES THREE DISTINCT KINDS OF ACTIONS:

1. LEGISLATING
2. LICENSING
3. AD HOC AUTHORIZATIONS

(ICAO, 2011)

LEGISLATING

THE LEGISLATIVE COMPONENT OF THE PROCESS OF NATIONAL REGULATION HAS THREE ELEMENTS: LAW-MAKING, POLICY-MAKING AND THE WRITING OF RULES AND REGULATIONS.

EACH ELEMENT OF THE PROCESS IS LIKELY TO DIFFER FROM THE OTHERS AND TO VARY FROM STATE TO STATE ACCORDING TO ITS PARTICULAR LEGISLATIVE SYSTEM, GOVERNMENTAL STRUCTURE AND CUSTOMARY PRACTICES.

(ICAO, 2004)

LICENSING

THE LICENSING COMPONENT OF THE PROCESS OF NATIONAL REGULATION INVOLVES THE CONSIDERATION OF AND ACTION UPON APPLICATIONS RECEIVED FROM NATIONAL AND FOREIGN AIR CARRIERS FOR AUTHORITY TO PROVIDE COMMERCIAL AIR SERVICES ON A CONTINUOUS BASIS AND FOR EXTENDED PERIODS OF TIME.

IN ADDITION TO LICENSING NATIONAL AND FOREIGN AIR CARRIERS, AIR TRANSPORT AUTHORITIES MAY ALSO ENGAGE IN LICENSING CERTAIN INTERMEDIARIES IN AIR TRANSPORTATION SUCH AS TOUR ORGANIZERS, FREIGHT FORWARDERS OR TRAVEL AGENT.

(ICAO, 2004)

AD HOC AUTHORIZATION COMPONENT

UNLIKE THE LICENSING COMPONENT WHICH DEALS WITH RELATIVELY GENERAL AND LONGER-TERM AUTHORIZATIONS FOR AIR SERVICES, THE AD HOC AUTHORIZATION COMPONENT OF THE PROCESS OF NATIONAL REGULATION PRIMARILY INVOLVES MAKING DAY-TO-DAY DECISIONS REGARDING SPECIFIC MATTERS, SUCH AS PERMITTING A SINGLE FLIGHT OR A SERIES OF NON-SCHEDULED FLIGHTS OR APPROVING OR DISAPPROVING A PARTICULAR TARIFF OR SCHEDULE FILING.

(ICAO, 2004)

STRUCTURE OF NATIONAL REGULATION

- ❖ ORGANIZATIONAL COMPONENT

- ❖ LEGAL COMPONENT

(ICAO, 2004)

ORGANIZATIONAL COMPONENT

AN ORGANIZATIONAL COMPONENT CONSISTING OF A GOVERNMENTAL ENTITY OR ENTITIES WHICH FUNCTION AS THE STATE'S AIR TRANSPORT AUTHORITIES AS WELL AS CERTAIN OTHER NON-AVIATION GOVERNMENTAL BODIES, THE ACTIONS OF WHICH AFFECT INTERNATIONAL AIR TRANSPORT.

THE PRIMARY ELEMENT OF THE ORGANIZATIONAL COMPONENT OF THE STRUCTURE OF NATIONAL REGULATION IS THAT OF THE STATE'S AIR TRANSPORT AUTHORITIES.

(ICAO, 2004)

LEGAL COMPONENT

THE LEGAL COMPONENT EMBODIED IN THE PERTINENT NATIONAL LAWS, RULES AND REGULATIONS, JUDICIAL AND ADMINISTRATIVE DECISIONS, LICENCES AND/OR PERMITS AND DECLARED POLICIES AS WELL AS RELEVANT INTERNATIONAL AGREEMENTS TO WHICH THE STATE IS A PARTY.

(ICAO, 2004)

THE RELATIONSHIP BETWEEN AIR TRANSPORT REGULATORS AND INTERESTED PARTIES

IN THE NATIONAL REGULATORY PROCESS INTERNATIONAL AIR TRANSPORT REGULATORS ARE LIKELY TO RECEIVE INPUT FROM AT LEAST SOME MEMBERS OF THE FOLLOWING THREE TYPES OF INTERESTED PARTIES:

- GOVERNMENTAL ENTITIES
- NON-AVIATION GOVERNMENTAL ENTITIES
- INTERESTED NON-GOVERNMENTAL PARTIES

(ICAO, 2004)

BILATERAL REGULATION

BILATERAL REGULATION IS REGULATION UNDERTAKEN JOINTLY BY TWO PARTIES, MOST TYPICALLY BY TWO STATES, ALTHOUGH ONE OR BOTH PARTIES MIGHT ALSO BE A GROUP OF STATES, A SUPRA-STATE, A REGIONAL GOVERNMENTAL BODY OR EVEN TWO AIRLINESES.

(ICAO, 2004)

BILATERAL REGULATION

THE GOAL OF BILATERAL REGULATION IN THE INTERNATIONAL AIR TRANSPORT FIELD IS TYPICALLY THE CONCLUSION, IMPLEMENTATION OR CONTINUANCE OF SOME KIND OF INTERGOVERNMENTAL AGREEMENT OR UNDERSTANDING CONCERNING AIR SERVICES BETWEEN THE TERRITORIES OF THE TWO PARTIES.

(ICAO, 2004)

BILATERAL REGULATION

THE PROCESS INVOLVED IN BILATERAL REGULATION IS VERY DIFFERENT FROM THAT OF NATIONAL OR MULTILATERAL REGULATION.

IT TYPICALLY BEGINS WHEN ONE STATE PROPOSES A JOINT QUEST FOR AN AIR SERVICES AGREEMENT OR UNDERSTANDING WITH ANOTHER STATE AND THE INVOLVED PARTIES UNDERTAKE THEIR PREPARATIONS.

IT CONTINUES THROUGH THE ACTUAL MEETINGS AND NEGOTIATIONS BETWEEN THEIR REPRESENTATIVES.

(ICAO, 2004)

BILATERAL REGULATION; KEY ISSUES

1. BALANCING BENEFITS IN A LIBERALIZING ENVIRONMENT
2. THE SHORTCOMINGS OF BILATERAL REGULATORY STRUCTURE, SUCH AS LACK OF TRANSPARENCY AND INADEQUACY OF DISPUTE RESOLUTION MECHANISMS
3. BILATERAL RELATIONS INVOLVING GROUPS OF STATES
4. APPLICATION OF COMPETITION LAW TO AIR TRANSPORT
5. EFFECTS OF STATE AIDS/SUBSIDIES.

(ICAO, 2004)

MULTILATERAL REGULATION

THIS REGULATION IS UNDERTAKEN JOINTLY BY THREE OR MORE STATES, WITHIN THE FRAMEWORK OF AN INTERNATIONAL ORGANIZATION AND/OR A MULTILATERAL TREATY OR AGREEMENT, OR AS A SEPARATE SPECIFIC ACTIVITY, AND MAY BE BROADLY CONSTRUED TO INCLUDE RELEVANT REGULATORY PROCESSES AND STRUCTURES, OUTCOMES OR OUTPUT WRITTEN AS TREATIES OR OTHER AGREEMENTS, RESOLUTIONS, DECISIONS, DIRECTIVES, OR REGULATIONS, AS WELL AS THE OBSERVATIONS, CONCLUSIONS, GUIDANCE AND DISCUSSIONS OF MULTINATIONAL BODIES, BOTH INTERGOVERNMENTAL AND NON-GOVERNMENTAL.

(ICAO, 2004)

MULTILATERAL REGULATION

THE GOAL OF MULTILATERAL REGULATION IN THE AIR TRANSPORT FIELD IS, FOR THE MOST PART, THE CONCLUSION, IMPLEMENTATION, OR CONTINUANCE OF COMMON ARRANGEMENTS, POLICIES, AGREEMENTS OR REGULATIONS ON MATTERS OF INTEREST TO THE VARIOUS PARTIES.

(ICAO, 2004)

FURTHER READING

- [HTTPS://WWW.THEBALANCE.COM/WHAT-ARE-BILATERAL-TRADE-AGREEMENTS-PROS-CONS-AND-LIST-3305911](https://www.thebalance.com/what-are-bilateral-trade-agreements-pros-cons-and-list-3305911)
- [HTTPS://WWW.INSTITUTEFORGOVERNMENT.ORG.UK/EXPLAINERS/BILATERAL-AGREEMENTS](https://www.instituteforgovernment.org.uk/explainers/bilateral-agreements)
- [HTTPS://MFAFT.GOV.JM/JM2/CARICOM-BILATERAL-TRADE-AGREEMENTS/](https://mfaft.gov.jm/jm2/caricom-bilateral-trade-agreements/)
- [HTTPS://WWW.RESEARCHGATE.NET/PUBLICATION/279176742_EUROPEAN_AIR_TRANSPORT_REGULATION_ACHIEVEMENTS_AND_FUTURE_CHALLENGES](https://www.researchgate.net/publication/279176742_EUROPEAN_AIR_TRANSPORT_REGULATION_ACHIEVEMENTS_AND_FUTURE_CHALLENGES)
- [HTTPS://WWW.THEBALANCE.COM/MULTILATERAL-TRADE-AGREEMENTS-PROS-CONS-AND-EXAMPLES-3305949](https://www.thebalance.com/multilateral-trade-agreements-pros-cons-and-examples-3305949)
- [HTTPS://WWW.UNECE.ORG/TRANS/DANGER/MULTI/MULTI.HTML](https://www.unece.org/trans/danger/multi/multi.html)
- [HTTPS://WWW.OECD.ORG/INVESTMENT/INTERNATIONALINVESTMENTAGREEMENTS/MULTILATERALAGREEMENTONINVESTMENT.HTM](https://www.oecd.org/investment/internationalinvestmentagreements/multilateralagreementoninvestment.htm)

REFERENCE

- ICAO.INT. (2004). [ONLINE] AVAILABLE AT:
[HTTPS://WWW.ICAO.INT/MEETINGS/ATCONF6/DOCUMENTS/DOC%209626_EN.PDF](https://www.icao.int/MEETINGS/ATCONF6/DOCUMENTS/DOC%209626_EN.PDF) [ACCESSED 1
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