

EUROPEAN AIR LAW ASSOCIATION



28TH ANNUAL CONFERENCE

Warsaw, Friday 4th November 2016
The Royal Castle

EALA
www.eala.aero



EUROPEAN AIR LAW ASSOCIATION (EALA) 28TH ANNUAL CONFERENCE

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EALA is delighted to invite you to attend its 28th annual conference, to be held in the charming and historic city of Warsaw, which has gone through periods of intensive changes but whose population has shown a remarkable resilience. Historically, Poland has strong bonds with aviation; as early as 1790 Jan Potocki became the first Pole to fly in a balloon over Warsaw. Many other Poles built, and successfully and bravely flew, gliders in the late nineteenth century. LOT, Poland's first national passenger airline, was established in 1929, and thus belongs to the oldest, still operating airlines in the world. Poland had an aircraft industry manufacturing more than 4,000 airplanes and over a thousand gliders up to 1939 but it vanished in the years after.

EALA'S MISSION

Since 1989, EALA has arranged conferences and seminars in Europe focusing on important legal issues regarding the aviation industry. Over those 27 years EALA has gained international recognition and respect as a leading forum for the discussion of topical developments regarding aviation law, especially from a European perspective. The mission of EALA is, among other things, to:

- serve as the leading and essential association addressing the development of air law in Europe;
- ensure dissemination of information about, and the study of, air law in Europe, and
- be a forum for the exchange of views and provide an opportunity for those interested in European air law to meet each other.

EALA'S 28TH ANNUAL CONFERENCE

Exactly thirty years ago, the European Court of Justice made its landmark decision in a competition case involving the French travel agent *Nouvelles Frontières*. The name was portentous for European air law, as this decision opened borders by bringing together international air transport law and European competition law. In those days, the two could not be combined in a natural or logical way as they were based on different and sometimes opposing concepts. However, in the ten years that followed, airlines, especially the so called flag carriers, had to adjust to new market conditions, and they did.

The opening session will touch upon these developments, and also feature keynote addresses from distinguished Polish speakers. These will be followed by brief presentations on two topical subjects – Brexit and the EASA basic regulation.

After that, the first session will address accident investigation, which keeps on raising legal questions pertaining to the relationship between the safety investigation and the examination of the case by public prosecutors. The two have to comply with regulatory requirements from an international and domestic law point of view, while European law attempts to harmonise the two levels. Procedures can be complex, and the issue of human factors as a cause of these accidents a sensitive one. Accidents may also give rise to international repercussions.

When information is disseminated digitally, it is stored, and wanders inside virtual clouds, but who is controlling those

intangible movements? That question also affects passengers using air services, as the data they transmit to airlines may be kept because they are employed to enhance aviation security. However, they may be accessed by third parties in this open, not always protected cyberspace. Thus, privacy rights of individuals may have to be balanced against, among others, security concerns. The second session will examine the latest developments in this field.

Passenger rights keep us busy again, as they must be constantly reviewed in the light of new decisions made by the Court of Justice of the EU and other courts. The Commission has also recently published guidelines for the interpretation of Regulation 261. Tensions between domestic regulations and international law have yet again to be bridged without compromising the relationship between the airline and its principal customer, namely, the passenger.

2016 will hopefully become the year in which global understanding will be reached on the establishment of Global Market Based Measures designed to protect the environment by the stabilisation and, where possible, reduction of emissions made by aircraft. Europe plays a principal role in this process, because it led the way by establishing its Emissions Trading Scheme whose application is now restricted to flights within the European Economic Area. However, should the Assembly of ICAO not reach a – worldwide – consensus on this subject in October 2016, the EU has announced that it will revive the application of this regime to also include international flights from and to the EU. From that perspective, our conference could not be more timely, as here again domestic policies and regulations will be tested against an international benchmark.

Appropriately, in view of the anniversary of the *Nouvelles Frontières* judgement, the final panel will deal with competition law. In early 2016, the Court of Justice of the EU issued a notable decision on the appeals in the cargo cartel cases, annulling the Commission's decisions, which imposed substantial fines against a number of airlines. This decision has implications which can only be understood if explained by experts in this field. This is also true for the most recent case law on State aid involving airlines and airports.

Traditionally, the conference will be concluded by the grant of the EALA's prizes for the two best papers which have been written by students from all over the world in the past year. After that, we shall raise a glass to what has hopefully been a successful and inspiring conference.

EALA is grateful for the sponsorship from the Polish Regional Airports Association, and partnership with the Polish Air Navigation Services Agency and the Institute of Air and Space Law at Lazarski University.



POLSKA AGENCJA ŻEGLUGI POWIETRZNEJ
POLISH AIR NAVIGATION SERVICES AGENCY

Please book at your earliest convenience for this interesting event organised by EALA.

PROGRAMME

THURSDAY 3RD NOVEMBER 2016

18:30

BUS DEPARTURE TO RESTAURANT FROM HOTEL BRISTOL

19:00 – 20:00

WELCOME RECEPTION

Restaurant Belvedere | Lazienki Park | Agrykola, Warsaw

20:00 – 22:30

DINNER

Restaurant Belvedere | Lazienki Park | Agrykola, Warsaw

22:30

BUS DEPARTURE BACK TO HOTEL BRISTOL

FRIDAY 4TH NOVEMBER 2016

CONFERENCE

The Royal Castle | plac Zamkowy 4, Warsaw

08:30 – 09:00

REGISTRATION

Sala Koncertowa | The Royal Castle

09:00 – 09:20

WELCOME ADDRESS

[Pablo Mendes de Leon](#), president of EALA, professor of air and space law, University of Leiden, Leiden

KEY NOTE ADDRESS

[Piotr Samson](#), president, Civil Aviation Authority, Warsaw
[Jacek Krawczyk](#), president of the Employers' Group, European Economic and Social Committee, Warsaw

09:20 – 09:40

After Brexit

SPEAKER

[John Balfour](#), consultant, Clyde & Co, London

09:40 – 10:00

EASA basic regulation

SPEAKER

[Mikołaj Ratajczyk](#), Aviation Safety Unit, European Commission, Brussels

10:00 – 11:15

The truth is out there: Perspectives on aviation safety and post-accident investigations

MODERATOR

[Kate Staples](#), general counsel and secretary to the Civil Aviation Authority, London

PANELLISTS

[Piotr Kasprzyk](#), PhD, advisor for Air Navigation Standards, Polish Air Navigation Services Agency, Warsaw
[Graham Braithwaite](#), PhD FRAeS, director of Transport Systems, Cranfield University, Bedfordshire
[David Stoplar](#), head of safety & airspace legal team, Civil Aviation Authority, London
[Alina Nosek](#), partner, asb law, Crawley

11:15 – 11:45 Coffee/tea break

11:45 – 13:00

**Cyber Security in Aviation:
An Innovative Vision of the Matter**

MODERATOR

[Anna Masutti](#), partner, LS LexJus Sinacta law firm and professor, Bologna University, Bologna

PANELLISTS:

[Antonio Nogueras](#), head ATM Security Unit, Eurocontrol, Brussels
[Ram Levi](#), founder and CEO, Konfidas, Tel Aviv
[Roland Küsters](#), underwriter and legal counsel aviation facultative, Munich Re, Munich

13:00 – 14:30 Lunch | Sala Rady | The Royal Castle

During the lunch, the president of EALA will award the EALA Life Time Achievement Award to a highly recognised aviation lawyer in recognition of that lawyer's outstanding contributions to European and international aviation law.

14:30 – 15:00

Passenger rights

MODERATOR

[Anna Konert](#), professor, Lazarski University and partner, K&K Aviation Law, Warsaw

PANELLISTS

[Frederic Malaud](#), air transport bureau manager, ICAO, Montreal
[Pawel Mazur](#), partner, Wardyński & Partners, Warsaw
[Anna Burchacińska-Mańko](#), partner, MMM Legal, Warsaw

15:00 – 16:15

**ICAO Global Market-Based Measure:
Mission accomplished or merely begun?**

MODERATOR

[Michel Adam](#), manager, environmental policy, IATA, Geneva

PANELLISTS

[Uwe Erling](#), partner, Noerr, Munich
[Michael Lunter](#), senior policy advisor, sustainable aviation, Ministry of Infrastructure and Environment, The Hague and chairman of ECAC's ANCAT Group of Experts
[Andrew Murphy](#), aviation and shipping officer, Transport & Environment, Brussels

16:15 – 16:45 Coffee/tea break

16:45 – 18:00

Recent competition law developments in the aviation sector: What lessons can we learn?

MODERATOR

[Geert Goetyn](#), partner, Shearman & Sterling LLP, Brussels

PANELLISTS

[Kassiani Christodoulou](#), case handler European Commission, DG COMP, Brussels
[Philipp Werner](#), partner, Jones Day, Brussels
[Omar Shah](#), partner, Morgan Lewis & Bockius, London
[Alexander Gottsen](#), senior legal counsel, Scandinavian Airlines Systems, Stockholm

18:00 – 18:15

Announcement of the winner of the EALA Essey Prize
[Vincent Correia](#), chairman of EALA's Academic Committee

18:15

Closing remarks by the president of EALA [Pablo Mendes de Leon](#)

18:15 – 20:00

DRINKS RECEPTION

Sala Rady | The Royal Castle

PRACTICAL INFORMATION

COCKTAIL RECEPTION AND DINNER, THURSDAY 3RD NOVEMBER 2016

Delegates, moderators and panellists are invited to a reception from 19:00-20:00, followed by a dinner to commence at 20:00 at Restaurant Belvedere Lazienki Park, Agrykola, Warsaw. However, if a speaker or delegate wishes to bring a companion, a payment of EUR 95 will be required. Transportation to Restaurant Belvedere will take place from Hotel Bristol at 18:30. The return to Hotel Bristol will take place at 22:30.

CONFERENCE VENUE

The Royal Castle, Sala Koncertowa, plac Zamkowy 4, 00-277 Warsaw

REGISTRATION FEE

The conference registration fee (includes attendance of sessions, conference materials, dinner, two cocktail receptions and luncheon) is EUR 700 for members and EUR 850 for non-members. The 2016 membership fee is EUR 40 for individuals and EUR 120 for companies/firms.

Reduced fees of EUR 490 for members and EUR 595 for non-members are available for delegates from the Baltic States, Eastern Europe and the Balkan states. By special application to EALA's treasurer, a reduced fee of EUR 100 is available for a limited number of students.

CANCELLATION/CHANGES

The closing date for reservations is 1st November 2016, although the organisers may accept later reservations. Cancellations can be accepted up to 1st November 2016, subject to a deduction of EUR 50 to cover administrative costs. Thereafter, no refund can be offered. Cancellations should be notified to EALA's treasurer, Nikolai Ehlers at the address provided in the registration form. The name of a registering delegate may be substituted at any time before commencement of the conference.

PROGRAMME CONTENT

The language of the conference will be English. While every effort will be made to maintain the programme as described, EALA reserves the right to alter the content of the conference or the identity of the panellists without notice.

ATTENDANCE CERTIFICATION

To obtain a certificate of attendance in respect of the conference, please contact Mihaela Galea, email mga@gorrissenfederspiel.com.

HOTEL ACCOMMODATION

A limited number of rooms have been reserved at special rates at the hotels below. Better rates may possibly be found through other sources. Reservations should be made directly with the reservation department of the hotel. Rooms are available on a first-come, first-served basis. Please provide the below mentioned information to the hotels.

Hotel Bristol, ul. Krakowskie Przedmieście 42/44, Warsaw
Telephone: +48 22 551 10 00.
E-mail: alicja.kachnowicz@luxurycollection.com
Booking code: EALA2016

Classic Single (single & double occupancy) PLN 590/EUR 138
The price includes breakfast.

Hotel Harenda, ul. Krakowskie Przedmieście 4/6, Warsaw
Telephone: +48 22 826 00 71.
E-mail: rezervacja@hotelharenda.com.pl
Booking code: EALA.

Single Rooms (single & double occupancy) PLN 241.50/EUR 56
The price includes breakfast.