

Air Transport

Contributing editors

John Balfour and Mark Bisset



2016

GETTING THE
DEAL THROUGH 

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Air Transport 2016

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Published by
Law Business Research Ltd
87 Lancaster Road
London, W11 1QQ, UK
Tel: +44 20 3708 4199
Fax: +44 20 7229 6910

© Law Business Research Ltd 2015
No photocopying without a CLA licence.
First published 2006
Tenth edition
ISSN 1751-9098

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Printed and distributed by
Encompass Print Solutions
Tel: 0844 2480 112



CONTENTS

Global Overview	7	Iceland	90
John Balfour Clyde & Co LLP		Erlendur Gíslason Logos Legal Services	
Afghanistan	11	India	95
M Wisal Khan and Ghazi Khan Legal Oracles		Amir Singh Pasrich and Mohana Malhotra I.L.A. Pasrich & Company	
Argentina	15	Indonesia	106
Elizabeth Mireya Freidenberg Freidenberg, Freidenberg & Lifsic		Wahyuni Bahar and Anggia Rukmasari Bahar & Partners	
Austria	21	Italy	110
Joachim J Janezic Recht & Co – Janezic & Schmidt Rechtsanwälte OG		Laura Pierallini Studio Pierallini	
Bahamas	25	Japan	117
Arthur K Parris ParrisWhittaker		Shuji Yamaguchi Okabe & Yamaguchi	
Belgium	28	Malta	121
Birgitta Van Itterbeek Monard Law		Tonio Grech Dingli & Dingli Law Firm	
Brazil	33	Mexico	127
Renata Iezzi Basch & Rameh Advogados Associados		Javier Alegre and Carlos Campillo Alegre, Calderón y Márquez Abogados	
Canada	38	Netherlands	133
Laura M Safran QC and Prasad Taksal DLA Piper (Canada) LLP		Jeroen Timmermans, Laetitia Kunst-den Teuling and Ruben Elkerbout Stek	
Cayman Islands	45	New Zealand	139
Louise Groom and Ellie Crespi-McCarthy Harneys		Frank Porter, Anita Birkinshaw and Rishalat Khan Buddle Findlay	
Denmark	49	Nigeria	145
Henrik Kleis and Rune Hamborg Delacour Law Firm		Etigwe Uwa SAN, Chinasa Unaegbunam and Queenette Hogan Streamsowers & Köhn	
Dominican Republic	55	Norway	151
Rodolfo Mesa Chavez Mesa & Mesa Abogados		Knut Boye, Ingar Fuglevåg and Camilla Flatum Advokatfirmaet Simonsen Vogt Wiig AS	
European Union	59	Poland	155
Geert Goeteyn Shearman & Sterling LLP		Krystyna Marut, Edyta Michalak and Anna Burchacińska-Mańko MMMLegal Legal Counsels	
France	71	Portugal	160
Vonnick Le Guillou, Edouard Sarrazin, Marie Bresson, Jonathan Rubinstein and Guilhem Argueyrolles DLA Piper France		João Pedro Alves Pereira and João Marques de Almeida APTS – Alves Pereira & Teixeira de Sousa RL	
Germany	77	Russia	166
P Nikolai Ehlers Ehlers, Ehlers & Partner		Mikhail Sokolov, Anna Arkhipova and Sergey Seliverstov Sokolov, Maslov and Partners	
Greece	83	Singapore	172
Betty Smyrniou and Konstantina Linardou Bahas, Gramatidis & Partners		Rajaram Ramiah and Amos Tan Quahe Woo & Palmer LLC	

Sweden	178	United Arab Emirates	198
Stephan Eriksson and Erik Hägnefors Sander Advokaterna Liman & Partners AB		Donald H Bunker, Ian Veall, Christine Veall and Henock Girma Donald H Bunker and Associates	
Switzerland	183	United Kingdom	202
Andreas Fankhauser Baumgartner Mächler		John Balfour Clyde & Co LLP	
Turkey	189	United States	208
M Ali Kartal Aybay & Aybay		Andrew J Harakas and Christopher Carlsen Clyde & Co US LLP	
Ukraine	193	Uruguay	216
Anna Tsirat Jurvneshservice International Legal Services		Gonzalo Yelpo Yelpo & Facal Abogados	

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General

1 Which bodies regulate aviation in your country, under what basic laws?

Civil aviation in Poland is subject to international, EU and national legislation. Poland applies the Chicago Convention and its Annexes. Both the Treaty and secondary EU legislation are applied. All EU regulations are applied directly in Polish law. Other pieces of secondary law are implemented into national law. Further to EU Regulation 216/2008 and its implementing rules, the operation of civil aviation entities is also subject to European Aviation Safety Agency's (EASA) legislation.

The main national rules of civil aviation are defined in the Aviation Act (consolidated text Journal of Laws 2013.1393, as amended) and implementing Regulations issued by relevant ministers. Most Regulations are issued by the Minister competent for Transport. Significant regulatory powers are vested also in the President of the Civil Aviation Office (CAA) regarding guidelines and instructions. The CAA is the authority competent for most practical decisions in the field of civil aviation.

Regulation of aviation operations

2 How is air transport regulated in terms of safety?

In Poland the Chicago Convention with its Annexes as well as EU legislation regarding air safety apply. The main national act regulating all safety issues is the Aviation Act with numerous implementing regulations. Most important are those related to safety of aircraft and airport exploitation, construction requirements, certification, airworthiness, air accidents and search and rescue. The CAA issues guidelines and instructions as well as airworthiness directives.

EASA plays an important role in the scope of safety. Commercial air transport operators, aerodromes, personnel, aeronautical products, parts and appliances and ATM/ANS services and products are subject to the rules determined under EU Regulation 216/2008 and its implementing rules and EASA decisions.

The European Aviation Safety Programme and Plan have not been implemented yet. The relevant legislative works on the State Safety Programme have been commenced.

Air safety is primarily administered and supervised by the CAA and the Minister competent for Transport.

All air carriers are certified according to EU Regulation 965/2012. By the end of 2017, all public usage airports will have to be certified according to the rules determined under EU Regulation 139/2014.

3 What safety regulation is provided for air operations that do not constitute public or commercial transport, and how is the distinction made?

In general, the Aviation Act provides the same safety rules for all air operations. In the case of aircraft falling outside the scope of EASA supervision, the airworthiness falls under the supervision of the CAA.

In the case of aerodromes, public usage airports have to be fully certified in compliance with International Civil Aviation Organization (ICAO) Annex 14, whereas exclusive usage airports have to comply with national Regulations. Some airports may apply to the CAA for a limited certification. For such airports the CAA determines the type of flights operated to and from the airport, the time when such flights can be operated as well as characteristics of aircraft that can be operated.

The certification process is conducted according to the Aviation Act and its implementing Regulation on certification.

4 Is access to the market for the provision of air transport services regulated, and if so how?

EU rules apply, particularly EU Regulation 1008/2008. The Aviation Act defines a system of licences and certificates enabling access to the market. Besides a certificate, an air carrier has to obtain the CAA's licence (*koncesja*). Operating on particular routes may require the CAA's consent, authorisation or appointment. Third-country carriers require the CAA's consent for air carriage sales.

5 What requirements apply in the areas of financial fitness and nationality of ownership regarding control of air carriers?

Poland applies EU Regulation 1008/2008. Under the Regulation an undertaking may be granted with an operating licence by the Polish CAA if, inter alia, nationals of EU member states own more than 50 per cent of the undertaking and effectively control it, whether directly or indirectly, except as provided for in an agreement with a third country to which the Community is a party.

An undertaking applying to the Polish CAA for a licence shall submit a business plan for, at least, the first three years of operation. The business plan shall also detail the applicant's financial links with any other commercial activities in which the applicant is engaged either directly or through related undertakings. Requirements are to a certain extent modified in the case of carriers operating aircraft of less than 10 tonnes maximum take-off mass (MTOM) or less than 20 seats.

Holders of an existing licence are obliged to notify the Polish CAA of any planned changes in their activities as well as any mergers or acquisitions that could influence their financial standing, attaching relevant documentation.

6 What procedures are there to obtain licences or other rights to operate particular routes?

Polish and EU carriers are not required to obtain licences for operating intra-Community connections, both for scheduled and non-scheduled flights.

For outside-EU connections, Polish and community air carriers shall apply to the CAA for a licence to operate on a particular route. Where required in international treaties or third country law, the CAA shall also appoint a carrier authorised to perform flights to a particular third country. As regards third-country carriers, see question 9.

7 What procedures are there for hearing or deciding contested applications for licences or other rights to operate particular routes?

In practice, this problem concerns either outside-EU routes or third country carrier applications, as intra-Community connections by Community carriers are not subject to licensing. Where there are two or more applicants for operating a particular route, the CAA shall organise a selection procedure, and the result shall be determined by the following criteria in particular:

- air carriers' capacity to offer an adequate level of services and charges as well as competing effectively with third country carriers; and

- previous expenditures for development of the connection in question and economic results achieved hitherto.

Licences, permits and appointments in the field of traffic rights are granted by the CAA in the form of an administrative decision. Such decisions can be appealed and in the case of unsuccessful appeal proceedings before administrative court can be instituted.

8 Is there a declared policy on airline access or competition and, if so, what is it?

Again, the problem concerns outside-EU connections. The Aviation Act determines a list of circumstances when an application for a licence to operate routes outside the EU can be rejected. These are when:

- it is essential under the limitations provided by international treaties or regulations;
- it is justified in order to avoid serious limitation of effective competition among Polish, EU and third-country carriers;
- it is justified by a need to ensure profitability of regular flights on a given route that is already being serviced, and where there is no need to increase carriage capacity; or
- operating regular flights has already been entrusted to another carrier under public service obligation.

As regards third-country carrier access to connections to and from Poland, please refer to question 9.

9 What requirements must a foreign air carrier satisfy in order to operate to or from your country?

A foreign air carrier may operate to or from Poland provided that it obtains a permit issued by the CAA. The permit is granted upon the air carrier's request, taking into account the provisions of existing agreements and international law. A foreign air carrier may be granted the permit, provided that:

- it is in the public interest;
- Polish air carriers benefit from the similar rights in the foreign air carrier's country or obtain other mutual benefits;
- flight service at Polish airports can be assured; and
- the rules of organisation of air transportation in terms of package tours and charter flights set by Polish law are fulfilled by the foreign air carrier operating from Poland.

The Aviation Act also lists circumstances when the CAA may decline an application for a permit, inter alia:

- when required by international treaties or Regulations;
- when a carrier infringes aircraft safety or security Regulations; and
- when a carrier has overdue liabilities towards Polish entities, in particular towards the state ATM body and ground handlers.

10 Are there specific rules in place to ensure aviation services are offered to remote destinations when vital for the local economy?

There are two situations when public service obligation (PSO) can be imposed:

PSO imposed on a specific route

The Minister for Transport, in cooperation with the Minister for Regional Policy, may impose PSO on a specific route in respect of scheduled air services, determining its period as well as terms and conditions of service performance. PSO can be imposed between two airports located in Poland, or between an airport located in Poland and an airport located in any other country within the EU. The decision must be made taking into account state policy in respect of regional development and non-discriminatory rules among EU carriers. The procedures and the criteria in this matter are laid down in EU Regulation No. 1008/2008.

PSO imposed on an airport authority

In a situation where an airport has relatively low air traffic, though is still important for a city or for a certain region, a local government unit can file a motion to the CAA to compensate the airport's loss or to grant other benefits. The CAA can conclude an agreement with the airport authority on PSO, specifying its requirements concerning regularity and continuity of the air traffic at this airport.

11 Are charter services specially regulated?

General Regulations on aviation apply to air charter services, with minor changes, including the following.

When operating to or from Poland, an air carrier with its operating licence granted by the EU, Swiss Confederation, Iceland, Norway or Liechtenstein is obliged to communicate its flight programme to the CAA 14 days before the start of each traffic season.

A foreign air carrier aiming to perform charter services to or from Poland is obliged to file an application to the CAA in order to obtain authorisation to operate. Such application should be submitted, at the latest, 14 days before the series of non-scheduled commercial flights starts, where 'series' of flights means at least 10 flights (one flight includes an outbound and inbound operation).

The Aviation Act and the Regulation of the Polish Minister for Transport on the principal rules of organisation of air transportation in terms of package tours and charter flights impose requirements regarding the documentation that should be submitted to the CAA together with the application. Additionally, the CAA is entitled to ask the air carrier to submit the charter agreement between the carrier and the tour operator.

12 Are airfares regulated and, if so, how?

Airfares for air services provided within the EU are fixed on the general basis of EU Regulation 1008/2008. This means that the rules of pricing freedom together with the informative obligations and non-discrimination rule apply.

However, as regards airfares applying to air services between Poland and a 'third country', when a bilateral agreement on airfares exists, there is an obligation to submit the airfares to the CAA. Procedures, as well as the detailed scope of information required from the carrier when assessing correctness of airfares, are described in the Regulation of the Minister for Transport.

Aircraft

13 Who is entitled to be mentioned in the aircraft register? Do requirements or limitations apply to the ownership of an aircraft listed on your country's register?

An aircraft owner or another aircraft user (eg, operator) as well as their attorneys are entitled to be mentioned in the Aircraft Register.

An aircraft may be entered into the Polish Aircraft Register if it is owned or operated by:

- a Polish citizen;
- a Polish legal person;
- another Polish entity not possessing status of a legal person; or
- a citizen of another county permanently domiciled in Poland.

The CAA also exercises a discretionary right to enter an aircraft operated by other persons than listed above into the Polish Aircraft Register.

14 Is there a register of aircraft mortgages or charges and, if so, how does it function?

Aircraft mortgages are registered in a general mortgages register, kept by 11 courts in Poland (depending on the seat of mortgagor). The mortgage registers are open, which means that the documents lodged in the register can be viewed by anyone. Electronic access to such registers is unavailable. Once registered in the general mortgages register, aircraft mortgages are reflected in the Polish Aircraft Register ex officio.

15 What rights are there to detain aircraft, in respect of unpaid airport or air navigation charges, or other unpaid debts?

The Aviation Act allows for temporary detention, retention or seizure of an aircraft, inter alia:

- by the CAA for breach of safety Regulations;
- by the airport operator for securing claims for airport charges or damages caused at the airport:
 - under the Convention for the Unification of Certain Rules relating to the Precautionary Arrest of Aircraft made in Rome on 29 May 1933;
 - upon court judgment or decision; and
 - by a court bailiff under enforcement proceedings; and
- as a security of reimbursement for expenditures or remedy for damage caused by the aircraft.

An aircraft may be required to be rendered for military purposes or in the case of natural calamities.

Polish law is not clear whether an aircraft can be detained by Eurocontrol for non-payment of navigation charges.

16 Do specific rules regulate the maintenance of aircraft?

There are no specific national rules as regards maintenance of aircraft and its components. Common EU Regulations should be adhered to. All operators are requested to follow Annex I (Part M) of Commission Regulation (EC) No. 2042/2003 including the relevant decisions of EASA Executive Director. All tasks related to aircraft maintenance should be performed by appropriately-approved Part 145 organisations with respect to the class and rating of their approval. Furthermore, personnel performing aircraft maintenance shall be certified as per Part 66 rules.

Airports

17 Who owns the airports?

Airports in Poland can be state owned or privately owned. Requirements regarding airport establishment and the scope of ownership are defined in the Aviation Act. The division between an exclusive usage airport (usable by those registered in the airport register) and a public airport (usable by all air operators within the airport limits and relevant for commercial flights) is vital for ownership issues. Public airports can be established and managed by a municipal or private undertaking situated in Poland, another EU country, the Swiss Confederation or a member state of EFTA – an EEA agreement signatory. Further ownership limitations would apply for airport owner and airport operator. There are also limitations on land ownership in the case of international airports where the state border is open consistently – only the State Treasury, other state units, municipal units or commercial companies where such undertakings own at least 51 per cent of shares can own it.

The main public airport in Poland is Warsaw Chopin (EPWA/WAW) – operated by the Polish Airports State Enterprise. The major regional public airports are; Kraków-Balice (EPKK/KRK), Gdańsk im. Lecha Wałęsy (EPGD/GDN), Katowice-Pyrzowice Airport (EPKT/KTW), Modlin (EPMO/WMI), Wrocław-Strachowice (EPWR/WRO), Poznań Ławica (EPPO/POZ). Shares in those regional airports are owned mainly by Polish Airport State Enterprise, self-governing bodies (such as municipalities and provinces) or private entities.

18 What system is there for the licensing of airports?

The licensing system depends on the type of an airport, ie, whether it is a public usage airport or an exclusive usage airport. Commercial flights, in general, may be operated from and to public usage airports only. In order to establish and operate such an airport it is necessary to obtain permission from the CAA. Each public usage airport has to obtain a certificate and operating permission. Both of these are issued by the CAA. In order to operate a public usage airport, the managing body has to elaborate on airport charges and tariff which then has to be approved or published by the CAA.

19 Is there a system of economic regulation of airports and, if so, how does it function?

The economic side of airport operation is considered at the stage of airport establishment and later, during its operation. Airport capabilities in this regard are examined during the process of obtaining permission to establish an airport – via a ‘master plan’. Economic data related to present and future ownership structure, foreseen investment financing sources, profitability, airport charge amounts, etc, have to be included in the airport’s master plan that has to be consulted with relevant municipalities, opined by the CAA and approved by the Minister for Transport as well as the Minister for Regional Development.

Then, in order to manage a public usage airport, operating permission from the CAA is required. To obtain such permission, an applicant has to prove that it is able to fulfil its financial liabilities for at least 24 months from the commencement of activities. It also has to provide, eg, data on its capital structure, liquidity, financing sources, etc. A financial report has to be filed with the CAA each year after it is approved.

Public usage airports are also limited in their economic freedom regarding airport charges, which are subject to the CAA’s supervision. The CAA has the authority to order airport charges amendments.

In certain cases, an airport operator is entitled to retain the aircraft. It can also deny its services to the aircraft if airport charges are not paid.

Airports can also require payment of fees for their services other than paid in the form of airport charges (ie, not connected with start, landing, lighting, parking of aircraft; services re passengers, goods or freight). Airports can also require payment of PRM charges (ie, charges for providing services required under EU Regulation No. 1107/2006).

20 Are there laws or rules restricting or qualifying access to airports?

Accessibility depends on the type of airport. Commercial flights can be operated from and to public usage airports. Exclusive usage airports can be used by their owner, users indicated in the aerodrome register and by other users with the airport operator’s consent. The following flights are permitted to use the exclusive usage airport: charter flights operated with aircraft of 10,000kg or less MTOM and/or those with 20 or fewer passenger seats, local flights and other non-commercial flights.

Accessibility is also limited by a particular airport’s operational parameters and may be limited by slot coordination.

21 How are slots allocated at congested airports?

Congested airports become coordinated or schedule-facilitated according to the rules of EU Regulation 95/93. If an airport is designated as coordinated or schedule-facilitated, the CAA appoints a coordinator or a schedule facilitator. Slots are allocated according to the rules of EU Regulation 95/93. IATA Worldwide Scheduling Guidelines are not included directly in the legal system in Poland, but they are applied in the slot allocation process. Two airports are coordinated in Poland: Chopin Airport in Warsaw (WAW) and Poznań-Ławica Airport. The latter is coordinated from 1 June to 30 September, 20.00–04.00 UTC. Both airports are coordinated by the UK-based slot coordinating company Airport Coordination Limited.

22 Are there any laws or rules specifically relating to ground handling?

Ground handling issues are governed by the Aviation Act and its implementing Regulation on ground handling services in airports. In order to provide ground handling services at a given airport, an agent has to obtain CAA permission. This permission is not necessary in the case of self-handling. In the case of dangerous goods as well as fuel and oil handling, it is obligatory to obtain a CAA certificate. The organisation of ground handling is based on EU Directive 96/67. In general, ground handling agents and self-handlers have freedom to operate. Such freedom for ground handling agents may be limited by the President of CAA (in the case of airports of at least 2 million passengers or 50,000 tonnes of goods) or by the airport operator (in other cases). In any case the amount of permissions can be limited to at least two agents. Self-handling can be limited by the CAA in the case of airports of at least 1 million passengers or 25,000 tonnes of goods. In the case of limitation, the permission is given to the entity chosen in a selection procedure.

23 Who provides air traffic control services? And how are they regulated?

ATC is provided by a state agency, the Polish Air Navigation Services Agency (PANSNA). The provision of ATC services and the functioning of PANSNA is governed by the Aviation Act, the Act concerning PANSNA as well as EU law. An air traffic services provider has to obtain a CAA certificate and it has to be designated, by the Minister for Transport, to provide such services in the given area. Provision of air traffic control services is subject to EU Regulations.

Liability and accidents

24 Are there any special rules in respect of death of, or injury to, passengers or loss or damage to baggage or cargo in respect of domestic carriage?

Under the Aviation Act there are no specific rules in respect of death of, or injury to, a passenger or loss or damage to baggage or cargo in respect of domestic carriage. Such damages are subject to the rules envisaged by the Montreal Convention. In matters not regulated by the Conventions, the rules of the Aviation Act and of the Polish Civil code may be applicable.

25 Are there any special rules about the liability of aircraft operators for surface damage?

The liability of the aircraft operators for surface damage is regulated by the Aviation Act and the Polish Civil Code. Generally the rules provide for strict liability, with very limited exoneration possibilities. Poland has not ratified the 1952 Rome Convention. Two new international conventions on surface damage made in Montreal in 2009 – the Convention on Compensation for Damage Caused by Aircraft to Third Parties and the Convention on Compensation for Damage to Third Parties resulting from Acts of Unlawful Interference Involving Aircraft – have not entered into force due to the lack of sufficient number of ratifications. Poland has not signed either of them.

26 What system and procedures are in place for the investigation of air accidents?

The primary pieces of legislation governing the investigation of air accidents are EU Regulation 996/2010, the Aviation Act and the Regulation of the Minister of Transport on Aviation Accidents and Incidents. Generally, under the Aviation Act, an investigation into aviation accidents or serious incidents may be carried out by the Polish State Commission for Aircraft Accident Investigation (SCAAI) if an accident or serious incident took place on Polish territory or in Polish airspace. The purpose of the investigation carried out by SCAAI is the prevention of air accidents; SCAAI does not decide on fault nor liability issues. Any access to the SCAAI files concerning aviation accident is limited and requires consent from the Regional Court in Warsaw.

27 Is there a mandatory accident and incident reporting system and, if so, how does it operate?

Any events of malfunction, damage to aircraft or other circumstances which had or could have had influence on flight safety must be reported to SCAAI by, inter alia: an operator or pilot in command, an aircraft constructor/designer/manufacturer, an ATM authority, an airport operator and a ground handler. Reporting of air events shall be made immediately, not later than 72 hours from the occurrence. The computer database for mandatory occurrence reporting in civil aviation is maintained in accordance with the European system of central coordination of events notification in aviation, ie, that of the European Coordination Centre for Accident and Incident Reporting Systems.

Competition law

28 Do sector-specific competition rules apply to aviation? If not, do the general competition law rules apply?

General competition law rules apply. However, under the Aviation Act, certain agreements, decisions and other practices of air carriers concerning the use of traffic rights granted in international treaties or granted to Polish air carriers by third countries are permitted.

Council Regulation (EC) No. 487/2009 is also applicable in Poland.

29 Is there a sector-specific regulator or are competition rules applied by the general competition authority?

The general competition authority, the CCPO, is competent. Under EU Regulations the European Commission also exercises significant powers.

30 How is the relevant market for the purposes of a competition assessment in the aviation sector defined by the competition authorities?

There is no definition of the relevant market in the aviation sector. The definition of the Act on Protection of Competition and Consumers is applicable. Further to the definition it is the market of goods, which, with regard to their destination, price and features, including quality, are considered by the purchasers as substitutes which are offered in an area, where, due to their type and features, barriers in accessing the market, consumers' preferences, significant price differences and transport costs, a similar competition environment exists.

Each case is examined individually by the CCPO on the basis of gathered evidence. The 'relevant markets' have a dynamic character. The decision of the CCPO defining the 'relevant market' in one case cannot be treated as a precedent for future proceedings; it may merely be treated as a guideline.

There is not much Polish case law regarding mergers and acquisitions within the aviation industry.

31 What are the main standards for assessing the competitive effect of a transaction?

The CCPO examines whether a transaction could limit the competition on a relevant market, in particular through creation or strengthening of a dominant position.

32 What types of remedies have been imposed to remedy concerns identified by the competition authorities?

There is no relevant case law in the aviation industry in Poland. In general, the CCPO can for example in case of concentration:

- order sale of the whole, or part of, the enterprise of one or more undertakings;
- order disposal of a controlling stake in an enterprise, and
- order granting of a licence to a competitor.

In case of competition restricting practices, the CCPO can for example:

- order the granting of an IP licence on non-discriminatory terms;
- order enabling access to infrastructure on non-discriminatory terms;
- order changing of an agreement; and
- order enabling other entities to supply of certain products or services non-discriminatory terms.

Financial support and state aid

33 Are there sector-specific rules regulating direct or indirect financial support to companies by the government or government-controlled agencies or companies (state aid) in the aviation sector? If not, do general state aid rules apply?

There are no sector-specific rules on state aid in the aviation sector beside the Aviation Act which allows support to airlines and airports or other aviation undertakings in the purchase of equipment necessary to ensure safety and airport development. Public service obligation, subject to remuneration, can be imposed on airports and airlines.

34 What are the main principles of the state aid rules applicable to the aviation sector?

The rules applicable under EU law apply. This is mainly governed by the Treaty and EU guidelines on state aid to airports and airlines. In the case of state aid granted under national or regional aid schemes, the rules governing the given scheme apply. The Aviation Act and its implementing Regulations govern the rules on state aid granted for performing safety tasks, public service obligation or investments in airport infrastructure used for services of general economic interest.

35 Are there exemptions from the state aid rules or situations in which they do not apply?

In general, EU rules apply, particularly EU Regulation 659/1999 (as amended). The procedure in Poland is governed by the Act on procedure in the field of state aid. No national rules have been elaborated for implementing EU guidelines on state aid to airports and airlines. In the cases defined in EU guidelines on state aid to airports and airlines the 'private investor' rule would apply.

36 Must clearance from the competition authorities be obtained before state aid may be granted?

In most cases the opinion of the CCPO is required before notification to the European Commission Notification of a state aid scheme may require consent to be granted by the Council of Ministers.

37 If so, what are the main procedural steps to obtain clearance?

See question 36. The steps depend on the type of state aid, that is whether it is individual aid, individual restructuring aid or an aid scheme as well as whether it is de minimis aid.

38 If no clearance is obtained, what procedures apply to recover unlawfully granted state aid?

If the European Commission obligates a beneficiary to return the state aid amount, the full amount has to be returned together with the interest determined under EU Regulation 659/1999. If not returned voluntarily,

the amount will be subject to a forced execution by administrative or civil court bodies.

Miscellaneous

39 Is there any aviation-specific passenger protection legislation?

European law, particularly EU Regulation 261/2004 and EU Regulation 1107/2006 shall apply.

There are no aviation-specific passenger protection rules on package holidays or bankruptcy protection. However in the event of clear signs of financial problems of the carrier or in the event of opening insolvency proceedings against an air carrier, the CAA shall make a detailed assessment of the financial situation of the carrier. At the request of the CAA, the air carrier shall present the financial statements and other required documents to the statutory auditor. The CAA may suspend or revoke the operating licence in the cases referred to in EU Regulation 1008/2008.

40 Are there mandatory insurance requirements for the operators of aircraft?

Under the Aviation Act air carriers and aircraft operators are required to conclude a contract of insurance civil liability for damages in connection with the business of air transport in accordance with EU Regulation 785/2004. In the case of non-commercial operation of aircraft with a maximum take-off mass not exceeding 2,700kg, the minimum amount of cover liability insurance in respect of each single passenger in a single flight from one event whose effects are covered by insurance is the equivalent of 100,000 SDR. Air carriers are required to conclude a contract on liability insurance for damage caused by delay in the carriage of passengers, baggage or goods. Air carriers are required to conclude the insurance contract on civil liability for damage resulting from the carriage of mail by air, in accordance with the provisions of the European Union concerning common rules for the operation of air services in the community.

41 What legal requirements are there with regard to aviation security?

In general international and EU law applies, in particular EU Regulations 300/2008 and 185/2010. The Aviation Act provides implementing rules and the most important national Regulations concern the National Civil Aviation Security Programme, the National Training Programme and the National Quality Control Programme. The protection of civil aviation against acts of unlawful interference threatening security and the safety of persons and property in connection with aviation business are subject to separate agreements, international laws and Regulations and special provisions of the Aviation Act.

Update and trends

The latest amendments to the Aviation Act open military airports for civil aircraft movements, generally in the case of flights by the Polish Armed Forces as well as for domestic flights operated by small air vehicles and helicopters.

Following several incidents with UAV a public debate regarding usage of such air vehicles and relevant legislation to be elaborated has been commenced.

The Polish Supreme Court issued an important judgment on the costs in civil proceedings. It has lessened the burden of costs borne by air carriers in cases where multiple plaintiffs (passengers) claim against a carrier in relation to the same cause of action and the cases are joint for common resolution. This is a frequent situation in cases based on Regulation 261/2004.

42 What serious crimes exist with regard to aviation?

The Polish Criminal Code and the Aviation Act provide for certain categories of crimes related to traffic, including aviation. For example, under the Criminal Code the following constitute criminal offences and are subject to imprisonment:

- causing a disaster to air traffic, and thereby endangering the life or health of many people, or property to a significant degree;
- unintentionally causing an accident in which another person suffers a bodily injury by violating, even unintentionally, the safety rules for air traffic; and
- allowing, in spite of a special duty, a vehicle to be operated in a condition that directly endangers the safety of air traffic.

The Aviation Act provides for certain penalising regulations, mostly in respect of regulatory offences. As regards non-regulatory offences under the Aviation Act, the following may be noted as an example of offences:

- breaching the provisions concerning air traffic in the area while performing a flight;
- destroying or seriously damaging aircraft located at the airport or causing an interruption in the activities of an airport;
- refusing to obey orders of the PIC during flight;
- carrying or using firearms, gas-based weapons or explosives onboard;
- destroying airport facilities and air-traffic devices; and
- emitting or causing the emission of a laser light or light from other sources in the direction of an aircraft in a manner likely to cause blinding, and as a result posing a threat to the safety of an aircraft or health of crew and passengers on board.

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ISSN 1751-9098



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