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REPORT*

LEGAL FRAMEWORK FOR STATE REGULATION OF CIVIL AVIATION IN THE BSEC MEMBER-STATES

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I. INTRODUCTION

Civil aviation is a large and rapidly growing industry that drives economic and social progress. It contributes to prosperity and creates opportunities for employment, business and trade. It forges links between people, countries and cultures; provides access to global markets and generates tourism.

The Parliamentary Assembly of the Organization of the Black Sea Economic Cooperation has addressed the issues concerning legal framework for development of transport in the BSEC region. The Assembly came up with the Reports and Recommendations* in this field, however, civil aviation and air transportation topic was not examined separately.

In its turn, the Organization of the Black Sea Economic Cooperation devoted the substantial part of its work to the topical issues of transportation through its working groups and specialized ministerial meetings. It is noteworthy to mention, that the Declaration on Cooperation in the Sphere of Transport in the BSEC Region on the Occasion of the 15th Anniversary of the BSEC states that “civil aviation has not been given the attention it deserves in BSEC transport agenda up to now and that fostering cooperation in this field holds great potential for the transport in the BSEC region, without prejudice to international obligations of the Member States”. The Yerevan Declaration of 2009 on Prospects of Cooperation in the Field of Transport in the BSEC Region stresses “the need for developing further cooperation in the civil aviation sector”.

Given the topicality of civil aviation issue the Legal and Political Affairs Committee at its Thirty Fourth Meeting in Kyiv in October 2009 took the decision to examine the legal framework in the field of civil aviation in the BSEC Member-States.

In this respect, the Thirty Fifth Meeting of the Committee in Durrës, Albania on 21-22 April 2010 is dedicated to “Legal Framework for State Regulation of Civil Aviation in the BSEC Member-States” with a view to elaborate the Report and the Recommendation for further submission to the consideration of the Thirty Fifth Plenary Session of the General Assembly in Belgrade in June 2010. It is noteworthy to mention that parallel to the discussions in the Legal and Political Affairs Committee, the BSEC considers at its Meeting of the Working Group on Transport the issue on possible cooperation in the area of civil aviation.

The present report has benefited from the contribution by the national delegations of Azerbaijan, Bulgaria, Greece, Romania, Turkey and Ukraine. The necessary additional reference material has been obtained by the PABSEC International Secretariat through the related internet resources and publications.

The report reviews the relevant legislative framework, bilateral and multilateral agreements and the relevant regulations pertaining to civil aviation, its efficiency, safety and security. It examines the

* *Report and Recommendation 13/1996 on Cooperation in Transportation among the BSEC Participating States; Report and Recommendation 29/1998 on Transport Technology and Integration in Europe; Report and Recommendation 40/1999 on Legal and Political Aspects of the Transport Systems Integration Process in the Black Sea Region; Report and Recommendation 59/2002 on Economic Integration in the BSEC Region: Current State and Future Prospects; Report and Recommendation 78/2004 on Facilitating the Movement of People and Goods Across Borders; Report and Recommendation 84/2005 on Development of the transport infrastructure in the Black Sea Region; Report and Recommendation 107/2009 on Development of the Sea Transport in the Black Sea Region: Problems and Prospects;*

incorporation of relevant international standards into national regulations and practices and outlines future priorities. It also traces the civil aviation challenges in the light of global developments.

II. LEGAL FRAMEWORK FOR STATE REGULATION OF CIVIL AVIATION IN THE BSEC MEMBER-STATES

1. Civil aviation provides new opportunities and added value to all nations. It has a unique virtue to bring people closer together, promote economic growth and facilitate trade. It is a large and rapidly growing industry which drives economic and social progress and plays a crucial role in wider economic development of societies. It improves quality of life by enriching people's leisure and cultural experiences.
2. Civil aviation includes air transport, infrastructure and manufacturing. Yet, air transportation is the lead constituent of civil aviation. It is considered as one of the few fastest promising industries with long term perspective of the world economy. Air transport services deliver the final product of civil aviation industries to customers around the globe. To provide passenger, freight and mail services, air carriers, business aviation and other commercial operators purchase a wide range of products and services from airports and air navigation service providers.
3. Civil aviation cannot be viewed as merely a system of moving people and goods. The contribution of civil aviation to the economic progress is rather substantial and significant. Civil aviation has important economic impact in relation to employment and income, foreign exchange, trade and exports, communication and technologies. Civil aviation industry is a direct generator of employment and economic activity through airline and airport operations, aircraft maintenance, air traffic control and management and activities directly serving air passengers, such as check-in, baggage-handling, retail and catering facilities.
4. Air transport facilitates trade, helping countries participate in the global economy by increasing access to international markets and allowing globalization of production. Air services allow firms to shorten delivery times, minimize inventory costs and limit interruptions to production. Air transport industry is vital to international trade especially in time-sensitive goods. Rapid delivery is particularly important to businesses whose customers are running streamlined production processes or who need urgent delivery of spare parts for machinery and equipment.
5. The air transport industry plays a major role in supporting tourism. Millions use air transport for leisure trips or visiting friends and relatives. Air transport contributes making foreign travel and a wider range of holidays available facilitating closer international integration.
6. Air transport network also facilitates the delivery of emergency and humanitarian aid anywhere on earth, and ensures the swift delivery of medical supplies and organs for transplantation. Air services play an essential role in humanitarian assistance to countries facing natural disasters, famine and war. They are particularly important in situations where the access is a problem.
7. Globalization of the economy depends increasingly on air transport with airports acting as the main technical support. Airports serve as hubs for future growth of urbanization with integrated transport and information technology. Today, there are more than 10,000 airports globally serving around 3 billion passengers annually. While air transport demand grows, airports expand their capacities constructing new terminals. To provide its service efficiently, air transport industry combines effort of people who sell the service, travel agents, people who operate airlines, people who operate airports, traffic controllers, customs, police.

8. Civil aviation operates within a system established and maintained in accordance with the minimum safety and security standards to be met by system participants. Aviation organisations, pilots, engineers, air traffic controllers and aircraft owners are each responsible for meeting the statutory safety and security standards. It is in the best interests of all aviation participants to perform to a standard above the minimum.
9. Civil aviation regulations govern aviation activities and implies measures to promote efficient, cost-effective and orderly growth of air transport, to contributes to social and economic development of the country, to ensure safe aviation, protecting pilots and passengers from any unnecessary risk and to maintain a competitive civil aviation environment in accordance with international standards. Appropriate systems, policies and practices based on international standards and tailored for particular countries ensure efficient regulatory framework.
10. Civil Aviation regulations, prescribing minimum safety standards are made by the Ministries of Transport who are responsible for policy formulation, development and regulation of the civil aviation sector. The Ministries also overlook the planning and implementation of schemes for the growth and expansion of civil air transport, airport facilities, air traffic services and carriage of passengers and goods by air.
11. Therefore, a respective statutory civil aviation authority is established to ensure aviation safety, security and effective regulation of air transport in the countries. Regulatory authority prescribes and enforces minimum standards presented according to international convention. The standards continually evolve in response to the changes in the aviation environment, technology and experience. Civil Aviation Authorities are regulatory authorities responsible to discharge functions on behalf of the governments under the responsibility to the Chicago Convention on International Civil Aviation Organization (ICAO). They regulate the activities of airport operators, air traffic control and air navigation service providers, airline operators, pilots and air traffic controllers, aircraft engineers, technicians, airports, airline contracting organisations and international air cargo operators.
12. **In Albania** the development and operation of air transport is sanctioned by the Law 10,040, dated 12/22/2008 “Air Code of Republic of Albania” based on three basic levels: The level of policies, represented by the Ministry of Public Works and Transport. Minister of Transport is the highest authority in matters of air transport management; the regulatory level that is represented by the Civil Aviation Authority (CAA); The aviation industry level including airlines and maintenance companies, authorities and air traffic management, airport authorities and other supporting structures. The level of policies, that represented by the Ministry: Manages the development, strategy formulation and implementation of political, legal and economic development of civil aviation in line with the Government program and objectives; Manages the process of development and improvement of national legislation in the field of air transport, and compliance with international legislation in this field; Manages the process of monitoring and enforcement of the Air Code of the Republic of Albania and the Multilateral Agreement on the establishment of the Common Aviation Area European (ECAA), the relevant planning laws in their application; Follow, supervises and monitors implementation of the Airport Concession Contract “Mother Teresa” Rinas, a process that began in 2005 and onwards. In accordance with the National Strategy for Development and Integration and Stabilization and Association Agreement, manage the process of reporting to international bodies progressive performance indicators related to air transport, in the context of European integration; Manages the process of negotiating bilateral and multilateral agreements in the field of air transport and follow legal

procedures for ratification or adherence to them; Follow and monitor the Republic of Albania's relations with international organizations of Civil Aviation and the member states in them. Air Code of the Republic of Albania consolidates basic principles of national legislation and international aviation, to answer to today's development of aviation and to be flexible in the development of perspective. This law has taken into account the latest legislative experience in the field of international air transport as: Convention on International Civil Aviation (Chicago Convention); The current structure of the EC legislation (*acquis communautaire* of air transport); Creating, changing, or transforming the organizational structure management, control, supervisory, operational, and their relations with national institutions and international organizations to institutionalize the aviation; Air operation and airport, facilities management and air traffic control facilities, flexible use of airspace, the application of Functional Blocks and the European regional initiatives; Establishing, improving and consolidating the high standards of safety; Facilitation of free movement of people, goods, businesses in the framework of liberalization of the business of eliminating the barriers, as well as operations between European states, conservation and consumer protection; Application of EU rules on social issues and airport air operations; Creation of active opportunities in the development of air transport facilities and new flights in favor of international, national, and their modernization, improvement of services, in accordance with international standards of competition; Preservation of the environment from pollution (emission of greenhouse gases and noise); Cooperation of structures of different levels, whose activity is part of the combined air transport and airport activities; Air Code is repealed three laws: Law 7877, dated 11.30.1994 "On the Albanian Civil Aviation; Law 8910, dated 03.19.1998 "On the Safety of Civil Aviation; Law 8374, dated 15.07.1998, "On the Use of Air Space." Through the creation of Civil Aviation Authority (CAA), RSH-fulfill the recommendations of international aviation organisms and obligations of agreements for: Establishment of a structure with financial autonomy, which will enable institutional strengthening and technical regulatory body as a specialized field of aviation, the efficiency of using funds for salaries, training, qualifications, study skills and increase the quality of selection personnel; Increase institutional efficiency in licensing and inspection activities of the aviation field, with standardized and maintained high levels of air safety (safety); Clear division with air service providers, especially those of air traffic control, exercising the functions of authority control law enforcement, licensing, inspection and supervision. Republic of Albania has signed in September 2006 and became party to the Multilateral Agreement (ECAA) to establish a European Area of Civil Aviation, which is ratified by the Parliament of Albania. Inclusion of the Republic in the European Civil Aviation Area is the foundation of its implementation of all European legislation (regulations and directives of the European Commission) in the field of air transport, which are summarized in six main groups, we included two phases of the Transitional Protocol I-re between Albania and the European Community: Economic policies in the field of air transport (air market access); Air Traffic Management; Air and Aviation Security; Security (security) aviation; Environmental Conservation; social aspects, consumer protection, etc.

13. **In Armenia** the functions of the civil aviation authority is carried out by the General Department of Civil Aviation at the Government of the Republic of Armenia, which is authorized to administer the civil aviation sector in the Republic of Armenia. It elaborates and implements the state policies in the of aviation sector, as well as administers and supervises aviation services and aviation infrastructures that operate in the Republic of Armenia. The authorities of the General Department are established by the Law on Aviation, other laws and bylaws, decrees and resolutions of the President of the Republic of Armenia, decisions of the

Government of the Republic of Armenia, as well as by International Treaties and Agreement to which Armenia is a party. The objectives of the General Department are: preparation, development, negotiation in the bounds of its jurisdiction, and submission to the Government for approval of state policies related to safety, efficiency and regularity of civil aviation and the use of the airspace, as well as international air services agreements; representation of the Republic of Armenia in international organizations on matters related to civil aviation; realization of the state administration in civil aviation sector, regulation and monitoring of the activities, safety and operation of civil aviation and non-military state aviation, as well as of the ground equipment and provided services, in compliance with the requirements of the legislation and international air services agreements; development and introduction of detailed regulations and procedures in the field of civil aviation, regulation of procedures, establishment of prohibitions and restrictions regarding airspace use in the Republic of Armenia; issuance of corresponding certificates, licenses and permits for all civil aviation activities; issuance and validation of airworthiness certificates of aircraft and certification of air navigation facilities and other aviation equipment; issuance and validation of licenses for flight operations personnel, air traffic controllers, and aircraft maintenance personnel, with involvement of the corresponding experts as needed; oversight of activities and provided services, and continuing surveillance of all operators, organizations and aviation-related companies with regard of, and to ensure their compliance with the operating international standards and regulations; expert investigations of aircraft accidents and incidents in the territory of Armenia and participation in such investigations in other states in relation to aircraft registered in Armenia or operated by an operator having its principal place of business in Armenia; introduction and implementation of the Republic of Armenia National Program for aviation security; coordination of search and rescue services in the civil aviation sector in the Republic of Armenia; development, publication and maintenance of regulations, operating standards and procedures in the civil aviation sector issuing from the Republic of Armenia Law on Aviation; implementation of international standards and recommended practices of the international civil aviation organizations; issuance of permissions for operation of commercial air transportation and services, and establishment of requirements and conditions for such transportation and services necessary to ensure flight safety and aviation security, determination of technical, financial and other capabilities of operators to perform the proposed aviation transportation and services; Determination of the conditions for realization of air transportation and services in compliance with the international treaties. The basic legislative acts in the sphere of civil aviation is the Law of the Republic of Armenia on Aviation which is aimed to ensure the safety and security of the aircrafts' flights and aviation; to meet the public requirements through air transportation and aviation activities; to ensure environmental protection in the sphere of aviation; to ensure protection and security of the state; and guarantee protection of the state interests.

14. **In Azerbaijan**, the role of the authorized state civil aviation regulatory body is carried out by the State Civil Aviation Administration of the Republic of Azerbaijan. The main objective of the State Civil Aviation Administration is to take measures necessary for the establishment of national civil aviation and bringing it in compliance with the international standards. The State Administration implemented important projects dedicated to the development of civil aviation and its infrastructure. The legislative framework in the sphere of civil aviation is compiled by the legal and regulatory acts of the Republic of Azerbaijan, the basic documents of the International Civil Aviation Organisation, international and regional aviation organisations. These legislative framework comprises of the following documents: the Chicago Convention on international civil aviation; Law of the Republic of Azerbaijan on Aviation; Presidential Decree

on the Establishment of the State Civil Aviation Administration of the Republic of Azerbaijan; Presidential Decree on Establishing “Azerbaijan Hava Yollari”; International Air Transport Transit Agreement; Convention on the International Recognition of Rights in Aircraft (Geneva Convention); Rome Convention *on* Damage Caused by Foreign Aircraft to Third Parties on the Surface; Warsaw Convention for the Unification of Certain Rules Relating to International Carriage by Air; the Hague Convention for the Suppression of Unlawful Seizure of Aircraft; Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation; Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Supplementary to the Convention for the suppression of Acts Against the Safety of Civil Aviation; Convention on the Marking of Plastic Explosives for the Purpose of Detection; Convention on Offences and Certain Other Acts Committed on Board Aircraft; Resolution of the Council of Ministers of the Republic of Azerbaijan on Introducing the regulations for transport of dangerous goods by air; Resolution of the Council of Ministers of the Republic of Azerbaijan on disciplinary statute for special air transport services; Resolution of the Council of Ministers of the Republic of Azerbaijan on State Programme for protection the civil aviation activities from acts of unlawful interference; Resolution of the Council of Ministers of the Republic of Azerbaijan on financial regulations for the investigation works regarding catastrophes and accidents; Resolution of the Council of Ministers of the Republic of Azerbaijan on rules regarding conclusion of agreements and documents on air transportation with due regard to the legislative framework and the agreements to which the Republic of Azerbaijan is a party; Resolution of the Council of Ministers of the Republic of Azerbaijan on regulations for granting information on aviation catastrophes and accidents; Resolution of the Council of Ministers of the Republic of Azerbaijan on the mandate of the commission for investigating aviation accidents and incidents.

15. **In Bulgaria** civil aviation authority functions are vested with the Directorate General of Civil Aviation Administration in accordance with the Civil Aviation Act and the International Conventions and Arrangements, which the Republic of Bulgaria is party to. The national legal framework, regulating civil aviation, lies upon the general principles of international law. It is built upon international air law and has adopted the system of principles and norms, establishing the legal regime for using airspace. It has to regulate the relations, developing between states while using airspace. It has certain specifics, deriving from the sources of international air law, regulating the links between states in relation to the flights of various aircraft. The specifics are determined by the following principles of international civil aviation, also valid for the national legal framework: complete and exclusive sovereignty of the state over its airspace; freedom to fly for the aircraft of all states in international airspace; and ensuring the safety and security of civil aviation. Based on these principles, the sources of international air law (multilateral and bilateral international treaties), through their provisions, rules, practices and standards, regulate in a particular and unequivocal manner the relations between states in flying their aircraft, the air traffic services, the air transportation of passengers, cargo, or mail and ensuring the safety and security of civil aviation. Those provisions obligate the states to establish certain regulation of the actions of physical and legal persons, taking part in one way or another in international air services. The scope of state regulation of civil aviation includes development and technical improvement of the civil aviation infrastructure; re-structuring and maintenance of the necessary administrative capacity and personnel; ensuring technological and environmental safety; ensuring flight safety and aviation security; and ensuring mobilization readiness of civil aviation. The tasks and objectives of regulation, contained in the legal framework, which also implements state transportation policy are: to support the functioning of the common market; to stimulate

sustainable development; to lift the barriers before the development of an effective and integrated aviation transportation system by creating conditions for multimodality to support integration and, respectively, the combination of several transport carriers; to improve economic and social cohesion, lessening the differences between different regions through developing infrastructure; to improve transportation security; to implement measures necessary in the social sphere; to co-ordinate relations with third countries in the transportation sphere; to give meaning to clients' free choice of transportation entrepreneurs; not to allow discrimination among transportation entrepreneurs by the clients; compliance with the principle of subsidiarity; protection of consumer rights; maintenance and development of a competitive market of air transportation services, market oriented solutions (without state intervention by quotas or pre-determined prices); stable development of a high-tech, economically significant sector of national economy with an important multiplication effect; improvement of the legal framework in the field of aviation in accordance with the requirements of global processes in the world aviation industry, including that in the EU; ensuring an accessible and safe air transportation system, built in accordance with the main transportation needs of citizens and economy and stimulating constant growth of import and export; building a highly effective, foreseeable and reliable (based upon modern norms, standards and rules of functioning) national air transportation system through using modern aircraft, modern tools of air traffic servicing and creating conditions for high quality training and re-training of personnel; control on the part of state regulators; development of regional economic ties within the country by ensuring and supplementing the existing transportation capacities for strengthening integration processes.

16. **In Georgia** civil aviation authority functions are carried out by the Civil Aviation Administration of Georgia. Civil Aviation Administration is a national control authority which is established in conformity with the Law of Georgia on State Management and Regulation of Transport and Communication, Law of Georgia on Legal Person of Public Law, and Law on Independent National Regulatory Bodies. Civil Aviation Administration is set up by the government for conducting state regulation, supervision and control over civil aviation. It is guided by the provisions of the Constitution of Georgia, international agreements and treaties, laws of Georgia, Civil act of Georgia, resolutions and other normative acts. The main responsibility of the Civil Aviation Administration is to ensure that civil aviation standards are set and achieved. It advises the Government on aviation issues, represents consumer interests, conducts economic and scientific research, produces statistical data and provides specialist services. It performs activities related to granting permissions, certificates, licences, accreditation and conducting inspection; elaborates regulatory acts pertinent to civil aviation and follows up their implementation; ensures civil aviation security and organises traffic of aircrafts. The legal framework guiding the activities of the Civil Aviation Administration comprises of the International Civil Aviation Convention; Law of Georgia on State Management and Regulation of Transport and Communication; Presidential decrees and resolutions in civil aviation sphere.
17. **In Greece** the Hellenic Civil Aviation Authority (HCAA) functions under the Ministry of Transport and Communications. Its mission is the organization, development and control of the country's air transport infrastructure, as well as submission of proposals to the Ministry of Transport and Communications concerning the overall policy formulation in air transport industry. Along with the legal framework that derives from ICAO and as a member state of the EU, Greece follows the regulations of the Single European Sky (SES), namely, EC 594/2004 The framework for the creation of the Single European Sky; EC 550/2004 Provision of air navigation services in Single European Sky; EC 551/2004 Organization and use of airspace; EC 552/2004 Interoperability of the European Air Traffic Management Network. These regulations

have been amended by the EC 1070/2009 in order to improve the performance and sustainability of the European aviation system. Greece also implements regulations 2150/2005 on Flexible Use of Airspace and 730/2006 on Classification of Airspace. Furthermore, an important directive is the 2006/23 (on the community air traffic control license). Secondary regulations are resulting from further enhancement from the above mentioned regulations and are related mostly to interoperability matters. The regulatory framework concerning civil aviation security consists of the following acts: The National Civil Aviation Security Program, consisting of the National Civil Aviation Security Regulation and the relevant Technical Security Guidelines (TOA); The National Civil Aviation Security Regulation (NCASR) sets the security standards referring to the general security measures and procedures in order to prevent acts of unlawful interference with civil aviation; The Technical Security Guidelines (TOA) specify the security standards provided for in the NCASR and lay down detailed guidelines for the implementation of the relevant security measures and procedures. They are of a confidential nature, communicated to interested parties on a need-to-know basis and form an inextricable supplement of the NCASR. The National Civil Aviation Security Quality Control Program aims to monitor and assess the implementation of the National Civil Aviation Security Program. The National Civil Aviation Security Training Program aims at ensuring that all persons directly or indirectly involved with civil aviation security, are aware and know how to implement the aviation security requirements. The “Icarus Plan” on aircraft hijacking, is a Ministerial Decision of confidential nature referring to the handling of cases of unlawful seizure of aircraft in flight or on the ground, of airports and airport facilities and involving negotiations on detained hostages. Furthermore, Greece applies the international conventions and relevant Protocols relating to aviation security issues and especially the juridical aspects for the punishment of offenders. The provisions of the abovementioned international conventions are included in the Aviation Law Code and its application is extended to domestic flights also. In the civil aviation safety sphere there is: Regulation (EC) no. 216/2008, on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) no. 1592/2002 and Directive 2004/36/EC; Regulation (EC) no. 1702/2003, laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations; Regulation (EC) no. 2042/2003, on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks; Regulation (EEC) no. 3922/1991 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation; and Regulation (EC) no. 859/2008, amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane.

18. Civil aviation **in Moldova** is a strategic branch of the national economy and its stable development is a priority for the Republic of Moldova. The Civil Aviation Development Strategy 2007-2012 systematizes activities in the field of civil aviation in an effort to create conditions and mechanisms for the development of the present field, reasoning from the existing level of the branch development, strategic objectives of the national economy and prospects in civil aviation. The strategy defines priorities, ways of realization and primary objectives of the civil aviation development for 2007-2012. Basic objectives and functions of Civil Aviation Administration are defined in the Law on Civil Aviation nr. 1237-XIII and in the provision of Civil Aviation Administration approved by the Government Decision nr.1058 of 1998, and corresponds to the standards and requirements of the International Civil Aviation Organization,

European Civil Aviation Conference (ECAC), Joint Aviation Authorities (JAA). For the effective achievement of the abovementioned goals, the Administration focuses its activity in the following directions: development of partnership of all kinds with the aviation community in an effort to apply world development and management practice, to attract modern techniques and technologies, for recognition of the Republic of Moldova as a reliable partner in the aviation services market, expansion of service offers granted by the national airlines; introduction in all spheres of the national air transport system of the new norms and regulations directed to increase the level of flight safety and aviation safety, as well as to increase the operation efficiency; supervision over the observance of the established norms and standards including intervention in the regulation of the technological process and acceptance of corresponding measures; effective usage of the state property which is in executive management of the aviation enterprises, support of the aviation enterprises development projects, ensuring of aviation services availability, improvement of competitiveness of the national airlines in the external air transport market, ensuring free competition in the market and equality concerning aviation enterprises. Unprecedented development of civil aviation and international legislation in the field, irrespective of their dimensions, obligates the states to apply policy of unification and harmonization of the national legislation with international norms for unitary and harmonious development of civil aviation in the world in an effort to achieve an acceptable level of flight safety. As a result in Moldova there was created a normative base which regulates activity in the civil aviation field based on the introduction of the recognized international norms and standards, especially European standards, basically the most advanced ones. The Republic of Moldova has introduced into national legislation a number of Joint Aviation Regulations (JAR) concerning ICAO standards development in the field of aircrafts certification, airworthiness maintenance, exploitation and licensing of the personnel. 27 Joint Aviation Regulations are implemented in Moldova what substantially nears the internal legislation to the European one.

19. **In Romania** state regulation of civil aviation is regulated by the Romanian Civil Aeronautical Authority (RCAA). It meets its strategic objectives of enhancing safety and security and increasing the efficiency of aviation operations. As a specialized regulatory and supervisory body in civil aviation, the RCAA fulfils the flight safety supervising attributions. It ensures and maintains safety standards in Romanian civil aviation, harmonized with the European and international ones; It performs all required civil aeronautical activities according to the national and European regulations; it works to harmonize the national aeronautical legislation in the area of civil aviation, in order to create the best environment for the free access of the Romanian products, services and people on the European market. The legislative framework includes The Government Ordinance no. 29/1997 on the Air Code, republished, modified and completed by Law no. 399; The EU Regulation and rules of specific implementation on the topic of air transportation security, and the access to the air market. Romania is active within the following projects: Memorandum of cooperation in the air traffic management of the south-east Europe (ACE) signed at Strasbourg in 2003, together with Bulgaria, Republic of Moldova and Turkey. The purpose of establishing this mechanism is to allow parties to cooperate and coordinate between each other and the European Union, ICAO, EUROCONTROL, with users of the air space, as well as with other European and international institutions, including those belonging to the financial and industrial fields on topics regarding the air traffic management (ATM), precisely to harmonize efforts to improve security levels, traffic capacity management and ATM service cost-effectiveness, at the same time with taking into consideration the requirements of the national security and environment protection. The initiative to create premises to establish an operational air space block in the air spaces of Bulgaria and Romania (Danube-FAB), signed on

October 21st, 2004, between ROMATSA (Romanian Air Authority) and ATSA Bulgaria, and opened to be signed by other neighbouring countries. This is a trans-frontier cooperation project, launched at the level of the air national service providers (ANSP) of Romania and Bulgaria, and politically supported by Ministries of Transportations of both the states, in order to observe the stipulations of the legal package of the Single European Sky. This community legal initiative aims at passing from the national approach to the regional approach in providing air navigation services to be achieved through the cooperation of the European states in order to reconfigure their air space into operational blocks, starting from the operational requirements, particularly from the air traffic fluxes, and not from the present separation of the air space into regions of control, on national criteria, aiming thus at increasing the performances of the European system of air traffic management – improving the levels of flight security, optimizing the available traffic capacities, making costs efficient by providing air navigation services, and lowering the levels of air transportation product emissions by shortening the flight routes, lowering the fuel consumption, and especially by modernizing ATM infrastructure.

20. **Russia** has a long history in civil aviation. Established in 1996 on the basis of former Department of Air Transport, the Federal Aviation Authority of Russia (Rosaviatsia) is a federal executive body under the supervision of the Ministry of Transport of Russian Federation. The Rosaviatsia carries out its duties itself and through the regional and subordinated structures. Rosaviatsia is in charge of providing public service and managing state air transport property, using air space of the Russian Federation, providing air navigation service to the users of the Russian air space, aerospace search and rescue, providing public service to ensure the safety of flights and state registration of rights on aircrafts and concluding agreements with them. Moreover, Rosaviatsia within its limits have property right to ensure implementation of necessary functions of federal bodies of state power including subsidiary bodies and federal enterprises and state institutions. The activities of Rosaviatsia is determined by the following legal and regulatory basis: the Resolution of the Government of the Russian Federation No 172 of 6 April 2004 on the Responsibilities of the Federal Aviation Authority; Resolution of the Government of the Russian Federation No 396 of 30 June 2004 on establishing the Federal Aviation Authority; the Resolution of the Government of the Russian Federation No 467 of 23 June 2008 on introducing changes to certain decisions of the Government of Russian Federation regarding improvement of state regulation of civil aviation; and the Resolution of the Government of the Russian Federation No 354 of 22 April 2009 on introducing changes to certain decisions of the Government of Russian Federation regarding strengthening transport safety.
21. **In Serbia** the functions of the civil aviation authority is performed by the Civil Aviation Directorate of the Republic of Serbia, which as of 1 January 2007 is a successor of the Civil Aviation Directorate of the State of Serbia and Montenegro established the on 1 January 2004. Therefore, continuous efforts have being employed towards the ratification of international agreements and the harmonisation of national legislation with those of the International Civil Aviation Organisation, the European Community as well as the rules by European agencies such as ECAC, EASA, EUROCONTROL and JAA. The objective of the Civil Aviation Directorate is to develop and administer policies, regulations and services in order to promote and maintain the highest level possible of safety and quality in civil aviation activities and related environment. The Civil Aviation Directorate is also charged with the responsibility of overseeing that civil aviation organizations comply with applicable laws, rules and regulations. To this end, the Directorate carries out oversight activities. The legislative framework for state regulation of civil aviation includes: Regulation Governing Internal Employment Rules of The Civil Aviation

Directorate of the Republic of Serbia; Code of Conduct of the Civil Aviation Directorate of the Republic of Serbia; Directive on Promulgating Internal Rules and Procedures of the Civil Aviation Directorate of the Republic of Serbia; Directive Modifying the Directive Governing the Promulgation of Internal Rules and Procedures of The Civil Aviation Directorate of The Republic of Serbia; Directive Governing the Promulgation of Regulations and Internal Rules of the Civil Aviation Directorate of the Republic of Serbia; Directive on Procedures for Making a Decision to Issue, Extend and Revalidate Examiner Authorization; Directive on Examiner Authorization Categories and other bylaws and implementing instruments.

22. Aviation activities **in Turkey** are conducted within the Law No. 2920 on Turkish Civil Aviation and within the scope of Administrative and Technical Regulations and Aviation Instructions. In Aviation industry, which requires advanced technology and unlimited qualities, Turkey participates in various organizations in order to closely follow the international aviation developments and to comply with the requirements of modernity. The Aviation activities are carried out in accordance with the national and international legislation. Following the entrance into force of the Law No. 5431 on the Organization and Tasks of Directorate General of Civil Aviation the Directorate General of Civil Aviation was restructured so that to ensure aviation safety and Security at optimum level in full conformity with the international rules and standards. The legislative framework was established through entering into force 5 Regulations and 2 Government Decisions. Upon Law No. 5431 the Directorate General of Civil Aviation was no longer a main service unit under the Ministry of Transportation and Communication and it became an establishment with a special budget, affiliated with the Ministry. The duties and authorizations of the Directorate General are as follows: to implement and follow up any policies to be established by the Ministry, in order to regulate and ensure the development of the civil aviation activities in accordance with the public interest, economical and social developments and national security purposes; to determine the principles ensuring the regulation, sustainability and development of the civil aviation activities at international civil aviation rules and standards; to follow up the developments in the international civil aviation field; to make and ensure the implementation of the necessary regulations for the up-to-date application of any rules and standards accepted by international organizations, whose member it is; to take the necessary measures in order to prevent any actions contrary to the regulations for civil aviation activities; to work on the determination of principles which shall constitute the essence of strategies and policies for the use of the Turkish airspace and international airspace, the service liability of which has been undertaken pursuant to international conventions; to make arrangements related to air traffic management services, with which any civil aircraft using the Turkish airspace have to comply, by obtaining the opinions of the relevant organizations; to ensure that air search and rescue services in the Turkish airspace are performed in a manner coordinated with the relevant organizations in compliance with the regulations and international standards; to determine the country's policies regarding civil air transportation; to participate in and conclude the studies of bilateral and multilateral contracts; to determine the necessary policies for the protection of civil aviation against unlawful interventions as well as other threats, natural disasters such as fire, flood, earthquake, to take, ensure the provision of the measures, and to follow up the implementations; to realize or cause to be realized the investigation of civil aviation accidents and events in the scope of the authorization granted by the Ministry, to take the necessary measures according to the related results, to inform the public in this matter; to ensure the necessary cooperation and coordination with the other public agencies and organizations and the local administrations, within the principles determined by the Ministries in matters related to the field of service, the duties and powers of the Directorate General; to take

measures, which shall ensure the development of the civil aviation sector and to make suggestions to the relevant organizations regarding the realization of the necessary arrangements. The legislative framework for the state regulation of civil aviation comprises of the laws, regulations, instructions and directives, among them Turkish Civil Aviation Act; Law restructuring Directorate General of Civil Aviation; Regulation on Opening Business and Work Permits for Terminals and Non-Healthy Business at the Airports that are Open to Civil Aviation; Regulation on commercial air transportation operators; Regulation of Indemnity Insurance for Turkish and Foreign Civil Aircrafts; Regulation of Inquiries for Civil Aircraft Accidents; Special Provisions on Power, Tasks and Responsibilities of Airline Cargo organizations; Regulation on Noise Control; Regulation of Construction, Operation and Certification of Aerodromes; etc.

23. The State Aviation Administration of the Ministry of Transport and Communications of **Ukraine** was established by Regulation of the Cabinet of Ministers of Ukraine № 1526 in 2006. the key responsibilities of this body are: to implement the state policy in the area of civil aviation regulation, aircraft operations, ATM, aerial works and services, airports, financial, technical, investment and social policy; to ensure safety and security of aviation; to promote safe, efficient and cost effective air navigation services; to elaborate National Civil Aviation regulations. The base of state regulation of civil aviation activity of Ukraine is legislative and normative legal base, which is made from the Constitution of Ukraine, Law of Ukraine "On transport", Air Code of Ukraine; Concept of development of civil aviation of Ukraine; other acts, national normative legal acts, management directives, etc. It is important to mention that many new projects have been implemented, namely, Development and approval of strategic long-term "State program of airport development for the period until 2020" envisaging creation of favourable conditions for airport development and improvement of infrastructure meeting international standards. Also the Government of Ukraine approved the Programme of development of state system of use of air transport in Ukraine for the period 2010-2014 aiming at development of the state system for the use of the air space of Ukraine, enhancing flight safety. Civil aviation authorities of Ukraine have elaborated State Programme on flight security for the period until 2015 aiming at establishing system of management of flight safety in conformity with the ICAO standards.
24. Overview of national policies and legislative frameworks in civil aviation sphere shows that similar approaches and practices are applied and legislative framework also is based on international standards and requirements. The legislation and practices aim to enhance aviation relations, to facilitate growth of passengers and cargo volume and but indeed to ensure flight and aviation safety. Obviously, when speaking of traffic growth it implies construction of new airports and upgrading of existing ones, procurement of aircrafts and development and installation of reliable air traffic management systems and provision of many related services.
25. All the BSEC states are members to the International Civil Aviation Organization (ICAO) and work together to establish common standards and recommended practices for civil aviation through that agency. Consequently, all BSEC states are signatories of the Chicago Convention on International Civil Aviation and share obligation to collectively work for harmonization and standardization of the use of airspace for safety, efficiency and regularity of air transport.
26. At the same time, BSEC states participate in European Civil Aviation Conference (ECAC) created by ICAO and European Council as a European aviation forum aiming at harmonizing policies and activities in the civil aviation field. The ECAC works closely and cooperatively with other regional organisations and individual contracting states of ICAO on a range of civil

aviation issues of common interest, including training activities in the security, safety and environmental fields.

27. The BSEC states participate in the European Organization for the Safety of Air Navigation – EUROCONTROL with an objective to develop to harmonise and integrate air navigation services in Europe, aiming at the creation of a uniform air traffic management (ATM) system for civil and military users, in order to achieve the safe, secure, orderly, expeditious and economic flow of traffic throughout Europe, while minimising adverse environmental impact.
28. Particular attention is also paid to the European Aviation Safety Agency (EASA) which is the centrepiece of the European Union’s strategy for aviation safety and promotes the highest common standards of safety and environmental protection in civil aviation.
29. The BSEC states also participate and in the activities of Joint Aviation Authorities of Europe (JAA), the goal of which is developing and implementing common safety regulatory standards and procedures in the territory of Europe and raising the level of aviation production in the European countries.
30. The BSEC states are party to the international civil aviation conventions, like: the Convention “On International Civil Aviation Organization”; the Convention “For the Unification of Some Rules of the International Air Transport”; the Convention “On Offences and Certain Other Acts Committed on Board Aircraft”; the Convention “On Suppression of Unlawful Seizure of Aircraft”; the Convention “On Suppression of Acts against the Safety of Civil Aviation”; the Agreement “For International Air Transit Services”; the Convention “On the Marking of Plastic Explosives for the Purpose of Detection”; the Convention “For the Unification of Certain Rules for International Carriage by Air”, etc. It should be noted that the international legal regulations system is constantly updated in the light of the latest developments.

III. PRIORITIES TO ENHANCE CIVIL AVIATION RELATIONS: CHALLENGES AND OPPORTUNITIES

31. Like most human activities, aviation also has an impact on the environment, mainly through noise and emissions that affect air quality and climate. The air industry fully recognises its responsibility in this regard and is determined to accelerate action aimed at mitigating its environmental impact while preserving and enhancing its economic and social benefits. The air transport industry is now working towards carbon-neutral growth not to increase carbon emissions as a first step towards a carbon-free future. Research programmes aim to achieve a further 50% reduction in noise and CO₂ emissions and an 80% reduction in oxides of nitrogen (NO_x) by 2020.
32. Civil aviation is one of the major industries that have been affected by the growing menace of terrorism. To this end, it is necessary to increase security at airport checkpoints and at board of aircrafts. Security at airports worldwide is escalated in order to lower the probability of penetration of terrorists on board of planes following 11 September terrorist attacks in USA. It is important to assess terrorist threats to the security of civil aviation and to review the effectiveness of some of the major policies and measures introduced at national and international levels to protect civil aviation.
33. Airlines have also dealt with multiple issues, heightened concerns about pandemics, bankruptcies, high fuel prices, and recessions. It became urgent necessity to examine threats and

vulnerabilities in the light of recent developments in aviation security and consider the prospects for strengthening the response at national and international levels. The prime objective is to ensure that highest safety standards are met, products and services are provided in an efficient manner, meeting both the regulatory requirements and the needs of our customers.

34. Unstable political climate and unresolved conflicts in the region undermine bilateral relations in civil aviation activities. Within this context, conflict resolution through consolidation of peace and stability by means of economic integration becomes priority for the Black Sea region. It is important to develop, further formulate and implement stability policies in a new sense of partnership and cooperation, based on trust, confidence and a higher level of political and economic collaboration.
35. Major aviation challenges for the region also include aviation competitiveness and infrastructure development. Establishment of modern infrastructure, increase of transport operations, improvement of efficiency and safety of air traffic management necessary to cope with the ever-increasing demands for aviation system capacity.
36. Strong regional coordination will enable new concepts in air traffic control technology to be implemented, thereby allowing aircraft to become less reliant upon ground-based infrastructure. The air traffic management sector must transition from national arrangements to a regionally coordinated regulatory and operating environment. This transition will require strong regional inter-governmental institutions to coordinate the harmonisation of aviation regulations and infrastructure.
37. The improvement and development of state regulation system in the field of civil aviation, ensuring flight safety, improvement of standard and legal base in the field of civil aviation, conformity maintenance of the air navigation system of the country with the international standards will ensure that national airlines provide comprehensive passenger services at international market. It is noteworthy to mention that from among the national airlines of the BSEC states Turkish Airlines is a member of “Star Alliance” and Aeroflot is a member of “Sky Team” global airline alliances. Also TAROM is to join “Sky Team” in June 2010 and Russia’s S7 Airlines will join “One world” in 2010.
38. With the aim to further cooperation between the civil aviation authorities in the BSEC region the Directorate General of Civil Aviation of Turkey initiated the meeting in Istanbul on 15-16 February 2008. As a result of this Meeting and with the aim to promote cooperation in civil aviation sphere Turkey submitted a working paper on possible cooperation fields on civil aviation to the BSEC Working Group on Transport to be held in Istanbul on 24 March 2010. The decision was taken to continue work on the document within the Working Group framework.

IV. CONCLUSIONS

39. In spite of the contemporary challenges in civil aviation sphere air travel remains one of the most popular modes of transportation globally and in the region. Therefore, the countries have to enhance partnership in civil aviation, which without any doubt will provide opportunities for consolidation of air transport industry within the region.
40. The growing availability of affordable air travel has considerably widened aviation’s role in global society. The air transport industry responds to the growing demand by investing in

technological innovation as well as in safety and security improvements, fleet renewal, airport and air traffic management enhancements.

41. As air traffic demands continue to grow in the region there is a need to craft mutually beneficial partnership at regional level in order to provide an enabling environment for sustaining growth of civil aviation sector.
42. Although the countries in the region own different resources, interests and objectives in civil aviation sphere, they have to strengthen cooperation to meet the challenges of tomorrow's world together. To this end, the national parliaments have to mobilize their efforts to help eliminate existing obstacles and improve regulatory mechanisms in order to enhance the efficiency of implementation of the joint projects and programs and elaboration of new ones.
43. Improvement of state regulation system in the civil aviation field and strengthening cooperation with other specialized international and regional organizations will further pave the way towards sharing experience, better use of international resources and their adaptation to the specific requirements.
44. Bearing in mind that the benefits of peace and prosperity are due not only to the commitments of the individual states but also to the contributions of the peoples, the Parliamentary Assembly has to strengthen its efforts through parliamentary diplomacy to pave the way towards matured partnership and confidence building to further strengthen the ideals of peace, harmony and cooperation, which are the cornerstones of stability and progress.