



Cross-Border Provision of Air Navigation Services with Specific Reference to Europe (Aviation Law and Policy Series)

By Niels Van Antwerpen

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Cross-Border Provision of Air Navigation Services with Specific Reference to Europe Safeguarding Transparent Lines of Responsibility and Liability By Niels van Antwerpen The tremendous flow of air traffic traversing the airspace of the European Union demands extraordinary vigilance on the part of air navigation service providers. Although the first requirement of air navigation services is obviously the enhancement of safety, providers must also attend to the efficiency and optimisation of airspace capacity and the minimisation of air traffic delays. As technological and operational improvements proceed in these areas, jurisdictional issues of responsibility and liability—particularly in cases of mid-air collisions—become ever sharper and more in need of precise definition.

This detailed and insightful exposition focuses on these issues from three overlapping perspectives: the international and European legal framework dealing with air navigation services, the question of state responsibility, and the question of liability for damage inflicted by air navigation service providers. The author's in-depth analysis includes examination of many elements, among them the following:

- the interrelated roles of the International Civil Aviation Organization (ICAO), the European Civil Aviation Conference (ECAC), the European Organisation for the Safety of Air Navigation (EUROCONTROL), the European Community's European Aviation Safety Agency (EASA), and other international bodies;
- the Single European Sky initiative, its establishment of Functional Airspace Blocks (FUBs), and its ongoing research program (SESAR);
- establishment of transparent lines of state responsibility in the context of cross-border provision of air navigation services; and
- prospects for the imposition of a transparent liability regime on corporatised air navigation service providers.

In conclusion, the author enumerates the essential elements required for cross-border provision of air navigation services and offers well-thought-out final recommendations and conclusions on the most preferable way to pursue such cross-border provision within and outside the European Community. A model agreement for the delegation of air navigation service provision appears as an appendix. All professionals concerned with air navigation, in Europe and elsewhere, will appreciate the depth of knowledge and commitment apparent in this book. The deeply informed insights manifest in its pages will be of enormous value to aviation agency officials and air law practitioners everywhere.

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