

**DIARY DATES**

**IBA ANNUAL CONFERENCE  
AVIATION LAW COMMITTEE**

7-12 October 2018

Rome, Italy

Laura Pierallini, chair and speaker

**SGR AVIATION SUMMIT**

11 October 2018

Dublin, Ireland

Gianluigi Ascenzi, speaker

**WORLDWIDE AIRPORTS  
LAWYERS ASSOCIATION**

2018 CONFERENCE

15-17 October 2018

Laura Pierallini, speaker

**THE 8TH ST PETERSBURG  
AIR LAW CONFERENCE**

26 October 2018

San Petersburg, Russia

Laura Pierallini, moderator and speaker

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**RYANAIR DEALING WITH CABIN CREW  
STRIKES ACROSS EUROPE**

*By Marco Marchegiani\**

A further broad strike action against Ryanair has been recently announced by the secretary of the Belgian labour unions CNE. The strike is scheduled for the 28th of September 2018 and should involve the cabin crew employees of the airline in Italy, Portugal, Spain, Belgium, the Netherlands and possibly also Germany. According to the media the strike may be even larger than the previous one occurred on 10 August 2018, that caused the cancellation of more than 600 flights throughout Europe and over 55 thousand passengers affected by the disruptions, and so becoming the biggest strike ever experienced by the low cost carrier so far. The main purpose of the new strike is to push Ryanair, once more, to increase basic salaries and sick pay up to what was defined “fair levels”, to apply employment conditions in the own language of each respective country and to base the contractual relationships on local laws rather than the Irish laws (more favorable from an employer perspective). Over the past weeks the management

of the airline and the unions have had marathon talks in the attempt to resolve the issue, but to date they have not reached an agreement and so the frustration of the employees – complaining to feel themselves “squeezed like lemons” – has now resulted in the announced international strike at the end of September. The marketing director of Ryanair does not seem to be worried about the planned strike, as it foresees the failure of the initiative stating that “the majority of the flights will be normally operated and will carry the large part of the 400 thousand passengers expected on that day”. On the same side the company CEO (Michael O’Leary) recently said that he sincerely regrets for the service disruptions but the airline must fight to be able to maintain its low cost business model. From a consumers’ point of view, the attempt of Ryanair to deny commercial liability in order to avoid payment of compensation to passengers - by arguing that the strikes would constitute “extraordinary circumstances” beyond the control of the airline – appears weak and inconsistent with the majority of the EU Member States’ case law on Regulation (EC) No 261/2004. Although Recital 14 of the Regulation provides that extraordinary

circumstances may occur ‘in cases of strikes that affect the operation of an operating air carrier’, the EU Court of Justice (EUCJ) previously held on the point that the circumstances referred to in Recital 14 are not necessarily and automatically grounds of exemption from the obligation to pay compensation. Consequently, it is necessary to assess, on a case by case basis, whether the events in question are, by their nature or origin, not inherent to the normal exercise of the activity of the concerned air carrier and if they are beyond its actual control. In Italy the local CAA (ENAC) - in its role as national enforcement body for Regulation 261/2004 - is currently investigating on the cancellation of certain Ryanair flights scheduled during the so called “guaranteed hours” (7am-10am/6pm-9pm). following several complaints by the Italian consumers’ association (CODACONS). *\*With the research contribution of Ms. Ramona Vidican and Ms. Simona Maria Cocuz, students at the Nicolae Titulescu University (Bucharest, Romania); trainees at Studio Pierallini under the Erasmus and Higher Education Traineeship Programs.*

### **ROME FIUMICINO AIRPORT AWARDED AT THE 2018 AIRPORT COUNCIL INTERNATIONAL (ACI) ANNUAL MEETING** *By Francesco Grasseti*

Rome Fiumicino Airport has been recently awarded two prestigious international awards, namely “Best Airport Award 2018” and “Airport Service Quality Award” on the occasion of the 2018 Airport Council International (ACI) Annual Meeting in Brussels. The awards have been assigned by a pool of experts comprising of representatives from the European Commission, the European Civil Aviation Conference (ECAC), the European Travel Association and Eurocontrol. Fiumicino Airport, which was included in the sub-category of airports with more than 25 million passengers, was in direct competition with other major European airports such as London Heathrow, Oslo Gardermoen, Barcelona El Prat and Copenhagen Kastrup. In addition, Fiumicino Airport has also been awarded the SkyTrax awards as “World’s Most Improved Airport” and “4 Stars Airport” for the year 2018, as a proof of its recent vertical development. Such growth is in large part due to the implementation of the so-called Atlantia Programme, adopted in 2014, with the aim of increasing the comfort and cleanliness

of the airport facilities, as well as enhancing the security and rendering passport controls faster and seamless. The achievement of these objectives has also allowed Fiumicino Airport to attract new international airlines, offering new routes and planning the opening of new commercial areas within the terminals. The CEO of Aeroporti di Roma has welcomed the global recognition but also warned that *“There is still a lot of work to do because an airport as big and important as Fiumicino is can improve only thanks to a daily commitment.”* In 2017 Fiumicino Airport has had a traffic of more than 40 million passengers, which makes it as the largest Italian airport by far (followed by Milan Malpensa with more than 22 million passengers).

### **REGULATION (EU) 2018/1139 ON COMMON RULES IN THE FIELD OF CIVIL AVIATION – A FOCUS ON UNMANNED AIRCRAFT** *By Francesco Paolo Ballirano*

The subject regulation (entered into force on 11 Sept. 2018) can be considered as a further step ahead in view of the provision of a widely expected European regulation in respect of drones. Recital 26 of the newly issued regulation indeed states: *“Since unmanned aircraft also operate within the airspace alongside manned aircraft, this Regulation should cover unmanned aircraft, regardless of their operating mass. Technologies for unmanned aircraft now make possible a wide range of operations and those operations should be subject to rules that are proportionate to the risk of the particular operation or type of operations”.* Afterwards articles 55 to 58 of Section VII set out the conditions under which certain essential requirements provided by the Annexes of the Regulation shall be complied with in relation to unmanned aircraft. Namely: Annex II for airworthiness; Annex IV for aircrew; Annex V for air operations; and Annex IX for the design, production, maintenance and operation of unmanned aircraft, as well as for their engines, parts, equipment to control them remotely, personnel (including remote pilots) and organisations involved in those activities. Article 56 also establishes that depending on the characteristics of the unmanned aircraft and the area of operation concerned, a certificate may be required for the activities and parts of Annex IX mentioned above.