

Freedoms of the Air and International Regulations

Freedoms of the air are economic and diplomatic protocols agreed to by States for the commercial flow of revenue traffic by air. They are not to be confused with State civil aviation regulations and ICAO Standards and Recommended Practices (SARPS).

There are nine basic "freedoms of the air". These freedoms or "rights" are only valid when the States involved sign the appropriate bi-lateral or multilateral agreements,

Freedom	Description	Example
1st	the right to fly over a foreign country without landing	Toronto - Mexico City by a Canadian company, overflying the USA
2nd	the right to refuel or carry out maintenance in a foreign country without embarking or disembarking passengers or cargo ¹	Toronto - Mexico City by a Canadian company, stopping for fuel in the USA
3rd	the right to fly from one's own country to another	Toronto - Chicago by a Canadian company
4th	the right to fly from another country to one's own	Toronto - Chicago by a US company
5th	the right to fly between two foreign countries on a flight originating or ending in one's own country	Doha - Bangkok - Kuala Lumpur by a Qatari company
6th	the right to fly from a foreign country to another while stopping in one's own country for non-technical reasons	Dubai - Cairo - Paris by an Egyptian company
7th	the right to fly between two foreign countries while not offering flights to one's own country	Kuala Lumpur - Jakarta by an Italian company
8th	the right to fly inside a foreign country, continuing to one's own country	Chicago - New York City - Toronto by a Canadian company
9th	the right to fly inside a foreign country without continuing to one's own country. This freedom is also referred to as cabotage . Cabotage is the transport of goods or passengers between two points in the same country by a vessel or an aircraft registered in another country. Originally a shipping term, cabotage now covers aviation, railways, and road transport. It is "trade or navigation in coastal waters, or, the exclusive right of a country to operate the air traffic within its territory".	Beijing - Shanghai, by an Italian company

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Airplanes and air rights

Unlimited air rights existed when people began owning real estate. It was not something that anyone really concerned themselves with before the 20th century. The first legal limits placed on air rights came about because of the airplane. Eventually, owners only had rights to airspace that they could reasonably use. It would be impractical for the development of air travel for individual landowners to own all the air above them, because airplanes would be constantly trespassing.

Bilateral Agreements

A bilateral air transport agreement (also sometimes called a bilateral air service agreement or ATA or ASA) is an agreement which two nations sign to allow international commercial air transport services between their territories.

The bilateral system has its basis under the Chicago Convention (ICAO) and associated multilateral treaties. The Chicago Convention was signed in December 1944 and has governed international air services since then. The convention also has a range of annexes covering issues such as aviation security, safety oversight, air worthiness, navigation, environmental protection and facilitation (expediting and departure at airports).

The EU–US Open Skies Agreement

The EU–US Open Skies Agreement is an open skies air transport agreement between the European Union and the United States. The agreement allows any airline of the European Union and any airline of the United States to fly between any point in the European Union and any point in the United States. Airlines of the United States are also allowed to fly between points in the European Union. Airlines of the European Union are also allowed to fly between the United States and non-EU countries like Switzerland. The treaty disappointed European airlines as it was tilted in favor of United States airlines: while they are allowed to operate intra-EU flights, European airlines are not permitted to operate intra-US flights nor are they allowed to purchase a controlling stake in a US operator. The Agreement replaced and superseded previous open skies agreements between the US and individual European countries.

The initial agreement was signed in Washington, D.C., on April 30, 2007. The agreement became effective March 30, 2008. Phase two was signed in June 2010.

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International Regulations

Unlike "freedoms of the air", civil aviation regulations have the force of civil law. Each State that has a civil aviation authority publishes an AIP, an Aeronautical Information Publication. The AIP, as defined by ICAO, is a publication containing aeronautical information essential to air navigation. It is designed to be a manual containing thorough details of regulations, procedures and other information pertinent to flying aircraft within the particular country.

ICAO Standards and Recommended Practices (SARPS) are generally not regulatory but rather are used by States to develop and maintain their own civil aviation regulations. For instance, here in the U.S., 14 CFR Part 91.703 specifically requires that operations by U.S. registered aircraft over the high seas (including airline aircraft) must comply with ICAO Annex 2 as well as comply with the regulations of other countries within which they operate. If you as a U.S. dispatcher operating under 14 CFR Part 121 operate a flight over the high-seas and do not comply with the SARPS in Annex 2, the FAA will not cite you for an ICAO Annex 2 violation but rather for not operating in compliance with 14 CFR Part 91.703(A)(1).

Airlines...and dispatchers...are required to operate in compliance with the laws of every state into which or over which they operate. This means that a U.S. airline operating from JFK in New York to London Heathrow must comply with U.S. aviation law, Canadian aviation law, ICAO Annex 2, Irish aviation law and U.K. aviation law.

