

Abstract

Civil Aviation Security and Safety in International and European Aviation Law

The subject of this dissertation is the security and safety of civil aviation, which includes international, European and national legislation on the protection of civil aviation against illegal acts and the operational safety of civil aviation. This work is divided into three parts focused on all essential aspects of civil aviation security and safety.

The first part of the work informs the reader about the historical development and contemporary importance of air transport, the basic terms used in the work and the sources of International and European law, which in the field of civil aviation security and safety, are mainly international treaties and acts of secondary EU law. Due to the necessity of international cooperation in the field of security and safety, the first chapter does not neglect the most important international organizations, within which all aspects of civil aviation security and safety are dealt with. The first part of the dissertation also presents proposals for changes to the Chicago Convention. The author proposes, on the basis of a functional assessment, to introduce a mixed category of aircrafts in addition to civil and state aircraft, where a civil aircraft is used for state purposes. Furthermore, it is proposed to define the terms *security* and *safety*, as essential areas of civil aviation security and safety. Thus, one of the research questions of the dissertation, whether these terms are sufficiently defined by international sources of law, is answered. In addition to the aforementioned changes to the Chicago Convention, proposals are also presented to expand the competences of international organizations in civil aviation for more effective enforcement of the rules of aviation law.

The second part of the dissertation is focused on the security of civil aviation against illegal acts, especially terrorist attacks, the aspects of which are regulated by the annexes of the Chicago Convention and the Tokyo, Hague and Montreal Convention, as amended, and the Beijing Convention which concluded in 2010. A set of these international treaties resolves essential issues related to the suppression of illegal acts against international civil aviation. In the area of EU law, these are acts of secondary law, and in the area of technical specifications, also tertiary law. The first act of secondary law is Regulation No. 300/2008, which introduces common EU rules in the field of civil aviation security. This act is further implemented by, among others, Regulation No. 272/2009 and Regulation No. 2015/1998, which regulate the non-essential elements of the common rules and establish technical specifications of their implementation. National legislation is then represented by the Act on Civil Aviation, aviation regulations of the Ministry of Transport implementing the annexes of the Chicago Convention and the Decree on the Protection of Civil Aviation from Illegal Acts.

The research question that the author dealt with in the second chapter was to determine whether the legal framework for the protection of civil aviation against illegal acts requires changes.

Several areas that should undergo revisions were identified both in the area of international agreements and EU regulations. At the same time, the proposal for a Commission implementing regulation amending Regulation No. 2015/1998 is presented in Annex 1 of the dissertation. It is proposed to recognize the liquid explosive detection systems equipment as a full-fledged method of detection control of cabin and checked baggage. It also expands the list of prohibited items that persons other than passengers may not bring into the designated security areas of airports in order to ensure the highest possible level of protection of civil aviation on the ground and in the air.

The subject of the third chapter is the legal regulation of the operational safety of civil aviation. In the field of international law the operational safety is regulated in particular by Annex 19 of the Chicago Convention, which introduces the basic safety standards of civil aviation. Then, along with other annexes of the Convention, safety standards are adopted into the legal regulation of all aspects of civil aviation. From the point of view of passenger safety, work is then devoted to Annex 9 of the Chicago Convention, which regulates the protection of the health of passengers and the prevention of the spread of infectious diseases. The work then focuses on Annexes 12 and 13 of the Chicago Convention, which regulate the search and rescue of aircrafts and the procedures applied in air accidents and serious incidents together with the investigation and follow-up procedures that prevent the recurrence of these events in the future. In the area of EU law, civil aviation safety is mainly regulated by Regulation No. 2018/1139. In the case of the investigation of accidents and incidents in civil aviation, and the reporting of events of risk to the safety of civil aviation, it is also Regulation No. 996/2010 and Regulation No. 376/2014. The area of safety is then regulated by dozens of tertiary acts of EU law and EASA technical standards. As part of the expansion of the *acquis communautaire* not only in the area of civil aviation safety, but also in other regulated areas of aviation law, the Multilateral Agreement on the establishment of a European Common Aviation Area is essential for the expansion of the application of uniform EU rules even beyond the borders of the EU, thanks to which acts of EU law are applied in the Balkan countries, Norway and Iceland. Last but not least, the field of civil aviation safety is regulated nationally by the Civil Aviation Act and its implementing decree.

Also within the third chapter, the author dealt with the research question of whether it is appropriate to revise the legislation on civil aviation safety. In this context, he proposed an amendment to Annex 13 of the Chicago Convention. He then detected deficiencies in EU law on the side of air carriers in the area of assistance to victims of air accidents and serious incidents. For this reason and following the model of the legislation on consumer rights of passengers in the air transport, the author in Annex 2 of the dissertation presented the proposal for a regulation of the European Parliament and of the Council amending Regulation No. 996/2010. It is proposed to expand the definition of a victim to persons who are on board the aircraft at the time of an accident or serious

incident even on the ground. In this context, the definition of relatives of these victims is also being expanded. In addition to psychological support, the victims would now have the right to accommodation, transport to the place of investigation, phone calls, access to the Internet, as well as transport to the original destination or to the place of residence of their choice. This legislative amendment would increase the rights of affected persons who were damaged by an accident or serious incident.

In the conclusion of the dissertation, the author summarizes all the findings he concluded during its preparation, including the identification of weak points in civil aviation security and safety, and highlights the importance of proper application of civil aviation regulation to ensure a high level of protection against illegal acts and to maintain operational safety in the future.