



The Legal Task Force at your service

Susanna Metsälampi
Chair of ECAC Legal Task Force

▶ The early years

The Legal Task Force was first established by the ECAC Directors General in 1996, and it held its first meeting on 12 December 1996 under the chairmanship of Alan Jones (United Kingdom). The task force started by looking at the SAFA system and at a safety clause proposed by the United Kingdom. The European Commission was invited to attend from the beginning.

Once the task force was established and running, it was quickly found to be useful for several purposes. It was a group that Directors General (and other ECAC groups) could consult on any legal matter. It could be used to develop common positions for ECAC States on international conventions prepared in ICAO, and also for legal matters being discussed in ICAO Assemblies. It could also serve to prepare the ICAO Legal Committee meetings. And, as long as ECAC did not have a legal officer of its own, it could also provide assistance to the ECAC Secretariat on legal matters.

Mr Jones became a long-standing chairman of the group. In 2005, he was followed by Anders Gradin (Sweden). The task force worked on the basis of its initial assignment, meeting once or twice a year. It was only when Mr Gradin announced in 2014 that it was time for him to retire that a discussion was held on how the work should be organised in the future.

▶ The reorganisation

By that time, ECAC had a well-established practice on how to organise the work of preparatory and cooperative groups, bringing together Member State experts. Following the same format, terms of reference and rules of procedure were drafted, and Member States were asked to nominate candidates for the positions of chair and deputy chair of the task force. It was a great honour to be chosen to chair the group, with Frankie Deckers (Belgium) as deputy chair.

It is up to Member States to nominate members to join the group.

▶ Diversity of issues, diversity of expertise

In the last three years, the group has received requests on issues pertaining to immaterial rights, liability and contractual law. Additionally, the task force has looked into some of the legal aspects of safety, security and environmental matters that had arisen in the past.

Fortunately, the group has benefitted from a wide range of expertise, as Member States have nominated legal experts with different kinds of backgrounds. Some represent transport ministries, some work with the national aviation authorities, some come from the ministries of justice.



The Legal Task Force subgroup at work in 2018. From left to right: Susanna Metsälampi, Laurent Noel, Frankie Deckers and Laurence Vincent.



Meeting of the ECAC Legal Task Force, Paris, 2017

We meet two to three times a year at the ECAC premises in Paris. Our group is well-supported by the ECAC Secretariat, in particular by its air transport officer who has been overseeing the group for over a year now. Between meetings, when necessary, task force members can be consulted via email. For specific issues, the task force has established subgroups to look deeper into the matters at hand.

Over the past three years, the task force has explored some of the legal aspects relating to – among other topics – Remotely Piloted Aircraft Systems (RPAS), the global market-based measure, State aircraft obligations, the ECAC-EASA Cooperation Agreement and, lately, the application of Article 21 of the Chicago Convention.

▶ Currently under scrutiny

Currently, the Legal Task Force is looking at two older agreements, namely the Multilateral Agreement on Commercial Rights of Non-scheduled Air Services in Europe from 1956, and the International Agreement on the procedure for the establishment of tariffs for scheduled air services from 1987. We are looking at their relevance and potential need for updating. The task force is also preparing for the ICAO Legal Committee scheduled in September 2018 during

which the issues related to RPAS and the application of Article 21 of the Chicago Convention will be examined.

▶ Air law questions of the next decade

Globalisation and new business models guarantee that issues of responsibility and liability will remain high on the legal agenda of the aviation community. The traditional way of looking at responsibilities and liabilities is no longer suitable in a world where multinational businesses are being set up at an ever-increasing pace and where companies outsource their activities more and more.

RPAS operations also require totally new ways of regulating air traffic. It remains to be seen how RPAS rules will best fit with those applied to traditional aircraft.

Among all global challenges, we must also not forget about cyber threats, which may require a new legal approach. ■

Susanna Metsälampi started working at the Finnish Civil Aviation Authority in 1992, first as a legal adviser, then as head of unit and finally as head of department. During her career, she has worked with aviation rulemaking both at national and European Union level, with international cooperation at European and ICAO levels, and with air transport services negotiations. In 1999, she completed a training entitling her to act as a judge in the Finnish courts. After heading a Civil Aviation Authority unit responsible for the Finnish aircraft register from 1999 to 2001, she transferred to air transport issues. In 2006, she became head of the air law unit. Since 2012, she has been working as head of department in the Finnish Transport Safety Agency, responsible for rulemaking issues in all modes of transport. She was nominated representative of Finland in the ECAC Legal Task Force when it was established in 1996. In 2015, she was appointed chair of that task force. Ms Metsälampi has been representing Finland in aviation working groups of the Council of the European Union, and was the Finnish representative in the EASA Rulemaking Advisory Group from 2012 to 2016. Currently she represents Finland in EASA as member of the Member State Advisory Group and as the Alternate Member for Finland in the Management Board of EASA. Ms Metsälampi holds an LLM degree from Helsinki University.