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Review of Mendes de Leon, P. (2022) Introduction to air law

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BOOK REVIEW

***Introduction to Air Law*, Pablo Mendes de Leon. Eleventh Edition. Aerospace Law and Policy Series. The Netherlands: Kluwer Law International BV. 2022. 635 pp. €125.00. ISBN-13 9789403546834.**

The book *Introduction to Air Law* is an evolving constant in the field of air law. It is *constant* as it is known by all those who live and breathe this exciting and dynamic field, as it is often the first point of reference for eager students and seasoned experts when faced with legal questions. The *evolution* refers to the periodical updates, whereby the reader probably first engaged with a previous iteration. The first edition was published by Prof. Isabella Diederiks-Verschoor (1915–2017) in 1982 and has now been diligently updated and expanded by Prof. Pablo Mendes de Leon for the third time to form this eleventh edition. Each new edition was prompted by the constantly developing aviation industry, whereby regulatory changes and the growing nexus of case law have warranted a new tome. For this eleventh edition, such areas as the liability of the airlines, recent aviation disasters and global phenomena (e.g., Coronavirus Disease-2019 [COVID-19] and Brexit) have resulted in existing topics being elaborated. Whereas, new topics have also been included, such as labour matters, cybersecurity and privacy, so to safeguard that the book reflects modern trends. The book is divided into twelve chapters, each with its own theme.

Chapter 1 – *The Regime of International Civil Aviation* – takes the role of an introductory chapter as it places international aviation law within the context of international law and sets out the foundational points. Thus, it covers such topics as the definition of air law, sources of air law, the role of the Vienna Convention on the Law of Treaties of 1969, key aviation organizations (e.g., the International Civil Aviation Organization) and the Chicago Convention of 1944. As a result, a student who is new to air law will be able to gain the necessary information to help them contextualize and understand the more specific information presented in the remaining chapters.

Chapter 2, which is titled *Operation of Air Services under International Law*, starts with the fundamental point, as recognized in Article 1 of the Chicago Convention, that ‘every State has complete and exclusive sovereignty over the airspace above its territory’. Due to this, the aircraft of one state has no automatic right to enter the

territory of another state. This chapter is dedicated to the legal mechanisms that are in place to facilitate international civil aviation and their application. Thus, the permission-based regime created by Article 5 of the Chicago Convention is at the centre of this chapter. Here, the author looks at the history and evolution of Bilateral Air Service Agreements and how airlines cooperate.

The next chapter, *Operation of Air Services under EU Law*, zooms in on the European Union (EU) context and covers the numerous legal considerations that must be taken into consideration when operating an air service within the Single European Sky. This includes such topics as competition, safety, security, infrastructure and external relations. While the core discussions are covered, it also extends to new points as, for example, both COVID-19 and Brexit are discussed, thus bringing real added value to this new edition.

Chapter 4 covers *Contractual Air Carrier Liability under International Law*. As a result, the author has shifted focus away from public air law and onto private air law topics. This chapter gives the reader an in-depth analysis of the development, application and interpretation of the Warsaw Convention of 1929 – including its amendments – and the more recent, modernized Montreal Convention of 1999. The chapter goes through each of the relevant parts of these conventions, while making extensive use of the abundant case law, so providing the reader with a thorough understanding of the two conventions.

The following chapter, Chapter 5 – *Passenger Protection: With Special Reference to the EU*, continues the discussion on private air law, but within the context of delay, denied boarding and cancellation, as governed by EU Regulation 261/2004. Due to the numerous decisions by the Court of Justice of the EU, ample words are given to the Regulation's interpretation by the Court. Further topics are also covered, including assistance to disabled passengers and package travel. Therefore, giving a holistic overview of passenger protection law within the EU.

The following two chapters cover aviation safety from an international and then regional perspective. Chapter 6 on *Global Safety Regulation* is dedicated to looking at safety resulting from the Standards and Recommended Practices as contained in the Annexes to the Chicago Convention. On the other hand, Chapter 7 *Regional Safety Organisations* is dedicated to discussing how different regions ensure that the accepted levels of safety are adhered to. These two chapters clearly complement one another, as safety is the number one global priority, whereby international, regional and national entities all play a role. Particular attention is given to the EU, specifically the work of the European Union Aviation Safety Agency and the relevant Regulations, within Chapter 7. Thus, it continues a theme found throughout the book of looking both globally and offering detailed insight into the EU air law acquis.

While air law literature provides numerous comments on contractual liability, other areas of liability are often less examined. Therefore, the next two chapters ensure the completion of the topic. First, Chapter 8 covers *Product Liability*. As a result, the relationship between the Original Equipment Manufacturer and the user (typically the airline) is discussed in detail. This is a rather context-specific topic as it is primarily dealt with at a national law level, so such a discussion has its limitations for a global audience. However, focusing on the EU and the United States, where the two largest aircraft manufacturers are based (Airbus and Boeing, respectively), offers a solid overview of product liability. Second, Chapter 9 discusses *Third Party Liability*. This is naturally concentrated on the Rome Convention of 1952, but also extends to more nuanced topics, such as sonic booms, liability for infrastructure providers and liability of Air Navigation Service Providers.

Both the Montreal Convention and Rome Convention contain articles on compulsory insurance. Consequently, Chapter 10 on *Insurance* naturally follows the previous discussions. While insurance is routed in contract law, so having a national law focus, it is nevertheless worthy of a place in this introductory book. While many elements within this topic are general to contract law or insurance, aviation insurance has developed into its own specialized sector. This is also the case for the scope of Chapter 11 on *Rights in Aircraft*. This chapter covers discussions on financial transactions pertaining to aircraft and part of aircraft, aircraft leasing and aircraft repossession. While, again rooted very much in contract law, specific air law treaties have emerged, notably the Geneva Convention of 1948 and the Cape Town Convention of 2001. Thus, these two chapters provide a detailed analysis through an aviation lens.

The final chapter (Chapter 12) is on *Criminal Air Law* and it discusses the numerous air law conventions stemming back to the Tokyo Convention of 1963 and all the way to the Montreal Protocol of 2014. As a result, this covers the final major theme of air law, so ensuring that the book provides commentary and avenues to additional literature on all of the key air law themes.

Prof. Pablo Mendes de Leon has successfully updated *Introduction to Air Law*. This success can be marked in two main ways. Firstly, the content has been updated so it reflects the *status quo* as of the date of publication (2022). This is in one part due to Prof. Pablo Mendes de Leon's decades of experience working in the aviation sector, but also because he has drawn support from experts in the different areas covered by the twelve chapters. Here, these experts have provided their own experiences and knowledge to the book, so to supplement and enhance the content. Secondly, painstaking efforts have been made to present the book as a single body, written by one author, as opposed to twelve individual chapters. This ensures that it is a textbook, rather than an editorial, which is the rationale behind

the book. Here, Annemarie Schuite – who meticulously examined the whole manuscript – has helped ensure the flow, consistency and accuracy.

The book – while it may need to lose the word ‘introduction’ from the title as it has grown considerably since its inception – is certainly a highly valuable resource for all those studying and working in the aviation sector. It provides a detailed overview of the main air law topics, offers insightful reflections and analyses grounded in the vast amount of experience gained by the author during his decades of service to the sector, and provides a sturdy springboard for further enquiry for both practitioners and students.

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