

## **AVIATION**

### **United Kingdom**

#### **Advocate general opines on EU Emissions Trading Scheme**

Advocate General Kokott has opined that EU plans to extend the EU Emissions Trading Scheme to the aviation sector are legal and do not contravene principles of international law. The opinion was published in the context of proceedings brought before the English High Court by a group of airlines and airline associations which sought to challenge the legality of UK and EU rules extending the scheme to the aviation sector.

**Authors: Austen Hall, Jacques Derenne**

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FW99NX>)

### **France**

#### **Deep vein thrombosis is not an accident under Warsaw Convention**

The First Civil Chamber of the Court of Cassation has reiterated the conditions for establishing an international air carrier's liability under Article 17 of the Warsaw Convention 1929. This is the first French decision to rule expressly that deep vein thrombosis does not constitute an accident under Article 17.

**Authors: Jean-Baptiste Charles, Olivier Purcell**

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FWWTTV>)

### **Germany**

#### **Air traffic tax cuts disappoint industry players**

The forthcoming air traffic tax cuts represent a good opportunity to even out the playing field for German airports and passengers. However, in light of the imminent inclusion of aviation in the European Emissions Trading Scheme, the German legislature would be well advised to consider abandoning the tax all together.

**Authors: Ulrich Stepler, Katja Helen Brecke**

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FXKK7A>)

### **Norway**

#### **Aviation sector joins the EU Emissions Trading Scheme**

From the start of 2012 the Norwegian aviation industry will be a part of the EU Emissions Trading Scheme. This will result in various financial and organisational challenges to the industry. The European Commission's proposal will require aircraft operators to monitor and report emissions data arising from aviation activities in compliance with the regime.

**Author:** Eivind Aarnes Nilsen

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FXKK80>)

## **United Kingdom**

### **Assessing the Civil Aviation Act**

The Department for Transport has published a memorandum to the Transport Select Committee entitled "Post-Legislative Assessment of the Civil Aviation Act 2006". It provides a preliminary evaluation of the effects of the Civil Aviation Act, as part of the government's commitment to scrutinise the effects of legislation.

**Author:** Austen Hall

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FXKK8C>)

## **SHIPPING & TRANSPORT**

### **Brazil**

#### **Ship's master to face prosecution for preventing IBAMA inspection**

As a result of a recent judgment of the Supreme Federal Court, a ship's master is set to face environmental criminal prosecution for having prevented, on two occasions, representatives from the Brazilian Institute for the Environment and Renewable Natural Resources from boarding the vessel in order to carry out an environmental inspection.

**Author:** Godofredo Mendes Vianna

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FW99VC>)

### **Cyprus**

#### **Department amends list of countries accepted under STCW Convention**

The Department of Merchant Shipping has recently issued an updated list of countries whose certificates of competency are recognised by Cyprus under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended. The only change from the previous list is that Morocco is no longer under evaluation by the European Commission for accession to the convention.

**Author:** Costas Stamatou

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FW99VT>)

## **Norway**

### **Enforcing ship mortgages under Norwegian law**

The general rule under Norwegian law is that a mortgagee seeking to enforce a ship mortgage is not entitled to take over, sell or otherwise dispose of a mortgaged vessel without first commencing proceedings before a Norwegian court. In order to file a petition for enforcement in Norway, a mortgagee must establish the validity of the claim and the basis of enforcement.

**Authors: Henrik Hagberg, Anja Kallestad**

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FW99W5>)

## **Philippines**

### **New NLRC Rules of Procedure: impact on seafarers and manning agents**

The National Labour Relations Commission (NLRC) has promulgated its 2011 Rules of Procedure. The previous revision to the NLRC rules was made in 2005. This update highlights the significant changes that were introduced by the 2011 rules as they relate to seafarers and manning agents.

**Author: Ruben T Del Rosario**

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FW99X1>)

## **New Zealand**

### **Assessing the impact of the Rena disaster**

Clean-up and salvage operations are continuing following the leakage of over 350 tonnes of oil from the MV Rena, the container vessel which struck a reef off the coast of Tauranga. The captain and a second crewman have been charged under the Maritime Transport Act, and the worst maritime environmental disaster in New Zealand's history has raised significant safety questions and issues of civil liability.

**Authors: Felicity Monteiro, Kerry Webster**

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FWWTVM>)

## **Philippines**

### **Dismissal of seafarer requires notice and reasonable time to explain**

The Supreme Court recently ruled that a seafarer's summary dismissal was legal on grounds

of his poor conduct on board the vessel. However, the seafarer was awarded nominal damages of Ps30,000 because he had not been given reasonable time to make a written statement with which to defend himself.

**Author: Ruben T Del Rosario**

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FWWTWB>)

## **United Kingdom**

### **Enforcing ship mortgages under English law**

The procedure for enforcement of a ship mortgage under English law is based on a contractual right. Thus, the rights of a mortgagee are derived from specific terms agreed with the mortgagor. Typically, the loan documentation will identify those events of default by the mortgagor which give rise to the right on the part of the mortgagee to take enforcement action.

**Authors: Karen Ong, Clare Calnan**

(Read article <http://www.internationallawoffice.com/?i=55592&l=7FWWTWY>)