

# Air Transport

*Contributing editors*

John Balfour and Mark Bisset



2018

GETTING THE  
DEAL THROUGH 

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*Contributing editors*  
**John Balfour and Mark Bisset**  
**Clyde & Co LLP**

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# Kenya

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## General

### 1 Which bodies regulate aviation in your country, under what basic laws?

The Kenya Civil Aviation Authority (KCAA) is the primary body responsible for the regulation of aviation in Kenya. The KCAA is set up under the Civil Aviation Act 2013 (CAA). The KCAA was established to economically and efficiently plan, develop and manage civil aviation, and to regulate and operate a safe civil aviation system in Kenya.

The KCAA is responsible for, among other things, licensing of air services, provision of air navigation services, the establishment and maintenance of a system for the registration and marking of civil aircraft, certification of aircraft operators, registration of rights and interests in aircraft, giving effect to the Chicago Convention and other international agreements to which Kenya is party.

The Kenya Airports Authority (KAA) also plays a key role in the regulation of the Kenyan aviation industry. The KAA, established in 1991 under the Kenya Airports Authority Act (Chapter 395 of the Laws of Kenya), provides facilitative infrastructure for aviation services between Kenya and the outside world. Its main functions are, among other things, the following:

- to administer, control and manage aerodromes;
- to provide and maintain facilities necessary for efficient operations of aircraft;
- to provide rescue and firefighting equipment and services;
- to construct, operate and maintain aerodromes and other related activities;
- to provide such other amenities or facilities for passengers and other persons making use of the services or facilities; and
- to approve the establishment and control of operations of private airstrips.

Directly under the jurisdiction of Kenya's Ministry of Transport is the Air Accident Investigation Division (AAID) of Kenya. The AAID is responsible for the investigation of air accidents and serious incidents in Kenya involving both local and foreign aircraft. The AAID also participates in overseas investigations of accidents and serious incidents involving Kenyan aircraft, operators or citizens.

## Regulation of aviation operations

### 2 How is air transport regulated in terms of safety?

The KCAA maintains a wide array of regulations focused on safety and touching on each of the aforementioned areas. It has issued regulations on the certification of air operators (both domestic and international), to ensure that only those operators who meet certain standards operate aircraft within Kenyan airspace, as well as regulations on the operation of aircraft. The KCAA has also issued regulations on instruments and equipment for aircraft, airworthiness and personnel licensing, all aimed at ensuring safety of air transport.

The key CAA regulations include the following:

- Civil Aviation (Air Licensing) Regulations 2009;
- Civil Aviation (Security) Regulations 2015;
- Civil Aviation (Instruments and Equipment) Regulations 2013;
- Civil Aviation (Operation of Aircraft) Regulations 2013;
- Civil Aviation (Approved Training Organisations) Regulations 2013;

- Civil Aviation (Air Navigation Services) Regulations 2013;
- Civil Aviation (Aircraft Nationality and Registration Marks) Regulations 2013;
- Civil Aviation (Aircraft Accident and Incident Investigation) Regulations 2013;
- Civil Aviation (Airworthiness) Regulations 2013; and
- Civil Aviation (Personnel Licensing) Regulations 2013.

There are various draft regulations that will replace the current regulatory regime. A stakeholders' forum was held from 12-14 July 2017 to receive comments from stakeholders on the various draft regulations. So far, no precise date has been provided for the enactment of the revisions set by Kenya's legislature.

### 3 What safety regulation is provided for air operations that do not constitute public or commercial transport, and how is the distinction made?

There are currently no safety regulations specific to private operations. The CAA captures both private and commercial operators under the definition of 'operator', which, in relation to an aircraft, means a person having the management of the aircraft for the time being or, in relation to time, at that time. Persons engaging in private operations are therefore expected to comply with all the regulations mentioned in question 2, including on air operators' certification and administration, aerodromes, airworthiness, operation of aircraft and instruments and equipment regulations. There are specific regulations in force that relate to aerial work, and these are the Aerial Works Regulations, 2007.

Aerial works are defined in these regulations as aircraft operations in which an aircraft is used for specialised services including, but not limited to, agriculture, construction, photography, surveying, observation and patrol, search and rescue and aerial advertisement. The Aerial Works Regulations cater for certification of certain types of aerial works, which include agricultural air operations and rotorcraft external load operations.

Minimum requirements for the operation of glider towing, banner towing, aerial photography, surveying and exhibition of flying are also set out in the regulations.

### 4 Is access to the market for the provision of air transport services regulated, and if so how?

Market access for the provision of air transport services is regulated in that for one to be granted an air service licence, which is a prerequisite to use an aircraft within the country, one has to be a citizen of Kenya, or in the case of a body corporate or a partnership, 51 per cent of the voting rights are ultimately held by the state, a citizen of Kenya, or both, unless exempted from this requirement by the KCAA. The exemption is granted in exceptional circumstances, such as when the applicant proposes to provide an air service of a special nature. In essence, therefore, there is a strict local shareholding requirement of at least 51 per cent for providers of air transport services in the country.

### 5 What requirements apply in the areas of financial fitness and nationality of ownership regarding control of air carriers?

With regard to the financial fitness of air carriers, an applicant for an air service licence is required to demonstrate to the KCAA that it can meet:

- at any time, its actual and potential obligations, established under realistic assumptions, for a period of 24 months from the start of operations; and
- its fixed and operational costs incurred from operations according to its business plan established under realistic assumptions, for three months from the start of operations without relying on revenue generated by the operations.

Further, every financial year, a licensed air carrier is required to provide to the KCAA its audited accounts relating to the previous year without undue delay. As set out above and in regard to nationality, there is a 51 per cent minimum Kenyan shareholding requirement for bodies corporate or partnerships, unless the KCAA has granted an exemption.

#### **6 What procedures are there to obtain licences or other rights to operate particular routes?**

The procedure to obtain a licence or right to operate a particular route requires an application to be made to the KCAA in a prescribed form, setting out detailed particulars that include, inter alia, the following:

- an air service schedule;
- the number and type or types of aircraft to be used;
- the type of load to be carried;
- the maximum and minimum fares to be charged to passengers or for goods in respect of the total journey or any portion of the journey for which separate charges are made;
- the date (and duration) of commencement of air service;
- the particulars of any financial interest that the applicant has in any other undertaking providing passenger transport facilities or controlling the business of any person who provides such facilities; and
- the nature of the person making the application, whether an individual, partnership firm or corporate body, public or private, with or without limited liability.

If a public or private company is making the application, the following additional details are required:

- the nominal and issued capital;
- the names and nationality of the directors;
- the names and state of incorporations of any other companies holding shares in the applicant's business; and
- the names and state of incorporation of any subsidiary companies of the applicant.

The application is then published in the Kenya Gazette. A public hearing is then organised by the KCAA and is an opportunity for various stakeholders to make their representations in connection with the application. Once the KCAA has made its decision, it is published in the Kenya Gazette.

#### **7 What procedures are there for hearing or deciding contested applications for licences or other rights to operate particular routes?**

During the public hearing, the KCAA grants an opportunity to any person making a representation in favour of, or against an application for a licence. The person making a representation to the KCAA may appear at the hearing of an application in person or by attorney or other duly authorised representative. The KCAA's licensing committee is then expected to consider the application together with all representations, information, evidence and documents at its disposal before taking a decision within 30 days after the hearing of the application.

The current legislation provides for the establishment of a national civil aviation administrative review tribunal, whose purpose it is to hear appeals made by persons wishing to challenge decisions made by the licensing committee. This tribunal has, however, not yet been constituted and any appeals would therefore currently need to be channelled through the normal court process in Kenya.

#### **8 Is there a declared policy on airline access or competition, and if so what is it?**

There is no declared policy on airline access or competition, but the KCAA, as the regulator, has the mandate to promote a regulatory environment that is conducive for the growth of a vibrant and competitive air transport industry.

#### **9 What requirements must a foreign air carrier satisfy in order to operate to or from your country?**

A foreign air carrier with the necessary traffic rights is required to comply with the aviation security requirements and to ensure that the aircraft to be operated to or from Kenya meets the prescribed operational and maintenance standards.

#### **10 Are there specific rules in place to ensure aviation services are offered to remote destinations when vital for the local economy?**

Generally, there are no specific rules available in such instances. The KCAA does, however, favour and actively encourage airlines who meet all the general regulatory requirements to operate aircraft in Kenya to apply for permission to offer their service to and from areas that do not maintain any such air services. In some instances, the KCAA will work with the KAA to obtain a waiver of landing fees (subject to certain conditions), to airlines in order to encourage the flow of traffic into and out of these locations.

#### **11 Are charter services specially regulated?**

There are no special regulations for charter services. The Civil Aviation (Air Licensing) Regulations, 2009, allocate charters into the category of non-scheduled air transport. The KCAA, however, will require charter operators who maintain regular frequencies and timings of charters, to apply for a scheduled operator's air service licence.

#### **12 Are airfares regulated, and if so, how?**

Airfares are not directly regulated in Kenya. Restrictive trade practices (RTPs), however, are caught under the Competition Act. RTPs include decisions by companies that have as their object or effect the prevention, distortion or lessening of competition in trade in any services in Kenya, unless such activities are exempt. In regard to the regulation of air fares, predatory pricing or collusion (with the intent to drive out competition) are therefore examples of implied prohibited drivers of air fares. Undertakings licensed to provide air services are permitted to freely fix their tariffs but are required to endeavour to apply reasonable tariffs taking into consideration operational cost, service characteristics, commission rates and reasonable profits.

The Competition Authority of Kenya (CAK) and the KCAA have recently entered into a memorandum of understanding that provides a framework through which the two regulators have agreed to work together to regulate competition matters in Kenya's aviation industry.

#### **13 Are there any rules regulating the operation of unmanned aircraft systems (drones)?**

Currently, there are no rules regulating the operation of drones. The KCAA has directed that anyone seeking to operate a drone must first seek consent from the Ministry of Defence and authorisation from the KCAA. However, the KCAA has now published draft regulations for remotely piloted aircraft systems (RPAS), which are expected to become law towards the end of 2017.

### **Aircraft**

#### **14 Who is entitled to be mentioned in the aircraft register? Do requirements or limitations apply to the ownership of an aircraft listed on your country's register?**

The KCAA maintains an ownership register that includes the owner of the aircraft, the lessee and any secured financier (if any).

For an aircraft to be eligible for registration in Kenya, there are requirements as to the nationality of the owner of a legal or beneficial interest in the aircraft.

The following persons are qualified to be the owners of a legal or beneficial interest in an aircraft registered in Kenya:

- the government of Kenya;
- citizens of Kenya or persons bona fide resident in Kenya;
- such other persons as the KCAA may approve, on condition that the aircraft is not used for commercial air transport, flying training or aerial work and such other conditions as the KCAA may specify; and
- a body corporate established by either of the following ways:
  - under the laws of Kenya; or

- under and subject to the laws of such country as the KCAA may approve.

**15 Is there a register of aircraft mortgages or charges, and if so how does it function?**

Kenya does not maintain a specific register of aircraft mortgages. Any party's interest, including a secured financier, is recorded in the certificate of registration issued by the KCAA.

**16 What rights are there to detain aircraft, in respect of unpaid airport or air navigation charges, or other unpaid debts?**

The KCAA recently published the Civil Aviation (Regulatory Fees and Charges for Air Navigation Services) Regulations, 2016, which give the director general of the KCAA, or any person authorised by him or her in writing, the right to detain any aircraft whose owner has refused or neglected to pay any of the charges payable in respect of air navigation services provided.

**17 Do specific rules regulate the maintenance of aircraft?**

Yes. The KCAA's Airworthiness Regulations contain various provisions on the maintenance and inspection of aircraft. The regulations prescribe the following:

- the persons authorised to perform maintenance and modification of aircraft;
- persons authorised to approve an aircraft, airframe, engine, propeller, appliance, or component for return to service after it has undergone maintenance, preventive maintenance, rebuilding or modification;
- persons authorised to perform inspections; and
- rules regarding the performance of maintenance and inspection.

In addition, the Approved Maintenance Organisation Regulations, 2013, set out the requirements for certification of and compliance with the minimum standards for any entity maintaining aircraft in Kenya.

**Airports**

**18 Who owns the airports?**

There are eight main airports in Kenya owned by the government of Kenya and operated by the Kenya Airports Authority. There are also over 400 airstrips that are privately owned and operated in the country.

Kenya introduced a 'category E' aerodrome classification, which is a new classification for aerodromes that are privately owned but maintain a limited public use aspect, which therefore prompts the need for limited regulation. The types of limited public use include the use of such aerodromes by state corporations such as the Kenya Wildlife Service or any other non-governmental organisations. Although privately owned, they are subject to the minimum requirements set out in the Civil Aviation (Aerodromes Regulations) 2013.

**19 What system is there for the licensing of airports?**

Aerodromes in Kenya are licensed by the KCAA in accordance with the Aerodromes Regulations. The licensing of aerodromes applies to aerodromes available for use by domestic air traffic and helicopters only, and excludes aerodromes available for use by both international and domestic air traffic.

The licensing system involves making an application to the KCAA in a prescribed form, together with the required supporting documents such as the aerodrome manual, site plan, approvals from any relevant authorities and proof of financial capability.

Where satisfied that the applicant is competent to operate an aerodrome, that the aerodrome's physical characteristics and surroundings are safe for use by aircraft and that the applicant complies with the security regulations, the KCAA may then proceed to issue an aerodrome licence to that applicant.

**20 Is there a system of economic regulation of airports, and, if so, how does it function?**

There is no system of economic regulation of Kenyan airports.

**21 Are there laws or rules restricting or qualifying access to airports?**

Yes, the Aerodromes Regulations, 2013, designate certain areas as 'restricted' and set out rules pertaining to access to restricted areas, specifying which persons shall be permitted access and on what grounds.

**22 How are slots allocated at congested airports?**

Currently, the busiest airport in Kenya is Jomo Kenyatta International Airport, which is slot-controlled. An operator must apply to KAA for available slots through a preferred ground handling agent using an online system.

**23 Are there any laws or rules specifically relating to ground handling?**

There are no laws or rules specific to ground handling.

**24 Who provides air traffic control services? And how are they regulated?**

Air traffic control services are provided by the KCAA through its Air Navigation Services Directorate. The Air Navigation Services Regulations contain the regulatory framework pertaining to air traffic services in Kenya. Some of the provisions include the following:

- rules on the designation and classification of airspace;
- competency requirements for personnel providing air traffic services;
- categories of air traffic services;
- coordination in the provision of air traffic services;
- communication requirements for air traffic services providers; and
- the establishment of a safety management system.

**Liability and accidents**

**25 Are there any special rules in respect of death of, or injury to, passengers or loss or damage to baggage or cargo in respect of domestic carriage?**

Kenya is a member of ICAO and is required therefore to ensure that it implements standards and recommended practices set out from time to time by ICAO into domestic legislation.

Kenya's regulatory framework relating to aircraft accidents and incidents is captured under the Civil Aviation (Aircraft Accident and Incident Investigation) Regulations 2013, which conform, among other provisions, with ICAO's policy document on assistance to aircraft accident victims and their families. These regulations do not discriminate between domestic and international carriage by air.

Kenya has localised the Warsaw Convention as amended by the Hague Protocol by enacting the Carriage by Air Act to ensure compensation is provided to persons who suffer damage while on an aircraft. The Convention limits the compensation that can be claimed by the injured party by looking at whether the airline or its employees acted reasonably and attempted to prevent the said damage.

Kenya does not, however, presently maintain any special rules relating to consumer rights in respect of domestic air carriage. The KCAA has, however, drafted the Civil Aviation Consumer Protection Regulations that will govern this area and these were among the draft regulations discussed at the July stakeholders' forum. It is anticipated that these regulations shall come into force towards the end of 2017.

**26 Are there any special rules about the liability of aircraft operators for surface damage?**

Kenya is a signatory to the Rome Convention, in particular, the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface and this came into effect on 3 October 1999. There are no special rules adopted by Kenya other than the provisions of the aforementioned Convention.

**27 What system and procedures are in place for the investigation of air accidents?**

The KCAA has issued the Civil Aviation (Aircraft Accident and Incident Investigation) Regulations that provide the procedures for investigation of aircraft accidents and incidents.

### Update and trends

The KCAA intends to overhaul the aviation regulatory framework and has published 31 draft regulations. Some of these are intended to replace existing regulations, while others address new areas, which were previously unregulated.

These draft regulations include, inter alia, the following:

- the Licensing of Air Services Regulations, 2016;
- the Air Traffic Services Regulations, 2017;
- the Airworthiness Regulations, 2017;
- the Aerodrome Design and Operations Regulations, 2017; and
- the Personnel Licensing Regulations, 2017.

The rationale for the radical change in the regulatory framework is that the KCAA is pushing for Kenya to be fully compliant with ICAO standards and recommended practices, which will ultimately enable Kenya to be a regional leader in the aviation sector.

Nairobi's Jomo Kenyatta International Airport was recently awarded Category I status safety certification by the United States Federal Aviation Administration (FAA). This status indicates

compliance with ICAO on safety oversight and is a precursor for direct flights between Kenya and the United States. Further, the national carrier, Kenya Airways, has formally requested a licence from the US's relevant federal aviation department to fly directly to the US and it is anticipated that Kenya Airways may start direct flights to the US in the second quarter of 2018.

In addition to these developments, the President of Kenya recently commissioned the new Isiolo Airport, which is expected to begin full operations in the near future. Key features of the new airport include a 1.4 kilometre-long runway, a 150 by 75 metre apron with two connecting taxiways that can handle up to six 'Code C' aircraft. In terms of facilities, Isiolo Airport features nine check-in counters (both domestic and international), duty free shops, a VIP lounge, restaurants, banking facilities, foreign exchange and other shops. The airport is considered a key infrastructure project which is part of the larger Lamu Port-South Sudan-Ethiopia-Transport Corridor (LAPSSET) project, aimed at promoting development and trade in northern Kenya.

The regulations provide that the objective of the investigation of an accident or incident shall be the prevention of accidents and incidents, not to apportion blame or liability. The regulations also provide time-lines for the notification and reporting of accidents and incidents, and the actions to be taken on receipt of such notification.

Further, the regulations provide that a lead investigator shall designate parties to participate in the investigation, including accredited representatives, advisers from other states and observers.

An investigation shall not be open to the public. However, upon conclusion of the investigation, the final report shall be released and published.

### 28 Is there a mandatory accident and incident reporting system, and if so, how does it operate?

Yes. The Civil Aviation (Safety Management) Regulations 2015, prescribe a mandatory occurrence reporting system. An air service provider is required to notify and make mandatory occurrence reports on accidents, serious incidents, incidents and other safety related occurrences including defects, malfunctions and service difficulties, to the KCAA, within 24 hours in the case of accidents, 48 hours in the case of serious incidents and 72 hours in the case of incidents and other safety related occurrences. The occurrence reports should be made on appropriate forms acceptable to the KCAA and should contain detailed information pertinent to the specific occurrence.

### Competition law

### 29 Do sector-specific competition rules apply to aviation? If not, do the general competition law rules apply?

There are no sector-specific rules for the aviation sector, and general competition law applies.

### 30 Is there a sector-specific regulator or are competition rules applied by the general competition authority?

Kenya does not have a sector-specific regulator for matters relating to competition in the aviation sector. Competition rules are applied within the sector by the CAK. However, the KCAA also has a general role to play in ensuring a competitive civil aviation sector.

As per question 12, the CAK and KCAA have recently entered into a memorandum of understanding, which outlines a framework through which the two regulators have agreed to work together to regulate competition matters in Kenya's aviation industry.

### 31 How is the relevant market for the purposes of a competition assessment in the aviation sector defined by the competition authorities?

There are currently no specific guidelines, particular to the aviation industry, for making such an assessment. The CAK has issued merger guidelines that provide that the relevant market within which to assess a given competition issue is established by a combination of product and geographic markets.

### 32 What are the main standards for assessing the competitive effect of a transaction?

The main considerations for competition authorities when assessing the competitive effect of a transaction include the following:

- the extent of market accretion as a result of the transaction;
- the extent of public benefit the transaction would have;
- the ultimate effect of the transaction on the sector; and
- the extent to which the transaction would affect the ability of small undertakings to gain access or be competitive in the market.

### 33 What types of remedies have been imposed to remedy concerns identified by the competition authorities?

There have not been many concerns relating to competition issues within the aviation sector in Kenya and this area remains, for the most part, untested. The Competition Act provides that upon conviction for engaging in a restrictive trade practice in Kenya, such persons shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding 10 million shillings. The CAK may also impose a financial penalty of up to ten per cent of the preceding year's gross annual turnover in Kenya of the undertaking or undertakings found guilty of engaging in restrictive trade practices.

### Financial support and state aid

### 34 Are there sector-specific rules regulating direct or indirect financial support to companies by the government or government-controlled agencies or companies (state aid) in the aviation sector? If not, do general state aid rules apply?

There are no sector-specific rules for financial support to companies in the aviation sector.

The general rule is that state aid should not distort or threaten to distort fair competition in the provision of air services.

### 35 What are the main principles of the state aid rules applicable to the aviation sector?

The fundamental principle is that state aid should not affect fair competition. Notwithstanding the fundamental principle, certain forms of state aid are considered compatible with fair competition. These include the following:

- aid having a social character, granted to individual consumers, provided that such aid is granted without discriminating similarly related consumers;
- aid to make good the damage caused by natural disasters or exceptional occurrences; or
- aid granted to the economy of certain areas of Kenya to compensate for the economic disadvantages.

### 36 Are there exemptions from the state aid rules or situations in which they do not apply?

There are no exemptions.

**37 Must clearance from the competition authorities be obtained before state aid may be granted?**

No.

**38 If so, what are the main procedural steps to obtain clearance?**

Not applicable.

**39 If no clearance is obtained, what procedures apply to recover unlawfully granted state aid?**

Not applicable.

**Miscellaneous****40 Is there any aviation-specific passenger protection legislation?**

There is currently no aviation-specific passenger protection legislation. However, as set out in question 25, the KCAA is currently drafting rules, which will be known as the Civil Aviation Consumer Protection Regulations, the content of which will draw heavily from the European Union's provisions on consumer protection. It is not clear at this stage when these regulations are expected to come into force.

The Consumer Protection Act envisions the enactment of the above regulations to provide for passenger rights and the standards of service by air carriers including access to necessary services while on a grounded air carrier, customer complaints, notification of delays, cancellations, overbooking, baggage concerns, compensation for passengers and the right to disembark where such rights are infringed.

**41 Are there mandatory insurance requirements for the operators of aircraft?**

Yes. These are captured under the Licensing of Air Services Regulations, 2009, and include the requirement for a licensee, as a precondition to operation, to be insured as prescribed in relation to the specific type of air service and the category of aircraft prescribed in the licence and in respect of third-party liability insurance.

The requirement for compulsory insurance extends to passengers and their baggage and the requirement is that all licensed operators must maintain insurance for a minimum amount equivalent to 100,000 special drawing rights (SDR) per seat in respect to passengers and their baggage and equivalent to 17 SDR per kilogram in respect of air cargo liability for the total number of seats or cargo weight authorised by the certificate of airworthiness applicable to every aircraft to be operated.

**42 What legal requirements are there with regard to aviation security?**

With the increase in aviation insecurity globally, the KCAA and the KAA are keen on ensuring enhanced security within the Kenyan aviation sector. The KCAA has issued the Aviation Security Regulations that impose certain obligations on various stakeholders in the aviation sector. Some of the requirements on air operators include the following:

- to establish and implement a written airport operator security programme that meets the requirements of the National Civil Aviation

Security Programme and the Regulations, which are approved by the KCAA;

- to develop and implement an aviation security training programme to ensure the effective implementation of their respective security operations;
- to keep a record of every security incident occurring in the course of their operations;
- to carry out and maintain, at an airport, on an aircraft and at any aviation facility under the control of the operator, security measures including identification and resolution of suspicious activity that may pose a threat to civil aviation;
- responsibility not to transport the baggage of a passenger who is not on board the aircraft unless that baggage is subjected to appropriate security controls, including screening, after determining that the person is not on board;
- to ensure that all its appropriate personnel are familiar with, and comply with, the requirements of the National Civil Aviation Security Programme; and
- to ensure that necessary precautions are taken at the point of embarkation to ensure that passengers are in possession of valid documents prescribed by the state of transit and destination for control purposes.

**43 What serious crimes exist with regard to aviation?**

Serious crimes existing with regard to aviation include, but are not limited to, the following:

- unlawful seizure of an aircraft in flight or on the ground;
- hostage-taking on board an aircraft or at an airport;
- forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility;
- introduction on board an aircraft, or at an airport, of a weapon or hazardous device or material intended for criminal purposes;
- unauthorised possession, at an airport, or unauthorised introduction on board an aircraft, of a weapon or hazardous device or material;
- destroying or damaging air navigation facilities or interfering with their operation, if any such act is likely to endanger the safety of aircraft in flight;
- violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft;
- destroying an aircraft in service or causing damage to the aircraft that renders it incapable of flight or that is likely to endanger its safety in flight; and
- communicating information that is known to be false, thereby endangering the safety of an aircraft in flight or on the ground, of passengers, crew, ground personnel or the general public at an airport or on the premises of a civil aviation facility.

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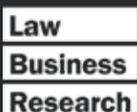
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