

**International
Comparative
Legal Guides**



Practical cross-border insights into aviation law

Aviation Law
2023

11th Edition

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WALA: Bringing Airport Lawyers Together to Support a Sustainable Future for Aviation

Worldwide Airport Lawyers Association (WALA)



Elizabeth Albergoni

About WALA

Airports by their nature are geographically separated and raise specialised issues that airport lawyers are often required to grapple with alone or in small teams. The Worldwide Airport Lawyers Association (WALA) brings together airport lawyers, aviation industry colleagues and interested parties to develop, share and debate relevant issues in their field of law through annual conferences, webinars, news feeds and other events.

The objectives of WALA are to:

- promote and assist in cooperation among legal advisors and other public and private sectors of the worldwide airport, aviation and aeronautical industries;
- act and provide a networking channel for airport legal and non-legal areas;
- promote, organise, coordinate and disseminate airport law in all its different features and create opportunities for its appropriate analysis, development, specialisation and systematisation;
- instigate education and legal expertise, promote, organise and participate in events and activities aimed at education, training and legal expertise in airport law;
- promote cooperation and exchange between public sectors as well as in the private sectors, whether national or international;
- disseminate experiences through specialised reports, statistical reports, compilations, publications and all kinds of educational, informational materials, research, analysis or academic references; and
- establish institutional relationships with entities and organisations, national and international, which keep close relations with airport themes.

WALA is distinguished by its global reach and the forum it provides for sharing experience and knowledge. Since 2008, 1,075 delegates representing over 87 countries have attended the 12 WALA Conferences Editions, with other networks and forums extending well beyond.

Emerging from the COVID-19 Pandemic and Rebuilding a Sustainable Future for Airports in a World that is Focussed on Climate Change

With some exceptions, the world is now largely open and moving past the COVID-19 pandemic. For airports and industry more generally, this has come with significant challenges. During the pandemic work forces were pared back and are now being rebuilt, struggling to keep pace with the flood of demand now restrictions have lifted and borders have been reopened. For a

time, airports made the news headlines every day with operational chaos as the industry struggled to restart operations and keep up with the understandably relentless desire of the world to travel again.

These practical challenges to restart at pace have come at a time when pressure is rapidly increasing for the entire aviation industry to decarbonise. The aviation sector is responsible for ~4% of global GHG emissions, with air travel representing the highest carbon footprint per passenger mode of transportation. The vast majority of emissions from the aviation industry come from jet fuel burn at altitude. For airports, there is much that can be done at a scope one and two level, being emissions that are owned or controlled by airports. We are seeing a suite of initiatives around the world including strong uptake of the Airport Council International's Airport Carbon Accreditation programme. Airports are setting net-zero targets, purchasing renewable energy, changing the way they operate and electrifying ground vehicles. However, airports' scope three emissions from traditional fossil fuel usage in aircraft cannot be ignored. Airports are enablers of flight and therefore the use of fossil fuel by aircraft. A whole of industry response is required to solve this challenge.

We are already seeing moves by governments in response to climate concerns from air travel. In June 2022, the Dutch government announced the world's first cap on annual runway movements to below pre-pandemic levels in response to climate concerns. France has scrapped a major expansion of Charles de Gaulle, the main Paris airport, citing climate goals and broader environmental concerns and short haul domestic flights have been banned. Governments are weighing implementing emissions reductions mandates on airlines. Others have threatened runway closure or cancellations of airport expansion projects absent presentation of concrete CO₂ reduction plans.

Despite this, the demand for travel remains relentlessly strong. Global aviation passenger numbers are expected to return to 2019 levels in 2024 and air travel demand is projected to continue to grow meaningfully over the next several decades. Air cargo traffic already exceeded pre-crisis levels by nearly 10% in May 2021. Global emissions are expected to more than double from 2019 levels of 750 MMt of CO₂ to 1,600 MMt by 2050 absent meaningful change.

Stakeholders across the aviation industry have focussed on sustainable aviation fuel, as it is the only solution to decarbonise at the scale required to meet emissions targets. Other decarbonisation options include (i) more efficient aircraft, (ii) the purchasing of carbon offsets (with the potential to on-charge to customers), (iii) electrification of short-haul flights, and (iv) development of hydrogen fuel cell aircraft or hydrogen turbine technology. However, these alternatives would still not

reduce emissions to anywhere near the extent needed. Further, certain technologies such as hydrogen turbines would require significant investment to retrofit existing airports and related infrastructure.

The question for airports and their legal counsel is how to facilitate and support this very significant change. First and foremost this includes participating in the conversation as the technology, policy and regulatory environment evolves. Airport lawyers have the opportunity to champion this change and the underpinning laws and regulations to support decarbonisation of aviation.

In addition to these weighty challenges, airport operators and their counsel are facing increasing demands for technological change and improvement. We are seeing an increased uptake of biometric processing, advanced technology in operational areas to optimise the use of existing assets and collaborate more effectively with the aviation community on airports, digital platforms for customer and retail offerings that create real challenges with identifying “whose customer is it” when passengers buy tickets and pass through terminals. The rate of change and pressure in these areas is immense. Agility and bravery is required from airport lawyers to remain ahead and best serve their airports and communities.

WALA will continue to support airport lawyers as we face this next challenge for the sector.

Annual Conference – Wala XII, Punta Cana 2022

Despite the uncertainty that remained around border closures in early 2022, the XII World Airport Lawyers’ Association conference was held in Punta Cana and hosted by Grupo Puntacana in April. The conference was attended by more than 100 delegates from 20 countries and there was a collegiate celebration amongst airport lawyers as the COVID-19 pandemic began to end. Notable presentations included:

- Keynote speaker Professor Pablo Mendes de Leon described the 2022 aviation agenda, environmental and other challenges.

- Peter Kirsch, Partner at Kaplan Kirsch & Rockwell LLP commented on the state of the industry in the US following the long felt impacts of the pandemic.
- Patrick Lucas, Vice President Economics for Airports Council International spoke about airport charges and challenging conventional thinking.

Other topics included airport slots in Brazil, public and private airport infrastructures in the Dominican Republic, airport concessions with a focus on early termination, airports and public health, pandemics, privatisation and insolvencies, in particular the changing relationships and dynamics between airlines and airports, and the legal and regulatory challenges of airport technology. The challenges of learning in the aviation and airport law space was discussed as was the evolving area of advanced air mobility.

Presentations can be found at <https://www.abiaxair.com/wala/index.php>.

WALA – Our Aim

Our aim is to become increasingly embedded in the airport sector as a trusted collegiate body. In the near term our focus is on:

- Growing WALA participation and ensuring our members have the resources and facilities they require.
- Continuing annual conferences.
- To provide activities as interest and need requires.
- Growing WALA Executive and Board capability.

Acknowledgments

The author would like thank her colleagues:

- WALA President Diego Gonzalez;
- Vice Chair and Executive Board Member Michael Siebold; and
- Vice Chair and Executive Board Member Alan Meneghetti,

for their contribution to this chapter and ongoing support. Special thanks also go to Gustavo Di Cio of Abiax and his team for their continuing support of WALA events. As a Board we are deeply grateful for the support provided to us from attendees, speakers, friends and sponsors over the years. We look forward to welcoming you to a WALA event soon.



Elizabeth Albergoni is based in HRL Morrison & Co's Sydney office and has responsibility for the performance of a number of the investments HRL Morrison & Co manages on behalf of its clients. She has extensive industry executive experience including nine years with Sydney Airport immediately prior to joining HRL Morrison & Co and several years working as a competition and regulatory lawyer focused on infrastructure. Elizabeth is a Non Executive Director of Perth Airport, Queensland Airports Ltd and Land Registry Services NSW, and an Executive Board Member of the Worldwide Airport Lawyers Association.

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The Worldwide Airports Lawyers Association is a non-profit partnership with the goal of promoting cooperation among airport legal affairs departments and legal advisors for airports worldwide, as well as other public and private sectors related to the aeronautical industry.

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