

EU Regulation 868/04: Report of a Unilateral Approach on Unfair Subsidisation and Unfair Pricing Practices and Its Failure

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Abstract : This paper is designed to provide a comprehensive overview on the EU Regulation No. 868/2004 concerning protection against subsidisation and unfair pricing practices regarding non-EU carriers and causing injury to Community air carriers. The analysis will focus, at first, on the exegetical scrutiny of the legal categories encompassed by the Regulation. In addition to that, while considering the peculiarities of such legal instrument, the attention will be addressed on the assessment on its effectiveness. The Regulation, indeed, having received lots of criticism, is in need of a profound revision. In this context, the present work will try to take into account the policy alternatives. In light of the failure of Regulation 868, which is to be seen as the expression of a unilateral and regional approach, there would seem to be the necessity for the aviation sector to reconsider the topic of subsidisation and unfair pricing practices in a more international oriented manner.

Keywords : non-EU airlines, aviation, subsidisation, unfair

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