

Freedoms Of The Air Explained

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The freedoms of the air are a set of commercial aviation rights granting a country's airline the privilege to enter and land in another country's airspace, formulated as a result of disagreements over the extent of aviation liberalization in the Convention on International Civil Aviation of 1944, known as the Chicago Convention.

The United States had called for a standardized set of separate air rights which may be negotiated between states, but most of the other countries involved were concerned that the size of the U.S. airlines would dominate all world air travel if there were not strict rules. The freedoms of the air are the fundamental building blocks of the international commercial aviation route network.

The use of the terms 'freedom' and 'right' only confer entitlement to operate international air services within the scope of the multilateral and bilateral treaties that allow them. The first two freedoms solely concern the passage of commercial aircraft through foreign airspace and airports and contrast with the remaining freedoms which concern airlines carrying people, mail and cargo internationally. The first through fifth freedoms are officially enumerated by international treaties, especially the Chicago Convention.

Several other freedoms have since been added and although most are not officially recognised under international treaties, they have been agreed by a number of countries. The lower-numbered freedoms are relatively universal while the higher-numbered ones are rarer and more controversial. Liberal open skies agreements often represent the least restrictive form of air services agreements and may include many if not all freedoms. They are relatively rare but examples include the recently developed single aviation markets in the European Union and between Australia and New Zealand.

So here are the nine freedoms (please see Appendix 1):

First Freedom of the Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State or States to fly across its territory without landing (also known as a **First Freedom Right**).

Second Freedom of the Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State or States to land in its territory for non-traffic purposes (also known as a **Second Freedom Right**).

Third Freedom of The Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State to put down, in the territory of the first State, traffic coming from the home State of the carrier (also known as a **Third Freedom Right**).

Fourth Freedom of The Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State to take on, in the territory of the first State, traffic destined for the home State of the carrier (also known as a **Fourth Freedom Right**).

Fifth Freedom of The Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State to put down and to take on, in the territory of the first State, traffic coming from or destined to a third State (also known as a ***Fifth Freedom Right***).

ICAO characterizes all “freedoms” beyond the Fifth as “so-called” because only the first five “freedoms” have been officially recognized as such by international treaty.

Sixth Freedom of The Air - the right or privilege, in respect of scheduled international air services, of transporting, via the home State of the carrier, traffic moving between two other States (also known as a ***Sixth Freedom Right***). The so-called Sixth Freedom of the Air, unlike the first five freedoms, is not incorporated as such into any widely recognized air service agreements such as the “Five Freedoms Agreement”.

Seventh Freedom of The Air - the right or privilege, in respect of scheduled international air services, granted by one State to another State, of transporting traffic between the territory of the granting State and any third State with no requirement to include on such operation any point in the territory of the recipient State, i.e the service need not connect to or be an extension of any service to/from the home State of the carrier.

Eighth Freedom of The Air - the right or privilege, in respect of scheduled international air services, of transporting cabotage traffic between two points in the territory of the granting State on a service which originates or terminates in the home country of the foreign carrier or (in connection with the so-called Seventh Freedom of the Air) outside the territory of the granting State (also known as a ***Eighth Freedom Right*** or “consecutive cabotage”).

Ninth Freedom of The Air - the right or privilege of transporting cabotage traffic of the granting State on a service performed entirely within the territory of the granting State (also known as a ***Ninth Freedom Right*** or “stand alone” cabotage).

Appendix 1

First Freedom

Airlines may fly over the territory of a signatory state without landing.



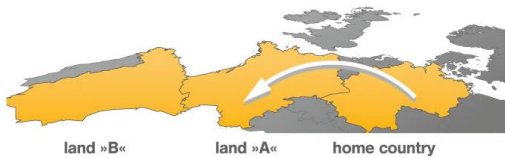
Second Freedom

Airlines may land in the territory of a signatory state for non-commercial purposes, such as refuelling or emergency repairs.



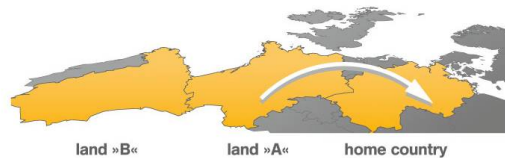
Third Freedom

Passengers and cargo may be flown from the airline's own country to another signatory state.



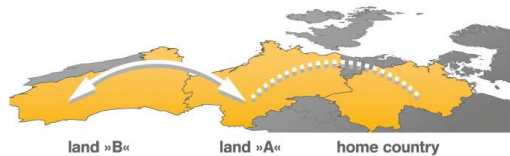
Fourth Freedom

Passengers and cargo may be picked up in another signatory state and transported to the airline's own country.



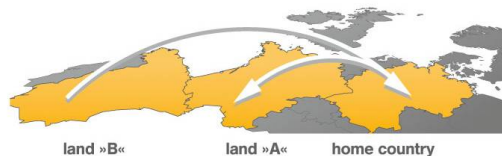
Fifth Freedom

Airlines may transport passengers and cargo between one signatory state and a third state; however, the flight must originate or terminate in the airline's own country.



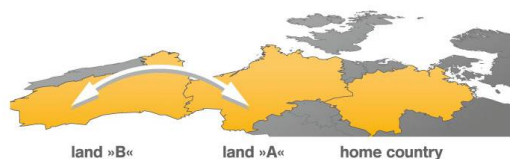
Sixth Freedom

Airlines may pick up passengers and cargo from abroad and fly them on to a third state after stopping in their own country.



Seventh Freedom

Airlines may transport passengers and cargo between two signatory states without taking off or landing in their own country.



Eighth Freedom

Also known as cabotage, this freedom allows airlines to conduct flights within a foreign country in which it is not domiciled. This far-reaching liberalisation was implemented in the EU in 1997.

