

General Index Volume XXIV

Leading articles

Abeyratne, R.I.R.	Air carrier liability and State responsibility for the carriage of inadmissible persons and refugees	3
Abeyratne, R.I.R.	Fraudulent misrepresentations of the carrier as acts of wilful misconduct	280
Abeyratne, R.I.R.	The spread of tuberculosis in the aircraft cabin – Air carrier liability	181
Abeyratne, R.I.R.	Unruly passengers – Legal, regulatory and jurisdictional issues	46
Arzt, Cl.	Use of satellite imagery in legal proceedings	195
Ayling, B.	Life in the civil aviation industry	17
Baudin, C.	A brief history of the Ariane programme and its evolving legal infrastructure	62
Cobbs, L.	The shifting meaning of ‘accident’ under Article 17 of the Warsaw Convention: What did the airline know and what did it do about it?	121
Fahy Jr, R.J.	Regulation and deregulation after twenty years: What actually happened	23
Franklin, M.	Code-sharing and passenger liability	128
Gardiner, R.	The Warsaw Convention at three score years and ten	114
Healy-Pratt, J.	To protect and serve: aviation insurance and the new millennium	204
Heere, W.P.	Problems of jurisdiction in air and outer space	70
Heffernan, D.	‘So, when can you start?’: A new approach to allocating international air service rights	84
Margo, R.	Insurance aspects of the new international passenger liability regime	134
Rijdsdijk, O.	EC aviation scene (no. 1, 1999)	27
Rijdsdijk, O.	EC aviation scene (no. 2, 1999)	90
Rijdsdijk, O.	EC aviation scene (no. 3, 1999)	294
Wassenbergh, H.	The status and use of an airport on an artificial island	177
Young, J.W.	Airline alliances – Is competition at the crossroads?	287
Young, J.W.	Globalism versus extraterritoriality, consensus versus unilateralism: Is there a common ground? A US perspective	209
Zhao, Yun	The commercial use of telecommunications under the framework of GATS	304

Case law digest

39, 104, 169, 275, 329

Reports from conferences

von der Dunk, F.G.	International organizations and space law. Their role and contribution. 3rd ECSL Colloquium, 6-7 May 1999, Perugia	164
--------------------	--	-----

General Index

Heere, W.P.	Vienna, Unispace 1999	268
Mauritz, J.	Current legal developments: the ICAO international conference on air law, May 1999	153
Mauritz, J.	The European Air Law Association's 2nd Munich liability seminar	273
van Traa-Engelman, H.	Legal symposium '99 – IATA airline conference, Madrid, February 1999	158

Documents

Convention for the unification of certain rules for international carriage by air	344
---	-----

Book reviews	42, 110
--------------	---------

Bibliography of air law

Heere, W.P.	Bibliography of air law, 1998	217
-------------	-------------------------------	-----

Abbreviations

ALJ	Administrative Law Judge (US)
ATC	Air Traffic Control
ATM	Air Traffic Management
Avi	CCH Aviation Reports (Chicago)
CAA	Civil Aviation Authority
CAB	Civil Aeronautics Board (US)
CNES	Conseil National d'Etudes Spatiales (France)
CNS	Communications, Navigation, Surveillance
COPUOS UN	Committee on the Peaceful Uses of Outer Space
CRS	Computerized Reservations Systems
CSG	Guiana Space Centre
DoJ	Department of Justice (US)
DoT	Department of Transportation (US)
EC	European Communities
ECAC	European Civil Aviation Conference
ECOSOC	Economic and Social Council (UN)
ECSL	European Centre for Space Law
ELDO	European Launcher Development Organization
EO	Earth Observation
ESA	European Space Agency
ESRO	European Space Research Organization
EU	European Union
FAA	Federal Aviation Administration (US)
FSIA	Foreign Sovereign Immunities Act (US)
FTCA	Federal Tort Claims Act (US)
GAO	General Accounting Office (US)
GATS	General Agreement on Trade in Services (WTO)
GNSS	Global Navigation Satellite System
IASA	International Aviation Safety Assessment program (US)
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
ICJ	International Court of Justice
IIA	IATA Inter-carrier Agreement
INS	Immigration and Naturalization Service (US)
IRO	International Refugee Organization
ITU	International Telecommunication Union
ITWF	International Transport Workers' Federation
JWT	Journal of World Trade
LHR	London Heathrow
MFN	Most-favored-nation treatment
MIA	Montreal Implementing Agreement

General Index

MoU	Memorandum of Understanding
SAFA	Safety Assessment of Foreign Aircraft (ECAC)
SARPS	Standards and Recommended Practices (ICAO)
SDR	Special Drawing Right (IMF)
UNDP	UN Development Programme
UNHCR	UN High Commissioner for Refugees
WTO	World Trade Organization
ZLW	Zeitschrift für Luft- und Weltraumrecht

Subject index

- Accidents
 - investigation, 257
 - under Warsaw, 121, 187, 190
- Agreements, *see* Conventions
- Air law
 - bibliographies, 217
 - conferences, 154, 158, 164, 223, 268, 273
 - manuals, 224
- Air traffic control, 245, 269
 - Eurocontrol, 246
 - free flight, 246
 - State liability, 106, 246
- Air warfare, 160
- Aircraft
 - aged -, 34
 - commander, 244
 - criminal acts on board, 46, 75, 162, 251, 260
 - criminal jurisdiction, 73
 - general aviation, 241
 - hush-kitted -, 100, 210, 214
 - legal status, 241
 - maintenance, 105, 243
 - military -, 260
 - nationality, 241
 - rights in -, 242
 - spare parts, 243
- Airlines, *see* Aviation companies
- Airports
 - concessions, 244
 - handling, 248
 - in EEZ, 176, 177
 - liability, 106, 245
 - Milan, 97
 - privatization, 244
 - security, 210, 214, 259
 - slots, 107
 - taxes, 245
 - warehouses, 40
- Airspace
 - over Stateless territory, 76
- Airworthiness, 242
- Alliances, 20, 104, 210, 212
 - competition, 104, 287, 292
- Antitrust, *see* Competition
- Argentina, 227
- Ariane programme, 62
- Arianespace, 66
- Asylum, 251
- Australia, 230
- Automation, 240
 - millennium bug, 204
- Aviation companies, 17, 234
 - alliances, 20, 104, 210, 212
 - competition, 211, 235
 - deregulation, 23, 229, 233
 - licensing, 232
 - mergers, 236
 - nationality, 236
- Aviation personnel
 - labor conditions, 181, 243
 - licenses, 244
- Aviation policy, 234
- Baggage, 173, 253
- Bibliographies, 217, 224
- Bilaterals, 234
- Brasil, 227
- Cargo, 40, 172, 253
- Carriage by air
 - contract, 251
- Case law, 231
- Charges, *see* Taxes
- Charters, 112, 255
- Chicago Convention 1944, 71, 209, 224
 - Annex 9, 3, 4
 - Annex 17, 215
 - Article 3 bis, 77
 - Article 12, 178, 179, 209
 - Article 13, 4
 - Article 14, 183
 - Article 33, 214
- Chile, 227
- China, PR, 230
- Choice of law, 256, 277
- Claims
 - choice of law, 256, 277
 - compensation, 184, 185, 334
 - evidence, 195, 256, 274, 277
 - forums, 256, 276
 - FSIA, 104
 - terms, 255
- COCESNA, 246
- Code-sharing, 213, 234
 - competition, 288
 - liability for -, 128
- Colombia, 227
- Commercial rights, *see* Traffic rights
- Communications, 246
- Competition, 211, 235
 - alliances, 104, 210, 287, 292
 - USA, 211, 213

- Conferences on air law, 153, 158, 164, 223, 268
 Consumer protection, 240
 Contract of carriage, 251
 Conventions
 Chicago 1944, *see* Chicago 1944
 Geneva 1948, 242
 Guadalajara 1961, 131, 250
 The Hague 1955, 282
 The Hague 1970, 74, 335
 Malta 1974, 117
 Montreal 1966, 117
 Montreal 1971, 55, 74, 259
 Montreal 1999, 186, 190, 248, 285, 344
 MAP 4, 1975, 163
 Paris 1919, 71
 Tokyo 1963, 49, 73
 Warsaw 1929, *see* Warsaw Convention
 Corporate aviation, 236
 Criminal jurisdiction, 73
 Criminal law, 258
 acts on board aircraft, 46, 75, 162, 251
 CRS, 251, 287, 292

 Deregulation, 23, 229, 233
 Disruptive passengers, 46, 75, 162, 251
 Drinking on board aircraft, 255
 Drugs, 8, 260, 337

 Economic problems
 financing, 237
 subsidies, 90, 237
 tariffs, 237
 taxes, 237
 EEZ
 airport in, 176, 177
 Emergency landings, 257
 Emotional distress, 171, 252, 276
 Environmental problems, 161, 210, 257
 in space, 43
 ESA
 Ariane programme, 62
 Eurocontrol, 246
 European Union, 27, 90, 237, 294
 aged aircraft, 34
 airport in EEZ, 178
 alliances, 27
 civil aviation, 72
 competition, 35, 210
 groundhandling, 248, 294
 Milan airport, 97
 safety, 31
 slot allocation, 30, 333

 State aids, 90, 237, 275
 Warsaw Convention, 21, 118, 248
 Evidence, 195, 256, 274, 277
 Explosives, 259
 Extra-territoriality, 160, 211

 FAA, 232
 Flight safety, 31, 247
 Flight recorders, 258
 Foreign investments, 236
 Forums, 256, 276
 France, 224
 State aid, 90
 Fraudulent misrepresentation, 280
 Free flight, 246
 Freight, *see* Cargo
 Frequent flyer programmes, 105, 240, 288
 FSIA, 104
 FTCA, 104, 234

 Gambling on board aircraft, 211, 215
 GATS, 304, 311
 General aviation, 241
 Geneva Convention 1948, 242
 General conditions, 250
 Germany, 224
 groundhandling, 294
 satellite imagery, 195
 GNSS, 246
 Great Britain, *see* United Kingdom
 Guadalajara Convention, 1961, 131, 250

 The Hague Protocol 1955, 282
 The Hague Convention 1970, 74, 335
 Handling, 248, 254
 EU, 248, 294
 Hang-gliders, 241
 Hijacking
 liability, 336
 Hush-kitted aircraft, 100, 210, 214

 IATA, 232
 general conditions, 250
 Intercarrier Agreement, 117, 135
 ICAO, 231
 flight safety, 247
 unruly passengers, 48
 Unidroit Convention, 242
 Immigration problems, 170, 251
 Insurance, 134, 258
 millennium bug, 204
 EU Regulation 2407/92, 21

General Index

- Internet, 204
- Italy, 225
 - Milan airport and EU, 97
- ITU, 326
- Japan, 230
- Jurisdiction, 256
 - in airspace, 70
 - in outer space, 78
- Labour conditions, 42, 106, 243
- Latin America, 226
- Launches, space
 - Ariane programme, 62
 - Sea Launch project, 81
- Leasing, 242, 255
- Liability, 252
 - code-sharing, 128
 - emotional distress, 171, 252, 276
 - punitive damages, 252
- Liability for
 - airports, 106, 245
 - ATC, 106
 - baggage, 173, 253
 - cargo, 40, 172, 253
 - code-sharing, 128
 - disruptive passengers, 46
 - hijacking, 336
 - inadmissible persons, 3
 - overbooking, 254, 275
 - passengers, 21, 171, 253
 - refugees, 3, 251
- Liability of
 - aircraft manufacturer, 137, 241
 - carrier, 3, 172, 181, 182, 254, 280
 - handling agent, 254
- Licenses of
 - aviation companies, 232
 - aviation personnel, 244
- Maintenance, 105, 243
- Malta Agreement 1974, 117
- Manuals of air law, 224
- Mergers, 236
- Military aircraft, 77
- Military aviation
 - manufacturers, 260
- Millennium bug
 - insurance, 204
- Model aircraft, 241
- Montreal
 - Agreement 1966, 117
 - Convention 1971, 55, 74, 259
 - Convention 1999, 186, 190, 248, 285, 344
 - Protocol no. 4, 1975, 163
- Nationality
 - of aircraft, 241
 - of aviation companies, 236
- The Netherlands, 226
- New Zealand, 231
- Noise, 257
 - EU, 210
- Open skies agreements, 29, 30, 84, 288
- Outer Space, *see* Space
- Overbooking, 254, 275
- Paris Convention, 1919, 71
- Passengers
 - duties, 251
 - frequent flyer programmes, 105, 240, 288
 - handicapped -, 211
 - immigration problems, 251
 - liability for -, 253
 - non-paying -, 254
 - unruly -, 46, 75, 162, 251
- Passports, 5
- Product liability, 137, 241, 260
- Punitive damages, 252
- Refugees, 3, 9
 - UNHCR, 10
- Repairs, 243
- Rights in aircraft, 242
 - Unidroit, 242
- Safety, 210, 247
 - EU, 31
- Satellites
 - communications, 246
 - imagery as evidence, 195
- Sea Launch project, 81
- Security, 210, 214, 259
- Slots, 107, 287, 333
 - EU, 30
- Smoking on board aircraft, 254
- South Korea, 230
- Sovereignty over airspace, 70
- Space, outer, 78, 268
 - environment, 110
 - international organizations, 164
 - jurisdiction in -, 78
 - privatization, 165

- Sealaunch, 81
 - space station, 79, 167
 - transportation, 167
- Spare parts, 243
- State aids, 237
 - EU, 90, 275
- Stateless territory
 - airspace above, 76
- Taiwan, 230
- Tariffs, 237
- Taxes, 237
 - airport -, 245
- Telecommunications, 304
 - GATS, 304
 - ITU, 326
- Terms, 255
- Terrorism, 215, 259
- Tickets, 170, 251
- Tokyo Convention 1963, 49, 73
- Tour operators, 255
 - liability, 276
- Traffic rights, 84, 233
 - airport in EEZ, 177
 - bilaterals, 234
 - code-sharing, 234
 - open skies agreements, 29, 30, 84, 288
- Tuberculosis in aircraft, 181
- Unidroit Convention, 1998 draft, 242
- United Kingdom, 226
 - civil aviation, 17
 - EU Regulation, 159
- United States of America, 228, 287
 - alliances, 20, 212, 287
 - deregulation, 23
 - FSIA, 104
 - FTCA, 104, 234
 - gambling on board aircraft, 211
 - open skies, 29, 30, 84
 - routes, 23
 - traffic rights, 84
- Up-front payments, 256
- Unruly passengers, 46, 75, 162, 251
- Warehouses, 40
- Warsaw Convention 1929, 114, 248
 - Article 1, 107
 - Article 4, 108
 - Article 8, 108
 - Article 17, 39, 108, 121, 191
 - Article 19, 39
 - Article 22, 40
 - Article 25, 40, 109, 282
 - Article 26, 40
 - Article 28, 169
 - Article 29, 40, 170, 273
 - Article 30, 129
 - EU Regulation, 21, 118, 248
 - insurance, 134
 - Montreal Convention 1999, 153, 186, 190, 248, 344
 - punitive damages, 252
 - wilful misconduct, 109, 136, 171, 280
- Wilful misconduct, 109, 136, 171, 183, 252, 280

Table of cases

Aeroporti di Roma v. Gastaldi Internazionale	40
Air España v. Brien	170
American Home Insurance v. Jacky Maeder	108
Bouso v. Iberia	170
Brink's Ltd v. South African Airways	171
Cathay Pacific v. Fly and See Travel	170
Centennial Insurance v. Burlington Air Express	169
City of NY v. Slater	107
Conrad v. Tokyo Aircraft Instruments Co	104
Cristofari v. Aeroporti di Roma	41
Delta Air Lines v. Sasser	105
Dooley v. Korean Air Lines	171
Feeney v. America West Airlines	108
Fine v. Schneider Air Service	105
Fishman v. Delta Air Lines	108, 170
Gasca v. Empresa de Transporte Aéreo de Perú	170
Hollis v. American Airlines	109
H. Inoue v. Korean Air	39
In re Air crash disaster of Avioteca Flight 901	169
In re Air crash near Cali	277
In re Air crash off Long Island NY	277
Jackson v. USA	107
Japan Airlines v. Port Authority of New York	106
Kelley v. United Airlines	173, 277
Klos v. LOT	169
Lam v. Aeroflot	107
Machline v. Nat'l Helicopter Corp. of America	330
Matrka v. Delta Air Lines	172
Midwestern Mach. v. Northwest Airlines	329
Nazarian v. Air France	329
Newman v. Thompson	277
Potomac Capital Inv. v. KLM	276
Poythress v. Savannah Airport Commission	106
The Queen v. Airports Co-ordination Limited	329

General Index

Ramirez de Arellano v. American Airlines	106
Reynolds v. TWA	172
Rivera v. Delta Air Lines	171
Ryanair v. EU Commission	275
Sanchez v. Air Lingus	173
Shah v. Pan American World Services	332
Smith v. Comair	275
Turnbull v. USAir	330
US Airways v. BA	105
USA v. Germosen	276
USA v. One 1980 Cessna 411 Conquest II aircraft	333
USA v. Rezaq	331
Webster v. Alitalia	104

Germany

Amtsgericht Frankfurt am Main	7 February 1997	40
Amtsgericht Frankfurt am Main	5 September 1997	39
Amtsgericht Nürtingen	17 October 1997	108
Amtsgericht Rüsselsheim	20 October 1997	40
Landgericht Frankfurt am Main	26 April 1997	40
Landgericht Stuttgart	19 August 1997	40
Oberlandesgericht Frankfurt am Main	8 October 1996	40
Oberlandesgericht Köln	9 January 1997	39
Oberlandesgericht München	1 April 1998	109