General Index Volume XII



Leading articles			
Abeyratne, R.I.R.	Negligence of the aircraft commander and bad airmanship – New frontiers	3	
Abeyratne, R.I.R.			
Armstrong, Alan	Aviation safety and the FAA's quality assurance program	114 58	
Awford, Ian	Civil liability concerning unlawful interference with civil aviation	120	
Barlow, Patricia	Aviation antitrust – International considerations after Sunset 1	1, 68	
Crans, Berend J.H.	Article 28 of the Warsaw Convention	178	
Diederiks-Verschoor, I.H.Ph.	Obituary Leslie Robert Edwards	2	
Magdelénat, Jean-Louis	INMARSAT and the satellites for air navigation services	266	
Moussé, Jean	Legal aspects of the new international regime for the operation of air navigation services by EUROCONTROL. The Maas-		
	tricht Area Control Centre	187	
Schmid, Ronald	With twin-jets across the Atlantic - A legal reflection	29	
Tegelberg-Aberson, Emily E.	Freedom in European air transpoirt: the best of two worlds?	282	
Wassenbergh, H.A.	The application of international trade principles to air transport	84	
Notes			
Armstrong, Alan	The pilot's preflight inspection obligations as relates to a mis- fueled aircraft	143	
Goldhirsch, Lawrence	Prescription period for third-party actions under the Warsaw Convention	94	
Kean, Arnold Non-international carriage: Holmes v. Bangladesh Biman Corp. What's going on with the German conversion decree?			
Case law and con	nment		
Verwer, Chr.P.	Charpin & La Mutuelle Générale Française Accidents v. Quaranta & Société Air Inter	205	
Case law digest	39 147 208	296	

News from international organizations

	· ·	
Donato, Angela	Main and new aspects of LACAC	211
Marina Milde, M.	ICAO Legal Committee – 26th Session Chairmen's concluding remarks at the ICC Air Freight Symposium	
Wassenbergh, H.A. and Parikh, Arvind		
van Wijk, Aart	ICAO: Development of an Instrument for Suppression of Unlawful Acts of Violence at Airports serving International	
7777°11	Civil Aviation	50 98
van Wijk, Aart van Wijk, Aart		
		101, 263
Reports of confer	ences	
Mendes de Leon, Pablo	Fourth Lloyd's of London Press International Aviation Law	303
Storm van 's Grave-	Seminar, Algarve, Portugal 11-16 October 1987 Tere- Impressions of the Indonesian-Netherlands joint air law seminar	
sande, J.W.E. Zwaan, Tanja L.	held in Jakarta Aviation security: How to safeguard international air transport	213 102
Zwaan, Tanja L.	Tiviation security. Flow to sateguard international air transport	102
Book reviews	52,	111, 301
nei ie		
Bibliography		
Heere, Wybo P.	Bibliography of air law, 1986	219
Abbreviations		
AFTN	Aeronautical Fixed Telecommunication Network	
AL ALI	Air Law Administrative Law Judge	
AOPA	Aircraft Owners and Pilots Association (US)	
APU	Auxiliary Power Unit	
ASNA ATAA	Aviation Safety and Noise Abatement Act (US) Air Transport Association of America	
ATC	Air Traffic Control	
Avi	Air Traffic Conference (ATAA) (US) CCH Aviation Cases (US)	
BGBl	Bundesgesetzblatt (FRG)	
BGH BFOQ	Bundesgerichtshof (FRG) Bona Fide Occupational Qualification	
CAA	Civil Aviation Authority (UK)	
CAB	Civil Aviation Authority (OK) Civil Aeronautics Board (US)	
CFR	Code of Federal Regulations (US)	
CRS	Computerized Reservation Systems	

Department of Justice (US) Department of State (US) Department of Transport (US)

DOJ DOS DOT **ECAC** European Civil Aviation Conference **FFC** European Economic Community

EEOC Equal Employment Opportunity Commission

Extended Range

ETOPS Extended Range Twin-Jet Operations

Federal Aviation Administration (US) FAA FAR Federal Aviation Regulations (US) Federal Maritime Commission (US) **FMC** Flight Standards District Office (US) **FSDO**

IATA International Air Transport Association **ICAN** International Commission for Air Navigation

ICC International Chamber of Commerce

IFALPA International Association of Airline Pilots' Associations **IMCO** Intergovernmental Maritime Consultative Organization

IMO International Maritime Organization **INMARSAT** International Maritime Satellite Organization

INTELSAT International Telecommunication Satellite Organization

International Union of Aviation Insurers IUAI

IALC Journal of Air Law and Commerce (US)

Juristen Zeitung (FRG) JΖ

Latin American Civil Aviation Commission LACAC

Most Favoured Nation MFN

NAS National Airspace System (US)

National Business Aircraft Association (US) NBAA NIW Neue Juristische Wochenschrift (FRG)

Nautical Miles NM

NTSB National Transportation Safety Board (US)

OECD Organization for Economic Cooperation and Development **OGH** Oberster Gerichtshof der Republik Österreich (Austria)

Qap Quality Assurance Program (US)

RFDA Revue Française de Droit Aérien (France)

RGBl Reichs Gesetz Blatt (Germany)

SDR Special Drawing Right

SITA Société Internationale de Télécommunications Aéronautiques

TranspR Transportrecht (FRG)

UNCLOS United Nations Conference on the Law of the Sea UNCTAD United Nations Conference for Trade and Development

USAvR United States Aviation Reports USC United States Code **USCA** United States Code Annotated

VersR Versicherungsrecht (RFG)

ZLW Zeitschrift für Luft- und Weltraumrecht (RFG)

Subject Index	Aviation
	unlawful interference, 105, 120
Accidents	Aviation personnel, 40, 149, 151, 208, 242
causes unknown, 53	254
hijackings, 130	discrimination, 149
human factors, 302	
in airports, 153	Baggage, 157, 158, 209, 248, 297, 301
investigation, 164, 253	Bankruptcy, 147
private int. law rules, 111	Bibliography of air law, 219, 226
Warsaw Convention, 130, 156, 205	Bilaterals, 236, 282
Agents, 155, 249, 250	fair and equal opportunity, 114, 282, 286
See also Travel agents	GATT, 84, 306
Air Law	liberal -, 25, 286
and maritime law, 225	trade in services, 84, 307
articles, 226	Bonn declaration, 171
bibliography, 219, 226	
congresses, 102, 167, 213, 225	CAB
history, 225	antitrust, 11, 68
serial publications, 226	CRS, 75
	_
Air Traffic Control, 55, 122, 244	Sunset, 76
and aircraft commander, 59	Cappa 41 42 44 154 159 167 248 208
Eurocontrol, 187, 244	Cargo, 41, 42, 44, 154, 158, 167, 248, 298
facility handbook, 59	defective packing, 166
State liability, 41, 153, 244	delay, 44, 154
strikes, 244	insurance, 48
Aircraft	partial loss, 44, 154, 155, 301
accidents, 53, 111, 130, 136, 253	prescription periods, 94, 154, 161
civil v. State, 171	Carriage by air, 246
construction, 241	See also Warsaw Convention
interception, 169	non-international, 145, 159
model –, 240	road transport, 154, 209, 210
overflying -, 46	time-limits, 295
ownership, 241	Carrier
rights in -, 40, 148, 241	duty to transport, 156, 296
sale, 39	hijacking, 138, 139
status of -, 240	liability, 120, 124, 159, 248
ultralights, 240	handling, 298
Aircraft commander, 242	Case law, 231, 237
and ATC, 59	Cause of action, 45, 160
bad airmanship, 3	Charts, 244
criminal liability, 169	liability, 122
final authority, 59	Chicago Convention, 1944, 225, 226
identification, 151, 208	Art. 28, 275
legal status, 170	Art. 37, 274, 278
medical certificate, 47, 152, 165	Art. 38, 279
negligence, 3, 6	Art. 65, 280
preflight inspection, 143	Art. 82, 279
responsibility, 3	Annex 6, 4, 29, 32
suspension of certificate, 152	Annex 10, 274
Aircraft manufacturer, 241	Choice of laws, 111, 161, 299
liability, 39, 53, 122, 148	Claims, 250, 251
Airports, 242-245	Code-sharing, 246
international -, 111	Communications, 244
liability, 122, 153, 243	ICAO, 276
	INMARSAT, 266
safety, 50, 98, 102, 173, 175, 255, 260	SITA, 275
Antitrust, 231 and aviation, 11, 68	
	Competition, 236, 285, 288, 292 , See also Antitrust
authority, 77	Computerized reservation systems, 42, 246
immunity, 21, 74 Asylum, 109	CAB. 75

Consumer interests, 240 Conventions, 101, 263	GATT trade in services, 84, 307
Chicago, 1944, 225, 226	General conditions of transport, 246
Guadalajara, 1961, 155, 246	Germany, FR., 227
The Hague, 1970, 104, 254	gold price, 37, 41, 163, 209
Montreal, 1966, 34	Warsaw Convention, 35
Montreal, 1971, 104	Gold, 251
Montreal, 1975, 112, 245, 305	FR Germany, 37, 41, 163, 209
Tokyo, 1963, 104, 254	Great Britain, 228, 286
Warsaw, 1929, See Warsaw Convention	Gross negligence, 157
Criminal law	limitations of liability,
hijacking, 120, 130, 166, 171, 254	Guadalajara Convention, 1961, 155, 246
aircraft commander, 169	
CRS, 42, 75, 246	The Hague Convention, 1970, 104, 254
5.10, 1.2, 7.1, 2.10	Handicapped persons, 56, 157
Damage by overflying	Handling, 298
mental anguish, 46	Hijackings, 105, 120, 130, 254
Delay, 159	Bonn declaration, 171
cargo, 44, 154	Hague Convention, 1970, 104, 254
See also Overbooking	insurance, 138
Deregulation, 236, 256	mental anguish, 166, 248
EEC, 239, 306	
Laker, 24	IATA, 233
United States, 23, 112, 230	general conditions, 246
Disputes, solution, 256	ratemaking, 27
Drugs, 255	Show Cause Order, 26
	ICAN, 225, 232
ECAC, 238	ICAO, 232, 235
Economic problems, 237	and INMARSAT,
EEC, 237, 282	joint support organization, 243
and aviation, 284	Legal Committee, 174
competition, 285, 288, 292	IFALPA, 169, 233
deregulation, 285, 306	IFATCA, 233
inter-regional aviation, 284	INMARSAT, 266
Nouvelles Frontières, 288	Insurance, 47, 48, 164, 253
Eurocontrol, 187, 244	exclusions, 47, 165
Evidence, 251	hijackings, 138
Extradition, 109	IUAI, 233
_ · · · · · · , • · · · · · · · · · · · ·	medical certificate, 47
FAA, 235	pools, 253
aviation safety, 58	Interest, 163, 251, 299
revocation of licenses, 147	Italy, 227
Fares	Warsaw Convention, 154
See also Tariffs	IUAI, 233
discrimination, 148	•
Flight	Japan, 231
recorders, 171	Jurisdiction
safety, 4, 29, 59, 173, 245	forum non conveniens, 124, 146, 162
Forum non conveniens, 124, 146, 162, 299	lack of -, 124
Forums, 161, 162, 178, 250	universal -, 108
FSIA, 161, 163, 299, 300	,
France, 227, 286	KAL 007, 234
Freedoms, 235	
trade in services, 84	Labour conditions, 40, 149-151, 208, 242
Freight	discrimination, 149
See Cargo	LACAC, 211, 232
Freight forwarders, 160, 167, 184	Laker, 24
Fuel, 237	Leasing, 250
	Liability
	exemption clauses, 247

general, 246 limited –, 249 negligence, 7, 157	Reservation systems, 42, 75, 246 Rights in aircraft, 40, 148, 149, 241 Road transport, 154, 209, 210
punitive damages, 43, 247	
wilful misconduct, 34, 126, 154, 157	Sabotage, 254
Liability for	Safety, 245
accidents, 53	at airports, 50, 98, 102, 173, 175, 210
aeronautical charts, 122, 244 animals, 248, 298	of flight, 4, 29, 59, 302
ATC, 41, 153, 244	twin-jets, 29, 173 Search and seizure, 49, 166
baggage, 157, 248, 297, 301	Servants and agents, 135, 155
cargo, 41-44, 94, 154, 161, 248, 298	SITA, 244, 275
dangerous goods, 249	Slots, 245
delay, 44, 154, 159	Sovereignty in airspace
handling, 298	entrance of foreign aircraft, 234
hijackings, 105, 120, 248, 254	KAL 007, 234
mental anguish, 162, 247, 254	Sri Lanka, bilaterals, 114
overbooking, 45, 160, 249	Successive transports, 299
passengers, 157, 247, 297	Surface damage, 45, 163
Liability of	noise, 252
aircraft commander, 169	Symposiums
aircraft manufacturer, 39, 53, 122, 148, 241	air law seminar, 213
airport operator, 122, 153, 243	aviation security, 102
carrier, 120, 154, 159, 248	ICC freight –, 167
State, 41, 153, 236, 244 Licenses, 41, 147, 151, 242	Tariffs, 27, 148, 282
Elections, 11, 117, 151, 212	Taxes, 237, 244
Military aviation, 256	Terrorism, 102, 120, 255
Montreal	asylum, 109
Agreement, 1966, 34, 301	extradition, 109
Convention, 1971, 104	jurisdiction, 108
airports amendment, 50, 98, 173, 175	State responsibility, 107
Protocols, 1975, 112, 245, 305	Tickets, 42, 209, 296
	See also CRS
Negligence, 3, 6	delivery, 156
liability, 7, 157	non-delivery, 127
The Netherlands, 227	Tokyo Convention, 1963, 104, 254
liberalisation, 286	Traffic rights, 235, 236
Noise, 46, 252 Non-scheduled air transport, 235	See also Bilaterals, Freedoms
Nouvelles Frontières, 237-240, 288	Training flights, 210, 256 Travel agents, 186
Overbooking, 45, 160, 249	agency relation, 160
Ownership of aircraft, 241	commissions, 70
,r	terrorism, 123
Passengers	Twin-jets, 29, 173
duties, 43	, , ,
firearms aboard, 49, 166	Ultralights, 240
handicapped –, 157	UNCLOS, 234
– in custody, 171	Underlying property, 163, 252
limitations period, 160	taking of -, 45
overbooking, 45, 160, 249	United Kingdom, 228, 286
transport, 43, 159, 247	United States of America, 228, 236
Pilot, See Aircraft commander	antitrust, 11, 68
Prescription periods cargo, 94, 154, 161	bankruptcy, 147
passengers, 135, 160	deregulation, 12, 23, 230 forum non conveniens, 124, 146, 162, 299
Private int. law, 111, 161	forums, 162
Products liability, 39, 53, 122, 148, 241	Freedom of Information Act, 253
Punitive damages, 43, 247	FSIA, 161, 163, 299, 300
-	liberal bilaterals, 25

Valuta problems, See Gold

Warehouses, 249 Warsaw Convention, 1929, 245, 303

Art. 1, 96, 154 Art. 3, 127-130, 154

Art. 4, 297

Art. 11, 208 Art. 12, 41

Art. 17, 121, 124, 130, 131, 136, 205

Art. 18, 41, 154, 208, 296

Art. 19, 154, 160

Art. 20, 34, 124, 205

Art. 22, 37, 41, 124, 127, 209, 297

Art. 23, 41, 297

Art. 25, 34, 126, 154

Art. 25A, 135, 155

Art. 26, 155, 301

Art. 28, 124, 163, 178, 299

Art. 29, 42, 94, 135, 155, 160, 161

accidents, 130, 156, 205 cause of action, 45, 160

commentary, 54

embarkation, 131, 296

gross negligence, 157

int. travel, 44

mental anguish, 136

punitive damages, 43

servants and agents, 155

successive transports, 299

third party actions, 94

wilful misconduct, 34, 126, 154, 157

Wilful misconduct, 34, 126, 154, 157

Zoning laws, 45, 243

Table of cases

Administrator v. Doty	143
Aerolíneas Argentinas v. Servair	163
Ahmed al Harby v. Kuwait Airways	296
Alitalia v. Union des Assurances de Paris	154
Amar India v. United India Insurance	48
American Airlines v. Swest	44
Andor v. United Airlines	43
Arkin v. Trans International Airlines	297
Avemco Insurance v. Mocke	49
Avemco Insurance v. U.S. Fire Insurance Co.	164
Balkan Bulagrian Airlines v. Tammaro	154
Bandelloni v. Icomsa	155
Barkanic v. People's Republic of China	163
Bode v. Pan Am	46
Bonner v. U.S. Fire Insurance Co.	165
Brandwein v. Fourlite International	209
Brill v. Indianapolis Life	48
Capitol Technical Services v. FAA	46
Charpin et La Mutuelle Générale v. Quaranta	205
Christie v. Miller	163
Compass v. Moore	149
Cristini v. Air France and Air India	154
Darras v. TWA	166
Deiro v. American Airlines	298
di Giuseppe v. Alitalia	157
Duhe v. Delta Air Lines	159
Eastern Aviation v. Gilbertson	47
Eli-Lily Argentina v. Aerolíneas Argentinas	299
Equal Employment Opportunity Commission v. Pan Am	150
First National Rank v. Lachanmyor	148
First National Bank v. Lachenmyer Forrester v. Port Authority of NY and NJ	153
Total Continuing of the and the	100
Gayda v. U.S.S.R.	300
Go Leasing v. N.T.S.B.	147
Goodspeed v. Airborne Express	150
Graham v. Teledyne-Continental Motors	164
Green v. American Airlines	159
Green Acres v. Mid-Atlantic Cars	40
Greenberg v. Maryland	45
Harpalani v. Air India	43
Harris v. LOT	161
Harvest Tones v. Pakistan International Airlines	43, 44
Hatzlach Supply v. Lufthansa	42
Heller v. U.S.A.	152
Hervey v. American Airlines and Yukon Travel	43
Holmes v. Bangladesh Biman Corp.	145
Ideal Insurance Co. v. Patzer	47
Ideal Mutual Insurance Co. v. Myers	48
Iervolino v. Delta	40
Illinois Corporate travel v. American Airlines	160
In re: Harr	45

315

In re: Jet Florida System In re: Nantucket Aircraft Maintenance Co.	147 209
Industrial Drug Supplies v. H. & H Shipping	158
Insurance Co. v. Mather	47
Insurance Co. v. Pan Am	45
Interglobe Imports v. Alisped International Forwarding	161
JAL v. Dole	148
Kenner Products v. Flying Tiger Line	298
Khalessizadeh v. SAS	43
Kryvicky v. SAS	162
Lemly v. TWA	44, 159
Líneas Aéreas del Caribe v. DOT	47
McMillan v. Port Authority of NY and NJ	210
Marconi Italiana v. Alitalia	154
Margrave v. British Airways	156
Marino v. Air France Maro Leather v. Aerolíneas Argentinas and TWA	154 161
Matthews v. TWA	. 149
Mergenthaler Linotype v. TWA	161
Monarch Insurance v. Siegel	40
Montazami v. Kuwait Airways	297
Musso v. Tourlite International	45
Nesselrode v. Executive Beechcraft	39
New Hampshire Insurance Co. v. U.S.A.	153
Newsome v. Trans International Airlines Northwest Airlines v. Air Line Pilots Ass. Int.	156, 159, 160
Northwest Airlines V. Air Line Filots Ass. Int.	150, 153
Pacific Southwest Airlines v. Teamsters	40
Paralyzed Veterans v. CAB	157
Piscitello v. ITAVIA	157
Rachford v. Evergreen International Airlines	149
Ramirez v. Eastern Air Lines Ranger Insurance v. Robertson	43 40, 165
Reliance Insurance v. Swissair	154
Republic Airlines v. United Airlines	42
Republic National Bank of NY v. Eastern Airlines	158, 297
Rhymes v. Arrow Air	162
Riccioli v. LAI	155
Roach v. N.T.S.B.	152 299
Rodriguez Diaz v. Mexicana and Boeing Ruiz v. People's Express	166
Saint Paul Fire and Marine Insurance v. SEA	155
Saint Paul Insurance v. Viasa	161
Sanchez v. Avianca	160
Santoboni v. Japan Airlines	155
Security Insurance v. Andersen	165
Siemens v. KLM Smedresman v. United Air Lines	44 162
Soria v. Sierra Pacific Airlines	156
Soury v. Tourlite International	. 209
Southmark Envicon v. United Airlines	42
Split End v. Dimerco Express	45
Springer v. U.S.A.	153

316

Stanford v. Kuwait Airways Stevens v. Cessna Aircraft Sutherland v. Great Fidelity Swissair v. Benn			156, 162 148 48 209
Tote v. Iberia Transbrasil v. DOT Transimpianti Kuehne e Nagel v. Air France and SEA			299 46 160
Uniden v. Federal E. Urdahl v. Eastern A. USAir v. Suburban A. US Helicopters v. Bl U.S.A. v. Gutierrez	irlines Airlines		158 151 299 210 49
Valentine v. U.S.A. Vaughn Gibbs v. Air	· Canada		41 298
Williams v. Air Lingus, Lufthansa et al. Williams v. Hughes Helicopters Wolgel v. Mexicana Airlines			296 150 - 160
Federal Republic	c of Germany		
Bundesgerichtshof		30.11.1983 10.10.1985 1.10.1986 9. 4.1987	164 41 166 209
Oberlandesgericht	Düsseldorf Frankfurt Hamburg Hamm Köln Nürnberg	31. 7.1986 22.10.1986 11.11.1981 23. 6.1986 7. 4.1987 31.12.1986 4.12.1981 24. 4.1980 29. 5.1987 9. 2.1984	41 151 154, 155 42 209 209, 210 164 208 296
Landgericht	Stuttgart Frankfurt Hamburg	6. 1.1987 17.12.1985	208 163
Amtsgericht	Düsseldorf	27. 2.1986	156
Bundesarbeitsgericht		14. 5.1987	208