

Contents

| | |
|---|-----------|
| Abbreviations | 7 |
| Preface | 9 |
| Introduction | 11 |
| CHAPTER I | |
| Advance Payments – Proposals for Supplementary Provisions | 20 |
| 1. Prologue | 21 |
| 2. Why have advance payments to crash survivors and victims' families become necessary? | 22 |
| 3. The responsibilities of the carrier/airline/operator in an incident with/without fatalities | 24 |
| 4. Discussion | 25 |
| 5. Proposal | 34 |
| 6. Summary and recommendations | 34 |
| CHAPTER II | |
| Liabilities Deriving from State Aircraft Accidents Still Kept Beyond International Regulation..... | 36 |
| 1. Introduction..... | 36 |
| 2. Croatia USAF CT-43 crash (April 3 rd , 1996) | 37 |
| 3. Namibia mid-air collision (Luftwaffe Tu154 and US Air Force C141) | 38 |
| 4. Cavalese cable car disaster | 39 |
| 5. Polish Air Crash, Smolensk | 41 |
| 6. Conclusion | 51 |
| CHAPTER III | |
| “Extraordinary Circumstances” Under EU Air Carrier’s Liability Supplementary Regulation | 53 |
| 1. Introduction..... | 53 |
| 2. Examples of “extraordinary circumstances”..... | 55 |
| 3. <i>Wallentin-Hermann v. Alitalia</i> | 56 |
| 4. “Extraordinary circumstances” vs. force majeure | 58 |
| 5. Conclusion | 58 |

CHAPTER IV

| | |
|--|-----------|
| From ICAO Guide to Policy Statement on Assistance to Aircraft Accident Victims and Their Families | 65 |
| 1. Introduction | 65 |
| 2. Progress made and lessons learned from air crash crisis management – The victims' experiences – The review of some major air accidents | 65 |
| 3. Guidance on Assistance to Aircraft Accident Victims and their Families (Cir 285) | 71 |
| 4. ICAO Policy on Assistance to Aircraft Accident Victims and their Families | 72 |
| 5. Conclusion | 74 |

CHAPTER V

| | |
|---|-----------|
| The Montreal Convention 2009 And 9/11 – Unsuccessful Efforts to Establish The International Civil Aviation Compensation Fund | 76 |
| 1. Introduction | 76 |
| 2. Rome system modernization | 77 |
| 3. Montreal Convention 2009 | 79 |
| 4. Criticism of the MC 2009 | 82 |
| 5. Conclusion | 83 |

Chapter VI

| | |
|---|-----------|
| Some Lessons Learned from Aircraft Investigations in Europe..... | 85 |
| 1. Introduction | 85 |
| 2. Chicago Convention – Annex 13 vs. European regulation 996/2010 | 86 |
| 3. The safety investigating authorities | 87 |
| 4. AF 447 and AF 4590 (Concorde) | 88 |
| 5. Conclusion | 90 |

| | |
|---------------------------------|-----------|
| General Conclusion | 91 |
|---------------------------------|-----------|

| | |
|---------------------------|-----------|
| Bibliography | 94 |
|---------------------------|-----------|

| | |
|-------------------------|-----------|
| Appendices | 97 |
|-------------------------|-----------|