

## AIR LAW INSTRUMENTS

### I. Public International Air Law Instruments

#### "CHICAGO" ACTS AND RELATED PROTOCOLS:

- Convention Relating to the Regulation of Aerial Navigation, Signed at Paris, on 13 October 1919 [Paris Convention 1919] *[No longer in force]*
- Convention on International Civil Aviation, signed at Chicago, on 7 December 1944 [Chicago Convention] & *List of Parties*
- International Air Services Transit Agreement, signed at Chicago, on 7 December 1944 [Transit Agreement] & *List of Parties*
- International Air Transport Agreement, signed at Chicago, on 7 December 1944 [Transport Agreement] & *List of Parties*
- Protocol Relating to an Amendment to the Convention on International Civil Aviation, signed at Montreal, on 27 April 1947 [Article 93bis] & *List of Parties*
- Protocol Relating to an Amendment to the Convention on International Civil Aviation, signed at Montreal, on 14 June 1954 [Article 45] & *List of Parties*
- Protocol Relating to an Amendment to the Convention on International Civil Aviation, signed at Rome, on 15 September 1962 [Article 48(a)] & *List of Parties*
- Protocol on the Authentic Trilingual Text of the Convention on International Civil Aviation, signed at Buenos Aires, on 24 September 1968 [Trilingual Text] & *List of Parties*
- Protocol Relating to an Amendment to the Convention on International Civil Aviation, signed at Montreal, on 30 September 1977 [Final Clause, Russian Text] & *List of Parties*
- Protocol on the Authentic Quadrilingual Text of the Convention on International Civil Aviation, signed at Montreal, on 30 September 1977 [Quadrilingual Text] & *List of Parties*
- Protocol Relating to an Amendment to the Convention on International Civil Aviation, signed at Montreal, on 6

October 1980 [Article 83bis] & *List of Parties*

- Protocol Relating to an Amendment to the Convention on International Civil Aviation, signed at Montreal, on 10 May 1984 [Article 3bis] & *List of Parties*
- Protocol Relating to an Amendment to the Convention on International Civil Aviation, signed at Montreal, on 6 October 1989 [Article 56] & *List of Parties*
- Protocol Relating to an Amendment to the Convention on International Civil Aviation, signed at Montreal, on 26 October 1990 [Article 50(a)] & *List of Parties*
- Protocol on the Authentic Quinquelingual Text of the Convention on International Civil Aviation, signed at Montreal, on 29 September 1995 [Quinquelingual Text] & *List of Parties*
- Protocol on the Authentic Six-Language Text of the Convention on International Civil Aviation, signed at Montreal, on 1 October 1998 [Six-Language Text] & *List of Parties*

#### "AVIATION SECURITY" INSTRUMENTS:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo, on 14 September 1963 [Tokyo Convention] & *List of Parties*
- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague, on 16 December 1970 [The Hague Convention] & *List of Parties*
- Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal, on 23 September 1971 & *List of Parties*
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal, on 23 September 1971, signed at Montreal on 24 February 1988 & *List of Parties*
- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal, on 1 March 1991 (Montreal Convention 1991) & *List of Parties*

- Joint Statement on International Terrorism: Canada, Federal Republic of Germany, France, Italy, Japan, United Kingdom, United States, signed at Bonn, on 17 July 1978 (Bonn Declaration 1978)

#### “JOINT FINANCING” INSTRUMENTS:

- Agreement on the Joint Financing of Certain Air Navigation Services in Iceland (1956), as amended by the Montreal Protocol of 1982, signed in Geneva, on 25 September 1956 (Joint Financing Iceland) & *List of Parties*
- Protocol For The Amendment Of The 1956 Agreement On The Joint Financing Of Certain Air Navigation Services In Greenland And The Faroe Islands, Signed at Montreal on 3 November 1982

#### EUROPEAN COMMISSION’S THIRD PACKAGE OF AIR TRANSPORT LIBERALIZATION

- Council Regulation (EEC) No 2407/92 of 23 July 1992 on licencing air carriers
- Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes
- Council Regulation (EEC) No. 2409/92 of 23 July 1992 on fares and rates for air services

#### MULTILATERAL AND BILATERAL AIR TRANSPORTATION AGREEMENTS

- Air Service Agreement between the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland, signed at Bermuda on 11 February 1946
- Air Transport Agreement between the Government of the United States and the Government of the Kingdom of the Netherlands, Signed at Washington, on 3 April 1957 as amended
- Protocol between the Government of the United States of America and the Government of Belgium Relating to Air Transport, Signed at Brussels on December 12 and 14, 1978
- US Current Model Open Skies Agreement
- US Department of Transportation (DOT) in the Matter of Defining “Open Skies”, Docket 48130, Order 92-8-13, Issued in 1992

- Multilateral Agreement on the Liberalization of International Air Transportation [MALIAT], done at Washington on 1 May 2001 by the Asia-Pacific Economic Cooperation Members

## **II. Private International Air Law Instruments**

### “WARSAW SYSTEM”

- Convention pour l’unification de certains règles relatives au transport aérien international, signée à Varsovie, le 12 octobre 1929 (Convention de Varsovie)
- Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw, on 12 October 1929 (Warsaw Convention)
- Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on 12 October 1929, done at The Hague on 28 September 1955 (The Hague Protocol 1955) & *List of Parties [Convention and Protocol]*
- Convention Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier, signed in Guadalajara, on 18 September 1961 (Guadalajara Convention) & *List of Parties*
- Protocol to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air, signed at Warsaw on 12 October 1929, as Amended by the Protocol done at The Hague, signed at Guatemala City, on 8 March 1971 (Guatemala City Protocol) & *List of Parties*
- Additional Protocol No. 1 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on 12 October 1929, signed at Montreal, on 25 September 1975 (Additional Protocol No. 1) & *List of Parties*
- Additional Protocol No. 2 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on 12 October 1929, as Amended by the Protocol done at The Hague on 28 September 1955, signed at Montreal, on 25 September 1975 (Additional Protocol No. 2) & *List of Parties*
- Additional Protocol No. 3 to Amend the Convention for the Unification of

Certain Rules Relating to International Carriage by Air, signed at Warsaw on 12 October 1929, as Amended by the Protocol done at The Hague on 28 September 1955 and at Guatemala City on 8 March 1971, signed at Montreal, on 25 September 1975 (Additional Protocol No. 3) & *List of Parties*

- Montreal Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air, signed at Warsaw on 12 October 1929, as Amended by the Protocol done at The Hague on 28 September 1955, signed at Montreal, on 25 September 1975 (Montreal Protocol No. 4) & *List of Parties*

#### MONTREAL CONVENTION (1999)

- Convention for the Unification of Certain Rules for International Carriage by Air, signed at Montreal on 28 May 1999 (Montreal Convention) & *List of Parties*

#### OTHER PRIVATE INTERNATIONAL AIR LAW CONVENTIONS

- Convention on the International Recognition of Rights in Aircraft, signed at Geneva, on 19 June 1948 (Geneva Convention 1948) & *List of Parties*
- Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, signed at Rome, on 7 October 1952 (Rome Convention 1952) & *List of Parties*
- Protocol to Amend the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, signed at Rome, on 7 October 1952 (Montreal Protocol 1978) & *List of Parties*
- Convention on International Interests in Mobile Equipment, done at Cape Town on 16 November 2001 (Cape Town Convention, 2001) & *List of Parties*
- Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment & *List of Parties*

#### INTERCARRIER LIABILITY AGREEMENTS AND OTHER LIABILITY MATERIAL

- Montreal Intercarrier Agreement, 1966
- IATA Intercarrier Agreement on Passenger Liability (IIA), with the *List of Signatories*

- Measures to Implement the IATA Intercarrier Agreement (MIA) with the *List of Signatories*
- Air Transport Association of America (ATA); Provisions Implementing the IATA Intercarrier Agreement to be Included in Conditions of Carriage and Tariffs (IPA), with the *List of Signatories*
- US Department of Transportation Order 97-1-2, 1997 Approving the IIA, MIA and IPA
- Japan Airlines' Conditions of Carriage, Effective November 20, 1992
- Council Regulation (EC) No 2027/97 of 9 October 1997 on Air Carrier Liability in the Event of Accidents
- Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 Amending Regulation (EC) No 2027/97 on Air Carrier Liability in the Event of Accidents
- United Kingdom Statutory Instrument – Air Carrier Liability Order, 1998

### **III. Selected Case Law**

#### UNITED STATES SUPREME COURT'S CASES

- *Air France v. Saks*, 470 U.S. 392 (1985)
- *Chan v. Korean Airlines, Ltd.*, 490 U.S. 122 (1989)
- *Eastern Airlines Inc. v. Floyd*, 499 U.S. 530 (1991)
- *Zicherman v. Korean Air Lines*, 516 U.S. 217 (1996)
- *El Al Israel Airlines v. Tseng*, 525 U.S. 155 (1999)
- *Olympic Airways v. Husain*, 540 U.S. 644 (2004)

#### UNITED STATES LOWER COURTS' CASES

- *Jack v. Trans World Airlines, Inc.*, 854 F. Supp. 654 (N.D. Cal. 1994)
- *Benjamins v. British European Airways*, 572 F.2d 913 (2d Cir. 1978)
- *Day v. Trans World Airlines*, 528 F.2d 31 (2d Cir. 1975)
- *Wallace v. Korean Air Lines*, 214 F.3d 293 (2nd Cir. 2000)
- *Avero Belgium Insurance v. American Airlines, Inc.*, 423 F.3d 73 (C.A. 2 N.Y. 2005)
- *British Caledonian Airways Ltd. v. FAA*, 665 F.2d 1153, C.A.D.C., 1981

#### UNITED KINGDOM HOUSE OF LORDS' CASES

- *Sidhu v. British Airways*, [1997] 2 Lloyd's Rep. 76
- *King v. Bristow Helicopters Ltd.*, [2002] 1 Lloyd's Rep. 745

- *Gatewhite v. Iberia Lineas Aereas de Espana*, [1989] 1 All E.R. 944, 1 Lloyd's Report 160

#### ISRAELI SUPREME COURT'S CASE

- *Cie Air-France c. Consorts Teichner* (Cour supreme de l'état d'Israel, 22 octobre 1984) [text in French only]

#### NEW ZEALAND COURT OF APPEAL' CASE

- *New Zealand Air Line Pilots' Association v. Air Transport Accident Investigation Commission*, [1997] CA 300/96, CA 301/96 (16 June 1997)

#### AUSTRALIAN COURTS' CASES

- *Qantas Ltd. v. Povey*, [2003] VSCA 227, 2003 WL 23000693 (Dec. 23, 2003)
- *Agtrack (NT) Pty Limited v Hatfield* [2005] HCA 38
- *Air Link Pty Limited v Paterson* [2005] HCA 39

#### EUROPEAN COURT OF JUSTICE'S CASES

- E.C.J. *Commission v United Kingdom*, C-466/98 [2002] E.C.R. I-9427;
- E.C.J. *Commission v Denmark*, C-467/98 [2002] E.C.R. I-9519;
- E.C.J. *Commission v Sweden*, C-468/98 [2002] E.C.R. I-9575;
- E.C.J. *Commission v Finland*, C-469/98 [2002] E.C.R. I-9627;
- E.C.J. *Commission v Belgium*, C-471/98 [2002] E.C.R. I-9681;
- E.C.J. *Commission v Luxembourg*, C-472/98 [2002] E.C.R. I-9741;
- E.C.J. *Commission v Austria*, C-475/98 [2002] E.C.R. I-9797;
- E.C.J. *Commission v Germany*, C-476/98 [2002] E.C.R. I-9855.

### **SPACE LAW INSTRUMENTS**

#### SPACE LAW TREATIES

- Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, opened for signature at Moscow, London and Washington, on 27 January 1967 (Outer Space Treaty) & *List of Parties*

- Agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space, opened for signature at Washington, London and Moscow on 22 April 1968 (Rescue Agreement) & *List of Parties*
- Convention on the international liability for damage caused by space objects, opened for signature at London, Moscow and Washington on 29 March 1972 (Liability Convention) & *List of Parties*
- Convention on Registration of Objects Launched into Outer Space, adopted by the General Assembly of the United Nations, at New York, on 12 November 1974 (Registration Convention) & *List of Parties*
- Agreement governing the activities of states on the moon and other celestial bodies (Moon Agreement) & *List of Parties*

#### UNITED NATIONS RESOLUTIONS RELATING TO OUTER SPACE

- Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space [General Assembly Resolution 1962 (XVIII) of 13 December 1963]
- Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting [Resolution 37/92 of 10 December 1982]
- Principles Relating to Remote Sensing of the Earth from Outer Space [Resolution 41/65 of 3 December 1986]
- Principles Relevant to the Use of Nuclear Power Sources in Outer Space [Resolution 47/68 of 14 December 1992]
- Declaration on International Cooperation in the Exploration and Use of Outer Space the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries [Resolution 51/122 of 13 December 1996]
- International Cooperation in the Peaceful Uses of Outer Space [Resolution 59/116 of 25 January 2005]
- Prevention of an Arms Race in Outer Space [Resolution 59/65 of 17 December 2004]

- Application of the Concept of the “Launching State” [Resolution 59/115 of 25 January 2005]

#### OTHER INTERNATIONAL SPACE LAW INSTRUMENTS

- Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, Signed at Moscow, on 5 August 1963 [Test-Ban Treaty] & *List of Parties*
- Convention Relating to the Distribution of Programme -Carrying Signals Transmitted by Satellite, done on 21 May 1974, at Brussels [Brussels Convention] & *List of Parties*
- Convention on the Transfer and Use of Data of Remote Sensing of the Earth from Outer Space, opened for signature in Moscow on 19 May 1978 & *List of Parties*
- European Convention Relating to Questions on Copyright Law and Neighboring Rights in the Framework of Transfrontier Broadcasting by Satellite (1994) & *List of Parties*
- Constitution of the International Telecommunication Union, done at Geneva, on 22 December 1992, as amended by the Plenipotentiary Conference (Kyoto 1994), by the Plenipotentiary Conference (Minneapolis 1998), and by the Plenipotentiary Conference (Marrakesh 2002) (selected provisions)
- Convention of the International Telecommunication Union, done at Geneva, on 22 December 1992, as amended by the Plenipotentiary Conference (Kyoto 1994), by the Plenipotentiary Conference (Minneapolis 1998), and by the Plenipotentiary Conference (Marrakesh 2002) (selected provisions) & *List of ITU Member States*
- International Radio Regulations as adopted by the World Radiocommunication Conference (Geneva, 1995) as subsequently revised by the WRC Geneva, 1997, the WRC, Istanbul, 2000, and the WRC Geneva, 2003 (selected provisions)
- Agreement among the Government of Canada, Governments of Member States of the European Space Agency, the Government of Japan, the Government of Russian Federation and the Government of the United States of America concerning cooperation on the Civil International Space Station (1998)
- Agreement among the Government of the Republic of Kazakhstan, the Government of the Russian Federation and the Government of the United States of America on Technology Safeguards associated with the Launch by Russia of US Licensed Spacecraft from the Baikonur Cosmodrome (1999)
- Multilateral Agreement between the Government of the Federative Republic of Brazil and the Government of the United States of America on Technology Safeguards Associated with US Participation in launches from the Alcantara Spaceport (18 April 2000)
- Agreement between the French Government and the European Space Agency concerning the Guiana Space Centre (29 November 1993) (selected provisions)
- Memorandum of Agreement on Liability for Satellite Launches Between the Government of the United States of America and the Government of the People’s Republic of China (17 December 1988)
- Disintegration of COSMOS 954 over Canadian territory in 1978: Protocol between the Government of Canada and the Government of the Union of Soviet Socialist Republics
- Resolution of the Council of the European Space Agency on the Agency’s Legal Liability (ESA/C/XXII/Res.3, 13 December 1977)

#### MULTILATERAL AND BILATERAL AGREEMENTS GOVERNING SPACE ACTIVITIES