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The Fifth International Conference
“Aviation and Space Insurance in Russia”
Aviation Claims Worldwide – Issues of Compensation,
Strategy and Jurisdiction
27 February 2014

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STATISTICS

2012 and 2013 – Two of the safest years on record for aviation

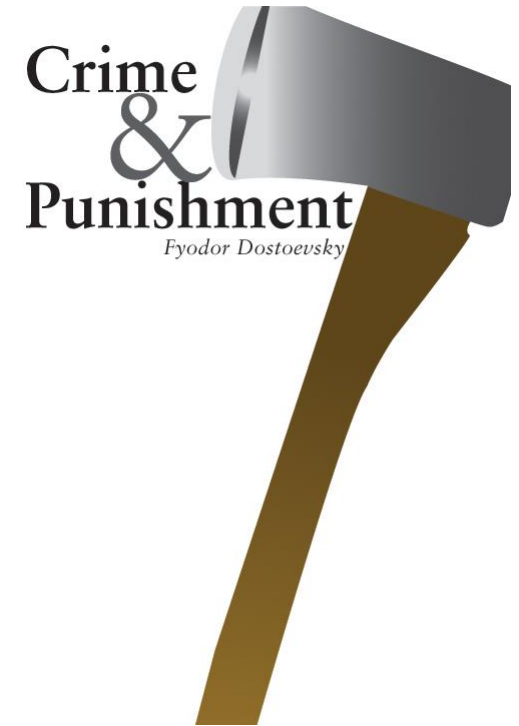
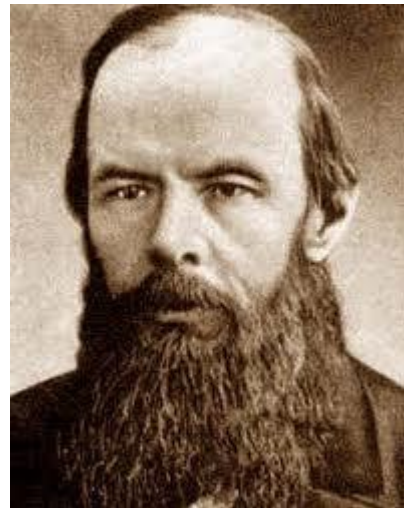
Industry rate for western built jet hull losses per million sectors 0.2 as opposed to 0.37 for 2011

Significant losses – Asiana flight 214 – 6 July 2013 and Tatarstan flight 363 on 18 November 2013

But interesting trends in litigation



REGULATORY ENFORCEMENT



REGULATORY ENFORCEMENT (cont)

- US and Canadian Enforcement Agencies
- IATA Standard form Conditions Recommended Practice 1724 and associated tariffs
- “Not responsible for valuable, fragile or perishable items such as money, currencies, jewellery, works of art, precious metals, silverware, securities or other valuables, expensive clothes, optical or photographic appliances, computers, electronic and/or telecommunications equipment or appliances.”
- Conflict Article 23 Warsaw Convention/Article 47 Montreal Convention
- Fines levied on Air France, Alitalia, Korean Airlines. Complaints against Westjet and Air Transat
- Relevant to those flying to US and with codeshare partners



MEDICAL EMERGENCIES



MEDICAL EMERGENCIES (cont)

- Normally arise from passenger's own medical condition
- Usual allegation is lack of adequate response
- What medical equipment is carried on board?
- Are the crew properly trained?
- Is there a third party expert provider – were they consulted and were their recommendations followed?
- Diversion – who decides and when?

DISABLEMENT/DISCRIMINATION

- Increased focus on rights of persons with reduced mobility
- Difficult interface between regulations and Warsaw/Montreal Conventions
- Stott v Thomas Cook and Hook v British Airways [2012]



SEX AND DRUGS



SEX AND DRUGS (and food?)



KIDNAPPING

- US Government stats – 2011 international abductions tripled in ten years
- 405 in 2000 and 1,135 in 2009
- Bower v El-Nady and Egyptair



HIJACKING

- Eid v Alaskan Airlines [2011]



FRANCE



JURISDICTIONAL ISSUES

- Kunze Bejon v PIA [2005]
- Armavia flight RN967
- Manufacturer has no better jurisdictional rights than passenger under Warsaw/Montreal Conventions
- Article 42(1) and 42(2) of the New Code of French Procedure
- Forum shopping plaintiffs – abuse of process?

Thank you
Спасибо

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