



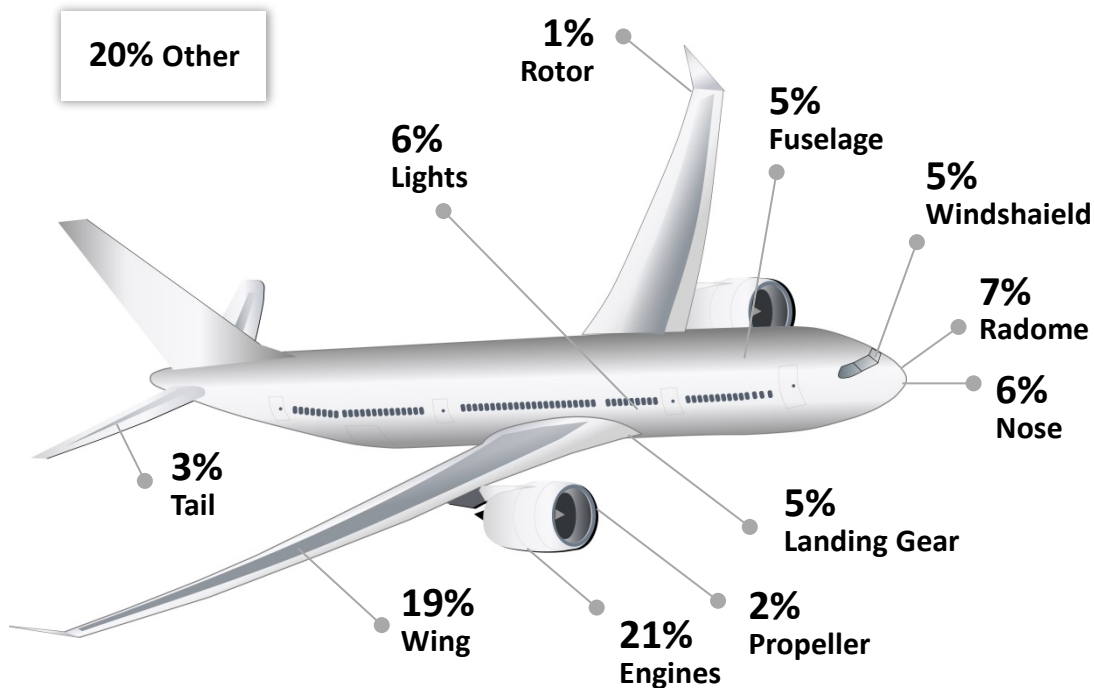
Bird strikes: who is liable?

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Bird strikes statistics

Parts of Aircraft Damage*



Bird strikes in Russian airports **

Year	Bird strikes
2015	85
2016	86
2017	110
01.2018 - 05.2018	16

*Source: International Civil Aviation Organization, 2017

** Source:

Russian Civil Aviation Authority, 2018

Types and amounts of damages recovered by the courts

AVG

100 000 USD

MAX

1,6 million USD

Typically the courts recover:

- price of the diagnostics of the damaged parts,
- price of the spare parts or of repair of the damaged parts, primarily the fan blades,
- repair services,
- in case of return to the airport of departure – price of fuel, crew salary, costs of passengers service, costs of the replacement flight
- in case of repair in the airport other than the place of incident discovery – costs of service (repair) flight



Airlines (and their insurers) vs. Airports (and their insurers)



After the incident: facts to prove for each party

Airline	Airport
the damage is caused by the bird strike and not by other factors	the damage is caused by a factor other than the bird strike (e.g. collision with a hard object, wear and tear of the details)
the bird strike occurred in the area of responsibility of the airport	the bird strike occurred outside the area of responsibility of the airport
	(anew in each new case) it is impossible to completely eliminate birds from the area of responsibility of the airport
	the airport services fulfilled all the ornithology-related obligations at the time of the incident
documentary confirmation of the repair and other related expenses	expenses declared by the airline are excessive for the type of damages occurred

After the incident: Action Plan for each party

Airlines	Airports
to fix and record evidences from the very early stage of investigation, <u>especially the bird remains</u>	to fix and record evidences from the very early stage of investigation, <u>especially the type and character of damages</u>
	to engage loss adjusters and lawyers from the very early stage
it might be more preferable for the airline to have the investigation conducted in the airport other than the airport where the bird strike occurred (e.g. in the airport of arrival in case the bird strike occurred in the airport of departure)	
to have as many members of the Investigation Commission as possible	

After the incident: Action Plan for each party

Airlines

to request the biochemical expertize of the bird remains or of the 'brown spots' within the framework of the incident investigation

to instruct the members of the Investigation Commission to write detailed dissenting opinions and objections on every suitable occasion, but in any event before the Investigation Commission issues its final report

to collect and to keep as much evidences of costs of repair and associated costs as possible (Russian courts are very formalistic in that regard)

Airports

to provide within the framework of the incident investigation the detailed and exhaustive information confirming that the airport fulfilled its obligation to ensure the ornithological safety at the time of the incident



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