



Universiteit
Leiden
The Netherlands

The regime for international air carrier liability: to what extent has the envisaged uniformity of the 1999 Montreal Convention been achieved?

Grigorieff, C.I.

Citation

Grigorieff, C. I. (2021, November 17). *The regime for international air carrier liability: to what extent has the envisaged uniformity of the 1999 Montreal Convention been achieved?*. Meijers-reeks. Retrieved from <https://hdl.handle.net/1887/3240115>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/3240115>

Note: To cite this publication please use the final published version (if applicable).

Selected Bibliography

LEGISLATIVE DOCUMENTS

International Law

Treaties

- International Convention concerning the Carriage of Goods by Rail, 14 October 1890, Bern
- Convention Relating to the Regulation of Aerial Navigation, 13 October 1919, Paris, LNTS, 11, p. 173, entry in force 29 March 1922
- International Convention concerning the Carriage of Goods by Rail, 23 October 1924, Bern
- International Convention concerning the Carriage of Passengers and Luggage by Rail, 23 October 1924, Bern
- Convention for the Unification of Certain Rules Relating to International Carriage by Air, 12 October 1929, Warsaw, LNTS, 137, p. 11, entry in force 13 February 1933
- Convention for the Unification of Certain Rules relating to the Precautionary Attachment of Aircraft, 29 May 1933, Rome, LNTS, 192, p. 289, entry in force 12 January 1937
- Convention for the Unification of Certain Rules relating to Damage caused by Aircraft to Third Parties on the Surface, 29 May 1933, Rome
- Convention on International Civil Aviation, 7 December 1944, Chicago, ICAO Doc 7300, entry in force 4 April 1947
- Convention on the International Recognition of Rights in Aircraft, 19 June 1948, Geneva, ICAO Doc 7620, entry in force 17 September 1953
- Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface, 7 October 1952, Rome, ICAO Doc 7364, entry in force 4 February 1958
- Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12 October 1929, 28 September 1955, The Hague, ICAO Doc 7632, entry in force 1 August 1963
- Convention on the Contract for the International Carriage of Goods by Road (CMR), 19 May 1956, Geneva, UNTS, 399, p. 189, entry in force 2 July 1961
- 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, 18 September 1961, Guadalajara, ICAO Doc 8181, entry in force 1 May 1964
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, 14 September 1963, Tokyo, ICAO Doc 8364, entry in force 4 December 1969
- Vienna Convention on the Law of Treaties 1969, 23 May 1969, Vienna, UNTS, 1155, I-18232, entry in force on 27 January 1980
- 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 on 28 September 1955, 8 March 1971, Guatemala City, ICAO Doc 8932, not in force

- Convention for the Suppression of Unlawful Acts against Safety of Civil Aviation, 23 September 1971, Montreal, ICAO Doc 8966, entry in force 26 January 1973
- Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR), 1 March 1973, Geneva, UNTS, 1774, I-30887, entry in force 12 April 1994
- Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (PAL), 13 December 1974, Athens, UNTS, 1463, I-24817, entry in force 28 April 1987
- Additional Protocol No 1 to Amend Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929, 25 September 1975, Montreal, ICAO Doc 9145, entry in force 15 February 1996
- Additional Protocol No 2 to Amend 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, 25 September 1975, Montreal, ICAO Doc 9146, entry in force 15 February 1996
- Additional Protocol No 3 to Amend 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, 25 September 1975, Montreal, ICAO Doc 9147, not in force
- Montreal Protocol No 4 to Amend 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, 25 September 1975, Montreal, ICAO Doc 9148, entry in force 14 June 1998
- United Nations Convention on the Carriage of Goods by Sea, 31 March 1978, Hamburg, UNTS, 1695, I-29215, entry in force 1 November 1992
- Convention concerning International Carriage by Rail (COTIF), 9 May 1980, Bern, UNTS, 1396, I-23353, entry in force 1 May 1985
- United Nations Convention on Contracts for the International Sale of Goods, 11 April 1980, Vienna, UNTS, 1489, I-25567, entry in force 1 January 1988
- United Nations Convention on the Law of the Sea, 10 December 1982, Montego Bay, UNTS, 1834, I-31363, entry in force 16 November 1994
- Vienna Convention on the Law of Treaties between States and International Organizations or between International Organization, 21 March 1986, Vienna, not in force
- Convention on Jurisdiction and the Enforcement of Judgements in Civil and Commercial Matters, 16 September 1988, Lugano, UNTS, 1659, I-28551, entry in force 1 January 1992
- Convention for the Unification of Certain Rules for International Carriage by Air, 28 May 1999, Montreal, UNTS, 2242, I-39917, entry in force 4 November 2003
- Protocol for the modification of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 (Protocol 1999), 3 June 1999, Vilnius, UNTS, 2828, I-23353, entry in force 1 July 2006
- Agreement between the European Community and the Swiss Confederation on Air Transport, 21 June 1999, Luxembourg, *Official Journal*, L 114/73 (regularly amended)
- Convention on International Interests in Mobile Equipment, 16 November 2001, Cape Town, ICAO Doc 9793, entry in force 1 March 2006
- Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, 16 November 2001, Cape Town, ICAO Doc 9794, entry in force 1 March 2006

- Protocol of 2002 to the Athens Convention relating to Carriage of Passengers and their Luggage by Sea, 1974, 1 November 2002, London, UNTS, A-24817, entry in force 23 April 2014
- Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area, 2006, *Official Journal*, 16 October 2006, L 285/3
- Air Transport Agreement between the United States of America and the European Community and its Member States, 25-30 April 2007, Brussels and Washington, *Official Journal*, 25 May 2007, L 134/4
- United Nations Convention on the Contracts for the International Carriage of Goods Wholly or Partly by Sea, 11 December 2008, New York, not yet in force.
- Convention on Compensation for Damage Caused by Aircraft to Third Parties, 2 May 2009, Montreal, ICAO Doc 9919, not in force
- Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft, 2 May 2009, Montreal, ICAO Doc 9920, not in force
- Protocol to amend the Air Transport Agreement between the United States of America and the European Community and its Member States signed at Brussels and Washington on 25 and 30 April 2007, 24 June 2010, Luxembourg, *Official Journal*, 25 August 2010, L 223/3
- Treaty on the Functioning of the European Union (2016 version), *Official Journal*, 7 June 2016, C 202/1
- Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, 10 September 2010, Beijing, ICAO Doc 9960, entry in force 1 July 2018
- Convention on the Recognition and Enforcement of Foreign Judgements in Civil and Commercial Matters, 2 July 2019, The Hague, HCCP Convention No 41, not yet in force

Travaux Préparatoires

- Conférence Internationale de Droit Privé Aérien, 27 Octobre – 6 Novembre 1925, Paris, 1926
- ICAO Doc 7838, II Conférence Internationale de Droit Privé Aérien, 4-12 Octobre 1929, *Procès-Verbaux*, Varsovie, 1930
- ICAO Doc 7379, Conference on Private International Air Law, Rome, September-October 1952, volume I, *Minutes*, Montreal April 1953
- ICAO Doc 7379, Conference on Private International Air Law, Rome, September-October 1952, volume II, *Documents*, Montreal April 1953
- ICAO Doc 7686, International Conference on Private Air Law, The Hague, September 1955, volume I, *Minutes*, Montreal September 1956
- ICAO Doc 7686, International Conference on Private Air Law, The Hague, September 1955, volume II, *Documents*, Montreal September 1956
- ICAO Doc 9040, International Conference on Air Law, Guatemala City, February-March 1971, volume II, *Documents*, Montreal 1972
- ICAO Doc 9154, International Conference on Air Law, Montreal, September 1975, volume I, *Minutes*, Montreal, 1977

- ICAO Doc 9154, International Conference on Air Law, Montreal, September 1975, volume II, *Documents*, Montreal, 1977
- ICAO Doc 9775, International Conference on Air Law (Convention for the Unification of Certain Rules for International Carriage by Air), Montreal, 10 – 28 May 1999, volume I, *Minutes*, Montreal 1999
- ICAO Doc 9775, International Conference on Air Law (Convention for the Unification of Certain Rules for International Carriage by Air), Montreal, 10 – 28 May 1999, volume II, *Documents*, Montreal 1999
- ICAO Doc 9775, International Conference on Air Law (Convention for the Unification of Certain Rules for International Carriage by Air), Montreal, 10 – 28 May 1999, volume III, *Preparatory Material*, Montreal 1999
- United Nations, Conferences on the Law of Treaties, First and second sessions, Vienna, 26 March – 24 May 1968 and 9 April – 22 May 1969, Official Records, *Documents of the Conference*, United Nations, New York, 1971, <https://treaties.un.org/doc/source/docs/A_CONF.39_11_Add.2-E.pdf> (accessed 2 August 2019)
- Hague Conference on Private International Law, Document Submitted by the Co-Reporters on the Uniform Interpretation of the Proposed Convention on the Jurisdiction, Recognition and the Enforcement of Judgments in Civil and Commercial Matters, Work. Doc. No 94 E, 10 November 1998

Others

- Hague Conference on Private International Law and the European Commission, Joint Conclusions of the Hague Conference on Private and International Law and the European Commission, Access to Foreign Law in Commercial and Civil Matters, Conclusions and Recommendations, <https://assets.hcch.net/upload/foreignlaw_concl_e.pdf> (accessed 29 October 2019)
- Hague Conference on Private International Law, Statute of the Hague Conference on Private International Law, <<https://www.hcch.net>> (accessed 30 October 2019)
- ICAO, Annex 13 to the Convention on International Civil Aviation – International Standards and Recommended Practices – Aircraft Accident and Incident Investigation
- ICAO, Resolution A1-23: Authorization to the Council to Act as an Arbitral Body
- ICAO, Resolution A39-11: Consolidated Statement of Continuing ICAO Policies in the Legal Field, Assembly, 39th session (October 2016)
- ICAO, Legal Committee, Constitution – Procedure for Approval of Draft Conventions – Rules of Procedure, Doc 7669-LC/139/6 (2018)
- ICAO, Core Principles on Consumer Protection, <www.icao.int/sustainability/SiteAssets/pages/eap_ep_consumerinterests/ICAO_CorePrinciples.pfd> (accessed 27 October 2019)
- International Court of Justice, Statute of the International Court of Justice, 24 October 1945, San Francisco <https://legal.un.org/avl/pdf/ha/sicj/icj_statute_e.pdf> (accessed 6 September 2020)
- International Law Commission, Statute of the International Law Commission, adopted by the General Assembly of the United Nations, Resolution 174 (II) of 21 November 1947, regularly amended <<https://legal.un.org/ilc/texts/instruments/english/statute/statute.pdf>> (accessed 21 February 2020)
- International Law Commission, *Responsibility of States for Internationally Wrongful Acts* (2001) <https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf> (accessed 22 March 2021)

- International Law Commission, "Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law", in *Report of the International Law Commission on the Work of its Fifty-Eighth Session*, II (2) Yearbook of the International Law Commission 179 (2006)
- International Law Commission, *Draft conclusions on subsequent agreements and subsequent practice in relation to the interpretation of treaties, with commentaries* (2018) <https://legal.un.org/docs/?path=../ilc/texts/instruments/english/commentaries/1_11_2018.pdf&lang=EF> (accessed 21 February 2020)
- Unidroit, Statute of the International Institute for the Unification of Private Law, 15 March 1940, regularly amended, <<https://www.unidroit.org/english/presentation/statute.pdf>> (accessed 12 February 2020)
- Unidroit, Unidroit Principles of International Commercial Contracts 2016, <<https://www.unidroit.org/instruments/commercial-contracts/unidroit-principles-2016>> (accessed 27 October 2020)
- United Nations, General Assembly, Resolution 2205 (XXI) of 17 December 1966 on the Establishment of the United Nations Commission on International Law <[https://undocs.org/en/A/RES/2205\(XXI\)](https://undocs.org/en/A/RES/2205(XXI))> (accessed 21 February 2020)
- United Nations, *The rule of law and transitional justice in conflict and post-conflict societies*, Report of the Secretary-General, UN Doc. S/2004/616 (23 August 2004)

Regional Law

Africa

- Decision Relating to the Implementation of the Yamoussoukro Declaration Concerning the Liberalisation of Access to Air Transport Markets in Africa, 14 November 1999, Yamoussoukro, <https://afcac.org/en/images/Documentation/yd_eng.pdf> (accessed 7 November 2020)
- Règlement N° 02/2003/CM/UEMOA relatif à la responsabilité des transporteurs aériens en cas d'accident, fait à Ouagadougou le 20 mars 2003, *Bulletin Officiel*, n° 31, premier trimestre 2003, 10-12
- Règlement N° 03/2003/CM/UEMOA établissant les règles relatives aux compensations pour refus d'embarquement des passagers et pour annulation ou retard important d'un vol, fait à Ouagadougou le 20 mars 2003, *Bulletin Officiel*, n° 31, premier trimestre 2003, 12-14
- Règlement N° 06/07-UEAC-082-CM15 du 11 mars 2007, signé à N'Djamena le 19 mars 2007, *Bulletin Officiel*, <<http://www.droit-afrique.com/upload/doc/cemac/CEMAC-Reglement-2007-06-responsabilite-transporteur-aerien.pdf>> (accessed 18 December 2020).
- Règlement N° 01/2007/CM/UEMOA portant adoption du Code communautaire de l'aviation civile des États membres de l'UEMOA, fait à Lomé le 6 avril 2007, *Bulletin Officiel*, n°56, premier trimestre 2007, 1-36
- African Union Regulations on the Protection of Consumers of Air Transport Services – Annex 6 to the Yamoussoukro Decision (Assembly / AU / Dec 676 (XXX) – Decision on Legal Instruments), adopted on 28-29 January 2018 at Addis Ababa, <<https://au.int/en/treaties/regulatory-and-institutional-texts-implementation-yamoussoukro-decision-and-framework-towards>> (accessed 27 October 2020)

Americas

Comunidad Andina, Decisión 619 – Normas para la Armonización de los Derechos y Obligaciones de los Usuarios, Transportistas y Operadores de los Servicios de Transporte Aéreo en la Comunidad Andina, 15 de Julio de 2005, dada en Lima, <<http://www.comunidadandina.org/Normativa.aspx#>> (accessed 27 October 2020)

Asia

ASEAN, Multilateral Agreement on the Full Liberalisation of Passenger Air Services, 12 November 2010, Bandar Seri Begawan, <<https://asean.org/wp-content/uploads/images/archive/transport/Agreement-101112.pdf>> (accessed 27 October 2020)

Europe

Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents, *Official Journal*, 17 October 1997, L 285/1

Council Decision of 5 April 2001 on the conclusion by the European Community of the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention), 2001/539/EC, *Official Journal*, 18 July 2001, L 194/38

Regulation (EC) No 889/2002 of the European Parliament and of the Council of 13 May 2002 amending Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in the event of accidents, *Official Journal*, 30 May 2002, L 140/2

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91, *Official Journal*, 17 February 2004, L 046/1

Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, *Official Journal*, 26 July 2006, L 204/1; *Corrigendum*, *Official Journal*, 26 January 2013, L 26/34

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air, 13 March 2013, COM (2013) 130 final

Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on Artificial Intelligence (Artificial Intelligence Act) and amending certain Union legislative Acts, 21 April 2021, COM (2021) 206 final

Domestic Law

Algeria

Décret exécutif no 16-175 du 9 Ramadhan 1437 correspondant au 14 juin 2016 fixant les conditions et les modalités d'application des droits des passagers de transport aérien public, *Journal Officiel de la République Algérienne*, no 36, p. 7.

Australia

Explanatory Memorandum to the Australian Civil Aviation Legislation Amendment (1999 Montreal Convention and Other Measures) Bill 2008, Australia Federal Register of Legislation, <[www.legislation.gov.au/Details.C2008B00098/Explanatory%20Memorandum/Text](http://www.legislation.gov.au/Details/C2008B00098/Explanatory%20Memorandum/Text)> (accessed 19 February 2019)

Brazil

Decreto N° 5.910, de 27 Setembro de 2006
Brazilian Government,
<http://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2006/Decreto/D5910.htm>
(accessed 20 June 2019)
Resolução No 400, de 13 de Dezembro de 2016, Diário Oficial da União, 14 Dezembro 2016, Pág. 104, *erratum* 15 Dezembro 2016, Pág. 111.

Canada

Air Passenger Protection Regulations, SOR/2019-150, *Canada Gazette*, Part II, Volume 153, Number 11

China (Macao)

Convenção para a Unificação de Certas Regras Relativas ao Transporte Aéreo Internacional, *Feita em Montreal, em 28 de Maio de 1999*, B.O. n.º: 17, II Série, de 2006/04/26, Pág. 3412-3434

China (Mainland)

CCAR-300, 航班正常管理规定 (Provisions on the Management of Flight Regularity), Civil Aviation Administration of China,
<http://www.caac.gov.cn/XXGK/XXGK/MHGZ/201706/t20170621_44917.html>
(accessed 6 January 2021).

India

CAR, Section 3, Series M, Part IV
India Directorate General of Civil Aviation,
<<http://dgca.nic.in/rules/car-ind.htm>>
(accessed 20 June 2019)

Indonesia

Ministerial Regulation No 89/2015
Direktorat Jenderal Perhubungan Udara,
<<http://hubud.dephub.go.id/?en/permen/index/page:7>>
(accessed 20 June 2019)

Italy

Regio Decreto 16 marzo 1942, n. 262, Approvazione del testo del Codice civile, GU Serie Generale n. 79 del 04-04-1942
Legge 5 iuglio 1988 n. 274 – Limite di risarcimento nei trasporti aerei internazionali di persone, GU Serie Generale n. 168 del 19-07-1988.

Legge 10 gennaio 2004, n. 12 – Ratifica ed esecuzione della Convenzione per l'unificazione di alcune norme relative al trasporto aereo internazionale, con Atto finale e risoluzioni, fatta a Montreal il 28 maggio 1999, GU Serie Generale n.20 del 26-01-2004 – Suppl. Ordinario n.11

Philippines

DOTC-DTI Joint Administrative Order No. 1, s. 2012,
Philippines Official Gazette,
<<https://www.officialgazette.gov.ph/2012/12/10/dotc-dti-joint-administrative-order-no-1-s-2012/>>
(accessed 25 October 2019)

Portugal

Decreto n.º 39/2002, Diário da República n.º 274/2002, Série I-A de 2002-11-27

South Korea

항공사업법 (Aviation Business Act), Article 61-2,
National Law Information Center,
<<https://www.law.go.kr>>
(accessed 6 January 2021)

The Netherlands

Burgerlijk Wetboek, Boek 6, Artikel 76

United Kingdom

Carriage by Air Act 1932
The Carriage by Air Acts (Implementation of the Montreal Convention 1999) Order 2002
The Air Passenger Rights and Air Travel Organisers' Licensing (Amendment) (EU Exit) Regulations 2019

United States

US 14 CFR Part 203

Vietnam

Circular 14/2015/TT-BGTVT,
Civil Aviation Authority of Vietnam,
<<https://caa.gov.vn/van-ban/14-2015-tt-bgtvt-68.htm>>
(accessed 20 June 2019)

COURT CASES

International Courts

- Permanent Court of Arbitration, *The Island of Palmas Case (Or Miangas)*, 4 April 1928
- International Court of Justice, *Arbitral Award of 31 July 1989, Judgement*, I.C.J. Reports 1991, p. 53
- International Court of Justice, *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)*, Preliminary Objections, Judgment, I.C.J. Reports 1998, p. 9
- International Court of Justice, *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United States of America)*, Preliminary Objections, Judgment, I. C.J. Reports 1998, p. 115
- International Court of Justice, *Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Merits, Judgements, I.C.J. Reports 2010, p. 639
- International Court of Justice, *Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates v. Qatar)*, 14 July 2020

Regional Courts

European Court of Human Rights

- ECHR, 26 April 1979, *Sunday Time v. United Kingdom (No 1)*, ECLI:CE:ECHR:1979:0426JUD000653874

Inter-American Court of Human Rights

- ICHR, 3 February 1993, *Cayara v. Perú (Excepciones Preliminares)*, Serie C No 14

Court of Justice of the European Union

- CJEC, 6 April 1962, *Kledingverkoopbedrijf de Geus en Uitdenbogerd v. Robert Bosch GmbH and Maatschappij tot voortzetting van de zaken der firma Willem van Rijn*, C-13/61, ECLI:EU:C:1962:11
- CJEC, 5 February 1963, *NV Algemene Transport en Expeditie Onderneming van Gend & Loos v. Nederlandse Administratie der Bestelingen*, C-26/62, ECLI:EU:C:1963:1
- CJEC, 27 March 1963, *Da Costa en Schaake NV, Jacob Meijer NV, Hoechst-Holland NV v. Nederlandse Belastingadministratie*, joined cases C-28/62, 29/62, 30/62, ECLI:EU:C:1963:6
- CJEC, 15 July 1964, *Flaminio Costa v. E.N.E.L.*, C-6/64, ECLI:EU:C:1964:66
- CJEC, 39 April 1974, *R. & V. Haegeman v. Belgian State*, C-181/73, ECLI:EU:C:1974:41
- CJEC, 5 March 1986, *Wünsche Handelsgesellschaft GmbH & Co v. Federal Republic of Germany*, C-69/85, ECLI:EU:C:1986:104 (Order)
- CJEC, 22 October 1987, *Foto-Frost v. Hauptzollamt Lübeck-Ost*, C-314/85, ECLI:EU:C:1987:452
- CJEC, 19 June 1990, *The Queen v. Secretary of State for Transport, ex parte: Factortame Ltd*, C-213/89, ECLI:EU:C:1990:257
- CJEC, 10 January 2006, *The Queen, on the application of International Air Transport Association and European Low Fares Airline Association v. Department for Transport*, C-344/04, ECLI:EU:C:2006:10

- CJEC, 10 July 2008, *Emirates Airlines – Direktion für Deutschland v. Diether Schenkel*, C-173/07, ECLI:EU:C:2008:400
- CJEC, 22 December 2008, *Friederike Wallentin-Hermann v. Alitalia – Linee Aeree Italiane SpA*, C-549/07, ECLI:EU:C:2008:771
- CJEC, 2 July 2009, *Christopher Sturgeon, Gabriel Sturgeon and Alana Sturgeon v. Condor Flugdienst GmbH and Stefan Böck and Cornelia Lepuschitz v. Air France SA*, Joined cases C-402/07 and C-432/07, ECLI:EU:C:2009:416 (Opinion)
- CJEC, 22 October 2009, *Irène Bogiatzi, married name Ventouras v. Deutscher Luftpool, Société Luxair, société luxembourgeoise de navigation aérienne SA, European Communities, Grand Duchy of Luxembourg, Foyer Assurances SA*, C-301/08, ECLI:EU:C:2009:649
- CJEC, 19 November 2009, *Christopher Sturgeon, Gabriel Sturgeon and Alana Sturgeon v. Condor Flugdienst GmbH and Stefan Böck and Cornelia Lepuschitz v. Air France SA*, Joined cases C-402/07 and C-432/07, ECLI:EU:C:2009:716
- CJEU, 6 May 2010, *Axel Walz v. Clickair SA.*, C-63/09, ECLI:EU:C:2010:251
- CJEU, 12 May 2011, *Andrejs Eglitis and Edvards Ratnieks v. Latvijas Republikas Ekonomikas ministrija*, C-294/10, ECLI:EU:C:2011:303
- CJEU, 13 October 2011, *Aurora Sousa Rodríguez and Others v. Air France SA*, C-83-10, ECLI:EU:C:2011:652
- CJEU, 21 December 2011, *Air Transport Association of America e.a. v. Secretary of State for Energy and Climate Change*, C-366/10, ECLI:EU:C:2011:864
- CJEU, 4 October 2012, *Finnair Oyj v. Timy Lassooy*, C-22/11, ECLI:EU:C:2012:604
- CJEU, 4 October 2012, *Germán Rodríguez Cachafeiro and María de los Reyes Martínez-Reboredo Varela-Villamor v. Iberia, Líneas Aéreas de España SA*, C-321/11, ECLI:EU:C:2012:609
- CJEU, 23 October 2012, *Emeka Nelson e.a. v. Deutsche Lufthansa AG and TUI Travel plc and Others v. Civil Aviation Authority*, C-581/10 and C-629/10, ECLI:EU:C:2012:657
- CJEU, 22 November 2012, *Pedro Espada Sánchez, Alejandra Oviedo Gonzáles, Lucía Espada Oviedo, Pedro Espada Oviedo v. Iberia Líneas Aéreas de España SA*, C-410/11, ECLI:EU:C:2013:747
- CJEU, 31 January 2013, *Denise McDonagh v. Ryanair Ltd*, C-12/11, ECLI:EU:C:2013:43
- CJEU, 14 November 2014, *Sandy Siewert and Others v. Condor Flugdienst GmbH*, C-394/14, ECLI:EU:C:2014:2377 (Order)
- CJEU, 26 February 2015, *Wucher Helicopter GmbH, Euro-Aviation Versicherungs AG v. Fridolin Santer*, C-6/14, ECLI:EU:C:2015:122
- CJEU, 17 September 2015, *Corina van der Lans v. Koninklijke Luchtvaart Maatschappij NV*, C-257/14, ECLI:EU:C:2015:618
- CJEU, 28 January 2016, *Heli Flight v. EASA*, C-61/15, ECLI:EU:C:2016:59
- CJEU, 17 February 2016, *Air Baltic Corporation AS v. Lietuvos Respublikos specialioji tyrimų tarnyba*, C-429/14, ECLI:EU:C:2016:88
- CJEU, 6 June 2018, *Flightright GmbH v. Iberia Express SA*, C-186/17, ECLI:EU:C:2018:399 (Opinion)
- CJEU, 22 June 2016, *Steff Mennens v. Emirates Direktion für Deutschland*, C-255/15, ECLI:EU:C:2016:472
- CJEU, 5 October 2016, *Ute Wunderlich v. Bulgarian Air Charter Limited*, C-32/16, ECLI:EU:C:2016:753 (Order)
- CJEU, 4 May 2017, *Marcela Pešková and Jiří Peška v. Travel Service a.s.*, C-315/15, ECLI:EU:C:2017:342

- CJEU, 11 May 2017, *Bas Jacob Adriaan Krijgsman v. Surinaamse Luchtvaart Maatschappij NV*, C-302/16, ECLI:EU:C:2017:359
- CJEU, 12 April 2018, *Finnair Oyj v. Keskinäinen Vakuutusyhtiö Fennia*, C-258/16, ECLI:EU:C:2018:252
- CJEU, 17 April 2018, *Helga Krüsemann and Others v. TUIfly GmbH*, C-195/17, ECLI:EU:C:2018:258
- CJEU, 22 November 2018, *Germanwings GmbH v. Wolfgang Pauels*, C-501/17, ECLI:EU:C:2018:945 (Opinion)
- CJEU, 4 April 2019, *Germanwings GmbH v. Wolfgang Pauels*, C-501/17, ECLI:EU:C:2019:288
- CJEU, 26 September 2019, *GN v. ZU acting for Niki Luftfahrt*, C-532/18, ECLI:EU:C:2019:788 (Opinion)
- CJEU, 7 November 2019, *Adriano Guaitoli, e.a. v. easyJet Airline Co. Ltd*, C-213/18, ECLI:EU:C:2019:927
- CJEU, 19 December 2019, *GN v. ZU acting for Niki Luftfahrt*, C-532/18, ECLI:EU:C:2019:1127
- CJEU, 11 March 2020, *GDVI Verbraucherhilfe GmbH v. Swiss International Air Lines AG*, C-918/19, ECLI:EU:C:2020:281 (Order)
- CJEU, 11 June 2020, *LE v. Transportes Aéreos Portugueses SA*, C-74/19, ECLI:EU:C:2020:460
- CJEU, 9 July 2020, *SL v. Vueling Airlines SA*, C-86/19, ECLI:EU:C:2020:538
- CJEU, 14 January 2021, *Airhelp Limited v. Austrian Airlines AG*, C-264/20, ECLI:EU:C:2021:26 (Order)
- CJEU, 23 March 2021, *Airhelp Ltd v. Scandinavian Airlines System Denmark-Norway-Sweden*, C-28/20, ECLI:EU:C:2021:226
- CJEU, 12 May 2021, *YL v. Altenrhein Luftfahrt GmbH*, C-70/20, ECLI:EU:C:2021:379

National Courts

Argentina

Supreme Court of Justice, 16 October 2002, *Natasi Grace Jane E. c. Aerolineas Argentinas S.A. s/Daños y Perjuicios*, N. 148. XXXVII. REX

Australia

South Pacific Air Motive Pty v. Magnus, (1998) 157 ALR 443
Pel-Air Aviation Pty v. Casey, (2017) NSWCA 32
Bhatia v. Malaysian Airline System Berhad, (2018) FCA 1471
Di Falco v. Emirates (No 2), (2019) VSC 654
Parkes Shire Council v. South West Helicopters Pty Limited, (2019) HCA 14

Austria

Oberster Gerichtshof, 2 July 2015, 2 Ob 58.15s

Belgium

Cass., 27 May 1971, Pasicrisie 886 (1971), ECLI:BE:CASS:1971:ARR.19710527.16
 Cass., 4 May 1972, 1 Pasicrisie 806 (1972), ECLI:BE:CASS:1972:ARR.19720504.5
 Cass., 27 January 1977, 1 Pasicrisie 574 (1977), ECLI:BE:CASS:1977:ARR.19770127.2
 Cass., 18 September 1978, Pasicrisie 66 (1979), ECLI:BE:CASS:1978:ARR.19780918.1

CA Bruxelles, 2 May 1984, *Journal des Tribunaux* 550 (1984), ECLI:BE:CABRL:1984:19840502.2

Cass., 3 November 1986, *Pasicrisie* 285 (1987), ECLI:BE:CASS:1986:ARR.19861103.9

Cass., 30 September 1988, 77/11.484, ECLI:BE:CASS:1988:ARR.19880930.5

Cass., 30 March 2000, C.9.70.176.N, ECLI:BE:CASS:2000:ARR.20000330.4

Cass., 10 April 2008, C.07.0074.N, ECLI:BE:CASS:2008:ARR.20080410.10

Cass., 17 November 2011, C.10.0516.N, ECLI:BE:CASS:2011:ARR.20111107.7

Brazil

Supremo Tribunal Federal, 25 May 2017, RE 636331/RJ

Canada

Montreal Trust Company et al. v. Canadian Pacific Airlines, (1977) 2 SCR 793

Ludecke v. Canadian Pacific Airlines, (1979) 2 SCR 63

R. v. Daoust, (2004) 1 SCR 217

Thibodeau v. Air Canada, (2014) 3 SCR 340

Thibodeau c. Air Canada, (2019) CF 1102

Serbinenko v. Air Canada, (2020) BCCRT 1330

China (Hong Kong)

Ong v. Malaysian Airline System Berhad, (2008) HKCA 88

France

Cass., 17 May 1966, 65-92986

Cass., 5 December 1967, vol. II JCP 15350 (1967)

Cass., 24 June 1968, RFDAS 453 (1968)

Cass., 24 May 1975, 73-13.556

Cass., 14 January 1977, 74-15061

Cass., 1 July 1977, 75-15443

CA Paris, 19 June 1979, RFDAS 327 (1979)

Cass., 2 July 1981, 80-11.234

Cass., 16 February 1982, 80-17009

Cass., 26 April 1984, 82-12048

Cass., 3 June 1985, 84-94.404

CE, 20 October 1989, no 108243

Cass., 6 October 1992, 90-19667

Cass., 15 July 1999, 97-10268

Cass., 8 July 2003, 99-10590

CE, 24 March 2006, ECLI:FR:CEASS:2006:288460.20060324

Cass., 11 July 2006, 04-18.644

CC, 28 September 2006, ECLI:FR:CC:2006:541DC

Cass., 14 June 2007, 05-17248

Cass., 3 June 2009, 08-83.946

Cass., 20 October 2009, 09-10317

Cass., 7 December 2011, 10-30919

Cass., 10 January 2012, 10-26378

Cass., 16 October 2012, 11-13658

Cass., 15 January 2014, ECLI:FR:CCASS:2014:C100009

Cass., 15 January 2014, ECLI:FR:CCASS:2014:C100010

Cass., 15 January 2014, ECLI:FR:CCASS:2014:C100011
Cass., 15 January 2014, ECLI:FR:CCASS:2014:C100012
Cass., 2 April 2014, ECLI:FR:CCASS:2014:C100353
Cass., 8 July 2014, ECLI:FR:CCASS:2014:CO00655
Cass., 8 October 2014, ECLI:FR:CCASS:2014:C101159
Cass., 11 February 2015, ECLI:FR:CCASS:2015:C100165
Cass., 4 March 2015, ECLI:FR:CCASS:2015:C100327
Cass., 30 November 2016, ECLI:FR:CCASS:2016:C101340
Cass., 24 May 2018, ECLI:FR:CCASS:2018:C100543
CE, 9 October 2019, 430538, ECLI:FR:CECHR:2019:430538.20191009
CC, 25 October 2019, n°2019-810, ECLI:FR:CC:2019:2019.810.QPC

Germany

Bundesgerichtshof, 2 April 1974, 9 European Transport Law 777 (1974)
Amtsgericht Frankfurt am Main, 5 September 1997, 47 ZLW 247-249 (1998)
Bundesgerichtshof, 21 November 2017, X ZR 30/15, ECLI:DE:BGH:2017:211117IX
ZR30.15.0

India

Trans Mediterranean Airways v. M/s Universal Exports & Anr., (2011) 10 SCC 316

Ireland

AHP Manufacturing B.V. t/a Wyeth Medica Ireland v. DHL Worldwide Network N.V., DHL Worldwide Express GmbH, DHL International (Ireland) Limited, (2001) IESC 71
Hennessey v. Aer lingus Ltd, (2012) IEHC 124

Israel

Supreme Court, 22 October 1984, RFDAS 232 (1985) – (French Translation)

Italy

Cass., 14 July 2015, ECLI:IT:CASS:2015:14666CIV

Luxembourg

Tribunal d'arrondissement, 27 March 2012, 1344/12
CA, 29 January 2013, 61/13
CA, 21 January 2014, 44/14 V
Cass., 21 May 2015, 27/2015

Madagascar

CA Tananarive, 9 March 1972, RFDAS 325 (1972)

Malaysia

Court of Appeal of Malaysia, 5 July 2017, *Huang Min & orz v. MAS & orz*, W-01 (IM)
(NCVC)-330-08/2016

Netherlands

Gerechtshof Amsterdam, 3 May 2016, ECLI:NL:GHAMS:2016:1750

New Zealand

Emery Air Freight Corp v. Nerine Nurseries Ltd, (1997) 3 NZLR 723

Panama

Juzgado Undécimo de Circuito de lo Civil del Primer Circuito Judicial de Panamá, 27 October 2017, *Caisa c. KLM*, Sentencia N° 25-2017

Primer Tribunal Superior del Primer Distrito Judicial, 25 April 2019, *Caisa c. KLM*, 18SA.069

Philippines

Philippine Airlines, Inc. v. Simplicio Griño, 579 Phil 344 (2008)

Portugal

Tribunal da Relação de Lisboa, 11 May 2017, ECLI:PT:TRL:2017:1704.15.9T8AMD. L1.8.1E

Russia

Moscow City Court (Московский городской суд), 15 May 2017, N 4г/ 10-1239/2017

South Africa

Potgieter v. British Airways plc, (2005) ZAWCH 5

Spain

Audiencia Provincial de Madrid, 1 February 2008, ECLI:ES:APM:2008:10106

Audiencia Provincial de Madrid, 18 May 2015, ECLI:ES:APM:2015:7272

Tribunal Supremo, 19 July 2018, ECLI:ES:TS:2018:8522A

Audiencia Provincial de Tarragona, 26 July 2018, ECLI:ES:APT:2018:1024

Tribunal Supremo, 29 January 2019, ECLI:EC:TS:2019:442A

Switzerland

Federal Court, 10 May 1982, RFDAS 365 (1983)

Bezirksgericht Bülach, 2 February 2016, 148 Schweizerische Vereinigung für Luft- und Raumrecht 52-65 (2016)

Tonga

Cauchi v. Air Fiji & Air Pacific Ltd, (2005) TOSC 7

Turkey

Supreme Court of Appeals, 11th Chamber, 19 April 2018, quoted in: International Air Transport Association, 22 *The Liability Reporter* 8 (2019)

United Kingdom

Stag Line Ltd v. Foscolo Mango & Co Ltd, (1932) AC 328

Salomon v. Customs and Excise Commissioners, (1966) 2 All ER 340

Corocraft Ltd v. Pan American Airways, (1969) 1 QB 616

Fothergill v. Monarch Airlines, (1980) UKHL 6

Sidhu and Others v. British Airways Plc; Abnett (Known as Sykes) v. Same, (1996) UKHL 5
Fellowes or Herd and another v. Clyde Helicopters Ltd, (1997) UKHL 6
Morris v. KLM Royal Dutch Airlines, (2002) UKHL 7
Re Deep Vein Thrombosis and Air Travel Group Litigation, (2005) UKHL 72
Golden Straight Corporation v. Nippon YKK, (2007) UKHL 12
Barclay v. British Airways, (2008) EWCA Civ 1419
Laroche v. Spirit of Adventure (UK) Limited, (2009) EWCA Civ 12
Ford v. Malaysian Airline System Berhad, (2013) EWCA Civ 1163
Stott v. Thomas Cook Tour Operators Ltd, (2014) UKSC 15
James Dawson v. Thomson Airways Limited, (2014) EWCA Civ. 845
Labbadia v. Alitalia, (2019) EWHC 2103 (QB)
Lipton v. BA City Flyer Limited, (2021) EWCA Civ. 454

United States of America

Lisi v. Alitalia-Linee Aeree Italiane, S.p.A., 370 F. 2d 508 (2nd Cir. 1966), aff'd by equally divided Court, 390 U.S. 455 (1968)
Hussert v. Swiss Air Transport Company Ltd., 388 F. Supp. 1238 (S.D.N.Y. 1975)
Trans World Airlines, Inc. v. Franklin Mint Corp. et. al., 466 U.S. 243 (1984)
Air France v. Saks, 470 U.S. 392 (1985)
Chan et. al. v. Korean Air Lines, Ltd, 490 U.S. 122 (1989)
Eastern Airlines, Inc. v. Floyd et al., 499 U.S. 530 (1991)
Zicherman, Individually and as Executrix of the Estate of Kole, et. al. v. Korean Air Lines Co, Ltd., 516 U.S. 217 (1996)
Fishman v. Delta Air Lines Inc, 132 F. 3d 138 (1998)
El Al Israel Airlines, Ltd. v. Tsui Yuan Tseng, 525 U.S. 155 (1999)
In re Air Crash at Little Rock Arkansas, on June 1, 1999, 291 F.3d 503 (8th Cir. 2002)
Olympic Airways v. Husain, Individually, and as Personal Representative of the Estate of Hanson, Deceased, et al., 540 U.S. 644 (2004)
Ehrlich v. American Airlines, Inc., 360 F.3d 366 (2nd Cir. 2004)
Bassam v. American Airlines, Inc., 287 F. App'x 309, 317 (5th Cir. 2008)
Dickinson v. American Airlines, Inc., 685 F. Supp. 2d 623 (N.D. Tex. 2010)
Jacob v. Korean Air Lines Co. Ltd, 606 F. App'x 478 (11th Cir. 2015)
Narayanan v. British Airways, 747 F.3d 1125 (9th Cir. 2014)
State of Wisconsin v. Eric L. Loomis, 2016 WI 68, cert. denied
Von Schoenebeck v. Koninklijke Luchtvaart Maatschappij N.V., 659 F. App'x 392 (9th Cir. 2016)
Doe v. Etihad Airways, P.J.S.C., 870 F.3d 406 (6th Cir. 2017)

LITERATURE

Books, Monographs and Thesis

General International Law

- Boele-Woelki Katharina, *Unifying and Harmonizing Substantive Law and the Role of Conflict of Laws* (Pocketbooks of The Hague Academy of International Law, 2010)
- Cheng Bing, *General Principles of Law as Applied by International Courts and Tribunals* (Cambridge University Press, 1953)
- Corten Olivier, *Méthodologie du droit international public* (Editions de l'Université de Bruxelles, 2017)
- Craig Paul, Búrca (de) Gráinne, *EU Law – Text, Cases and Material* (7th edition, Oxford University Press, 2020)
- Daillier Patrick, Forteau Mathias, Pellet Alain, *Droit International Public* (8th edition, LGDJ)
- Decaux Emmanuel, Frouville (de) Olivier, *Droit international public* (11th edition, Dalloz)
- Delmas-Marty Mireille, *Trois défis pour un droit mondial* (Seuil, 1998)
- Dörr Oliver, Schmalenbach Kristen (eds), *Vienna Convention on the Law of Treaties – A Commentary* (2nd edition, Springer, 2018)
- Evans Malcolm (eds), *International Law* (3rd edition, Oxford University Press, 2010)
- Fogt Morten (eds), *Unification and Harmonization of International Commercial Law – Interaction or Deharmonization* (Wolters Kluwer, 2012)
- Gardiner Richard, *Treaty Interpretation* (2nd edition, The Oxford International Law Library, 2017)
- Lenaerts Koen, Gutiérrez-Fons José, *Les méthodes d'interprétation de la Cour de justice de l'Union européenne* (Bruylant, 2020)
- Martineau Anne-Charlotte, *Une analyse critique du débat sur la fragmentation du droit international* (Thesis, Université Panthéon-Sorbonne, 2013)
- Merkouris Panos, *Article 31(3)(c) VCLT and the Principle of Systemic Integration* (Brill, 2015)
- Parrot Karine, *L'interprétation des conventions de droit international privé* (Dalloz, 2006)
- Rigaux François, Fallon Marc, *Droit international privé* (Larcier, 2005)
- Shaw Malcolm, *International Law* (8th edition, Cambridge University Press, 2017)
- Unidroit (eds), *Eppur si Muove: The Age of Uniform Law – Essay in Honour of Michael Joachim Bonell to Celebrate his 70th Birthday* (Unidroit, 2016)
- Van Meerbeeck Jeremy, *Le principe de sécurité juridique dans la jurisprudence de la Cour de justice de l'Union européenne – de la certitude à la confiance* (Thesis, UCLouvain, 2013)
- WTO Secretariat, *A Handbook on the WTO Dispute Settlement System* (2nd edition, Cambridge University Press, 2017)

Transportation Law (Excluding Air Law)

- Bokareva Olena, *Uniformity of Transport Law through International Regimes* (Edward Elgar Publishing, 2019)
- Bon-Garcin Isabelle, e. a., *Droit du transport de passagers – Droits français et de l'Union européenne* (Larcier, 2016)
- Deshayes Olivier, *L'amélioration de l'application et de l'interprétation uniforme des conventions internationales relative au contrat de transport: le cas de la faute qualifiée* (Thesis, Université de Rouen Normandie, 2018)

- Lamy, *Transport* (Wolters Kluwer, 2015)
- Libouton Jacques (eds), *Traité Pratique de Droit Commercial – Transport de marchandises* (Wolters Kluwer, 2015)
- Mercadal Barthélémy, *Droit des transports terrestres et aériens* (Dalloz, 1996)
- Nanassy (de) Bela, *Le droit international des transports par chemin de fer* (Rösch, 1946)
- Paulin Christophe, *Droit des transports* (Litec, 2005)
- Putzeys Jacques, *Droit des transports et droit maritime* (Bruylant, 1993)
- Rimaboschi Massimiliano, *L'unification du droit maritime – Contribution à la construction d'un ordre juridique maritime* (Presses Universitaires d'Aix-Marseille, 2006)
- Rodière René, *Droit des transports* (Sirey, 1977)
- Sánchez-Gamborino Francisco, *La llamada Culpa Grave en el transporte de mercancías por carretera* (Marge Books, 2016)

Air Law

- Abeyratne Ruwantissa, *Convention on International Civil Aviation* (Springer, 2014)
- Abeyratne Ruwantissa, *Rulemaking in Air Transport – A Deconstructive Analysis* (Springer, 2016)
- Abeyratne Ruwantissa, *Legal Priorities in Air Transport* (Springer, 2019)
- Bergamasco Federico, *The ITU and ICAO Regulating Aeronautical Safety Services and Related Radio Spectrum* (Thesis, Université de Luxembourg, 2021).
- Blanc-Dannery Yvonne, *La Convention de Varsovie et les règles du transport aérien international* (Pedone, 1933)
- Bobek Michal, Prassl Jeremias (eds), *Air Passenger Rights – Ten Years On* (Hart Publishing, 2016)
- Cachard Olivier, *Le transport international aérien de passager* (Les livres de Poche de l'Académie de droit international de La Haye, 2015)
- Cartou Louis, *Le droit aérien* (Presses Universitaires de France, 1963)
- Cartou Louis, *Le droit aérien* (Presses Universitaires de France, 1981)
- Chami Diego, *La protesta aeronáutica – Teoría y práctica* (Abeledo-Perrot, 1988)
- Chassot Laurent, *Les sources de la responsabilité du transporteur aérien international: entre conflit et complémentarité – La Convention de Montréal et son interaction avec le droit européen et national* (Schulthess, 2012)
- Cheng Bin, *The Law of International Air Transport* (Stevens & Sons Limited, London, 1962)
- Clarke Malcolm, Yates David, *Contracts of Carriage by Land and Air* (2nd edition, Informa Law from Routledge, 2008)
- Coquoz Rafaël, *Le Droit Privé International Aérien* (Les Editions Internationales, 1938)
- Constantinoff Jean, *Le droit aérien français et étranger – droit interne et droit international* (Librairie de Jurisprudence Ancienne et Moderne, 1932)
- Correia Vincent, *L'Union européenne et le droit international de l'aviation civile* (Bruylant, 2013)
- Diarra Souleymane, *La responsabilité contractuelle du transporteur aérien en droit malien* (L'Harmattan, 2021)
- Diederiks-Verschoor Isabella, Mendes de Leon Pablo, *An Introduction to Air Law* (9th edition, Wolters Kluwer, 2012)
- Dempsey Paul, Milde Michael, *International Air Carrier Liability: The Montreal Convention of 1999* (Centre for Research in Air & Space Law, McGill University, 2005)
- Dempsey Paul, *Public International Air Law* (Institute and Center for Research in Air & Space Law, McGill University, 2008)
- Drion Huib, *Limitation of Liabilities in International Air Law* (Springer, 1954)

- Dupont Pascal, *Manuel de droit aérien – souveraineté et libertés dans la troisième dimension* (Pedone, 2015)
- Ferrer Tapia Belén, *El contrato de transporte aéreo de pasajeros: sujetos, estatuto y responsabilidad* (Dykinson, Madrid, 2013)
- Folchi Mario, *Tratado de derecho aeronáutico y política de la aeronáutica civil* (Astrea, Buenos Aires, 2015)
- Folliot Michel, *Les relations aériennes internationales* (Pedone, 1985)
- Gates Sean (eds), *The Aviation Law Review* (5th edition, The Law Reviews, 2017)
- Giemulla Elmar, e. a., *The Montreal Convention* (Kluwer, regularly updated)
- Goedhuis Daniel, *National Airlegislations and the Warsaw Convention* (Springer, 1937)
- Goldhirsch Lawrence, *The Warsaw Convention Annotated: A Legal Handbook* (Kluwer Law International, 2000)
- Goode Roy, *Cape Town Convention and Aircraft Protocol Official Commentary* (UNIDROIT, 4th edition, 2019)
- Grigorieff Cyril-Igor, Correia Vincent (eds), *Le droit du financement des aéronefs* (Bruylant, 2017)
- Guerrero Lebrón María Jesús, *Los seguros aéreos – Los seguros de aerolíneas y operadores aéreos* (Marcial Pons, 2009)
- Harakas Andrew (eds), *Litigating the Aviation Case* (4th edition, American Bar Association, 2017)
- Hatri Fayçal, *Droit du contentieux international aérien* (L'Harmattan, 2021)
- Havel Brian, Sanchez Gabriel, *The Principles and Practice of International Aviation Law* (Cambridge University Press, 2014)
- Hettiarachchi Lasantha, *The Quasi-Regulatory Regime of the International Air Transport Association (IATA) and its Impact upon the Airline Industry and the Consumer* (Thesis, McGill University, 2018)
- Hobe Stephan, von Ruckteschell Nicolai, Heffernan David (eds), *Cologne Compendium on Air Law in Europe* (Carl Heymanns Verlag, 2013)
- Juglart (de) Michel, *Traité élémentaire de droit aérien* (LGDJ, 1952)
- Juglart (de) Michel, du Pontavice Emmanuel, Dutheil de la Rochère Jacqueline, Miller George, *Traité de droit aérien* (2nd edition, LGDJ, 1989)
- Kazemi Hamid, *Carrier's Liability in Air Transport with Particular Reference to Iran* (Thesis, Universiteit Leiden, 2012)
- Kiyana Maxence, *La responsabilité du transporteur aérien en droit positif congolais* (Editions Universitaires Européennes, 2018)
- Le Comité International Technique d'Experts Juridiques Aériens, *Son origine, son but, son oeuvre* (Publications du Comité International Technique d'Experts Juridiques Aériens, 1931)
- Leloudas Georges, *Risk and Liability in Air Law* (Informa Law from Routledge, 2009)
- Litvine Max, *Précis élémentaire de droit aérien* (Bruylant, 1953)
- Litvine Max, *Droit aérien – notions de droit belge et de droit international* (Bruylant, 1970)
- Lobianco Rocco, *Compendio di Diritto Aeronautico* (Giuffrè, 2009)
- Magdelénat Jean-Louis, *Le fret aérien – réglementation – responsabilités* (Pedone, 1979)
- Mankiewicz René, *The Liability Regime of the International Air Carrier – A Commentary on the Present Warsaw Convention System* (Kluwer, 1981)
- Martínez Sanz Fernando, Petit Lavall María Victoria (eds), *Estudios de Derecho aéreo: Aeronave y liberalización* (Marcial Pons, 2009)
- Masutti Anna, *Il Diritto Aeronautico – Lezioni, casi e materiali* (2nd edition, Giappichelli, 2009)
- Mateesco Matte Nicolas, *Traité de droit aérien-aéronautique* (2nd edition, Pedone, 1964)

- Mendes de Leon Pablo (eds), *From Lowland to High Skies: A Multilevel Jurisdictional Approach Towards Air Law – Essays in the Honour of John Balfour* (Martinus Nijhoff Publishers, 2013)
- Mendes de Leon Pablo, *Introduction to Air Law* (10th edition, Wolters Kluwer, 2017)
- Mendes de Leon Pablo, Buissing Niall (eds), *Behind and Beyond the Chicago Convention: The Evolution of Aerial Sovereignty* (Wolter Kluwer, 2019)
- Menéndez Menéndez Adolfo (eds), *Régimen Jurídico del Transporte Aéreo* (Thomson Civitas, 2005)
- Milde Michael, *International Air Law and ICAO* (Eleven International Publishing, 2008)
- Miller Georgette, *Liability in International Air Transport* (Kluwer, 1977)
- Morillas Jarillo María José, Petit Lavall María Victoria, Guerrero Lebrón María Jesús, *Derecho Aéreo y del Espacio* (Marcial Pons, 2014)
- Moura Vicente Dário (eds), *Estudos de Direito Aéreo* (Coimbra Editora, 2012)
- Naveau Jacques, Godfroid Marc, *Précis de droit aérien* (Bruylant, 1988)
- Naveau Jacques, Godfroid Marc, Fruhling Pierre, *Précis de droit aérien* (2nd edition, Bruylant, 2006)
- Ponet Frans, *Le transport aérien* (Story-Scientia, 1986)
- Pourcelet Michel, *Transport Aérien International et Responsabilité 222* (Les Presses de l'Université de Montréal, 1964)
- Riese Otto, Lacour Jean, *Précis de droit aérien*, (LGDJ, 1951)
- Shawcross Christopher, Beaumont Kenneth, *Air Law* (LexisNexis, loose leaf, regularly updated)
- Singamsetty Sagar (eds), *Contemporary Issues and Future Challenges in Air and Space Law* (Airandspacebooks, 2011)
- Smirnoff Michel, *Le Comité International Technique d'Experts Juridiques Aériens (CITE-JA) – Son Activité – son Organisation* (Pierre Bossuet, 1936)
- The International Bureau of the Permanent Court of Arbitration (eds), *Arbitration in Air, Space and Telecommunications Law* (Kluwer Law International, 2002)
- Tompkins George, *Liability Rules Applicable to International Air Transportation as Developed by the Courts in the United States – from Warsaw 1929 to Montreal 1999* (Kluwer, 2010)
- Tosi Jean-Pierre, *Responsabilité aérienne* (Litec, 1978)
- Tran Laurent, *Le régime uniforme de responsabilité du transporteur aérien de personnes* (Schultess, 2013)
- Wagner Wenceslas, *International Air Transportation as affected by State Sovereignty* (Bruylant, 1970)
- Wagué Hamadi Gatta, *Droit aérien africain* (Pedone, 2019)
- Wassenbergh Henri, van Fenema Peter (eds), *International Air Transport in the Eighties* (Kluwer, 1981)

Artificial Intelligence

- Abeyratne Ruwantissa, *Megatrends and Air Transport* (Springer, 2017)
- Ashley Kevin, *Artificial Intelligence and Legal Analytics – New Tools for Law Practice in the Digital Age* (Cambridge University Press, 2017)
- Hubin Jean-Benoît, e.a. (eds), *Le juge et l'algorithme: juges augmentés ou justice diminuée?* (Larcier, 2020)
- Navas Navarro Susana (eds), *Inteligencia Artificial – Tecnología – Derecho* (Tirant Lo Blanch, 2017)

- Prévost Stéphane, Royer Erwan (eds), *Intelligence artificielle* (Grand angle, Dalloz, 2019)
- van den Branden Adrien, *Les robots à l'assaut de la justice – L'intelligence artificielle au service des justiciables* (Bruylant, 2019)
- Viola Luigi, *Interpretation of the Law Through Mathematical Models – Trial, A.D.R., Predictive Justice* (Diritto Avanzato, 2018)

Miscellaneous

- Boussofara Anissa, *Le principe d'interprétation autonome dans la Convention de Vienne sur les contrats de vente internationale de marchandises* (Thèse, Université Côte d'Azur, 2019)
- Frydman Benoit, *Le sens des lois* (2nd edition, Bruylant, 2007)
- Ost François, van de Kerchove Michel, *De la pyramide au réseau – pour une théorie de la dialectique du droit* (Publication des Facultés Universitaires Saint-Louis Bruxelles, 2002)
- Pescatore Pierre, *Introduction à la science du droit* (reprint, Bruylant, 2009)
- Theux (de) Axel, e.a., *Précis de méthodologie juridique – Les sources documentaires du droit* (2nd edition, Publications des Facultés universitaires Saint-Louis, 2000)
- Thomasset Claude, Bourcier Danièle (eds), *Interpréter le droit: le sens, l'interprète, la machine* (Bruylant, 1997)

Articles and Book Chapters

General International Law

- Ancel Marcel, *From the Unification of the Law to its Harmonization*, 51 Tulane Law Review 108-118 (1976-1977)
- Andersen Camilla, *Defining Uniformity in Law*, 12 Unif. L. Rev. 5-54 (2007)
- Assepo Assi Eugène, *La Cour commune de justice et d'arbitrage de l'OHADA: un troisième degré de juridiction?*, 57 Revue Internationale de Droit Comparé 943-955 (2005)
- Attal Michel, *The Interpretation of Treaty by a National Jurisdiction (France and the United States)*, 28 Whittier Law Review 817-836 (2007)
- Aust Helmut, e. a., *Unity or Uniformity? Domestic Courts and Treaty Interpretation*, 27 Leiden Journal of International Law 75-112 (2014)
- Basedow Jürgen, *Uniform law and Conventions and the UNIDROIT Principles of International Commercial Contracts*, 5 Unif. L. Rev. 129-152 (2000)
- Basedow Jürgen, *Uniform Private Law Conventions and the Law of Treaties*, 11 Unif. L. Rev. 731-746 (2006)
- Basedow Jürgen, *Antitrust or Competition Law, International*, Max Planck Encyclopedias of International Law (2014)
- Baud William, Sachs Stephen, *The Law of Interpretation*, 130 Harvard Law Journal 1079-1147 (2017)
- Bederman David, *Revivalist Canons and Treaty Interpretation*, 41 UCLA Law Review 953-1034 (1994)
- Bonell Michael, *International Uniform Law in Practice – Or Where the Real Trouble Begins*, 38 American Journal of Comparative Law 865-888 (1990)
- Cameron Iain, *Treaties, Declarations of Interpretation*, Max Planck Encyclopedias of International Law (2007)
- Conforti Benedetto, *Unité et Fragmentation du Droit International: "Glissez, Mortels, N'Appuyez pas!"*, 111 Revue Générale de Droit International Public 5-18 (2007)

- Correia Vincent, "L'adage *lex specialis derogat generali* – Réflexions générales sur sa nature, sa raison d'être et ses conditions d'application", in Muriel Ubéda-Sailard (eds), *La mise en œuvre de la lex specialis dans le droit international contemporain* 27-47 (Pedone, 2017)
- Correia Vincent, Trigeaud Béatrice, "Transport, navigation et sources du droit international – Remarques générales", in Saïda El Bouhoudi (eds), *Les transports au prisme du droit international public* 37-60 (Pedone, 2019)
- David René, *The Methods of Unification*, 16 *American Journal of Comparative Law* 13-27 (1968)
- De Brabandere Eric, *International Dispute Settlement – from Practice to Legal Discipline*, 31 *Leiden Journal of International Law* 459-468 (2018)
- Deleau Olivier, *Les positions françaises à la Conférence de Vienne sur le droit des traités*, 15 *Annuaire français de droit international* 7-23 (1969)
- Deumier Pascale, *Les principes Unidroit comme cadre de référence pour l'interprétation uniforme des droits nationaux*, 24 *Revue Internationale de Droit Comparé* 413-430 (2019)
- Dubinsky Paul, *International Law in the Legal System of the United States*, 58 (Supplement) *The American Journal of Comparative Law* 455-478 (2010)
- Ferreri Silvia, "The Devil is in the Details – Undetected Differences in Projects to Harmonize the Law", in Unidroit (eds), *Eppur si Muove: The Age of Uniform Law – Essays in Honour of Mickael Joachim Bonell to Celebrate his 70th Birthday* 316-323 (Unidroit, 2016)
- Gatsi Eric-Adol, *L'espace judiciaire commun CEMAC en matière civile et commerciale*, 21 *Unif. L. Rev.* 101-119 (2016)
- Gebauer Martin, *Uniform Law, General Principles and Autonomous Interpretation*, 5 *Unif. L. Rev.* 683-704 (2000)
- Gebauer Martin, *Unification and Harmonization of Laws*, *Max Planck Encyclopedias of International Law* (2009)
- Graveson Ronald, *The International Unification of Law*, 16 *American Journal Comparative Law* 4-12 (1968)
- Helmersen Sondre, *Finding 'the Most Highly Qualified Publicists': Lessons from the International Court of Justice*, 30 *European Journal of International Law* 509-535 (2019)
- Hendrikse Marc, Margetson Nick, *Uniform International Commercial Law: The Phenomena of Unification, Uniform Construction and Uniform Application*, 1 *European Journal of Commercial Law* 72-90 (2009)
- Higgins Rosalyn, *The ICJ, the ECJ, and the Integrity of International Law*, 52 *International and Comparative Law Quarterly* 1-20 (2003)
- Kamdern Innocent Fetze, *Harmonisation, unification et uniformisation en droit des contrats: plaidoyer pour un discours affiné sur les moyens d'intégration juridique*, 13 *Unif. L. Rev.* 709-744 (2008)
- Kennedy William, *The Unification of Law*, 10 *Journal of the Society of Comparative Legislation* 212-219 (1909)
- Kirchner Christian, *Evolution of Law: Interplay Between Private and Public Rule-Making – A New Institutional Economics-Analysis*, 4 *Erasmus Law Review* 161-171 (2011)
- Klein Eckart, *Self-Contained Regime*, *Max Planck Encyclopedias of International Law* 2 (2006)
- Kono Toshiyuki, Kagami Kazuaki, *Is a Uniform Law Always Preferable to Private International Law – A Critical Review of the Conventional Debate on Uniform Law and Private International Law from the Viewpoint of Economic Analysis*, 56 *Japanese Yearbook of International Law* 314-337 (2013)

- Koskenniemi Martii, Leino Päivi, *Fragmentation of International Law? Postmodern Anxieties*, 15 *Leiden Journal of International Law* 553-579 (2002)
- Malaurie Philippe, *Loi uniforme et conflits de loi*, 1964-1966 *Travaux du Comité français de droit international privé* 83-109 (1967)
- Malintoppi Antonio, *Droit uniforme et droit international privé*, 116 *Recueil des cours de l'Académie de droit international* 5-87 (1965)
- Maxeiner James, *Legal Certainty and Legal methods: A European Alternative to American Indeterminacy?*, 15 *Tulane Journal of International & Comparative Law* 541-607 (2007)
- Maxeiner James, *Some Realism about Legal Certainty in the Globalization of the Rule of Law*, 31 *Houston Journal of International Law* 27-46 (2008)
- McRae Donald, *The Legal Effect of Interpretative Declarations*, 49 *British Yearbook of International Law* 155-173 (1978)
- Meyer Olaf, *The UNIDROIT Principles as a Means to Interpret or Supplement Domestic Law*, 21 *Unif. L. Rev.* 599-611 (2016)
- Mola Lorenza, Poncibò Cristina, *The Autonomous Interpretation of International Uniform Private Law: A Dialogue on Methods of Interpretation from the Perspectives of Comparative Private Law and International Public Law*, 29 *European Business Law Review* 851-883 (2018)
- Mutz Gerfried, *Objectifs et moyens de l'harmonisation juridique, illustrés d'après le droit de transport ferroviaire*, 8 *Unif. L. Rev.* 289-297 (2003)
- Opperti Badán Didier, *Conflit de lois et droit uniforme dans le droit international privé contemporain: dilemme ou convergence?*, 359 *Recueil des cours de l'Académie de droit international* 9-86 (2012)
- Pasquet Luca, *De-Fragmentation Techniques*, *Max Planck Encyclopedias of International Law* (2018)
- Pauwelyn Joost, *Fragmentation of International Law*, *Max Planck Encyclopedias of International Law* (2006)
- Peters Lena, *Unidroit*, *Max Planck Encyclopedias of International Law* (2017)
- Petersen Clement, Schovsbo Jens, "Decision-making in the Unified Patent Court: ensuring a balanced approach", in Geiger Christophe, e. a. (eds), *Intellectual Property and the Judiciary* 231-254 (Edward Elgar Publishing, 2019)
- Picker Colin, *International Law's Mixed Heritage: A Common/Civil Law Jurisdiction*, 41 *Vanderbilt Journal of Transnational Law* 1083-1140 (2008)
- Popa Liliana, *The Holistic Interpretation of Treaties at the International Court of Justice*, 87 *Nordic Journal of International Law* 249-343 (2018)
- Raban Offer, *The Fallacy of Legal Certainty: Why Vague Legal Standards May Be Better for Capitalism and Liberalism*, 19 *Public Interest Law Journal* 175-191 (2010)
- Ramberg Christina, *The UNIDROIT Principles as a means of interpreting domestic law*, 19 *Unif. L. Rev.* 669-675 (2014)
- Ribeiro-Bidaoui João, *The International Obligation of the Uniform and Autonomous Interpretation of Private Law Conventions: Consequences for Domestic Courts and International Organisations*, 67 *Netherlands International Law Review* 139-168 (2020)
- Rosett Arthur, *Unification, Harmonization, Restatement, Codification and Reform in International Commercial Law*, 40 *American Journal of Comparative Law* 683-697 (1992)
- Roth Marianne, Happ Richard, *Interpretation of Uniform Law Instruments According to Principles of International Law*, 2 *Unif. L. Rev.* 700-710 (1997)
- Schiff Berman Paul, *The inevitable legal pluralism within harmonization regimes: the case of the CISG*, 21 *Unif. L. Rev.* 23-40 (2016)

- Stephan Paul, *The Futility of Unification and Harmonization in International Commercial Law*, 39 Virginia Journal of International Law 743-797 (1999)
- Sundberg Jacob, *A Uniform Interpretation of Uniform Law*, 10 Scandinavia Studies in Law 221-238 (1966)
- Tomka Peter, *The Rule of Law and the Role of the International Court of Justice in Word Affairs*, Inaugural Hilding Eek Memorial Lecture, Stockholm Centre for International Law and Justice, 2 December 2013, <<https://www.icj-cij.org/files/press-releases/8/17848.pdf>> (accessed 29 May 2019)
- Triantafilou Epaminontas, *Contemporary and Evolutive Interpretation under the Vienna Convention on the Law of Treaties*, 32 ICSID Review 138-169 (2017)
- van Ert Gib, *Dubious Dualism: The Reception of International Law in Canada*, 44 Valparaiso University Law Review 927-934 (2010)
- Van Raepenbusch Sean, *Quelques réflexions sur l'autonomie de l'ordre juridique de l'Union européenne par rapport au droit international*, 622 Revue de l'Union Européenne 542-555 (2018)
- Verhoeven Joe, *Jurisprudence belge relative au droit international*, 19 Revue belge de droit international 645-696 (1974)
- Wieland Karl, "Rechtsquellen und Weltrecht", *Recueil d'études sur les sources du droit en l'honneur de François Gény*, t. 3, 471-473 (Sirey, 1934)
- Zeller Bruno, Andersen Camilla, *The Transnational Dimension of Statutory Interpretation – Tragically Overlooked in a Global Commercial Environment*, Nordic Journal of Commercial Law 6-19 (2019)

Transportation Law (Excluding Air Law)

- Czapski Waldemar, *Application et interprétation de la Convention CMR à la lumière du droit international*, 9 Unif. L. Rev. 545-567 (2006)
- Griggs Patrick, *Obstacles to Uniformity of Maritime Law*, CMI Yearbook 158-173 (2002)
- Legros Cécile, *Modalités de l'interprétation uniforme de la CMR: Quelles difficultés? Quels remèdes?*, 21 Unif. L. Rev. 426-433 (2016)
- Legros Cécile, *The CISG Advisory Council: A Model to Improve Uniform Application of CMR?*, 9 European Journal of Commercial Contract Law 27-30 (2017)
- Ngnintedem Jean-Claude, *La réception des normes conventionnelles du droit du transport dans les Etats de la CEMAC*, 20 Unif. L. Rev. 325-360 (2015)
- Putzeys Jacques, *Les tendances unificatrices et désunificatrices dans le droit des transports de marchandises: perspectives*, 8 Unif. L. Rev. 233-240 (2003)
- Ramberg Jan, *Global Unification of Transport Law: A Hopeless Task?*, 27 Pennsylvania State International Law Review 851-858 (2009)
- Verheyen Wouter, *National judges as gatekeepers to the CMR Convention*, 21 Unif. L. Rev. 441-456 (2016)

Air Law

- Abeyratne Ruwantissa, *Morris v. KLM Royal Dutch Airlines: At the Crossroads of Warsaw and Montreal*, 26 Annals of Air & Space Law 283-302 (2001)
- Adediran Adejoke, *Implementation of the Single African Air Transport Market Legal Regime: Challenges of the Interface Between the Yamoussoukro Decision and Domestic Regimes*, 43 Annals of Air & Space Law 23-54 (2018)
- Adeline Sandra, *The forum non conveniens doctrine put to the test of uniform private international law in relation to air carrier's liability: lack of harmony between US and French decision outcomes*, 18 Unif. L. Rev. 313-328 (2013)

- Aragone Coppola Augusto, *La Convención de Montreal 1999: ¿La Nueva Convención de Varsovia?*, 94 *Revista Brasileira de Direito Aeronáutico e Espacial* 39-56 (2012)
- Baden Naneen, *The Japanese Initiative on the Warsaw Convention*, 61 *J. Air L. & Com* 437-466 (1995)
- Baeck Kyeong-Won, Hwang Ho-Won, *Article 61bis of the Aviation Business Act and the Legal Principles for the Aviation Consumers Protection – Comparison with the U.S. “Tarmac Delay Rule”*, *The Korean Journal of Air & Space Law and Policy* 169-195 (2020)
- Balfour John, *Airline Liability for Delay: The Court of Justice of the EU Rewrites EC Regulation 261/2004*, 35 *Air & Space Law* 71-75 (2010)
- Balfour John, “*Luxembourg v Montreal: Time for The Hague to Intervene*”, in Michal Bobek, Jeremias Prassl (eds), *Air Passenger Rights – Ten Years On* 65-73 (Hart Publishing, 2016)
- Baruah Rishiraj, *IATA Conditions of Contract and Carriage (Passengers And Baggage): A Constant Tussle between Regulatory Authorities and Airlines*, <<https://ilsquare.org/2016/03/25/iata-conditions-of-contract-and-carriage/>> (accessed 22 August 2019)
- Beaumont Kenneth, *The Warsaw Convention of 1929, as Amended by the Protocol signed at The Hague, on September 28, 1955*, 22 *J. Air L. & Com* 414-433 (1955)
- Bechky Perry, *Mismanagement and Misinterpretation: U.S. Judicial Implementation of the Warsaw Convention in Air Disaster Litigation*, 60 *J. Air L. & Com.* 455-531 (1994)
- Bekker Peter, *Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom) and (Libyan Arab Jamahiriya v. United States), Preliminary Objections, Judgments*, 92 *The American Journal of International Law* 503-508 (1998)
- Bernard Nicolas, *Taking Air Passenger Rights Seriously: The Case Against the Exclusivity of the Montreal Convention*, 23 *International Community Law Review* 1-31 (2021)
- Bokareva Olena, *Air Passenger’s Rights in the EU: International Uniformity versus Regional Harmonization*, 41 *Air & Space Law* 3-24 (2016)
- Buitrago Carranza Andrea, *Exploring the Compatibility Between the Air Carrier Liability Regime and International Human Rights Law*, 44 *Annals of Air & Space Law* 205-260 (2019)
- Carvalho Javier, *Evaluation of Aviation Cases in Central and South America: A South American Perspective*, 83 *Revista Brasileira de Direito Aeroespacial* 1728 (2001)
- Castro Costa Viegas Carolina, Fábio Morsello Marco, *Seguridad jurídica vs. nueva caja de Pandora – Breves apuntes acerca de la reciente sentencia del Supremo Tribunal Federal en Brasil*, 42 *Revista Latino Americana de Derecho Aeronáutico* (2018)
- Chappez Jean, *Questions d’interprétation et d’application de la Convention de Montréal de 1971 résultant de l’incident aérien de Lockerbie (Jamahiriya Arabe Libyenne c. Royaume-Unis) (Jamahiriya Arabe Libyenne c. Etats-Unis) Mesures Conservatoires, Ordonnance du 14 avril 1992*, 38 *Annuaire Français du Droit International* 468-479 (1992)
- Chassot Laurent, *Le domaine de la responsabilité du transporteur aérien international à la lumière de deux décisions récentes*, *RFDAS* 5-25 (2016)
- Chauveau Paul, *Rapport sur la création d’une Cour internationale pour la solution des difficultés nées de l’interprétation et de l’application des conventions internationales en matière de Droit aérien*, *RFDA* 465-481 (1955)
- Chaveau Paul, *Interprétation Judiciaire des Conventions Portant Loi Uniforme*, 2 *Annals Air & Space Law* 47-54 (1977)
- Cheng Bin, *Wilful Misconduct: From Warsaw to The Hague and from Brussels to Paris*, 2 *Annals of Air & Space Law* 55-102 (1977)

- Cheng Bin, *The Labyrinth of the Law of International Carriage by Air – Has the Montreal Convention 1999 Slain the Minotaur?*, 50 ZLW 155-172 (2001)
- Cheng Bin, *A New Era in the Law of International Carriage by Air: from Warsaw (1929) to Montreal (1999)*, 53 *International & Comparative Law Quarterly* 833-859 (2004)
- Ciobanu Andrei, *Saving the Airlines: A Narrower Interpretation of the Term “Accident” in Article 17 of the Montreal Convention*, 31 *Annals of Air & Space Law* 1-35 (2006)
- Cluxton David, *The West Caribbean Conundrum: The United States versus France on the Availability of Forum Non Conveniens Under the Montreal Convention of 1999*, 85 *J. Air L. & Com.* 3-104 (2020)
- Correia Vincent, *Air Passengers’ Rights, ‘Extraordinary Circumstances’, and General Principles of EU Law: Some Comments After the McDonagh Case*, 13 *Issues in Aviation Law and Policy* 245-278 (2014)
- Correia Vincent, Rouissi Noura, *Global, Regional and National Air Passenger Rights: Does the Patchwork Work?*, 40 *Air & Space Law* 123-146 (2015)
- Coultas Edward, *Interpretation of the Three Day Notice Requirement of Article 26(2) of the Warsaw Convention*, 39 *J. Air L. & Com.* 251-266 (1973)
- Crans Berend, *Article 28 of the Warsaw Convention*, 12 *Air & Space Law* 178-186 (1987)
- Crans Berend, “Aspect particuliers de la location de moteurs”, in Cyril-Igor Grigorieff, Vincent Correia (eds), *Le droit du financement des aéronefs* 115-142 (Bruylant, 2017)
- Cunningham McKay, *The Montreal Convention: Can Passengers Finally Recover for Mental Injuries?*, 41 *Vanderbilt Journal of Transnational Law* 1043-1081 (2008)
- Devianikovaitė Ieva, *The Montreal Convention of 1999 and Regulation No 261/2004 in the EUCJ and National Case Law*, 11 *Baltic Journal of Law and Politics* 21-47 (2018)
- Drion Huib, *Towards A Uniform Interpretation of the Private Air Law Conventions*, 19 *J. Air L. & Com.* 423-442 (1952)
- Drion Huib, *Vers une interprétation uniforme des conventions de droit aérien privé*, RFDAS 299-323 (1953)
- Erotokritou Chrystel, Grigorieff Cyril-Igor, *EU Regulation No 261/2004 on Air Passenger Rights: The Impact of the COVID-19 on Flight Cancellation and the Concept of Extraordinary Circumstances*, 45 (Special Issue) *Air & Space Law* 123-142 (2020)
- Fitzgerald Gerald, *The Judgement of the International Court of Justice in the Appeal Relating to the Jurisdiction of the ICAO Council*, 12 *Canadian Yearbook of International Law* 153-185 (1974)
- Fitzgerald Paul, *Automating the Process of Passenger Claims under the EU Passenger Rights Regime*, *The Aviation & Space Journal* 2-14 (October 2018)
- Fogliano Enzo, *L’art. 35 della Convenzione di Montreal: prescrizione o decadenza?*, 33 *Diritto dei trasporti* 115-117 (2020)
- Folchi Mario, *El Proyecto Código Aeronáutico Latinoamericano y la uniformidad legislativa en la región*, 35 *Revista Latino American de Derecho Aeronáutico* (2017)
- Fox Sarah, Martín-Domingo, *EU Air Passengers’ Rights Past, Present, and Future: In an Uncertain World (Regulation (EC) 261/2004: Evaluation and Case Study)*, 85 *J. Air L. & Com.* 271-308 (2020)
- Freidenberg Elizabeth, *Quinta Jurisdicción*, 91 *Revista Brasileira de Direito Aeronáutico e Espacial* 40-55 (2008)
- Gates Sean, *La Convention de Montréal de 1999*, RFDAS 439-446 (1999)
- Georgiades Euthymène, *De la méthodologie juridique pour l’unification du Droit aérien international privé*, RFDAS 369-389 (1972)
- Godfroid Marc, *Vers une autre interprétation de l’article 25 du Protocole de La Haye*, RFDAS 467-475 (1982)

- González-Lebrero Rodolfo, *The Spanish Approach to the Limitation Period or Condition Precedent in the Montreal Convention on International Air Carriage of 28th May 1999*, 3 *The Aviation & Space Journal* 5 (2013)
- Gordilho Pedro, *O Dano Moral em Direito Aeronáutico (Panorama da Jurisprudência Brasileira)*, 73 *Revista Brasileira de Direito Aeronáutico e Espacial* 1618 (1997/1998)
- Guillaume Gilbert, *La destruction, le 1^{er} septembre 1983, de l'avion des Korean Airlines (vol KE 007)*, RFDAS 215-226 (1984)
- Guillaume Gilbert, *Du caractère impératif des dispositions de l'article 28 de la Convention de Varsovie*, RFDAS 227-239 (2006)
- Guinchard Michel, *L'influence de la convention de Varsovie sur les règles de droit interne relatives à la responsabilité du transporteur aérien*, RFDAS 191-212 (1957)
- Haanappel Peter, *The Right to Sue in Death in Cases under the Warsaw Convention*, 6 *Air & Space Law* 66-78 (1981)
- Hammarskjöld Knut, *One World or Fragmentation: The Toll of Evolution in International Air Transport*, 9 *Annals of Air & Space Law* 79-106 (1984)
- Havel Brian, Sanchez Gabriel, *The Emerging Lex Aviatica*, 42 *Georgetown Journal of International Law* 639-672 (2011)
- Hempel Heinrich, *Keine Ausgleichsleistungen gemäss Fluggastrerechteeverordnung bei Verspätung: Urteil des Bezirksgerichts Bülach vom 2. Februar 2016 mit Anmerkungen*, 148 *Schweizerische Vereinigung für Luft- und Raumrecht* 52-65 (2016)
- Hiller William, *An Interpretation of the Embarking and Disembarking Requirements of Article 17 of the Warsaw Convention*, 16 *Columbia Journal of Transnational Law* 105-137 (1977)
- Knauth Arnold, *The Citeja Meeting in Paris in January, 1939*, 10 *J. Air L. Com.* 167-175 (1939)
- Koning Ingrid, *The Disabling of the EC Disability Regulation: Stott v. Thomas Cook Tour Operators Ltd in the Light of the Exclusivity Doctrine*, 5 *European Review of Private Law* 786-796 (2014)
- Krueger David, *Mental Distress for Airlines Lawyers: The Sixth Circuit's Decision in Doe v. Etihad*, 31:2 *The Air and Space Lawyer* 4-7 (2018)
- Latchford Stephen, *The Warsaw Convention and the CITEJA*, 6 *J. Air L. & Com.* 79-93 (1935)
- Latchford Stephen, Joseph Fennell, *The International Conventions on Private Aerial Law*, 8 *J. Air L.* 298-357 (1937)
- Latchford Stephen, *Pending Projects of the International Technical Committee of Aerial Legal Matters*, 40 *The American Journal of International Law* 280-302 (1946)
- Lawson Robert, Marland Tim, *The Montreal Convention 1999 and the Decisions of the ECJ in the Cases of IATA and Sturgeon – In Harmony or Discord?*, 36 *Air & Space Law* 99-108 (2011)
- Lawson Robert, *The Montreal Convention 1999 at 21: Has It Come of Age or Passed Its Sell-by Date?*, 45 *Air & Space Law* 265-284 (2020)
- Lee Jae Woon, Wheeler Joseph, *Air Carrier Liability for Delay: A Plea to Return to International Uniformity*, 77 *J. Air L. & Com.* 43-103 (2012)
- Lemoine Maurice, *A la recherche du Droit international aérien*, RFDAS 1-17 (1955)
- Lowenfeld Andreas, Mendelsohn Allan, *The United States and the Warsaw Convention*, 80 *Harvard Law Review* 497-602 (1967)
- Macara Peter, *The Brazilian Supreme Court Upholds the Application of the Warsaw and Montreal Conventions*, 43 *Air & Space Law* 505-513 (2018)

- Mankiewicz René, *L'organisation internationale de l'aviation civile*, 3 *Annuaire Français de Droit International* 383-417 (1957)
- Mankiewicz René, *La Convention de Varsovie et le Droit Comparé*, RFDAS 136-150 (1969)
- Mankiewicz René, *Conflicting Interpretations of the Warsaw Air Transport Treaty*, 18 *The American Journal of Comparative Law* 177-194 (1970)
- Mankiewicz René, *L'Unification du Droit aérien – Organes et Techniques de l'Unification du Droit aérien (public et privé)*, 16 *McGill Law Journal* 419-459 (1970)
- Mankiewicz René, *The Judicial Diversification of Uniform Private Law Conventions*, 21 *International & Comparative Law Quarterly* 718-757 (1972)
- Mankiewicz René, *Vers la Refonte de la Convention de Varsovie et la Révision de la Convention de Rome?*, 11 *European Transport Law* 854-861 (1976)
- Mankiewicz René, *L'origine et l'interprétation de l'article 25 de la Convention de Varsovie amendée à La Haye en 1955*, 26 *ZLW* 175-190 (1977)
- Mankiewicz René, *The Application of Article 17 of the Warsaw Convention to Mental Suffering Not Related to Physical Injury*, 4 *Annals of Air & Space Law* 187-212 (1979)
- Mankiewicz René, *Application of Article 26(2) of the Warsaw Convention as Amended at The Hague to Partial Loss of Contents of Registered Baggage – The House of Lords' New Standards for the Interpretation of Uniform Law Conventions*, 30 *ZLW* 119-136 (1981)
- Mapelli y Lopez Enrique, *Air Carriers Liability in Cases of Delay*, 1 *Annals of Air & Space Law* 109-132 (1976)
- Markhvida Kate, "Antitrust and Competition Law", in Paul Dempsey, Ram Jakhu (eds), *Routledge Handbook of Public Aviation Law* 308-329 (Routledge, 2017)
- Martins Carlos, *The 'Strong Exclusivity' Consensus Interpretation of the Montreal Convention*, 28:3 *The Air and Space Lawyer* 4-8 (2015)
- McDonald Marc, *The Montreal Convention and the Preemption of Air Passenger Harm Claims*, 44 *The Irish Jurist* 203-238 (2009)
- McKay Jennifer, *The Refinement of the Warsaw System: Why the 1999 Montreal Convention Represents the Best Hope for Uniformity*, 34 *Case Western Reserve Journal International Law* 73-101 (2002)
- Mendelson Allan, *Warsaw: In Transition or Decline?*, 21 *Air & Space Law* 183-187 (1996)
- Mendes de Leon Pablo, Eyskens Werner, *The Montreal Convention: Analysis of Some Aspects of the Attempted Modernization and Consolidation of the Warsaw System*, 66 *J. Air L. & Com.* 1155-1185 (2001)
- Mendes de Leon Pablo, *International Civil Aviation Organization*, *Max Planck Encyclopedias of International Law* (2007)
- Mendes de Leon Pablo, "Jurisdiction under and Exclusivity of Private International Air Law Agreements on Air Carrier Liability: The Case of Airbus versus Armavia Airlines (2013)", in Pablo Mendes de Leon (eds), *From Lowlands to High Skies – A Multilevel Jurisdictional Approach towards Air Law – Essays in Honour of John Balfour* 261-273 (Martinus Nijhoff Publishers, 2013)
- Mendes de Leon Pablo, *National Reflexes Following the COVID-19 Outbreak: Is Sovereignty Back in the Air?*, 45 (Special Issue) *Air & Space Law* 17-38 (2020)
- Mercer Antony, *Liability of Air Carriers for Mental Injury under the Warsaw Convention*, 28 *Air & Space Law* 147-187 (2003)
- Müller-Rostin Wolf, *Article 50 Montreal Convention – A Provision with Considerable Consequences*, 53 *ZLW* 551-557 (2004)
- Naboush Eman, *The Meaning of "Bodily Injury" in Air Passenger Litigation*, 39 *Annals of Air & Space Law* 39-73 (2014)
- Neenan Peter, *The Damaged Quilt: Inadequate Coverage of the Montreal Convention*, 37 *Air & Space Law* 51-64 (2012)

- Paliwal Nandini, *Interpretation of the Term 'bodily injury' in International Air Transportation – Whether recovery for Mental injury is tenable under the Warsaw System and Montreal Convention*, *The Aviation & Space Journal* 2 (April 2018)
- Pradelle (de la) Albert, *L'interprétation des Conventions Internationales de droit privé aérien à titre d'avis consultatif par le C.I.T.E.J.A.*, *Revue Générale de Droit Aérien* 455-463 (1934)
- Pradelle (de la) Albert, *Rapport sur la XII session du CITEJA*, RFDAS 605-617 (1937)
- Pontavice (du) Emmanuel, *L'interprétation des conventions internationales portant loi uniforme dans les rapports internationaux*, 7 *Annals of Air & Space Law* 3-40 (1982)
- Pourcelet Michel, *The International Element in Air Transport*, 33 *J. Air L. & Com.* 75-85 (1967)
- Pourcelet Michel, *A propos d'un accident d'avion: la diversité des solutions données par le tribunaux*, *Revue Générale de l'Air* 211-215 (1973)
- Radoševic Sonja, *CJEU's Decision in Nelson and Others in Light of the Exclusivity of the Montreal Convention*, 38 *Air & Space Law* 95-110 (2013)
- Rafael Gema Díaz, *Forum non conveniens – Los casos Spanair y Air France*, 8 *Revista Latino Americana de Derecho Aeronáutico* (2012)
- Ravaud Didier, *La notion d'établissement au sens de l'article 28 de la convention de Varsovie*, RFDAS 159-162 (1985)
- Riese Otto, *Réflexions sur l'unification internationale du Droit aérien, sa situation actuelle, ses perspectives*, RFDAS 131-148 (1951)
- Riese Otto, *Une juridiction supranationale pour l'interprétation du droit unifié?*, 13 *Revue Internationale de Droit Comparé* 717-735 (1961)
- Ripert Georges, *L'Unification du droit aérien*, RFDAS 251-267 (1932)
- Robins John, *The Montreal Convention of 1999 and the Smoking Wreckage of Accident*, 32 *Annals of Air & Space Law* 1-27 (2007)
- Rodière René, *La faute inexcusable du transporteur aérien – Appréciation concrète ou abstraite*, 13 *European Transport Law* 24-30 (1978)
- Sand Peter, *The International Unification of Air Law*, 30 *Law and Contemporary Problems* 400-424 (1965)
- Sarmiento García Manuel Guillermo, *Los derechos del pasajero derivados del convenio de Montreal de 1999 y del derecho comunitario Andino*, 93 *Revista Brasileira de Direito Aeronáutico e Especial* 50-57 (2010)
- Smithies Richard, *Regulatory Convergence – Extending the Reach of EU Aviation Law*, 72 *J. Air L. & Com* 3-20 (2007)
- Spitz Barry, *Assessment of the Unification of Private International Air Law by Treaty*, 83 *South African Law Journal* 176-184 (1966)
- Stewart Allison, *The Montreal Convention's Statute of Limitations – a Failed Attempt at Consistency*, 80 *J. Air L. & Com* 267-275 (2015)
- Sundberg Jacob, *La jurisprudence des pays scandinaves sur la Convention de Varsovie*, RFDAS 349-373 (1974)
- Tompkins George, *Bumping – Denied Boarding – And Article 19 of the 1999 Montreal Convention*, 32 *Air & Space Law* 231-232 (2007)
- Tompkins George, "The Malaise Affecting the Global Uniform Effectiveness of the Montreal Convention, 1999 (MC99)", in Pablo Mendes de Leon (eds), *From Lowlands to High Skies: A Multilevel Jurisdictional Approach Towards Air Law – Essays in Honour of John Balfour* 275-282 (Martinus Nijhoff Publishers, 2013)
- Tompkins George, *Are the Objectives of the 1999 Montreal Convention in Danger of Failure?*, 39 *Air & Space Law* 203-214 (2014)

- Traschler Thomas, *A Uniform application of Article 13 of the Cape Town Convention via an autonomous interpretation*, 21 *Unif. L. Rev.* 640-662 (2016)
- Truxal Steven, *Air Carrier and Air Passenger Rights: A Game of Tug of War*, 4 *Journal of International and Comparative Law* 103-122 (2017)
- Villeneuve (de) Jacques, *Compétence Juridictionnelle et Lex Fori dans la Convention de Varsovie*, 8 *Revue de droit de McGill* 284-299 (1961-1962)
- Visscher (de) Fernand, *Les conflits de loi en matière de droit aérien*, 48 *Recueil des cours de l'Académie de droit international* 279-385 (1934)
- Warner Edward, *PICAO and the Development of Air Law*, 14 *J. Air L. & Com.* 1-10 (1947)
- West Alexa, *Defining Accidents in the Air: Why Tort Law Principles Are Essentials to Interpret the Montreal Convention's Accident Requirement*, 85 *Fordham Law Review* 1465-1496 (2016)
- Zampone Alessandro, *La Convenzione di Montreal del 1999 sul trasporto aereo nell'interpretazione della Corte di Giustizia europea*, *Diritto dei trasporti* 1-35 (2020)
- Zhang Luping, *Introduction to the Forums in Resolving International Aviation Disputes*, 25 *Australian International Law Journal* 195-212 (2018)

Artificial Intelligence

- Alarie Benjamin, e. a., *Law in the Future*, 66 *University of Toronto Law Journal* 423-428 (2016)
- Alarie Benjamin, e. a., *How Artificial Intelligence Will Affect the Practice of Law*, 68 *University of Toronto Law Journal* 106-125 (2018)
- Aletras Nikolaos, e. a., *Predicting Judicial Decisions of the European Court of Human Rights: A Natural Language Processing Perspective*, *PeerJ Computer Science* (24 October 2016), <<https://peerj.com/articles/cs-93>> (accessed 12 May 2020)
- Anonymous, *State v. Loomis*, 130 *Harvard Law Review* 1530-1537 (2017)
- Buat-Ménard Eloi, *La justice dite "prédictive": prérequis, risques et attentes – l'expérience française*, 2 *Revue trimestrielle de l'Ecole nationale de la magistrature* 269-276 (2019)
- Cannarsa Michel, *Interpretation of Contracts and Smart Contracts: Smart Interpretation or Interpretation of Smart Contracts*, 27 *European Review of Private Law* 773-786 (2019)
- De Caria Riccardo, *The Legal Meaning of Smart Contracts*, 27 *European Review of Private Law* 731-752 (2018)
- Fitzgerald Paul, *Automating the Process of Passenger Claims under the EU Passenger Rights Regime*, 4 *The Aviation & Space Journal* 2-15 (2018)
- Gobeil Gabriel, *When Artificial Intelligence Renders Lawyers Obsolete: Proposing a Legal Framework of AI-Assisted Unmanned Aerial Vehicles in American Counterterrorism*, 43 *Annals of Air & Space Law* 127-166 (2018)
- Kolain Michael, *Artificial Intelligence, Robotics and the Law: Current Research Projects and Unsolved Legal Questions – Report of the first RAILS-Conference on 23 March 2018 in Hamburg*, 27 *European Review of Private Law* 647-656 (2019)
- Kozuka Souichirou, *A governance framework for the development and use of artificial intelligence: lessons from the comparison of Japanese and European Initiatives*, 24 *Unif. L. Rev.* 315-329 (2019)
- Licoppe Christian, Dumoulin Laurence, *Le travail des juges et les algorithmes de traitement de la jurisprudence. Premières analyses d'une expérimentation de 'justice prédictive' en France*, 103 *Droit et Société* 535-554 (2019)
- Linarelli John, *Artificial Intelligence and Contract*, 24 *Unif. L. Rev.* 330-347 (2019)

- Lippi Marco, e. a., *Consumer protection requires artificial intelligence*, 1 *Nature Machine Intelligence* 168-169 (2019)
- Lozanda-Pimiento Nicolás, *AI Systems and technology in dispute resolution*, 24 *Unif. L. Rev.* 348-366 (2019)
- Meyerowitz Glen, *Lawyers, Here's How to Begin Learning About Artificial Intelligence*, 1 *Robotics, Artificial Intelligence & Law* 261-266 (2018)
- Poullet Yves, Jacquemin Hervé, *Blockchain: une révolution pour le droit*, *Journal des Tribunaux* 801-819 (2018)
- Reiling Dory, *Quelle place pour l'intelligence artificielle dans le processus de décision d'un juge?*, 2 *Revue trimestrielle de l'Ecole nationale de la magistrature* 221-228 (2019)
- Tajti Tibor, *The impact of technology on access to law and the concomitant repercussions: past, present, and future (from 1980s to the present time)*, 24 *Unif. L. Rev.* 396-429 (2019)
- Turing Alan, *Computing Machinery and Intelligence*, *Mind* 433-460 (1950)
- Walton Douglas, e. a., *An argumentation for contested cases of statutory interpretation*, 24 *Artificial Intelligence Law* 51-91 (2016)

Miscellaneous

- Cote Pierre-André, *Le souci de la sécurité juridique dans l'interprétation de la loi au Canada*, 110 *Revue du notariat* 685-692 (2008)
- Dumont Hugues, Horevoets Christine, "L'interprétation des droits constitutionnels", in Marc Verdussen, Nicolas Bonbled (eds), *Les droits constitutionnels en Belgique. Les enseignements jurisprudentiels de la Cour constitutionnelle, du Conseil d'Etat et de la Cour de cassation* 1:147-244 (Bruylant, 2011)

Other Sources

- Asociación Latino Americana de Derecho Aeronáutico y Espacial, *Proyecto Código Aeronáutico Latino Americano* (version 1985), <<https://alada.org/2017/04/27/proyecto-codigo-aeronautico-latino-americano/>> (accessed 19 June 2019)
- Berchi Mauro, *La inteligencia artificial se asoma a la justicia*, 25 *El Pais Retina* 61-65 (2020)
- Broc Numa, *Les voyageurs français et la connaissance de la Chine (1860-1914)*, t. 276, Fasc. 1 (559) *Revue Historique* 90 (Presses Universitaires Françaises, Juillet – Septembre 1986).
- Canadian Broadcasting Corporation, <<https://www.cbc.ca/news/business/canadian-airlines-flight-passenger-rights-bill-in-court-1.5201985>> (accessed 22 March 2021)
- Conseil d'Etat, *Principes de techniques législatives – Guide de rédaction des textes législatifs et réglementaires* (2008)
- Council of Europe, The European Commission for the Efficiency of Justice – "European ethical Charter on the use of Artificial Intelligence in judicial systems and their environment" <<https://rm.coe.int/ethical-charter-en-for-publication-4-december-2018/16808f699c>> (accessed 31 October 2019)
- Council of the European Union, Council Conclusions, Access to justice – seizing the opportunity of digitalization, *Official Journal*, 14 October 2020, C-342 I/1
- Cour de cassation, *Rapport de la Commission Réflexion sur la Réforme de la Cour de cassation* (April 2017) <<https://www.courdecassation.fr/IMGRapport%20sur%20la%20réforme%20de%20la%20Cour%20de%20cassation.pdf>> (accessed 22 January 2021)

- Cour de cassation, *Note relative à la structure des arrêts et avis et à leur motivation en forme développée* (December 2018) <<https://www.courdecassation.fr/IMGNOTE%20MOTIVATION%2018%2012%202018.pdf>> (accessed 22 January 2021)
- Cour de cassation de Belgique, *Rapport annuel* (2018) <https://justice.belgium.be/sites/default/files/downloads/20180321_jp_31.pdf> (accessed 31 March 2020)
- Documentation française, *Guide de Légistique* (3rd edition, 2017)
- Expert Groups – European Commission, *Liability for Artificial Intelligence and other emerging technologies*, 2019 <https://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupMeetingDoc&docid=36608> (accessed 27 October 2020)
- European Aviation Artificial Intelligence High Level Group, *The Fly AI Report – Demystifying AI in Aviation/ATM*, 5 March 2020, <<https://www.eurocontrol.int/sites/default/files/2020-03/eurocontrol-fly-ai-report-032020.pdf>> (accessed 9 March 2020)
- European Commission, Commission Notice — Interpretative Guidelines on Regulation (EC) No 261/2004 of the European Parliament and of the Council establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights and on Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents as amended by Regulation (EC) No 889/2002 of the European Parliament and of the Council, C/2016/3502, *Official Journal*, 15 June 2016, C 214/5
- European Commission, Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee of the Regions, Artificial Intelligence for Europe, 25 April 2018, COM (2018) 237 final
- European Commission, Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee of the Regions, Coordinated Plan on Artificial Intelligence, 7 December 2018, COM (2018) 795 final
- European Commission, *Study on the current level of protection of air passenger rights in the EU*, January 2020, <<https://op.europa.eu/en/publication-detail/-/publication/f03df002-335c-11ea-ba6e-01aa75ed71a1>> (accessed 29 September 2020)
- European Commission, *Study on the Use of Innovative Technologies in the Justice Field*, September 2020, <<https://op.europa.eu/en/publication-detail/-/publication/4fb8e194-f634-11ea-991b-01aa75ed71a1/language-en>> (accessed 17 September 2020)
- European Union, *Joint Practical Guide of the European Parliament, the Council and the Commission for persons involved in the drafting of European Union legislation*, July 2016, <<https://op.europa.eu/en/publication-detail/-/publication/3879747d-7a3c-411b-a3a0-55c14e2ba732>> (accessed 22 December 2020)
- Hague Conference on Private International Law, *Enhancing Access to Foreign Law and Case Law – Presentation of Solutions by the European Union*, April 2014 <www.hcch.net>
- International Air Transport Association, *The Liability Reporter*, annual publication
- International Air Transport Association, *Core Principles on Consumer Protection*, <www.iata.org/policy/Documents/consumer_protection_principles.pdf> (accessed 29 October 2019)
- International Civil Aviation Organization, *Database on Aviation Specific Consumer Protection Regulations*, <<https://2001-2009.state.gov/r/pa/prs/ps/2003/23851.htm>> (accessed 23 March 2021)

- Le Devoir, <<https://www.ledevoir.com/economie/560781/la-cour-d-appel-federale-entendra-la-contestation-des-transporteurs-aeriens>> (accessed 22 March 2021).
- Le Figaro, <<http://www.lefigaro.fr/histoire/archives/2017/06/09/26010-20170609ARTFIG00288-pek-in-paris-en-automobile-un-prodigieux-defi-en-1907.php>> (accessed 28 May 2019)
- Les Echos, <<https://business.lesechos.fr/directions-juridiques/droit-des-affaires/contentieux/0601825123420-l-intelligence-artificielle-se-met-au-service-des-juristes-d-airhelp-331496.php>> (accessed 31 October 2019)
- United States, *Statistical Abstract of the United States*, volume 125, Part 2006, p. 699 quoting ICAO, Civil Aviation Statistics of the World, <<https://www2.census.gov/library/publications/2005/compendia/statab/125ed/tables/trans.pdf>> (accessed 29 May 2019)

Index

A

Accident 1, 2, 14, 47, 53, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 105, 106, 111, 113, 122, 126, 141, 142, 152, 153, 161, 169, 171, 173, 174, 176, 177, 182
Advisory Body 203, 204
African Union 151
Algorithm 16, 206, 207, 209, 213, 215, 217, 218, 221, 222, 223, 225
Amicus curiae 203
Andean Community 154
Artificial Intelligence 16, 17, 18, 189, 193, 195, 204, 205, 206, 208, 209, 212, 215, 216, 217, 219, 221, 225
Association of Southeast Asian Nations 155
Authority of an interpretation 42
Autonomy 7, 24, 32, 67, 68, 74, 75, 76, 78, 79, 80, 81, 84, 90, 92, 94, 98, 99, 104, 135, 136, 157, 163, 166, 170, 176, 177, 178, 179, 184, 188, 190, 191, 192, 193, 209, 211, 212, 213, 214

B

Bijuralism 34
Bodily Injury 73, 84, 85, 94, 97, 98, 100, 105, 106, 107, 108, 109, 110, 111, 112, 113, 126, 139, 140, 141, 175

C

Cape Town Convention 2001 192, 202
CISG 70, 201, 204
CITEJA 47, 62, 75, 81, 129, 131, 132
CMR 28, 33, 69, 185, 194, 198, 204
Codification 3, 4, 21, 59, 60, 63, 122
Collegium jurisconsultorum 203, 204, 214
Conflict of laws 4, 5, 6, 14, 51, 61, 62, 63, 211
Convergence 7, 61
Cooperation 7, 8, 194
Coordination 7, 52

D

Database 194, 195, 201, 209, 214
Declaration 41, 108, 109, 124, 125, 132
Deep learning 218

Delay 55, 66, 73, 101, 102, 103, 104, 113, 143, 146, 147, 148, 149, 151, 152, 154, 155, 157, 161, 162, 186, 187
Draft Statement 108, 112
Dualist System 30, 31, 32, 34, 38, 179, 180

E

Economic and Monetary Community of Central Africa 154
EU Regulation 261/2004 9, 16, 29, 43, 94, 104, 143, 144, 145, 146, 147, 148, 149, 150, 151, 161, 162
EU Regulation 2027/97 42, 141, 142, 152
Exclusivity 14, 68, 70, 71, 72, 73, 74, 80, 81, 94, 98, 99, 135, 147, 152, 156, 157, 158, 159, 160, 161, 163, 173, 179, 188, 195, 196, 197, 209, 211, 212, 213
Executive Agreements 31
Extraordinary Circumstances 94, 146, 148, 149, 150

F

Feedback Loops 218
Fifth Jurisdiction 77, 122
Forum non conveniens 37, 77, 122, 123
French law 35, 111, 169, 170, 174, 175, 176

H

Hague Conference on Private International Law 4, 193
Harmonization 3, 6, 7, 59, 61, 63, 81, 213

I

IATA Recommended Practices 139, 192
International customary law 21, 23, 27, 36, 43
International Law Commission 4, 17, 25, 27, 74, 79, 112, 177

L

Legal Certainty 53, 54, 55, 56, 57, 60, 62, 77, 81, 83, 122, 147, 166, 190, 211, 222
Légistique 83
Lex Specialis 75

M

Machine Learning 218
Mental Injury 48, 66, 104, 105, 106, 107, 108,
109, 110, 111, 112, 113
Monist System 30, 32, 33, 34, 42, 179
Moral Damage 109, 112, 113

O

Open Access 221
Open Data 221
Ordinary Meaning 21, 24, 26, 43, 164, 177

P

Predictive Justice 16, 220, 221
Proxies 218
Proyecto Código Aeronáutico Latino Americano
154

R

Renvoi 12, 14, 29, 63, 73, 80, 81, 114, 116,
177, 193, 213
Reservation 12, 25, 107, 109, 124, 125, 126,
132
Rome Convention 1952 28, 69, 127
Rotterdam Rules 29, 70, 192, 201

S

Self-Contained Regimes 74
Smart Contracts 208
Sovereign Interpretation 36
Special Drawing Rights 137
Standards and Recommended Practices 4, 91

U

UNCITRAL 3, 194, 201, 209, 217
UNIDROIT 3, 6, 194, 201, 209, 217
Unification 3, 4, 5, 33, 51, 52, 61, 62, 63, 64,
66, 79, 81, 106, 122, 125, 131, 135, 137,
166, 179, 191, 211, 213

V

Vienna Convention 1969 16, 18, 20, 21, 22,
23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35,
37, 38, 39, 40, 43, 47, 63, 74, 75, 100, 112,
124, 132, 164, 166, 168, 170, 178, 179,
185, 186, 200, 206, 209, 212, 213, 214,
217, 222, 225

W

West African Economic and Monetary Union
91, 152

About the Author

Cyril-Igor Grigorieff, born on 7 August 1982 in Brussels (Belgium), holds a Master in Law from the *Université Libre de Bruxelles*. He has been a member of the Brussels Bar since 2006 and is a former member of Paris Bar (2014-2018). He gained experience in matters relating to airline liability in a multi-jurisdictional environment, in European Union regulatory affairs and in aircraft finance in international law firms. In 2020, he conducted his research as an external PhD candidate at Leiden Law School of Leiden University under the supervision of Prof. Dr. Pablo Mendes de Leon and Prof. Dr. Vincent Correia.

Cyril-Igor has also been a guest lecturer in air law at Paris-Saclay University since 2013, and is regularly invited to speak at academic and industry seminars. He is the author of around 40 publications in the field of air law. Notably, he has been one of the named authors in the Belgian Transportation Code since 2010 (*Code Annoté du Droit des Transports*, Larcier), and the co-editor of the first Law Book in French on Aircraft Finance (*Le droit du financement des aéronefs*, Bruylant, 2017).

In the range of books published by the Meijers Research Institute and Graduate School of Leiden Law School, Leiden University, the following titles were published in 2019 and 2020:

- MI-335 M.R. Bruning e.a., *Kind in proces: van communicatie naar effectieve participatie*, Nijmegen: Wolf Legal Publishers 2020
- MI-336 J. van Kralingen, *De ondeelbaarheid van het pand- en hypotheekrecht; deconstructie van een leerstuk. Een historisch-comparatieve studie*, (diss. Leiden), Den Haag: Boom juridisch 2020, ISBN 978 94 6290 782 9
- MI-337 J.C.A. van Dam, *Guidance documents of the European Commission in the Dutch legal order*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-338 F. Jiang, *'Greening' the WTO Ban on China's Export Duties. Should WTO law allow China to use export duties to protect the environment and, if so, in what manner?*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-339 M.J.R. Broekema, *Cognitive Bias in the Judgment of Business Valuations and Valuators. How Systematic Patterns of Irrationality Affect Entrepreneurs, Legal Professionals and Business Valuators*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-340 H. Horii, *Child Marriage as a Choice. Rethinking agency in international human rights*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-341 R. de Graaff, *Concurrence in European Private Law*, (diss. Leiden), The Hague: Eleven International Publishing 2020, ISBN 978 94 6236 134 8
- MI-342 J.M.M. van der Vliet, *The International Legal Protection of Environmental Refugees. A human rights-based, security and State responsibility approach*, (diss. Leiden), Den Haag: Boom juridisch 2020, ISBN 978 94 6236 139 3
- MI-343 M. Samadi, *Normering en Toezicht in de Opsporing. Een onderzoek naar de normering van het strafvorderlijk optreden van opsporingsambtenaren in het voorbereidend onderzoek en het toezicht op de naleving van deze normen*, (diss. Leiden), Den Haag: Boom juridisch 2020, ISBN 978 94 6290 816 1
- MI-344 D.J. Verheij, *Credit rating agency liability in Europe. Rating the combination of EU and national law in rights of redress*, (diss. Leiden), The Hague: Eleven International Publishing 2020, ISBN 978 94 6236 144 7
- MI-345 P. Rustenburg, *Een algemene normtheorie toegepast op open normen in het belastingrecht*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-346 J.V.O.R. Doekhie e.a., *Invoering jeugdstrafrecht in Caribisch Nederland. Een verkenning naar een jeugdstrafrechtmonitor*, Den Haag: Boom criminologie 2020, ISBN 978 94 6236 151 5
- MI-347 A. Varga, *Establishing State Responsibility in the Absence of Effective Government*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-348 M. Darouei, *Managing a Sustainable Career in the Contemporary World of Work: Personal Choices and Contextual Challenges*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-349 N. Strohmaier, *Making Sense of Business Failure. A social psychological perspective on financial and legal judgments in the context of insolvency*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-350 S. Kouwagam, *How Lawyers Win Land Conflicts for Corporations. Legal Strategy and its Influence on the Rule of Law in Indonesia*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-351 A.D. Sarmiento Lamus, *The proliferation of dissenting opinions in international law. A comparative analysis of the exercise of the right to dissent at the ICJ and the IACtHR*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-352 B. Ribeiro de Almeida, *Building land tenure systems. The political, legal, and institutional struggles of Timor-Leste*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-353 K.A.M. van der Zon, *Pleegrechten voor kinderen. Een onderzoek naar het realiseren van de rechten van kinderen die in het kader van de ondertoezichtstelling in een pleeggezin zijn geplaatst*, (diss. Leiden), Den Haag: Boom juridisch 2020, ISBN 978 94 6290 842 0
- MI-354 E.G. van 't Zand e.a., *Bestuurlijke boetes en de Verklaring Omtrent het Gedrag. Een onderzoek naar de realiseerbaarheid en wenselijkheid van het betrekken van bestuurlijke boetes bij de VOG-screening aan de hand van een casestudy naar handhaving en integriteit in de financiële sector*, Den Haag: Boom juridisch 2020, ISBN 978 94 6290 843 7
- MI-355 J. Boakye, *Understanding Illegal Logging in Ghana. A Socio-Legal Study on (non)Compliance with Logging Regulations*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-356 N.N.A. Sánchez Castillo-Winckels, *International law and the sustainable governance of shared natural resources. A principled approach*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020, ISBN 978 94 0282 145 1

- MI-357 S.S. Arendse, *De uiterlijke verschijningsvorm in het strafrecht. Een analyse van de jurisprudentie van de Hoge Raad*, (diss. Leiden), Den Haag: Boom juridisch 2020, ISBN 978 94 6290 844 4
- MI-358 J. Reef, M. Jeldes & Y.N. van den Brink, *De PIJ-maatregel doorgelicht. Juridische grondslagen, populatiekenmerken, gedragsverandering en recidive*, Nijmegen: Wolf Legal Publishers 2020, ISBN 978 94 6240 608 7
- MI-359 S. Guo, *Recognition of Foreign Bank Resolution Actions*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-360 B. Muscat, *Insolvency Close-out Netting: A comparative study of English, French and US laws in a global perspective*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-361 J.M. ten Voorde, S.V. Hellemons & P.M. Schuyt, *Discriminatie als strafbeïnvloedende omstandigheid bij strafbare feiten, Een rechtsvergelijkende studie*, (diss. Leiden), Den Haag: Boom juridisch 2020, ISBN 978 94 6290 871 0
- MI-362 F. Afandi, *Maintaining Order: Public Prosecutors in Post-Authoritarian Countries, the case of Indonesia*, (diss. Leiden), Amsterdam: Ipskamp Printing 2020
- MI-363 R.M. Koenraadt, M.M. Boone, S.E. Rap & S. Kappert, *Financieel toezicht binnen het (jeugd) strafrecht. Een onderzoek naar het verloop, de resultaten en mogelijke uitbreiding van verplicht financieel toezicht binnen het (jeugd)strafrecht*, Den Haag: Boom juridisch 2020, ISBN 978 94 6290 933 5
- MI-364 J.J. Asscher, Y.N. van den Brink, H.E. Creemers, E. Huls, E.K. van Logchem, N. Lynch & S.E. Rap, *De strafmaat voor jeugdige daders van ernstige gewelds- en zedenmisdrijven in internationaal perspectief*, Den Haag: Boom juridisch 2020, ISBN 978 94 6290 943 4
- MI-365 M.P.A. Spanjers, *Belastingbudget. Onderzoek betekenis budgettaire impact belastingen bij parlementaire vaststelling belastingwetgeving*, (diss. Leiden), Den Haag: Flosvier, ISBN/EAN 978 90 8216 072 7
- MI-366 J. Zhang, *The Rationale of Publicity in the Law of Corporeal Movables and Claims. Meeting the Requirement of Publicity by Registration?*, The Hague: Eleven International Publishing 2021, ISBN 978 94 6236 210 9
- MI-367 B.C.M. van Hazebroek, *Understanding delinquent development from childhood into early adulthood in early onset offenders*, (diss. Leiden), Amsterdam: Ipskamp Printing 2021, ISBN 978 94 6421 272 3
- MI-368 M.R. Manse, *Promise, Pretence and Pragmatism. Governance and Taxation in Colonial Indonesia, 1870-1940*, (diss. Leiden), Amsterdam: Ipskamp Printing 2021
- MI-369 M.E. Stewart, *Freedom of Overflight: A Study of Coastal State Jurisdiction in International Airspace*, (diss. Leiden), Amsterdam: Ipskamp Printing 2021
- MI-370 M.T. Beumers, *De bescherming van immateriële contractuele belangen in het schadevergoedingsrecht*, (diss. Leiden), Den Haag: Boom juridisch 2021, ISBN 978 94 6290 962 5
- MI-371 C.M. Sandelowsky-Bosman, T. Liefwaard, S.E. Rap & F.A.N.J. Goudappel, *De rechten van ongedocumenteerde kinderen in Curaçao – een gezamenlijke verantwoordelijkheid*, Den Haag: Boom juridisch 2021, ISBN 978 94 6290 965 6
- MI-372 G.J.A. Geertjes, *Staatsrecht en conventie in Nederland en het Verenigd Koninkrijk*, (diss. Leiden), Zutphen, Uitgeverij Paris bv 2021, ISBN 978 94 6251 270 2
- MI-373 L. Noyon, *Strafrecht en publieke opinie. Een onderzoek naar de relatie tussen de strafrechtspleging en het publiek, met bijzondere aandacht voor het Openbaar Ministerie*, (diss. Leiden), Den Haag: Boom juridisch 2021, ISBN 978 94 6290 978 6
- MI-374 F. Behre, *A European Ministry of Finance? Charting and Testing the National Constitutional Limits to EU Fiscal Integration*, (diss. Leiden), Amsterdam: Ipskamp Printing 2021
- MI-375 R. Spence, *Collateral transactions and shadow banking*, (diss. Leiden), Amsterdam: Ipskamp Printing 2021
- MI-376 B.H.M. Custers, F. Dechesne & S. van der Hof (red.), *Meesterlijk. Liber amicorum ter gelegenheid van het emeritaat van prof. dr. Jaap van den Herik*, Amsterdam: Ipskamp Printing 2021
- MI-377 E. Campfens, *Cross-border claims to cultural objects. Property or heritage?*, (diss. Leiden), Den Haag: Boom juridisch 2021, ISBN 978 94 6236 250 5
- MI-378 S.R. Bakker, *Uitzonderlijke excepties in het strafrecht. Een zoektocht naar systematiek bij de beslissingen omtrent uitsluiting van strafrechtelijke aansprakelijkheid in bijzondere contexten*, Den Haag: Boom juridisch 2021
- MI-379 M. Gkliati, *Systemic Accountability of the European Border and Coast Guard. The legal responsibility of Frontex for human rights violations*, (diss. Leiden), Alblasterdam: Ridderprint

Is uniformity a predominant aim of the international air carrier liability regime established by the 1999 Montreal Convention? If that is the case, are there factors preventing this aim from being achieved? Which are they? And which methods could be used to enhance uniformity? In addition to the methods that could be implemented in the short run, could software using Artificial Intelligence mechanisms also ensure a higher degree of uniformity in the court decisions in the future?

The author divides this research into three parts. Part I examines the *ratio legis* of the 1999 Montreal Convention in order to determine to what extent uniformity is a principal aim of the convention that must be pursued in its application. Part II analyses the factors which already existed at the time of the signing and prevented its uniform application. Part III scrutinizes the fragmentation factors that only appeared during the lifespan of the convention. Part IV makes different suggestions to improve the uniform application of the convention and to reduce its fragmentation. The author concludes the research with a list of not less than 10 recommendations to protect the aim of uniformity of the international air carrier liability regime established by the 1999 Montreal Convention.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programme 'Exploring the Frontiers of International Law'.