



SILVIO BUSTI

La tormentata costruzione della nuova normativa internazionale uniforme sul danno a terzi dal volo di aeromobile: tanta fatica per nulla?

The Tormented Formation of the New Uniform International Rules on Damage by Aircraft to Third Parties. So much Trouble for Nothing?

This article reviews the work that led to the two May 2, 2009 Conventions on uniform law on damage to third parties caused by aircraft: the so-called «General Risks Convention» and «Unlawful Interference Convention». Particular attention is paid to the debate on the compensation regime of damages caused on the surface, even indirectly, by acts contrary to air security. These rules are deemed preferable to those of the General Risks Convention on compensating the same damages caused by infringement of air safety rules.

The article also focuses on the Compensation Fund provided for by the Unlawful Interference Convention and absent in the General Risks Convention. The Compensation Fund provides supplementary relief to third parties in addition to the compensation due by the operator of the aircraft involved in the unlawful interference. The disparity of treatment of compensation of damages substantially equivalent under the two Conventions seems to the author contrary to fundamental principles of constitutional law.