

Air transport: insurance for air carriers and aircraft operators

2002/0234(COD) - 21/04/2004 - Final act

PURPOSE : to establish minimum insurance requirements for air carriers and aircraft operators in respect of passengers, baggage, cargo and third parties. **LEGISLATIVE ACT** : Regulation 785/2004/EC of the European Parliament and of the Council on insurance requirements for air carriers and aircraft operators. **CONTENT** : the objective of this Regulation is to establish minimum insurance requirements for air carriers and aircraft operators in respect of passengers, baggage, cargo and third parties. In respect of the carriage of mail, the insurance requirements are those set out in Regulation 2407/92/EEC and in the national laws of the Member States. As regards the scope of this Regulation, it shall apply to all air carriers and to all aircraft operators flying within, into, out of, or over the territory of a Member State to which the Treaty applies. For liability in respect of passengers, the minimum insurance cover shall be 250000 SDRs per passenger. However, in respect of non-commercial operations by aircraft with a MTOM of 2700 kg or less, Member States may set a lower level of minimum insurance cover, provided that such cover is at least 100000 SDRs per passenger. For liability in respect of baggage, the minimum insurance cover shall be 1000 SDRs per passenger in commercial operations. For liability in respect of cargo, the minimum insurance cover shall be 17 SDRs per kilogram in commercial operations. On the other hand, This Regulation shall not apply to: - State aircraft as referred to in Article 3(b) of the Convention on International Civil Aviation, signed at Chicago on 7 December 1944; - model aircraft with an MTOM of less than 20 kg; - foot-launched flying machines (including powered paragliders and hang gliders); - captive balloons; - kites; - parachutes (including parascending parachutes); - aircraft, including gliders, with a MTOM of less than 500 kg, and microlights, which: are used for non-commercial purposes, or are used for local flight instruction which does not entail the crossing of international borders, in so far as the insurance obligations under this Regulation relating to the risks of war and terrorism are concerned. It should be noted that this Regulation is without prejudice to the rules on liability as arising from: - international Conventions to which the Member States and/or the Community are parties, - Community law, and - national law of the Member States. This Regulation provides for legal certainty vis--vis Community and non-Community air carriers and aircraft operators and create a level playing field by ensuring transparent, non-discriminatory and harmonised application of the minimum insurance requirements throughout the Community. The Commission shall submit a report to the European Parliament and the Council on the operation of this Regulation by 30 April 2008. **ENTRY INTO FORCE** : 30/04/2005.