

# Air carrier liability in case of air accidents

1995/0359(SYN) - 24/02/1997 - Council position

The common position incorporates wholly or in part 15 amendments adopted by Parliament at first reading, accepted by the Commission and included in its amended proposal. The amendments included in the common position concern in particular: - the need to review the Warsaw Convention and the key role which Community action could play in such negotiations; - a statement that the regulation concerns only financial limits of liability; - clarification of the need for the rapid payment of advances; - information which must be provided by third country carriers; - strict liability of the carrier: this is increased from ECU 100 000 to the equivalent in ECU of 100 000 SDR (i.e. about ECU 120 000); - introduction of greater flexibility with regard to payment of the advance; - strengthening of the right to information of users of air transport; - introduction of a right of appeal for air carriers; - submission of an assessment report on the application of the regulation. However the common position differs from the Commission proposal on the following points: - deletion of the previous recitals concerning the addition of a fifth jurisdiction; the introduction in negotiation with third countries of an undertaking to apply the regulation; the need to address the liability of carriers for lost or damaged luggage or cargo; - the need to review the regulation as quickly as possible after the revision of the Warsaw Convention currently in progress in ICAO; - the addition of a provision specifying the scope of the regulation and drawing attention to the insurance requirements for Community carriers and the requirements concerning information to be provided by third country carriers; - the addition of the definition of special drawing rights in order to ensure consistency with the monetary unit used in the Warsaw Convention; - the addition of a point on the obligation on Community carriers to have a certain level of insurance; - the extension of the deadline (15 days instead of ten) for making the advance available; this payment should not be less than the equivalent in ECU of 15 000 SDR per passenger in the event of death; the advance will also be returnable when the person to whom it is paid has contributed to the accident or when there has been an error in identifying this person; - the general obligation on third country carriers to provide travellers with a form indicating the conditions of liability. Lastly, the interval between the publication of the regulation and its entry into force will be one year (instead of six months).