

Air carriage: liability in the event of accidents

2000/0145(COD) - 06/06/2000 - Legislative proposal

PURPOSE : to establish a uniform liability regime for European Community air carriers with regard to recent developments in international law. **CONTENT** : Regulation 2027/97/EC on air carrier liability in the case of accidents establishes a uniform liability regime for the European Community air carriers. Passengers and EC air carriers alike benefit from the existence of a uniform system that creates certainty. This proposal provides for the revision of this system in order to take account of recent developments in international law. Firstly, the Montreal Convention establishes a modernised and uniform legal framework to govern the liability of airlines for damage to passengers, baggage cargo incurred during international journeys. It represents a considerable improvement over the current international regime in this area - the system based on the Warsaw Convention of 1929 - and will completely replace that regime over time. The proposed changes to Regulation 2027/97/EC would ensure that the liability limits and legal defences are harmonised on Montreal standards for all transport carried out by European carriers, regardless of the route on which the accident occurred. Therefore, this will ensure a high degree of uniformity within the Community. The only substantial addition to the existing Community regime is proposed in the fields of baggage and delay. Under the proposed amendment, the provisions of the Montreal Convention relating to loss of, damage to and destruction of baggage and damage occasioned by delay, would be incorporated into the Community regime. This will ensure that Community legislation deals with all the key liability issues of relevance and concern to passengers. As for the entry into force of the revised regulation, the Commission would certainly privilege the earliest date compatible with the Community legislative process and the necessary adaptation of the industry. It has however to recognise that such an entry into force before that of the Montreal Convention could create some confusion as to the obligations of Community carriers. It suggests therefore that efforts are done to ensure simultaneity as much as feasible.