

# Air carriage: liability in the event of accidents

2000/0145(COD) - 21/05/2001 - Modified legislative proposal

The Commission accepts the following amendments which relate in particular to: - introducing a new recital acknowledging that, even after the Montreal Convention comes into effect, the liability of some non-Community carriers will continue to be governed by the Warsaw System (offering poor protection). This acknowledgement reinforces the justification of the obligations on third country carriers to inform passengers of their liability provisions; - further emphasises, in a recital, of the importance of transparent rules on liability for passengers and air carriers; - defining precisely the subject of the proposed amending regulation, as being liability for the carriage of passengers and their baggage by air, not of cargo; - clarifying the three aims of the proposed amending regulation; - aligning the proposed amending regulation on the Montreal Convention, which allows corporate bodies as well as natural persons to claim compensation; - introducing a definition of baggage, as it removes uncertainty about the inclusion of unchecked baggage and aligns the proposed amending regulation on the Montreal Convention; - clarifying that the obligation of full insurance relates to liability for passengers in the context of the regulation; - an obligation concerning responses to complaints should not be limited to liability but form part of a wider measure covering all subjects of complaint; - reintroducing into the proposed amending regulation a necessary statement of the conditions under which an advance payment to meet economic hardship resulting from death or injury is returnable; - clarifying and strengthening the obligation in the proposed amending regulation on air carriers to make available a summary of liability provisions at points of sale; - obliging air carriers to give passengers purchasing air transport in the Community a written indication of the liability provisions applying to their flights instead of a formal notice, so allowing carriers to give the information in a simpler and more useful form; - advancing the date by which the Commission must report on the application of the proposed amending regulation, so allowing a more rapid assessment of the effectiveness of passenger protection. It also links the revision of the financial limits on liability to the procedures established by the Montreal Convention.