Air carriage: liability in the event of accidents

2000/0145(COD) - 13/05/2002 - Final act

PURPOSE : to amend the rules on air carrier liability in the event of accidents. COMMUNITY MEASURE : Regulation 889/2002/EC of the European Parliament and of the Council amending Council Regulation 2027/97/EC on air carrier liability in the event of accidents. CONTENT : the Montreal Convention, which the Community has signed, provides for a regime of unlimited liability in the case of death or injury of air passengers. Therefore Council Regulation 2027/97 must be amended in order to align it with the provisions of the Montreal Convention, thereby creating a uniform system of liability for international air transport. In the internal aviation market, the distinction between national and international transport has been eliminated and it is therefore appropriate to have the same level and nature of liability in both international and national transport within the Community. In the context of a safe and modern air transport system, this Regulation sets out a system of unlimited liability in case of death or injury to passengers. It also sets out uniform liability limits for loss of, damage to, or destruction of, baggage and for damage occasioned by delay, which apply to all travel on Community carriers. This will ensure simple and clear rules for both passengers and airlines and enable passengers to recognise when additional insurance is necessary. There are no financial limits to the liability for passenger death or injury. For damages up to 100000SDRs the air carrier cannot contest claims for compensation. Above that amount, the carrier can defend itself against a claim by providing that it was not negligent or otherwise at fault. Community air carriers must, within 15 days after the identification of a person entitled to compensation, make a suitable advance payment, not less than 16000 SDR per passenger in the event of death. The Regulation makes it compulsory for all carriers to be insured upto a level that is adequate to ensure that all persons entitled to compensation receive the full amount to which they are entitled. Carriers must provide basic information on the liability rules applicable to every passenger so that they can make additional insurance arrangements in advance of travel if necessary. There are provisions to review the monetary amounts set down in this Regulation in order to take account of inflation and any review of the liability limits in the Montreal Convention. To the extent that further rules are required in order to implement the Montreal Convention on points that are not covered by Regulation 2027/97/EC, it is the responsibility of the Member States to make such provisions. ENTRY INTO FORCE : 30/05/02.