Basic information

1995/0359(SYN) SYN - Cooperation procedure (historic)	Procedure completed
Air carrier liability in case of air accidents Amended by 2000/0145(COD) Amended by 2013/0072(COD) **Subject** 3.20.01.01 Air safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	GONZÁLEZ TRIVIÑO Antonio (PSE)	22/11/1995

Former committee responsible	Former rapporteur	Appointed
TRAN Transport and Tourism	SÁNCHEZ GARCÍA Isidoro (ARE)	22/11/1995

Former committee for opinion	Former rapporteur for opinion	Appointed
ECON Economic and Monetary Affairs, Industrial Policy	The committee decided not to give an opinion.	
JURI Legal Affairs, Citizens' Rights	HLAVAC Elisabeth (PSE)	19/03/1996
ENVI Environment, Public Health and Consumer Protection	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	1989	1997-02-24
Transport, Telecommunications and Energy	1979	1996-12-13
Transport, Telecommunications and Energy	2031	1997-10-09
Transport, Telecommunications and Energy	1951	1996-10-03

Key events

Date	Event	Reference	Summary
18/05/1995	Additional information		Summary
20/12/1995	Legislative proposal published	COM(1995)0724	Summary
28/03/1996	Committee referral announced in Parliament		
02/07/1996	Vote in committee		Summary
02/07/1996	Committee report tabled for plenary, 1st reading/single reading	A4-0228/1996	
16/09/1996	Debate in Parliament		Summary
03/10/1996	Debate in Council		
10/12/1996	Modified legislative proposal published	COM(1996)0663	Summary
24/02/1997	Council position published	05211/2/1997	Summary
13/03/1997	Committee referral announced in Parliament, 2nd reading		
21/05/1997	Vote in committee, 2nd reading		Summary
21/05/1997	Committee recommendation tabled for plenary, 2nd reading	A4-0172/1997	
28/05/1997	Debate in Parliament		Summary
04/07/1997	Modified legislative proposal published	COM(1997)0359	
09/10/1997	Act adopted by Council after consultation of Parliament		
09/10/1997	End of procedure in Parliament		
17/10/1997	Final act published in Official Journal		

Technical information

Procedure reference	1995/0359(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Amended by 2000/0145(COD) Amended by 2013/0072(COD)
Legal basis	EC Treaty (before Amsterdam) E 084-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/4/08695

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single		A4-0228/1996		

reading		OJ C 261 09.09.1996, p. 0004	02/07/1996	
Text adopted by Parliament, 1st reading/single reading		T4-0452/1996 OJ C 320 28.10.1996, p. 0019-0030	17/09/1996	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0172/1997 OJ C 182 16.06.1997, p. 0003	21/05/1997	
Text adopted by Parliament, 2nd reading		T4-0270/1997 OJ C 182 16.06.1997, p. 0013-0030	29/05/1997	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	05211/2/1997 OJ C 123 21.04.1997, p. 0089	24/02/1997	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1995)0724 OJ C 104 10.04.1996, p. 0018	20/12/1995	Summary
Modified legislative proposal	COM(1996)0663 OJ C 029 30.01.1997, p. 0010	10/12/1996	Summary
Commission communication on Council's position	SEC(1997)0417	06/03/1997	Summary
Modified legislative proposal	COM(1997)0359	04/07/1997	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0697/1996 OJ C 212 22.07.1996, p. 0038	29/05/1996	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 1997/2027
OJ L 285 17.10.1997, p. 0001 Summary

Air carrier liability in case of air accidents

1995/0359(SYN) - 10/12/1996 - Modified legislative proposal

The Commission's modified proposal takes into account to a large extent the European Parliament's amendments, in particular those seeking to: - express the need to review the Warsaw Convention at multilateral level, while recognizing the role which Community action could play in the framework of such negotiation in the search for a general solution; - raise the level of liability to ECU 120 000 instead of ECU 100 000; - confirm the need to review the systems for liability for luggage and cargo; - clarify the need for advance payments; - clarify the nature of the action to be taken in the courts by defining the domicile at the time of the accident; - call on the Commission to ensure the application of the regulation in negotiations with third countries; - delete the lump sum by giving a new definition of persons entitled to compensation; - introduce greater flexibility with regard to advance payments; - strengthen air transport users' right to information; - introduce a right of appeal for carriers; - provide for the presentation of an evaluation report in 1999.

Air carrier liability in case of air accidents

1995/0359(SYN) - 29/05/1997 - Text adopted by Parliament, 2nd reading

In adopting the recommendation for second reading by Mr Antonio GONZALEZ TRIVINO (ARE, E), the European Parliament amended the common position. Parliament thought it desirable that provisions similar to those in the regulation be applied by all air carriers operating to, from or within the Community. It asked that when the Commission negotiates with third countries it shall ensure that carriers who are subject to lower levels of liability accept and apply the regulation.

Air carrier liability in case of air accidents

1995/0359(SYN) - 29/05/1996 - Economic and Social Committee: opinion, report

The Committee welcomes the Commission's proposal. It does, however, feel that the Commission's approach needs to be amended, particularly to deal with: - difficulties over the advance payment provision; - legal interpretations over the words "domicile" and "permanent residence"; - the need for proof of fault; - possible effects of higher costs on smaller airlines; - the limitation to EU carriers; - the need to protect the interests of and provide clarity for the user. The Committee feels that these problems must be settled in such a way that the final regulation is able to act as a catalyst for a new, more appropriate world-wide system for the benefit of the travelling public.

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 internal between the publication of the regulation and its entry into force will be one year (instead of six months).

Air carrier liability in case of air accidents

1995/0359(SYN) - 17/09/1996 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Isidoro SANCHEZ GARCIA (ARE, E), Parliament amended the proposal for a Council Regulation on air carrier liability in case of accidents. In its amendments Parliament: - sought to improve the arrangements for passenger protection and the making of prompt advance payments to injured passengers or their next-of-kin: the air carrier would make, within a period of 10 days, the advance payments needed to meet the immediate costs; - proposed increasing the strict liability of the air carrier from ECU 100 000 to ECU 120 000; - called for better information for passengers and hoped that negotiations would make it possible to extend such arrangements to third country air carriers.

Air carrier liability in case of air accidents

1995/0359(SYN) - 06/03/1997 - Commission communication on Council's position

The Commission supported the common position since the amendments proposed by Parliament at first reading and the amendments adopted by the Council were in keeping with the objectives of the initial proposal.

Air carrier liability in case of air accidents

1995/0359(SYN) - 09/10/1997 - Final act

OBJECTIVE: to regulate the limitation of air carrier liability in case of death, wounding or any other bodily injury suffered by a passenger. COMMUNITY MEASURE: Council Regulation 2027/97/EC on air carrier liability in case of accidents. CONTENT: the regulation defines the obligations of Community air carriers to cover liability in the event of accidents to passengers. It provides for the establishment of several key principles at Community level: - the abolition of all financial limits where air carrier liability is involved; - a strict level of liability up to the equivalent of 100 000 SDR (Special Drawing Rights, as defined by the International Monetary Fund); - eventually, unlimited liability with the possibility of appeal provided for by the 1929 Warsaw Convention; - payment of a lump sum of the equivalent in ecus of 15 000 SDR to the claimant within a maximum of two weeks after the person due compensation has been identified, against which any subsequent sum to be paid in respect of liability may be offset. ENTRY INTO FORCE: 17 October 1998

Air carrier liability in case of air accidents

1995/0359(SYN) - 20/12/1995 - Legislative proposal

OBJECTIVE: to establish Community rules to improve compensation to passengers in the event of an air traffic accident. CONTENT: the proposal for a regulation defines the obligations of Community air carriers to cover liability in the event of accidents to passengers. It provides for the establishment of several key principles at Community level: - the abolition of all limits on air carriers' liability; - the introduction of strict liability on the part of the carrier up to ECU 100,000; - the obligation for the carrier to pay a lump sum of ECU 50,000 within ten days of the accident; - the possibility for passengers entitled to compensation to choose the court before which they wish to bring proceedings (mainly the passenger's place of residence). All these requirements must be stated in the Community air carriers conditions of transport (summarized on tickets). Third country carriers not subject to Community rules are also called on to provide passengers with clear, adequate information on these rules.