Basic information

2000/0145(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Air carriage: liability in the event of accidents Amending Regulation (EC) No 2027/97 1995/0359(SYN) See also 2004/0049(COD) See also 2005/0241(COD) See also 2008/0237(COD) See also 2008/0246(COD) See also 2001/0305(COD) See also 2005/0007(COD) See also 2006/0130(COD) **Subject** 3.20.01.01 Air safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	SANDERS-TEN HOLTE Maria Johanna (Marieke) (ELDR)	11/07/2000

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	SANDERS-TEN HOLTE Maria Johanna (Marieke) (ELDR)	11/07/2000

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	BRADBOURN Philip (PPE-DE)	12/07/2000
ENVI Environment, Public Health, Consumer Policy	WHITEHEAD Phillip (PSE)	29/08/2000

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2364	2001-06-27
Agriculture and Fisheries	2402	2001-12-19

Commission DG	Commissioner

European Commission	Energy and Transport	

Key events

Date	Event	Reference	Summary
06/06/2000	Legislative proposal published	COM(2000)0340	Summary
16/06/2000	Committee referral announced in Parliament, 1st reading		
20/03/2001	Vote in committee, 1st reading		Summary
20/03/2001	Committee report tabled for plenary, 1st reading	A5-0093/2001	
04/04/2001	Debate in Parliament		
05/04/2001	Decision by Parliament, 1st reading	T5-0192/2001	Summary
21/05/2001	Modified legislative proposal published	COM(2001)0273	Summary
19/12/2001	Council position published	10794/1/2001	Summary
17/01/2002	Committee referral announced in Parliament, 2nd reading		
21/02/2002	Vote in committee, 2nd reading		Summary
21/02/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0052/2002	
12/03/2002	Decision by Parliament, 2nd reading	T5-0093/2002	Summary
12/03/2002	Debate in Parliament		
13/05/2002	Final act signed		
13/05/2002	End of procedure in Parliament		
30/05/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/0145(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 2027/97 1995/0359(SYN) See also 2004/0049(COD) See also 2005/0241(COD) See also 2008/0237(COD) See also 2008/0246(COD) See also 2001/0305(COD) See also 2005/0007(COD) See also 2006/0130(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed

Committee dossier	RETT/5/14632

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0093/2001	20/03/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0192/2001 OJ C 021 24.01.2002, p. 0256-0312 E	05/04/2001	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0052/2002	21/02/2002	
Text adopted by Parliament, 2nd reading		T5-0093/2002 OJ C 047 27.02.2003, p. 0024-0061 E	12/03/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	10794/1/2001 OJ C 058 05.03.2002, p. 0008 E	19/12/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0340 OJ C 337 28.11.2000, p. 0068 E	06/06/2000	Summary
Modified legislative proposal	COM(2001)0273 OJ C 213 31.07.2001, p. 0298 E	21/05/2001	Summary
Commission communication on Council's position	SEC(2001)1946	10/01/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0046/2001 OJ C 123 25.04.2001, p. 0047	25/01/2001	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2002/0889
OJ L 140 30.05.2002, p. 0002

Summary

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.

Air carriage: liability in the event of accidents

2000/0145(COD) - 10/01/2002 - Commission communication on Council's position

The common position is very close to the Commission's modified proposal, with some redrafting. The Council accepted amendments by the Parliament refused by the Commission. This acceptance has removed the Commission's grounds for refusal, that the extension of Community competence might become a political obstacle to adoption of the regulation. The Commission therefore accepts the common position and the joint declaration attached.

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.

Air carriage: liability in the event of accidents

2000/0145(COD) - 05/04/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted, by a large majority, the resolution by Mrs Marieke SANDERS-TEN HOLTE (ELDR, NL) on air carrier liability. (Please refer to the previous document).

Air carriage: liability in the event of accidents

2000/0145(COD) - 12/03/2002 - Text adopted by Parliament, 2nd reading

The European Parliament, using its procedure without debate, adopted the resolution drafted by Marieke Sanders-ten Holte (ELDR, Netherlands) and approved the Council's common position.

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 priviledge 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.

Air carriage: liability in the event of accidents

2000/0145(COD) - 19/12/2001 - Council position

In its common position the Council followed the lines of the Commission proposal, taking into account the opinion of the Economic and Social Committee and, in particular, the amendments requested by the European Parliament in first reading. Specific points that were raised by the Council concern the following: - the Council agreed to add a new recital, in order to underline that Regulation 2027/97/EC, as amended by the Regulation under consideration, reinforce - in line with the Montreal Convention the protection of passengers and their dependants; - the Council agreed to add a new recital, providing that a Community air carrier should not be able to avail itself of Article 21(2) of the Montreal Convention - regarding compensation for damages in case of death or injury of passengers exceeding 100 000 Special Drawing Rights, unless it proves that the damage was not due to the negligence or other wrongful act or omission of the carrier or its servants or agents; - the Council welcomed the suggestion of the European Parliament concerning the notice contained in the Annex to the Regulation, because it simplifies and clarifies the information regarding air carrier liability that must be provided by Community air carriers to their passengers. As a consequence of this notice, the first paragraph of Article 6 of Regulation 2027/97/EC was no more needed; - the Council agreed to adapt the text in the light of the practice according to which a Regulation enters into force on the day of its publication in the Official Journal. With respect to the date from which the Regulation should apply, the Council decided to provide that the Regulation should apply from the date of its entry into force or from the date of the entry into force of the Montreal Convention for the Community, whichever is the later. This is intended to ensure the necessary parallelism between the Regulation and the Montreal Convention; - the Council, followed by the Commission, observed that damages caused in the context of air carriage might possibly result in liability both under the Montreal Convention or Regulation 2027/97/EC and the Package Tour Directive. Therefore, both institutions entered a joint statement to the common position, stating that in order to provide a consistent liability regime they will consider the need for clarification of this issue in advance of the entry into force of the Montreal Convention and Regulation 2027/97/EC as amended, if necessary through a revision of the Package Tour Directive; - the Council and the Commission further recognised that Regulation 2027/97 does not cover all carriers that are liable under the Montreal Convention and whose principal place of business is within the Community. Therefore, in the same joint statement as indicated under the precedent point, the Council and the Commission stated that with respect to these carriers it is desirable that Member States take appropriate measures, by implementing the Montreal Convention to provide for an equally high standard of passenger protection, in particular standards of liability. With regard to the amendments adopted by the European Parliament, the Council followed, in full or in substance, all amendments by the European Parliament, very often in the form suggested by the latter. A new paragraph regarding 'baggage delays' was inserted, several headings were added or modified, and the text of certainparagraphs was changed. The paragraph regarding private insurance was deleted, since the Council felt that this could lead to misunderstanding regarding the extent of the (unlimited) liability of Community air carriers in respect of the carriage of passengers and their baggage by air.