



SECRETARIAT
3 bis, Villa Emile Bergerat
92522 Neuilly-sur-Seine Cédex
France

RESOLUTION ECAC/25-1
ON MINIMUM LEVEL OF INSURANCE COVER FOR PASSENGER AND
THIRD-PARTY LIABILITY

(As modified by DGCA/117 on 27 November 2002)

THE CONFERENCE

Recalling Recommendation ECAC/16-1 on air carrier liability with respect to passengers, adopted in June 1994,

Bearing in mind that EC Regulations 2407/92 and 2027/97 apply in a number of ECAC Member States,

Considering that EC Regulation 2407/92 requires air carriers to be insured to cover liability in case of accidents, in particular with respect to passengers, luggage, cargo, mail and third-parties,

Considering that EC Regulation 2027/97 requires air carriers to be insured up to 100 000 SDRs and thereafter to a reasonable level, which is not defined,

Recognising the significant results achieved by the International Civil Aviation Organization with the Convention for the Unification of Certain Rules for International Carriage by Air, signed at Montreal on 28 May 1999 in modernising, harmonising and consolidating the international regime for air carrier liability,

Considering that Article 50 of the Montreal Convention obliges States Parties to require their carriers to maintain adequate insurance covering their responsibility under the Convention, while not defining the term « adequate »,

Convinced that there is a strong need with respect to consumer protection and in particular to victims of air accidents and their families to define minimum insurance levels for passenger and third-party liabilities,

Convinced that the same minimum insurance requirements should apply to all air carriers serving ECAC Member States,

Noting that it is the responsibility of each air carrier to ensure that it can meet its liabilities in the event of an accident and that nothing in this Resolution should prevent air carriers from insuring themselves at levels higher than those specified in Articles 2 and 3, or from combining these minima in order to derive a single amount of insurance cover,

Reaffirming that while this Resolution aims at harmonising minimum insurance requirements set by ECAC Member States, nothing in it should prevent those States requiring higher levels of insurance as necessary,

Noting that the obligation of insurance for third-party damages in the event of an accident should include damages arising from war and terrorism activity,

ADOPTS THE FOLLOWING RESOLUTION

Article 1 — Scope

This Resolution should apply to air carriers licensed in ECAC Member States, with the exception of the carriage by air of passengers, mail and/or cargo, performed by non-power driven aircraft and/or ultralight power driven aircraft, as well as local flights not involving carriage between different airports.

The Resolution should also, to the extent compatible with bilateral or multilateral obligations of ECAC Member States, be applicable to other air carriers serving those States.

Article 2 — Passenger liability

The obligation of insurance for death, wounding or any other bodily injury sustained by a passenger in the event of an accident shall be understood to be a minimum of 250 000 SDRs per passenger.

Article 3 — Third-party liability

The obligation of insurance for third-party damages in the event of an accident shall be understood to be the following minimum levels:

| | | |
|---|------------|-----------------|
| Category 1: Aircraft with a MTOM ¹ < | 2 000 kg | 1 500 000 SDRs |
| Category 2: Aircraft with a MTOM < | 6 000 kg | 4 500 000 SDRs |
| Category 3: Aircraft with a MTOM < | 25 000 kg | 12 000 000 SDRs |
| Category 4: Aircraft with a MTOM < | 100 000 kg | 50 000 000 SDRs |
| Category 5: Aircraft with a MTOM > | 100 000 kg | 90 000 000 SDRs |

Article 4 — Revision

A review of the amounts specified in this Resolution shall be undertaken within 5 years of its adoption, or earlier if circumstances so warrant.

1 Maximum Take Off Mass – a certified amount specific to all aircraft types