



**REPLY TO QUESTIONNAIRE ON APPLICATION OF REGULATION (EC) 785/2004
ON INSURANCE REQUIREMENTS FOR AIR CARRIERS AND AIRCRAFT OPERATORS**

Q 1.-

According to the information available, the Regulation has not had an impact on the insurance policies of the Spanish air carriers. Furthermore, Spanish air carriers generally take out insurance above the minimum insurance requirements established by the Regulation.

Q 2.-

For general aviation operators, the Regulation has represented an important increase in insurance premiums, in particular due to the increase of the minimum insurance cover requirements concerning third-party liability and insurance cover for war and terrorism risks. During the first year since the entry into force of the Regulation the average increase of the premiums for these concepts reached some 25%, although this percentage has been decreasing up to 10 - 15% at present.

Q 3.-

According to the information provided by the insurance industry in Spain, when determining the amounts of the insurance premiums for historic aircraft all the risk specific circumstances are taken into account so that their insurance cover amount can be lower than the one that would be applied in the event of an aircraft with the same MTOM to be used for another operation category.

Q 4.-

The circumstances causing the need for such insurance coverage have not changed. Separately, it is usual that those aircraft used for non-commercial operations make use of private aerodromes, where the safety measures and procedures do not reach the same level of those applied at airports used for commercial operations.

Q 5.-

Until now such a need has not been detected

Q 6.-

Most third country operators, so as not to say all of them, flying to Spain submit their Insurance Certificates providing evidence proving that they have taken out liability insurance coverage.

In some cases, in order to cover third-party liability for war, terrorism and/or other related risks, such operators submit a letter issued by their Authorities expressing the corresponding State commitment to cover the total amount of the insurance cover required in the Regulation or the amount in excess of the cover provided in the insurance market.



Q 7.-

The creation of a universal “Insurance Certificate” at EU level would extremely facilitate both action by any state authorities and operations by air carriers and insurance companies.

An optional type of insurance certificate that third-country air carriers intending to fly to Spain may provide to speed up the accreditation process is attached, just as an example.

Q 11 (8).-

In Spain no measure has been adopted for the application of article 6 (1) in respect of non-commercial operations performed by aircraft with an MTOM of less than 2,700 Kg. Taking into account the information provided by the insurance industry, we consider that the reduction, up to 100,000 SDR per passenger, of the insurance cover for such aircraft passengers would not have a very significant impact on the premium since in the event of this category of operations the third party liability cover together with the cover for war and terrorism risks are the most decisive factors.

Q 12 (9).-

Up to now problems specifically stemming from the application of Regulation 889/2002 have not been detected

Q 14 (10).-

It is considered suitable that the rules on third party liability for Community companies for war and terrorism risks are also harmonised.

Q 15 (11).-

The alternative here contemplated is not incompatible with the fact that the Regulation provisions concerning third country air carriers are maintained, and both methods may be applied.

Q 16 (12).-

According to the information obtained in the Spanish insurance industry, the market does not seem to be in favour of establishing mandatory insurance coverage for such cases.

Q 17 (13).-

The Spanish Authorities are not in favour of establishing additional insurance coverage for such cases. We consider that this would in fact penalize the biggest companies whose solvency, in general, is greater. Also, the Member States have not only the power to refuse a license if they are not sufficiently satisfied of the economic financial capacity of a company, but also to closely monitor whether the companies already authorized are solvent.



Q 18 (14).-

Nowadays, simplification of Regulation 785/2004 is not considered to be necessary.

Q 19 (15).-

The Spanish Authorities consider that harmonisation of the insurance requirements would be positive even in the case of non-commercial operations and think that such aircraft should not be left outside the scope of application of the Regulation.

Madrid, 16 November 2007.



ANNEX
Model Insurance Certificate

SGETA-PTA-03ES-1

CERTIFICADO DE SEGURO / Insurance Certificate
PARA COMPAÑÍAS Y OPERADORES AÉREOS / for Air Carriers and Aircraft Operators
Responsabilidad general con respecto a pasajeros, equipaje, carga y terceros /
General Liability in respect of passengers, baggage, cargo and third parties

Referencia / Reference: (Referencia del Certificado / Certificate reference)

NOSOTROS / We, (Asegurador / Insurer), CERTIFICAMOS / Certify

que hemos emitido una póliza o pólizas de Seguro de Responsabilidad de Aviación, de referencia:
that we have issued Aviation Liability Insurance Policy or Policies numbered:
(Referencia(s) de las Pólizas / Policy Reference(s))

, de **Seguro de Responsabilidad de Aviación**, de acuerdo a los siguientes términos:
, of **Aviation Liability Insurance**, in accordance with the following terms:

ASEGURADO / Insured⁽¹⁾:

PERIODO DE VALIDEZ / Validity period⁽²⁾:

Desde / From: **Hasta / To:**

En caso de que la cobertura del seguro sea interrumpida antes del periodo de validez arriba indicado, el asegurado deberá notificarlo por escrito inmediatamente a la Dirección General de Aviación Civil.
In case that the insurance cover is interrupted before the validity period above, the insured shall immediately send written notice to the Directorate General of Civil Aviation.

AERONAVES / Aircraft⁽³⁾

- ☐ *Toda la flota perteneciente u operada por el asegurado*
All Aircraft owned or operated by insured
- ☐ *La flota incluida en el Anexo I a este certificado*
The Aircraft included in Annex I to this certificate

Adicionalmente el asegurador certifica que el seguro cubierto por la póliza o pólizas referidas en este Certificado cumplen con el **Reglamento (CE) 785/2004** del Parlamento Europeo y del Consejo de 21 de abril de 2004 sobre requisitos de seguro para compañías aéreas y operadores aéreos, y que las citadas pólizas no incluyen ningún término, condición, limitación, exclusión o provisión de cancelación que pueda ir en contra de esta regulación.

Additionally the insurer certifies that insurance under the policy or policies referred to on this Certificate is pursuant to **Regulation (EC) 785/2004** of the European Parliament and of the Council, of 21 April 2004, on insurance requirements for air carriers and aircraft operators, and that the aforementioned policy or policies do not include any term, condition, limitation, exclusion or cancellation provision which could contravene such a Regulation.

Fecha de Emisión / Date of Issue:

Datos de Contacto del Asegurador / Insurer Contact Details:

(Nombre del Asegurador / Insurer Name)

(Dirección / Address)

(Código Postal, Ciudad, País / Zip Code, City, Country)

(Persona de contacto que pueda verificar la validez del certificado /
Contact person capable to verify the certificate validity)

/

(Número Teléfono / Telephone Number) / (Número fax / Fax Number)

Firma y Sello del Asegurador / Insurer
Signature and Seal⁽⁴⁾:

(Nombre / Name)



SGETA-PTA-03ES-2

CERTIFICADO DE SEGURO / Insurance Certificate
PARA COMPAÑÍAS Y OPERADORES AÉREOS / for Air Carriers and Aircraft Operators
Anexo I – Listado de Aeronaves / Annex I – List of Aircraft

Anexado y formando parte del Certificado de referencia / Attached to and made part of the Certificate of reference:

(Referencia del Certificado / Certificate Reference)

AERONAVES / Aircraft ⁽³⁾ :	Título / Title		
	Tipo / Type	Matrícula / Registration Mark	Nº Serie / Serial No.

EL RESTO DE TERMINOS Y CONDICIONES PERMANECE INALTERADO /
All other Terms and Conditions remain Unchanged

Fecha de Emisión / Date of Issue:

Firma y Sello del Asegurador / Insurer Signature and Seal⁽⁴⁾:

(Nombre / Name)