

- *Q1: Has the Regulation had any impact on the insurance policy of air carriers? Do air carriers just comply with the minimum insurance requirements or do air carriers carry insurance above the minimum insurance requirements?*

R1: Regarding the air carriers, the impact of the Regulation has been minimal. In general, the air carriers had already purchased insurance coverage above the insurance requirements before the regulation came into effect.

- *Q2: What has been the economic impact of the Regulation on general aviation operators?*

R2: The regulation has deeply affected general aviation operators. Firstly, they needed to purchase substantially higher limits than the ones they had before. Additionally, they were compelled to obtain war and terrorism risk insurance cover as most of them did not have it. Such an economic impact has been mitigated as a consequence of the soft conditions of the market during the last years.

- *Q3: Does the insurance market provide reasonable cover for historic aircraft, taking into account the limited usage and relative low risk of third-party damage caused by such aircraft? What could be a more appropriate and proportional insurance requirement for historic aircraft?*

R3: The specificities of the historic aircraft such as the limited usage are already taken into account within our underwriting guidelines. Besides, these aircraft usually fly at public exhibitions where the exposure is considerable.

- *Q4: Is there still a need for the requirement for aircraft operators to have insurance cover for damage to third parties due to risks of war or terrorism in respect of non-commercial operations?*
- *Q5: Is there a need to introduce specific rules for the insurance requirements for damage caused by unlawful interference while the aircraft is still at the airport in order to allow insurers better control over possible liability exposure?*

R4: As far as we know, Spanish Government is concerned about the possibility of terrorist attacks using aircraft. This concern is extended to any kind of aircraft and any type of operations carried out. In accordance with this, we do not see the convenience of exempting non-commercial operators from having war risk coverage.

R5: We consider the introduction of such new rules highly positive. This would enable insurers to have a better control over liability risk exposure in those situations.

- *Q6: Do air carriers licensed in third countries and aircraft operators using aircraft registered outside the EU usually deposit an insurance certificate or do they provide other documentation? What kind of documentation other than a deposit of an insurance certificate is provided by air carriers and aircraft operators and accepted as evidence of compliance by Member States?*
- *Q7: Would there be benefits of creating a universal EU insurance certificate for air carriers and aircraft operators?*

R6: No comments.

R7: The elaboration of a universal certificate may be a useful measure which would benefit customers simplifying the issuing of those documents by the Insurer as well as the Civil Authorities' job.

- *Q8: Which insurance requirements apply in Member States for the passenger liability in respect of non-commercial operations by aircraft with a MTOM of less than 2,700 kg? Do different insurance requirements in these cases cause problems for aircraft operators?*

R8: Up to date, Spanish Authorities have not exercised the legal possibility of reducing the insurance requirements with respect to non-commercial operations by aircraft with a MTOM of less than 2,700 kg.

- *Q9: Have there been any problems with the application of Regulation 889/2002?*
- *Q10: Is there a need to harmonise third-party liability rules for Community air carriers for risks linked to war and terrorist acts?*

R9: We do not have evidence of any problem with the application of Regulation 889/2002 in Spain.

R10: As far as possible, we are in favour of a harmonised regulation on a Community scale.

- *Q11: Is the Regulation still necessary to ensure a level playing field with third-country air carriers or would there be more effective alternatives, for example, in the context of Community aviation agreements with third countries?*

R11: No comments.

- *Q12: Would the insurance market be able to provide insurance coverage to air carriers in order to refund passengers for the sums paid and to cover the costs of repatriating passengers if the carrier is not able to operate the flight because of insolvency or revocation of its operating licence?*
- *Q13: Would additional insurance requirements be an appropriate instrument to protect passengers in such cases or are there other more effective and efficient means?*

R12: In our opinion, these cases should not be insured or at least not by aviation insurance policies. Apart from isolated cases and according to the current situation of the aeronautical sector, it does not seem necessary to implement different measures from the measures applied on other economic sectors. In addition, these actions could unfairly be harmful to other carriers which act properly.

R13: We support a strict control of the observance of the applicable regulations by the Public Authorities in order to protect the passengers' rights.

- *Q14: Is there scope for simplification of the Regulation?*
- *Q15: Is it still seen necessary to have harmonised insurance requirements for non-commercial aircraft operators? What would be the impact of exempting non-commercial aircraft operators from the scope of the Regulation?*

R14: We have not detected any need to simplify the regulation.

R15: We believe that the maintenance of harmonised insurance requirements is highly recommendable. This would provide the same protection to passengers and third parties in each and every Member State's territory.