



European Commission  
Directorate-General for Energy and Transport  
Internal Market, Aviation Agreements and  
Multilateral Relations  
Attn: Mr Mark Nicklas  
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Prepared by	Date	Reference
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**Discussion paper on the operation of Regulation (EC) 785/2004 on insurance requirements for air carriers and aircraft operators.**

Dear Mr Nicklas,

The Swedish Civil Aviation Authority has taken note of your letter asking for answers and comments in relation to your discussion paper. You will find our comments below. With regard to policy issues please note that our comments are just indicative and cannot be interpreted as final Swedish positions.

**Replies and Comments**

**Q1**

Generally air carriers carry insurance above the minimum insurance requirements. Air carriers operating scheduled air services normally carry insurance much above the minimum requirements. Among the smallest air carriers a considerable number just comply with the requirements.

**Q2**

In Sweden insurance premiums for general aviation generally increased with approximately 100 % after the introduction of regulation 785/2004. One organisation representing general aviation has indicated that especially the requirement to insure passenger liability has been costly.

Q3

Historic aircraft is a group which comprises of different aircraft types of which some are small but some are heavy with several passenger seats. The insurance industry does not seem to have created special/tailor made insurances for this group of aircraft. Owners of historic aircraft claim that historic aircraft have been grounded due to unwillingness of insurers to provide flexible solutions – and unclear text in the regulation itself. The question of risk exposure to for different types of historic aircraft is somewhat controversial.

Q4

No clear indication at this stage that this requirement can be lifted as general aviation spokesmen wish. GA spokesmen have furthermore indicated that they are of the opinion that insurance requirements in the regulation affecting GA does not very well correspond with current aviation insurance policies with regard to geographical scope.

Q5

No clear indication as to the question if *specific rules* need to be introduced. Generally speaking all parties commercially active at an airport should have proper insurance cover.

Q6

Air carriers licensed in third countries deposit insurance certificates.

Q7

The creation of a universal EU insurance certificate format would be helpful for authorities responsible for checking compliance with the regulation.

Q8

To our knowledge no. Compliance with the requirements is the rule. In the few cases when non- Community air carriers are deemed to have insufficient cover they always submit proof of compliance when they understand that otherwise they will not obtain permission to operate into Sweden.

Q9

See question 8.

Q10

Sweden does not request evidence of valid insurance for overflights.

**Q11**

Sweden has not made use of the option in Article 6 (1)

**Q12**

There has been few if any problems with the applications of Regulation 889/2002

**Q13**

Strict unlimited liability applies in Sweden. However, if an aircraft is used by someone without permission from the owner the unauthorised user and not the owner will be held liable.

**Q14**

The pros and cons with regard to this question indicate that the answer is no. Sweden is participating in the current work in ICAO on the Modernisation of the Rome Convention

**Q15**

Regulation 785 seems to be the best tool to ensure a level playing field with third country air carriers. Community aviation agreements could be a help but are not effective alternatives.

**Q16**

According to information from the aviation insurance market in Sweden this is a commercial risk which cannot be covered by insurance.

**Q17**

See question 16.

**Q18**

From the authority point of view the regulation is reasonably clear. There may be scope for some simplifications and improvements but we are not at this stage in a position to indicate specific proposals. Both the insurance industry and general aviation operators have indicated concerns with regard to points they see as unclear.

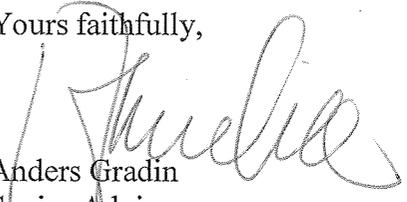
**Q19**

There is a clear advantage in having harmonised insurance requirements for non-commercial aircraft operators.

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We hope that these answers may be of some assistance. If you have any further questions please do not hesitate to contact us. When it comes to specific questions concerning the Swedish material rules with regard to liability in the aviation sector, Mr Johan Schelin at our Ministry of Justice would be the best contact. ( telephone +46 8 405 46 70 , email: [johan.schelin@justice.ministry.se](mailto:johan.schelin@justice.ministry.se) )

Yours faithfully,

  
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Senior Adviser