

*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?*

A1) Most Finnish air carriers just comply with the minimum insurance requirements. Carriers operating to some specific areas, for example to the U.S.A. may choose to take higher liability insurances.

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

A2) The insurance cost Finnish general aviation operators have to pay has increased at least 50% due to the Regulation.

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*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?*

A3) The insurance market does not provide reasonable cover for historic aircraft. For historic aircraft regulated nationally and operating within the State of registry the cost should be about half of what follows from the Regulation.

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*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?*

A4) In principle, the insurance coverage should be the same both for commercial and non-commercial aircraft. If the risk involved in the operation of a non-commercial aircraft is indeed assessed to be considerably lower than that of a commercial aircraft of same size, this fact should be reflected in insurance premiums. To which extent this is in fact the case, could be further analysed. Non-commercial aircraft could possibly be exempted from War-Risk Insurance coverage requirement, if the risk-cost –ratio of such coverage for non-commercial aircraft is found to be unreasonable.

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*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?*

A5) Based on available information there would seem to be no urgent need to introduce specific rules for covering risks related to an airport attack.

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*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?*

A6) Normally, a copy of an insurance certificate is provided by third country carriers and operators using aircraft registered outside the EU. The form how the compliance is evidenced is not necessarily limited to an insurance certificate as there are no aviation regulations in Finland on this matter.

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*Q7) Would there be benefits of creating a universal EU insurance certificate for air carriers and aircraft operators?*

A7) In the view of the FCAA there are potential benefits with creating a universal EU insurance certificate.

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*Q11) 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?*

A11) According to the Finnish Aviation Act (1242/2005), Section 142 (2), the minimum required passenger liability insurance in respect of non-commercial operations by aircraft with a MTOM of less than 2,700 kg is half of the amount specified in Article 6 (1), but not less than the minimum amount specified in Article 6 (1). No problems caused by the different requirements on commercial and non-commercial operations have been reported to the Finnish CAA.

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*Q12) Have there been any problems with the application of Regulation 889/2002?*

A12) No problems with the application of Regulation 889/2002 have been reported to the Finnish CAA.

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*Q14) Is there a need to harmonise third-party liability rules for Community air carriers for risks linked to war and terrorist acts?*

A14) For the time being and pending the outcome of negotiations on the modernisation of the Rome Convention of 1952, there would seem to be no need for Community measures on this issue.

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*Q15) 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?*

A15) The regulation is better alternative than agreements. Regulation is effective also on those air carriers and aircraft operators coming from countries which do not have bilateral agreements with Member States.

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*Q16) 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?*

A16) Should be.

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*Q17) Would additional insurance requirements be an appropriate instrument to protect passengers in such cases or are there other more effective and efficient means?*

A17) Insurance requirement might be an appropriate way to protect stranded passengers provided that coverage is available on the market. Other financial arrangements providing comparable protection should, however, also be assessed in further considerations on this matter. It should be recalled that an obligation to provide sufficient evidence of "security" for refund and repatriation is already provided for in respect of travel organisers in Directive on package travel, package holidays and package tours (90/314/EEC).

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*Q18) Is there scope for simplification of the Regulation?*

A18) Yes.

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*Q19) 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?*

A19) Yes. Return to a non-harmonized situation would lead to different requirements in different states and more difficulties for e.g. authorities and affected operators.