



Council of the
European Union

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ADD 6 DCL 1

JUSTCIV 33
AVIATION 14

DECLASSIFICATION

of document:	ST 6148/09 ADD 6 RESTREINT UE
dated:	19 February 2009
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Subject:	Recommendation from the Commission to the Council to authorise the Commission to negotiate on behalf of the Community a multilateral agreement on compensation to third party victims for damage caused by aircraft and arising from acts of unlawful interference or from general risks - Comments by the Swedish delegation
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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



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NOTE

from :	Swedish delegation
to :	Committee on Civil Law Matters (General Questions)
No. prev. doc. :	17312/08 AVIATION 304 JUSTCIV 267 RESTREINT UE
Subject :	Recommendation from the Commission to the Council to authorise the Commission to negotiate on behalf of the Community a multilateral agreement on compensation to third party victims for damage caused by aircraft and arising from acts of unlawful interference or from general risks - Comments by the Swedish delegation

Sweden has the following general comments on the captioned document.

The document states that today there is mixed competence as far as matters regarding damage caused by aircraft to third parties are concerned. However, it is not entirely clear from the document whether the proposed authorisation is intended to cover only such matters which today are of exclusive Community competence, or if the intention is that the authorisation shall cover all matters in relation to the draft conventions in question regardless if these matters are of exclusive Community competence or not.

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Sweden considers it important that the competence regarding matters on damage caused by aircraft to third parties remains with the Member States to the largest extent possible. – An accident of this type that occurs in a Member State will normally affect citizens of that state only. It will therefore primarily be the Government of that Member State that will be responsible for the measures that has to be taken in the aftermath of such an accident.

Sweden holds the position that the authorisation in question shall cover only such matters which today are of exclusive Community competence. Other matters, such as the grounds for liability and the levels of compensation, shall be left to the Member States to decide.

Sweden holds the preliminary position that it must be questioned whether Council Directive 374/85/EEC on the approximation of laws, regulations and administrative provisions concerning liability for defective products, which is referred to in the captioned document, can give rise to any exclusive Community competence in this context. The same applies to Council Directive 2004/80/EC relating to compensation to crime victims, which is also referred to in the captioned document.