EXPLORING THE LABYRINTH: SAFETY AND LIABILITY REGULATION OF AEROSPACE FLIGHTS IN EUROPE

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SAFETY

- Individual European States
- European Space Agency
- European Union

Aviation - Shared competence (EASA)
Space - Supportive competence
Safety Regulation through EASA

Shortcomings

- Dual legal regime
- Legal uncertainty
- No level playing field
- Hindrance of innovation
Liability – Aviation

- Community air carrier?
- 1999 Montreal Convention applicable
- Inappropriate legal regime
- Too high risk for operators
Liability – General rules

- Informed consent
- Directive 93/13/EC on unfair terms
  - “Consumer”
  - Interpretation in favor of consumer
  - Distortion of contractual balance
  - Consequences of invalidity
  - List of unfair terms
Proposed solution

- Establish policy objectives
- National regulation as spaceflight
- Lay down special rules
- Applicability to all vehicles
THANK YOU!

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