



**SPECIAL GROUP ON THE MODERNIZATION OF THE  
ROME CONVENTION OF 1952 (SG-MR)**

(Montreal, 10 – 14 January 2005)

**GENERAL POINTS OF AGREEMENT**

(Presented by the Chairman)

1. Victim protection ought to be at least as good as under the 1999 Montreal Convention.
2. Any scheme to provide such victim protection needs to take into account that damages on the ground may not only affect a person as such but also his or her home or possibility to make a living.
3. An adequate protection for the air transport system, including the air carriers, ought to be provided, which especially addresses the problem of "catastrophic losses", which lead to large scale damages involving many victims.
4. Operators' financial resources for paying compensation are limited and they have to rely on insurance or other mechanisms for the continuation of their operations subsequent to an occurrence.
5. It is important to uphold the air transport system. Thus a compensation system that poses serious threats to the financial status of operators must be avoided.
6. Any system upholding the principles of victim protection and protection for the air transport system as referred to above needs to be set up in the light of the availability of insurance cover in the market or other mechanisms.
7. Terrorist attacks are the major threat to the air transport system with regard to the issues at hand, especially if they lead to catastrophic losses.
8. The chief aim of the new convention ought to be to deal with compensation in case of incidents with an international element, although the new convention could provide States Parties with the possibility of using the compensation system also in relation to purely domestic incidents.
9. In light of the above, it will not be possible to reconcile the two goals of providing both adequate victim compensation and appropriate protection for the civil aviation sector within the present scope of the compensation system.
10. The modernized Rome Convention ought to provide a durable system for victim compensation, which can survive also events of a catastrophic nature.

11. The current regime of Rome 1952 and the insurance obligations thereof may lead to the possibility of State Parties to suspend insurance obligations and a new durable compensation system is required to avoid the need for such suspension.

12. A supplementary funding mechanism for compensation could bridge the gap between what is an adequate level of victim protection and an appropriate protection for the civil aviation sector and ensure the durability of the system. The nature and modalities need to be studied.

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