



2024/2592

30.9.2024

COUNCIL DECISION (EU) 2024/2592

of 26 September 2024

on the position to be taken on behalf of the European Union in reply to the State Letter issued by the International Civil Aviation Organization (ICAO) as regards the review of limits of liability conducted by the ICAO under Article 24 of the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention for the Unification of Certain Rules for International Carriage by Air (the 'Montreal Convention'), done at Montreal on 28 May 1999, was concluded by the Union and approved by means of Council Decision 2001/539/EC ⁽¹⁾.
- (2) Pursuant to Article 24(1) of the Montreal Convention, the International Civil Aviation Organization (ICAO), as the Depositary of the Montreal Convention, is to review the limits of liability provided for in Articles 21, 22 and 23 thereof at five-year intervals.
- (3) As a result of the latest review carried out by the ICAO, the limits of liability provided for in Article 21 and Article 22(1), (2) and (3) of the Montreal Convention need to be adjusted, as set out in State Letter LE 3/38.1-IND/24/4 issued by the ICAO on 28 June 2024 (the 'ICAO State Letter'). According to the ICAO State Letter, those adjustments are to become effective for all States Parties six months following their notification, unless within three months after that notification a majority of States Parties register their disapproval with the ICAO.
- (4) It is appropriate to establish the position to be taken on the Union's behalf within the ICAO, as the revised limits of liability will be binding under international law, in accordance with Article 21 and Article 22(1), (2) and (3) of the Montreal Convention, and as the Montreal Convention forms an integral part of the Union legal order.
- (5) In view of the technical nature of the said review, which follows the clearly defined method of calculation laid down in the Montreal Convention, there is no reason for the Union to object to the review.
- (6) Therefore, the position to be taken on the Union's behalf should be to not register any disapproval to the proposed new liability limits set out in the ICAO State Letter,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in reply to State Letter LE 3/38.1-IND/24/4, issued by the International Civil Aviation Organization on 28 June 2024, shall be to not register any disapproval to the proposed new liability limits set out in that State Letter.

⁽¹⁾ Council Decision 2001/539/EC of 5 April 2001 on the conclusion by the European Community of the Convention for the Unification of Certain Rules for International Carriage by Air (the Montreal Convention) (OJ L 194, 18.7.2001, p. 38).

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 26 September 2024.

For the Council

The President

LÓGA M.
