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Turkey to Increase the Liability Insurance Limits for Air Carriers

Under article 132 of the Turkish Civil Aviation Act, carriers are obliged to maintain insurance coverage in accordance within the liability limits provided in article 124 of the same Act. The Regulation on Passenger, Baggage, Cargo and Postal Items' Liability Insurance for the Aircrafts Operating in Turkey which came into force on 27th of July 2017, sets forth the obligation for the carriers to maintain liability insurance against the damages that may arise from contracts of carriage.

According to article 5 of the Regulation, the carrier shall be liable for damage causing the death or bodily injury of a passenger if the accident caused the damage took place on board the aircraft or in the course of any of the operations of embarking or disembarking. Furthermore, the carrier shall also be liable for any damage or loss of goods, baggage, cargo or postal items in the aircraft, inside or outside the airport during the carriage by air.

The carrier is obliged to maintain liability insurance and a valid insurance policy on each flight in accordance with article 6 of the Regulation. This insurance should also cover the risks of war, terrorism, hijacking, sabotage, illegal confiscation and civil commotions. However, it should be noted that indirect damages are not covered by the insurance.

According to the amendment made to article 8 of the Regulation on 6 December 2019, the minimum insurance coverage per passenger is increased from 113,100 SDR to 128,821 SDR for non-commercial flights with a maximum take-off weight of less than 2,700 kilograms.

Furthermore, the carrier's minimum insurance obligation due to delay has been increased from 4,694 SDR to 5,346 SDR per passenger. The final amendment concerns commercial flights. Accordingly, minimum insurance obligation for baggage has been increased from SDR 1,131 to 1,288 SDR per passenger and the minimum insurance obligation for cargo and postal items has been increased from 19 SDR to 22 SDR per kilogram for loss, damage and delay risks.

The relevant amendments will enter into force on 28 December 2019 which will provide a better protection for all the parties involved in carriage contracts.

CONTACT US

Polat İş Merkezi No: 29 Offices: 28 - 29
Mecidiyeköy, İstanbul, Turkey
+ 90 (212) 215 30 00
info@gurulkan.com
www.gurulkan.com