

LIABILITY FOR SATELLITE NAVIGATION: A NIGHTMARE OR A LAWYER'S PARADISE?

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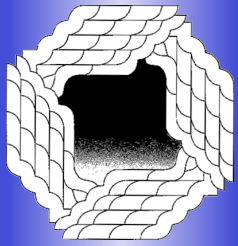
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LIABILITY & SATELLITE NAVIGATION

- [Explanation of the title...]
- Definition of liability:

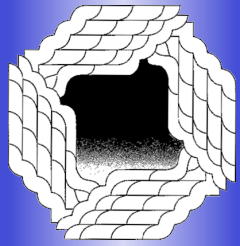
“the accountability of some person(s) and/or entity/ies to compensate for damage caused to certain other person(s) and/or entity/ies as provided for by, and in accordance with, a specific set of rules”

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ELEMENTS IN LIABILITY DEFINITION

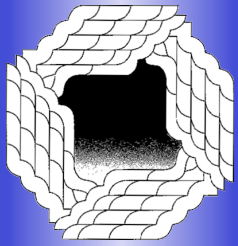
- Damage
- Compensation
- Accountable entities vs. claimants
- Fault vs. absolute liability
- From national law ...
- ... to international law ...
- ... & special role EC law

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TYPES OF LIABILITY

■ Contractual liability

- Freedom to contract
- Scope limited to contract

■ Non-contractual liability

- Public interest: third party victims
- General & comprehensive scope → legislation

■ Product liability

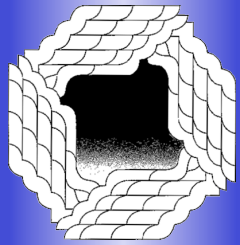
- Use of product: contractual/non-contractual

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GNSS AND LIABILITY

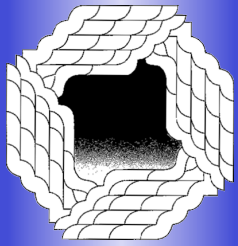
- No GNSS-dedicated legal regime...
- ↔ Many partially applicable legal regimes
 - E.g. space law liability
- Nature of damage to be focused on
 - 'Indirect' - cf. e.g. air law liability
- ➔ Largely matter of non-contractual liability

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GPS AND LIABILITY

■ Discussions in ICAO

1. Lack of liability acceptance US

- No contract, no guarantees, no fees

2. US acceptance of civil liability

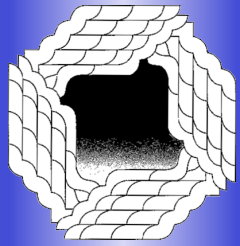
- Liability under national US law
 - ◆ Federal Tort Claims Act; Admiralty Act
 - ◆ Sovereignty-issues foreign user states
 - ◆ Practical problems with US cases
- No 'international' liability acceptance

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GALILEO AND LIABILITY

- International civil system
 - Commercial, with key private participation
- Towards liability acceptance
 - No (additional) product liability
 - Non-contractual liability
 - ◆ Not for GALILEO itself to change outside EU
 - ➔ Deal with it through contracts!
 - ➔ Provide for black box-like monitoring
 - ➔ Role contractual liability:
To allow appropriate derogation of liability

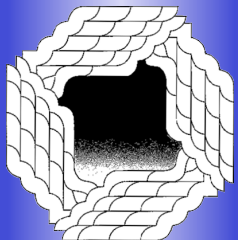
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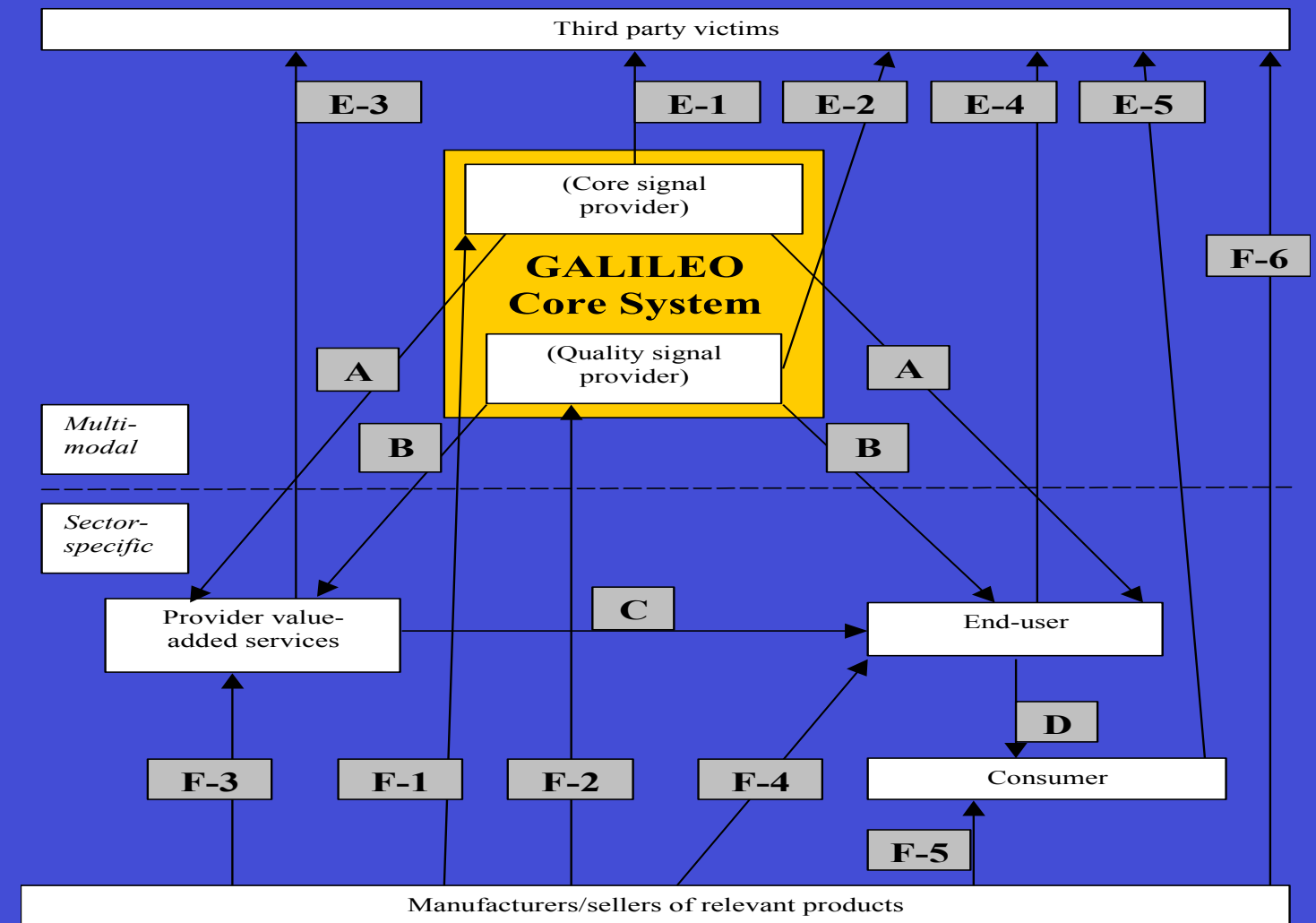
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A LAWYER'S DIAGRAM...



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