



Medienmitteilung – Communiqué aux médias – Comunicato per la stampa – Media release

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**A-842/2007 to A-867/2007: SKYGUIDE, mid-air collision over Überlingen. Decision by the Federal Administrative Court regarding state liability.**

**On 17 February 2010, the Federal Administrative Court (FAC) ruled on the 121 appeals that were filed by relatives of the victims of the Überlingen mid-air collision against the decisions of SKYGUIDE, dated 11 December 2006, regarding claims submitted for compensation and reparation.**

The appeal submissions, in which the sums granted by SKYGUIDE as reparation were disputed, have been rejected by the FAC insofar as they were admissible. The court ruled that SKYGUIDE had rightly acknowledged its liability and the immaterial damage incurred, and correctly determined the respective compensation sums. The compensation sums corresponded to those set by Swiss courts in similar cases. Only in one case (involving two appellants) did the FAC acknowledge grounds for an amendment of the compensation sum (which led to a partial acceptance of the appeal, insofar as this was admissible).

In affirming the appraisal by SKYGUIDE, the FAC also rejected those appeals in which compensation for provider damage had been claimed for. Here, the appellants argued that they would have been supported by their deceased child as soon as the latter started his or her professional life. The FAC essentially came to the conclusion that the standing and income of the parents submitting the appeal – members of the upper-middle class of the Republic of Bashkortostan – did not justify the assertion that they would have been dependent on the financial assistance of their child. However, the court did acknowledge the damage suffered by an appellant who was the husband of one of the accident victims, having claimed to have suffered damage through the loss of housework which his wife did for him. Likewise, it also acknowledged the need to compensate for damage suffered by a sick mother because her daughter – who lived with her and who died in the air disaster – was no longer able to assist her by doing housework. The compensation sum for this loss of support was determined by the FAC on the basis of calculations made by an American expert mandated by the appellant. This sum was adjusted by the court in order for it to comply with the provisions of Swiss law. In both latter cases, the FAC approved the appeals insofar as they were admissible.

Apart from the claims concerning compensation for the loss of support, the sums awarded to the appellants by SKYGUIDE under the heading of compensation for damages were not disputed, hence they were not reviewed by the FAC.

Appeals may be made to the Federal Court against rulings by the Federal Administrative Court, provided that the requirements of Art. 85, para. 1 letter a and Art. 85, para.2 of the Federal Act on the Federal Court (BGG, SR 173.110) are fulfilled.

### **The Federal Administrative Court**

The Federal Administrative Court rules on appeals against decisions made by federal authorities. In certain matters the court is also responsible for reviewing cantonal decisions and it also delivers judgements in lawsuits. Where its decisions are not final, appeals against its rulings may be lodged with the Federal Supreme Court in Lausanne and Lucerne. The Federal Administrative Court, with its locations in Berne and Zollikofen and from 2012 St Gallen, consists of five departments and a General Secretariat. The Federal Administrative Court has 70 judges and 300 employees, making it the largest court in Switzerland.

#### Further information:

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