

Název diplomové práce a abstrakt v anglickém jazyce, klíčová slova

Title of the thesis: Rights of passengers in international air transport

Abstract

The number of passengers carried by international air transport grows steadily every year and thus also the number of irregularities which may disrupt passengers' travel plans increases accordingly. It is important that in such cases passengers are appropriately looked after and that they may, in accordance with valid instruments of law, seek compensation for damages incurred as a result of such irregularities. By means of analysis of select significant legal instruments of private international law and European law the author aims to point out parts of these regulations that present difficulties when they are to be applied, their meaning is not unambiguous, the interpretation is not uniformed, or the regulations are incompatible with one another. The author then avails of this analysis to propose certain amendments to the existing legislation on air passenger rights in the last chapter of the thesis. In order to achieve the set goal, the author utilizes information not only from academic literature and specialized publications, but also from wide variety of case law, in particular judgements of the Court of Justice of the European Union. Author's own professional experience is also utilized. The first chapter opens with brief introduction to the evolution of the regulation of civil aviation in general which is then put in context of international private law. Crucial part of the first chapter is dedicated to analysis of relevant provisions of the Montreal Convention which provides for protection of passengers in situations falling within its scope. Through the *ex parte* IATA judgement and the issue of compatibility of the Montreal Convention and the Regulation (EC) 261/2004 the author moves on to the analysis of passenger's rights arising out of the aforementioned EU Regulation. The second chapter explores legal framework established by the Regulation (EC) 261/2004 which is viewed with certain degree of criticism utilizing also author's practical experience from the perspective of an air carrier. The final chapter focuses on European air passenger rights future outlook, reviews certain aspects of amendments to the Regulation tabled by EU institutions and offers author's proposals aiming to resolve certain deficiencies of existing legislation in order to achieve balance between the interests of passengers and those of air carriers. The preferred solution of the current disbalance is seen in the adoption of an entirely new legal instrument.

Key words: air transport, rights of passengers, compensation of damages