

# **Non-material damage in the regulation of international transport**

## **Abstract**

The dissertation deals with issues related to the legal regulation of non-material damage arising in connection with international air transport. It has been at the forefront of interest especially of the European institutions over the last ten years.

The first part of the dissertation is devoted to the general theoretical definition of non-material damage as such and to individual types of non-material damage that may arise during air transport. These are bodily harm, emotional harm caused by stress experienced or otherwise uncomfortable, and non-material harm caused by the fact that the passenger does not get to his destination in time due to delays, flight cancellations or denied boarding.

The second part is devoted to the comparison of compensation for non-material damage in the Czech Republic and the United States of America, namely the development of the non-pecuniary damage and compensation for this damage. Particular attention is paid to particular titles, which are, according to the relevant legal regulations, replaced and the comparison of the compensation of non-material damage in the decisions of the courts of both countries.

The third part is devoted to the regulation of non-material damage and its compensation, arising in connection with international air transport. It is currently regulated at the international level in the Warsaw Convention, respectively The Warsaw System and the Montreal Convention. At European level it is regulated in Regulation (EC) No 261/2004 of the European Parliament and of the Council establishing common rules on compensation and assistance to passengers in the event of denied boarding, cancellation or long delay of flights and Council Regulation (EC) No 2027/97 on air carrier liability in the event of accidents. Special attention is paid to the applicability of these sources of law to individual types of non-material damage - physical injury, mental injury, emotional harm and discomfort caused by inconvenience or delay of passengers.

## **Key words**

- non-material damage
- air carrier liability
- personal injury