

Compensation for damage arising from international air passenger transport

Abstract

The diploma thesis focuses on a range of issues related to compensation for the damage arising out of international air transportation of passengers and their luggage. The thesis examines the topic in a complex way since the author first looks at the issue from a substantive point of view and then from the procedural application of the rights. Due to the cross-border nature of passenger air transport attention is paid to unified EU legislation which is directly applicable in its member states, in particular, Regulation No 261/2004 and Regulation No 2027/97 as amended by Regulation No 889/2002 as well as international regulation covered in the Montreal Convention. After the reader is introduced to the topic, the thesis portrays in detail situations in which the air carrier's liability for damage arises and which ordinarily affects the number of passengers. It is frequently relied on the conclusions of the Court of Justice of the European Union which helps to demonstrate the complicated functioning of legislation in practice. An essential part of the topic is passenger compensation. For this reason, the topic is concluded by means of enforcing passengers' rights while pointing out the main obstacles to the successful application and enforcement of passengers' rights from Regulation No. 261/2004 in the territory of the EU Member States. With the increasing number of passenger complaints about non-compliance with Regulation 261/2004 by air carriers and the slow handling of these complaints by National Enforcement Bodies, more and more passengers have recently turned to the agencies handling claims for compensation under the Regulation. The thesis, therefore, points to the positive and negative aspects of the use of individual options for passengers in enforcing their rights, which should help passengers decide how to obtain financial compensation in the reluctance of air carriers to provide it. The thesis also does not omit some current issues such as the implications of the exercise of passenger rights in the European area due to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU. The author concludes that there is no satisfactory situation around Regulation No. 261/2004 and the most acceptable solution seems to be the adoption of a new form of regulation.

Keywords: international air passenger transport, air carrier's liability for passengers and their baggage, enforcement of passenger rights