

Current issues in regulation of international carriage by air - Summary

The purpose of my thesis is to analyze the basic questions relating to international carriage by air. This term provides a wide range of situations and possible scenarios but I have primarily focused on the liability of carriers and liability limits.

Thanks to the quick progression and technological improvements to which the transportation by air of past years had to face, this issue gained very fast an international character. The air law community was forced to handle the newly born task of coming issues as soon as possible.

Warsaw Convention 1929 was the first uniform instrument which offered an acceptable body of rules governing the liability of carriers in international carriage by air and became a guarantee for passengers. But because its provisions regarding the liability quit promptly did not meet the practical needs of the modern air world, additional protocols and conventions started to operate in this field as the result of those old-fashioned provisions and sometimes too much extended requirements on transport documents. The main problems of the frontier Convention were too much protective provisions of airlines.

Montreal convention is the main international instrument of these days bringing certainty into the principles of air law in the way of uniform liability systems. It secures liability regimes in cases of death or bodily injury of passenger, of loss, destruction or damage to cargo and in case of delay. It is clear from this that for damages up to 100 000 SDR, a strict liability regime now rules the relationship between carrier and passenger. As the carrier is aware of this limit in advance, he will be able to arrange for sufficient insurance cover. Carriers are liable for damages

As part of the European Union, this summary would be incomplete without reference to some significant European regulations on the field of air transport. The liability of carrier is governed by the (ES) regulation 261/2004 and established rules on compensation and assistance to passengers in the completely new event of denied boarding and of cancellation and long delays of flights.