

Abstract

The purpose of the thesis is to analyse the scope of application of the Convention for the Unification of Certain Rules for International Carriage by Air signed at Montreal on 28th May 1999 (Montreal Convention).

The thesis comprises four chapters, each which deals with different aspects of the scope of application of the Montreal Convention.

The thesis is approached by the analytical method using classical four methods of interpretation and is based mainly on foreign sources: English, American, Canadian and German in particular. It includes up-to-date relevant court decisions, primarily from American courts and the Court of Justice of the European Union. Czech sources are used especially when dealing with theoretical and general questions. No Czech court decision is included as by the time of handing in this thesis there was no accessible decision of any higher court of the Czech Republic.

Chapter one deals primarily with Article one of the Montreal Convention which contains some important terms having effect on the scope of application of the Convention as well as containing the term *international carriage*. Further in this chapter is discussed the subject-matter scope of application of the Convention and instruments expanding the scope of application of the Montreal Convention (successive carriage, combined carriage and carriage by air performed by a person other than the contracting carrier).

Chapters two and three highlight the issues connected with the accession of the European Union to the Montreal Convention. Focus is drawn to the Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air as well on the Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights. The author tries to pinpoint how the Regulations together with the decisions of the Court of Justice of the European Union affect operation of the Montreal Convention, especially in the EU Member States.

The last Chapter describes the complex system of international treaties called Warsaw System and the internal relations of these treaties within this System. Finally is explained the superseding provision of the Montreal Convention which strives to re-unite the fragmented regulation of international carriage by air.