

Abstract

The topic of the diploma thesis is Regulation (EC) No. 261/2004 of the European Parliament and of the Council from the perspective of the carrier. The aim of this work is to critically analyse Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 from the air carrier perspective and looking at the various angles of this Regulation which brings complications to the carrier's operation. Also to find an answer whether it reflects the current state of air transport and ensures the principle of proportionality. The work is divided into three chapters.

The first chapter provides an overview of the individual conventions that have been adopted in the field of international civil aviation and have given a solid basis for the current regulation. These are, in particular, the Warsaw Convention, the Hague Protocol and the Montreal Convention.

The second chapter deals with the general characteristics of Regulation 261/2004, discusses the procedural and substantive aspects of the regulation - determination of international jurisdiction, the question of jurisdiction through the Brussels I bis Regulation, the relationship of Regulation 261/2004 with the Montreal Convention, the scope of the Regulation. The chapter presents the subject of regulation, which defines the concepts of denied boarding, flight cancellation, significant flight delays and the concept of extraordinary circumstances, which are accompanied by theoretical and practical parts, along with examples from the case law of the Court of Justice of the European Union. This section concludes with the passenger's view of consumer legislation and a sub-chapter on national enforcement authorities.

The third chapter named "Regulation 261/2004 from the air carrier's perspective" covers the liability and status of the carrier as an entrepreneur and considers it as a possible vulnerable party in the light of the current impact of the Regulation 261/2004 and its indirect rights and obligations. A subchapter dealing with the economic impact of Regulation 261/2004 on the air carrier closely follows this. The numbers and graphs support the argumentation of the need for new legislation. At the end of this part, there are presented proposals de lege ferenda. There are proposed changes of the regulation by the EU Parliament and the European Commission, which were proposed after the adoption of Regulation 261/2004. Furthermore,

the author offers her own possible solutions to a fair distribution of rights and obligations between passengers and air carriers, which is based on knowledge and analysis of selected legal and practical issues acquired during the writing and evaluates the benefits of potential new legislation.