

Abstract

This thesis deals with those issues in regulation of international air carriage, which are in the centre of interest of passengers. Author focuses on two key legal instruments establishing different regimes of air carrier's liability. The first one is the Convention for the Unification of Certain Rules for International Carriage by Air, also known as the Montreal Convention. The second is European regulation no. 261/2004, also known as the Air Passengers' Rights Regulation. The key question is whether these liability regimes are completely separate or they overlap.

After introductory chapter, Chapter 2 follows, dealing with historical development of legal regulation in the field of air carriage liability. Evolution of the so called Warsaw system is described and the Montreal Convention and some of the most important European regulations are presented.

Next chapter focuses on theoretical aspects of air carrier's liability in the light of Czech civil law jurisprudence. These findings are applied both to the Montreal Convention and to the regulation no. 261/2004.

Provisions of the Montreal Convention are examined in Chapter 4. Scope of application as well as the most problematic terms such as “accident” or “bodily injury” are discussed. Some well known courts' findings are presented to demonstrate how compensation of different kinds of injuries may be granted or refused.

Cases relevant to regulation 261/2004 were brought before the Court of Justice of the European Union several times. These cases showed the main regulation's weaknesses – the proper distinction between “cancellation” and “delay” of a flight and the scope of “extraordinary circumstances”. Such issues are discussed in Chapter 5.

Chapter 6 analyses conflict of the two legal documents presented before. The conflict stems from concept of delay, regulated by both of them.

In the last chapter, author summarises previous findings and despite the Court of Justice's adjudication comes to a conclusion that there really is conflict of statutes where the Montreal Convention ought to prevail as to question of delay.