

Air carrier's liability to passengers

Abstract

The thesis deals with the civil liability of a carrier towards passengers in air transport. The current legislation is unevenly spread over three levels - international, European and national - with its core being enshrined in the Montreal Convention, the scope of which is extended to all EU carriers by an EU regulation. The thesis analyses the relationship between the different levels of regulation. Particular attention is given to the exclusivity character of the rules contained in the Montreal Convention and the disputed interpretation of the exclusivity rule in legal theory and judicial practice.

The author focuses on two main areas of air carrier liability to passengers and identifies problematic aspects of their legal regulation, stemming mainly from the lack of definitions of key terms. The first area is liability in the event of personal injury, where attention is given to the interpretation of the concept of an accident resulting in death or bodily injury to a passenger, and then to the interpretation of the concept of bodily injury, with a focus on the possible inclusion of psychological injury. The second area is the liability of the carrier in the event of delay; here the thesis examines the relationship between parallel regulations at international and European level and the circumstances exonerating the carrier from liability.

The aim of the thesis is to assess the importance of the case law in mentioned areas and to address the question of whether the requirement for a uniform interpretation of the rules has been met. This is achieved by analysing decisions of common law courts, the CJEU and Czech courts. Continuously, the text of the thesis is also devoted to the evaluation of whether the legislation in force fairly balances the interests of both passengers and carriers.

The thesis is divided into three parts. The first one defines the essential terms with the most emphasis on civil liability for damage. The second part is an overview of the sources of air carrier civil liability and their interrelationships. In the third part, the author focuses on specific aspects of liability for personal injury to passengers and liability in the event of air transport delays.

Key words: [civil liability, air carriage, Montreal Convention]