

Rights of passengers in international air transport and the influence of COVID-19 pandemic

Abstract

The thesis is devoted to the legal regulation of the relationship between passengers and air carriers in air passenger transport. The text is set in a general historical framework, which illustrates the rapid development of air transport from the 1920s to the present day, with special emphasis on the modern era. One of the aims of the study is to show how difficult it is for the legislator to respond to ongoing changes in the industry as well as unexpected events such as the COVID-19 pandemic. The central theme is then the analysis of Regulation 261/2004 of the European Parliament and of the Council, one of the most important pieces of legislation on the relationship between passengers and air carriers. The thesis presents the system of regulation enshrined in this Regulation, its strengths and weaknesses - taking into account the extensive case law of the Court of Justice of the European Union - and shows the impact of the above-mentioned pandemic in this area (the common cancellations of flights due to anti-epidemic measures led to frequent application of Regulation 261/2004 and to heated debates on some of the newly emerging controversial issues). It is pointed out that the problematic aspects of the Regulation criticised by the jurists and general public are quite numerous, which may be a consequence of the complexity of the issue. In the analysis of the current Regulation 261/2004 of the European Parliament and of the Council, the thesis draws not only on the text of the regulation itself, but also on the numerous case law of the Court of Justice of the European Union. The author studies the decisions, some of which are recent and have not been commented on as of yet, and presents not only the opinions of jurists expressed in the literature, but also his own insight. A separate chapter is dedicated to the impact of the COVID-19 pandemic on the issue at hand: the opinions of the Commission, Member States and airlines are each taken into account, as well as the author's personal and professional experience (the approach of the Czech courts and the relatively typical course of litigation over rights under Regulation 261/2004 during the pandemic are illustrated on a specific case). The final part of the thesis analyses various proposals for amending the Regulation, with a particular focus on the aspects that have been criticised in the course of the thesis.

Keywords:

passenger rights, COVID-19 pandemic, Regulation No 261/2004 of the European Parliament and of the Council