

Passengers' rights to compensation and assistance in air transport in the light of European Union Law

Abstract

This thesis deals with the balance of rights and obligations of passengers and air carriers in 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 air passengers in the event of denied boarding and of cancellation or long delay of flights. The first part analyses the history of international and European aviation law together with their interrelationship.

In the second part, the Compensation Regulation as such is analysed in detail. Its individual provisions are analysed together with related and recent case law. Particular attention is then paid to denied boarding, cancellation, and flight delays in the light of passengers' specific rights to compensation. In addition to the analysis of the individual provisions of the Compensation Regulation, the author's own reflection on possible improvements to the current regulation in the future and his own view on the aforementioned balance of the Compensation Regulation are included in the thesis.

The third part of the thesis then deals with the specific possibilities of recovering individual compensation from the position of passengers and the jurisdiction of the courts within the European Union. The thesis contains specific guidance for passengers on how to seek compensation from an air carrier. This part of the thesis also discusses the future of class action recovery. At the end of this section, the author assesses the current regulation and proposes new possible solutions that would contribute to a more balanced Regulation on compensation and would make it much easier for injured passengers to claim compensation.

The last part of this paper outlines the future of the Compensation Regulation in the coming years. The thesis contains an analysis of the work of the EU institutions on the Regulation to date and the further course of action envisaged by these institutions. The thesis then concludes by considering the suitability of the proposed changes in terms of the balance of the Regulation as a whole and their impact on passengers and carriers.