

Reg. 889 - ATTACHMENT

Airline liability for passengers and their baggage

This information note summarizes the rules applied by community airlines on liability, as required by community legislation and the Montreal Convention.

Compensation in case of death or physical damage

There are no financial limits to liability in the event of physical damage or death of passengers. For damages worth less than 113 100 DSE (approximate amount in local currency), the airline cannot contest the compensation claims. For damages exceeding this amount, the airline may contest a claim for compensation by proving that there was no negligence or any other form of fault on its part.

Advances

In the event of death or bodily injury to a passenger, the airline must, within 15 days of identifying the person entitled to compensation, pay an advance covering immediate economic needs. In case of death, this advance payment will not be less than 16000 DSE (approximate amount in local currency).

Passengers delays

In the event of a passenger's delay, the air carrier is responsible for the damage caused, unless it took all reasonable measures to avoid the delay or it was impossible to take such measures. Liability for passengers' delays is limited to 4 694 DSE (approximate amount in local currency).

Baggage delays

If baggage is delayed, the airline is responsible for the damage caused, unless it took all reasonable measures to avoid it or it was impossible to take such measures. Liability for baggage delays is limited to 1 131 DSE (approximate amount in local currency).

Destruction, loss or damage to baggage

The airline is responsible for the destruction, loss or damage of baggage up to the amount of 1 131 DSE (approximate amount in local currency). In the case of checked luggage, the airline is responsible for damages, even without fault, except in the case of the baggage being defective. In the case of unchecked baggage, the airline is only responsible if it is its fault.

Higher baggage limits

Passengers can benefit from a higher liability limit by making a special declaration. At the latest, this declaration must be made at the time of registration. It is also required that the passengers pay an additional fee.

Claims about baggage

If baggage has been damaged, delayed, lost or destroyed, the passenger must submit a written claim to the air carrier as soon as possible. In the case of damage to checked luggage, the passenger must submit a written claim within seven days and, in the case of delay, within 21 days, in both cases counting from the date on which the baggage is placed at their disposal.

Responsibility of the contracting airline and the one operating the flight

If the airline providing the flight is not the contracting airline, the passenger has the right to submit a claim or a request for compensation for damages to either of the two. If the name or code of an air carrier is indicated on the ticket, that air carrier is the contracting air carrier.

Term

Any legal action regarding compensation for damages must be brought within two years from the date of arrival of the plane or from the date on which the plane should have arrived.

Information base

The rules described above are based on the Montreal Convention, of May 28th, 1999, implemented in the Community by Regulation (EC) No 2027/97 as amended by Regulation (EC) No 889/2002 and by national legislation of the Member States."