Regulation 261/2004 on Air Passengers’ Rights has been amongst the most high-profile pieces of EU secondary legislation of the past years, generating controversial judgments of the Court of Justice, from ex parte IATA to Sturgeon. The Regulation has led to equally challenging decisions across the Member States, ranging from judicial enthusiasm for passenger rights to domestic courts holding that a Regulation could not be relied upon by an individual claimant or even threatening outright to refuse to apply its provisions. The economic stakes are significant for passengers and airlines alike, and despite the European Commission’s recent publication of reform proposals, controversies appear far from settled.

At the same time the Regulation should, according to the Treaty, have uniform, direct and general application in all the Member States of the Union. How, then, can this diversity be explained? What implications do the diverging national interpretations have for the EU’s regulatory strategy at large? This book brings together leading experts in the field to present a series of case studies from 15 different Member States as well as the extra-territorial application of Regulation 261, combined with high-level analysis from the perspectives of Aviation law and EU law.

THE EDITORS

Michal Bobek is Professor of European Law at the College of Europe and research fellow at the Institute of European and Comparative Law, University of Oxford.

Jeremias Prassl is an Associate Professor in the Faculty of Law, University of Oxford, and a Tutorial Fellow at Magdalen College, Oxford.

Contents

1. Welcome Aboard: Revisiting Regulation 261/2004
   Jeremias Prassl and Michal Bobek

Part I: EU-Level Perspectives

2. Regulation 261: Three Major Issues in the Case Law of the Court of Justice of the EU
   Jiří Malenovský

3. Regulation 261: The Passenger Rights Framework
   Frank Benyon

4. EU Law and the Montreal Convention of 1999
   David McClean

5. Luxembourg v Montreal: Time for The Hague to Intervene
   John Balfour

6. EU Regulations in the Member States: Incorporating International Norms
   Silvia Ferreri

Part II: Member States’ Perspectives

7. Austria and Germany: Well-Informed Passengers, Extensive Case Law and a Strong Demand for Legal Certainty
   Irena Gogul-Hassanin

8. The Benelux: Small is not Less
   Pablo Mendes de Leon and Wouter Oude Alink

9. Bulgaria: Blurred Lines
   Alexander Kornezov

10. A Pair of Wings: Air Passenger Rights in the Czech Republic and Slovakia
    Kristián Csach

11. Estonia: All Well or is there Something in the Air?
    Tatjana Evas and Silvia Ustav

12. France: Air Passengers Facing Long-Haul Judicial Journeys
    Fabien Le Bot

13. The Italian Experience and Trend
    Laura Pierallini

14. Poland: Do Not Adjust Your Seat, Passengers’ Rights are Assured
    Krystyna Kowalik-Bańczyk

    Mireia Artigot i Golobardes

16. United Kingdom and Ireland: Passenger Protection Turns a Corner
    Benjamin Jones

17. Extraterritorial Application: Exporting European Consumer Protection Standards
    Brian F Havel and John C Mulligan

Part III: Broader Horizontal Perspectives

18. The Turbulent Life of Regulation 261: Continuing Controversies Surrounding EU Air Passenger Rights
    Sacha Garben

    Joasia Lazač

    Jeremias Prassl