

12th Air Law Conference

-

Travel Package Review: Animal Transportation



Diego Olmedo de Cáceres
13th June 2025

1. Preliminary Ruling C-218/24 (I)

Background

EZE-MAD-BCN

22.10.19

3 Dogs

Felicisima lost before loaded into cargo haul

€5,000 compensation claimed

Commercial Court No. 18 Madrid



1. Preliminary Ruling C-218/24 (II)

Case Commercial Court Madrid

08.03.24

Judge submits preliminary ruling before ECJ

Must Article 17(2) of the MC99 in conjunction with Article 22(2) of that convention, be interpreted as meaning that the term 'baggage', either checked or unchecked, does not apply to pets?



1. Preliminary Ruling C-218/24 (III)

ECJ Arguments Plaintiff

Animals are sentient beings, not things

New Spanish Regulation, modification of Civil Code (2019)

Luggage refers to things, not sentient beings

Regime of 17.2 and 22.1 of Montreal Convention are no longer valid

Regime of 17.1 and 21 of Montreal Convention must be applied



1. Preliminary Ruling C-218/24 (IV)

ECJ Arguments Defendant

Animals are Sentient Beings, not things

Regime of 17.2. and 22.1. are valid, animals can be included within the scheme

Special Interest Declaration is the ideal mechanism as it allows the owner to quantify its moral damage

Regulation (EC) 2021/782 for railway differentiates things and animals but provides same limits of liability

14.02.25 Hearing in Luxembourg



2. Proposal of New EU Regulation (I)

Modification of EU Regulation 5 June 2025

Modification of Regulation (CE) 2027/1997

Article 2.1.

(c) Point (i) is added:

(i) ‘recognised assistance dog’ means a dog specifically trained to increase independence and self-determination of persons with disabilities, officially recognised in accordance with applicable national rules, where such rules exist.



2. Proposal of New EU Regulation (II)

Modification of EU Regulation 5 June 2025

Modification of Regulation (CE) 2027/1997

Article 3.a.

The supplementary sum which, in accordance with Article 22(2) of the Montreal Convention, and without prejudice to Article 6a, may be demanded by a Union air carrier when a passenger makes a special declaration of interest in delivery of their baggage at destination, shall be based on a tariff which reflects the additional costs of transport and insurance for baggage valued above the liability limit. The tariff shall be made available to passengers on request.



2. Proposal of New EU Regulation (III)

Modification of EU Regulation 5 June 2025

Modification of Regulation (CE) 2027/1997

Article 6.a.1.

Whenever carrying checked in mobility equipment or recognised assistance dogs, the Union air carrier shall ensure that each disabled person or person with reduced mobility is offered the option to make, in accessible format, a special declaration of interest pursuant to Article 22(2) of the Montreal Convention, at booking, at the same time as the notification pursuant to Article 6 of Regulation (EC) No 1107/2006, and at the latest when the equipment is handed over to the air carrier and, in the case of recognised assistance dog, at boarding. In such case, the Union air carrier shall not request the passengers concerned an additional fee. When the equipment is destroyed, lost, damaged or delayed or in case of death or injury of a recognised assistance dog the Union air carrier may require from the disabled person or person with reduced mobility to support the amount of the interest in the declaration with a proof of the cost of replacement, including temporary replacement, of the mobility equipment or the recognised assistance dog.



2. Proposal of New EU Regulation (IV)

Modification of EU Regulation 5 June 2025

Modification of Regulation (CE) 2027/1997

Article 6.a.3.

3. In case of destruction, loss, damage or delay in the carriage of checked mobility equipment or in case of death or injury of a recognised assistance dog, the Union air carrier shall be liable to pay a sum not exceeding the sum declared by the passenger; unless it proves that the sum claimed is greater than the person's actual interest in delivery at destination.



3. Industry needs much more

Challenges of the industry

- Users demand it

- Interaction with other passengers (allergies, discomfort, bites, hygiene, etc.)

- Safety concerns

- Service-dogs fraud - American with disabilities Act

Proposed modification, viable?

Not enough, incomplete approach!

Special Interest Declaration



Thank you!

