



## **AIR CARRIER LIABILITY FOR PASSENGERS AND THEIR BAGGAGE**

**Notice as required by the European Community (EC) Regulation 889/2002**

### **Air carrier liability for passengers and their baggage**

This information notice summarizes the liability rules applied by Community air carriers as required by Community legislation and the Montreal Convention.

### **Compensation in the case of death or injury**

There are no financial limits to the liability for passenger injury or death, except where there is contributory negligence. For damages up to 113,100 SDR's the carrier cannot contest claims for compensation. Above that amount, the air carrier can defend itself against a claim by proving that it was not negligent or otherwise at fault.

### **Advance payments**

If a passenger is killed or injured, the air carrier must make an advanced payment, to cover immediate economic needs on a basis proportional to the hardship suffered, within 15 days from the identification of the person entitled to compensation. In the event of death, this advance payment shall not be less than the local currency equivalent of 16,000 SDR's.

### **Passenger delays**

In case of passenger delay, the air carrier is liable for damage unless it took all reasonable measures to avoid the damage or it was impossible to take such measures.

The liability for passenger delay is limited to 4,694 SDR's.

### **Baggage delays**

In case of baggage delay, the air carrier is liable for damage unless it took all reasonable measures to avoid the damage or it was impossible to take such measures. The liability for baggage delay is limited to 1,131 SDR's.

### **Destruction, loss or damage to baggage**

The carrier is liable for destruction, loss or damage to baggage up to 1,131 SDR's. In the case of checked baggage, it is liable even if not at fault, unless the baggage was defective. In the case of unchecked baggage, the carrier is liable only if at fault.

### **Higher limits for baggage**

A passenger can benefit from a higher liability limit by making a special declaration at the latest at check-in and by paying a supplementary fee.

### **Complaints on baggage**

If the baggage is damaged, delayed, lost or destroyed, the passenger must write and complain to the carrier as soon as possible. In the case of damage to checked baggage, the passenger must write and complain within seven days, and in the case of delay within 21 days, in both cases from the date on which the baggage was placed at the passenger's disposal.

### **Liability of contracting and actual carriers**

If the carrier actually performing the flight is not the same as the contractual carrier, the passenger has the right to address a complaint or to make a claim for damages against either. If the name or code of an carrier is indicated on the ticket, that carrier is in most instances the contractual carrier.

### **Time limit for action**

Any action in court to claim damages must be brought within two years from the date of arrival of the aircraft, or from the date on which the aircraft ought to have arrived.

### **Basis for the information**

The basis for the rules described above is the Montreal Convention of 28 May 1999, which is implemented in the Community by Regulation (EC) No. 2027/97 (as amended by Regulation (EC) No. 889/2002) and national legislation of the Member States.

### **Disclaimer:**

*As required by the European Community (EC) Regulation 889/2002, this notice summarizes the liability of Denim Air ACMI B.V. (hereinafter: Denim Air) for passengers and their baggage. This notice cannot be used as a basis for a claim for compensation, nor to interpret the provisions of the Regulation or the Montreal Convention, and it does not form part of the contract between Denim Air (and other carriers) and you. Denim Air makes no representation as to the accuracy of the contents of this notice. For more comprehensive details of the applicable liability rules please refer to the General Conditions of Carriage of Denim Air which are available on the Denim Air website at [www.denimair.com](http://www.denimair.com).*