



INTERNATIONAL CIVIL AVIATION ORGANIZATION



Legal aspects of financial compensation for victims and their families

International legal background

Montreal Convention, 1999

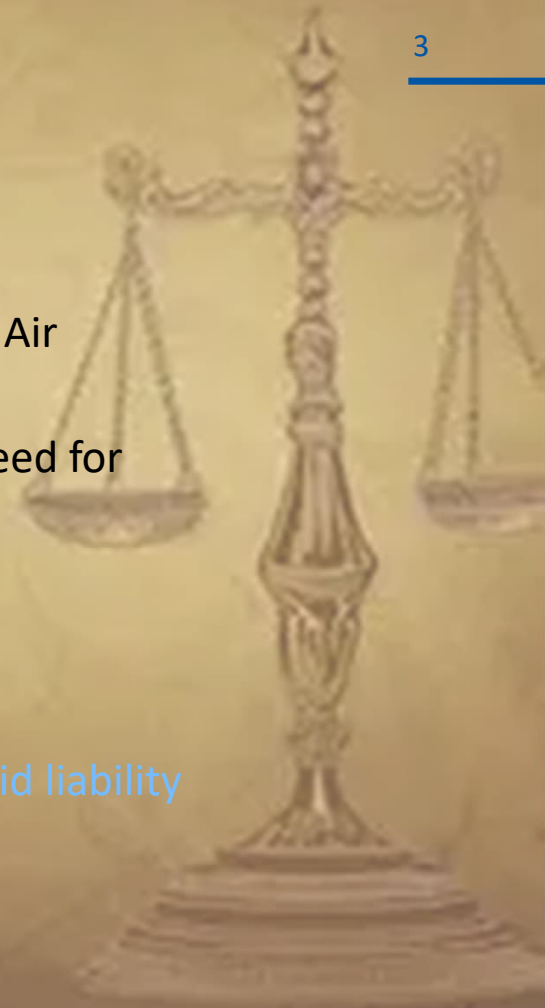
Convention for the Unification of Certain Rules for International Carriage by Air
(Montreal Convention, 1999)

Modernizes and consolidates the Warsaw Convention System recognizing need for equitable compensation based on the principle of restitution

Liability of air carrier in case of death or bodily injury of a passenger

Limits of compensation – Art. 21 with a two-tier liability system

- **First-tier:** strict liability for claims up to **151,880 SDR**
- **Second-tier:** for claims exceeding this limit, the air carrier may avoid liability under certain conditions



The compensation

Montreal Convention, 1999

- The compensation **limits are automatically reviewed** (Art. 24) every 5 years, most recently in 2024
- **No artificial limits on compensation**, however, compensation is based on the principle of restitution.
Punitive, exemplary, or any other non-compensatory damages shall be not recoverable
- **Claims** shall be brought **within 2 years** (Art.35) from the date of the accident
- Advance payments to meet immediate economic needs shall be made **if required by national law**

Challenges

Applicability of the Montreal Convention

- Out of **193 ICAO Member States**, **143** are Parties to the Montreal Convention, whereas the Warsaw Convention has 152 Parties. As a result, different liability regimes may apply to different passengers on the same flight
- Montreal Convention Applies only to international air carriage by air (to domestic operation only if the State decides to apply it)

Compensation

- For claims exceeding the first-tier limit, the compensation is determined by national laws



Thank You

