



Reports of Cases

Case C-410/11

Pedro Espada Sánchez and Others

v

Iberia Líneas Aéreas de España SA

(Reference for a preliminary ruling from the Audiencia Provincial de Barcelona)

(Air transport — Montreal Convention — Article 22(2) — Liability of carriers in respect of baggage — Limits of liability in the event of the destruction, loss, damage or delay of baggage — Shared baggage belonging to a number of passengers — Baggage checked in by one of those passengers)

Summary — Judgment of the Court (Third Chamber), 22 November 2012

1. *International agreements — Convention for the Unification of Certain Rules for International Carriage by Air — Jurisdiction of the Court to interpret the provisions of that convention*

(1999 Montreal Convention)

2. *Transport — Air transport — Regulation No 2027/97 — Convention for the Unification of Certain Rules for International Carriage by Air — Liability of carriers in respect of checked baggage — Limit in case of destruction, loss, damage or delay of baggage — Scope — Shared baggage belonging to a number of passengers checked in by one of them — Individual right to compensation of each passenger*

(Council Regulation No 2027/97; 1999 Montreal Convention, Arts 3(3), 17(2) and 22(2))

1. See the text of the decision.

(see paras 20-22)

2. Article 22(2) of the Convention for the Unification of Certain Rules for International Carriage by Air, concluded in Montreal on 28 May 1999, read in conjunction with Article 3(3) of that convention, must be interpreted as meaning that the right to compensation and the limits to a carrier's liability in the event of loss of baggage apply also to a passenger who claims that compensation by virtue of the loss of baggage checked in in another passenger's name, provided that that lost baggage did in fact contain the first passenger's items.

Consequently, not only a passenger who has checked in his own baggage in person, but also a passenger whose items were placed in the baggage checked in by another passenger on the same flight, is granted an individual right to compensation by the Montreal Convention where those items are lost, in accordance with the conditions laid down in the first sentence of Article 17(2) of that convention and within the limits laid down in Article 22(2) thereof.

However, for the purposes of the compensation provided for under Article 22(2) of the Montreal Convention, it is for the passengers concerned, subject to review by the national court, to establish to the requisite legal standard the contents of the lost baggage and the fact that the baggage checked in in another passenger's name did in fact contain items belonging to another passenger on the same flight. In that connection, the national court may have regard to the fact that those passengers are members of the same family, that they bought their tickets together or that they checked in at the same time.

(see paras 27, 35, 36, operative part)