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Judgment of the Court in Case C-510/21 | Austrian Airlines (First aid on board an aircraft)

### Accidents on board an aircraft: the strict liability of airlines under the Montreal convention extends to inadequate first aid administered on board an aircraft

On a flight operated by Austrian Airlines, a jug containing hot coffee fell from a catering trolley and scalded a passenger. First aid was administered to him on board the aircraft.

The passenger brought an action before the Austrian courts seeking damages and a declaration establishing Austrian Airlines' liability for all future damage resulting from the aggravation of his burns on account of the inadequate first aid administered on board the aircraft.

Austrian Airlines contends that the action should be dismissed, since it was brought after the expiry of the two-year time limit provided for in the Montreal convention <sup>1</sup> in respect of actions for damages relating to an accident that took place on board an aircraft. The passenger, by contrast, submits that the Montreal convention is not applicable because first aid administered on board an aircraft is not covered by the concept of 'accident' within the meaning of that convention. According to the passenger, the three-year time limit provided for under Austrian law is applicable and the action is not therefore time-barred.

Accordingly, in order to clarify the damage for which Austrian Airlines may be held liable, the Austrian Supreme Court asked the Court of Justice **whether the inadequate first aid administered on board an aircraft to a passenger, which aggravated the bodily injuries caused by an 'accident', within the meaning of the Montreal convention, must be regarded as forming part of that accident.**

**The Court answers in the affirmative.** The Court notes that it is not always possible to attribute the occurrence of damage to an isolated event where that damage is the result of a series of interdependent events. Thus, **where there is a series of intrinsically linked events that take place successively, without interruption, in space and time, that series of events must be regarded as constituting a single 'accident' within the meaning of the Montreal convention.**

**In the present case,** in view of the **continuity in space and time between the jug of coffee falling and the first aid administered to the passenger injured by it,** it cannot be disputed that there is a causal link between the jug of coffee falling and the aggravation of the bodily injuries caused by it on account of inadequate first aid being administered.

Furthermore, that interpretation is consistent with the objectives pursued by the Montreal convention, which lays

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<sup>1</sup> Convention for the Unification of Certain Rules for International Carriage by Air, concluded in Montreal on 28 May 1999, signed by the European Community on 9 December 1999 and approved on its behalf by Council Decision 2001/539/EC of 5 April 2001 (OJ 2001 L 194, p. 38).

down a system of strict liability for airlines in order to ensure protection of passengers while maintaining an equitable balance with the interests of airlines. The fact that the airline has failed to fulfil its diligence and care obligations is not capable of calling those findings into question: for the purposes of classification as an 'accident', it is sufficient that the event which caused the bodily injury of a passenger took place on board the aircraft.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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