

Flight delay compensation: Claimant was not entitled to recover legal costs

Copenhagen City Court has recently issued a decision in a matter concerning legal cost in connection with claims for compensation due to delay suffered by airline passengers.

The claimant was a debt-collecting agency making a claim against an airline for compensation on behalf of airline passengers. The airline passengers assigned their claims against the airline to the debt-collecting agency, who subsequently filed legal proceedings for the claims in its own name against the airlines.

The court found no grounds to award the claimant its legal costs, as the claimant was representing itself during the proceedings. Therefore, the debt-collecting agency had to cover its own legal costs. Further, the court decided that if the claimant cannot prove that a demand letter requesting payment of compensation for delay had been sent to the defendant, the claimant must also pay the court fees incurred in the proceedings. A screen shot showing an e-mail demand letter was not sufficient proof for this purpose.

The decision has a great importance for the airlines who previously had to cover the legal costs of the debt-collecting agencies in cases concerning compensation of airline passengers in connection with flight delays. This meant that the debt-collecting agencies could file lawsuits without any monetary risks and without having to regard the lawfulness of each individual suit causing a great burden for the airlines. The court has now rectified this unintended and inappropriate state of law.

At NJORD LAW FIRM, we are specialist in the subjects of transportation- and maritime law, including flight delays. Do not hesitate to contact attorneys in case you want to know more about the abovementioned case, where we represented the airline. You are also welcome to contact us for advice on any other area of transportation- and maritime law.

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