

Damages claim dismissed under Montreal Convention

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The parties were in dispute over claims for damages arising from the cross-border transport of goods from the United States to Germany.

The consignment was transported to Germany by air freight and was lost in a transshipment warehouse on the premises of Frankfurt Airport. From there, the shipment was to be transported to its destination. The plaintiff claimed damages on the basis of German transport law and refused to settle the claim on the basis of the Montreal Convention.

Decision

The Hamburg State Court dismissed the action.⁽¹⁾ The scope of application of German law was not opened. The storage fell under the scope of protection of the Montreal Convention. Its application ended only when the loading of the truck was completed. It was undisputed that the loss occurred prior to this event.

Comment

According to Article 18(4)(1) of the Montreal Convention, the period of carriage by air does not include carriage by land, sea or inland waterways outside an airport. Conversely, this means that all damage at the airport is subject to the convention. The decision is therefore correct.

For further information on this topic please contact [Carsten Vyvers](#) at Arnecke Sibeth Dabelstein by telephone (+49 69 97 98 85 0) or email (c.vyvers@asd-law.com). The Arnecke Sibeth Dabelstein website can be accessed at www.asd-law.com.

Endnotes

(1) Hamburg State Court judgment of 23 January 2020, 407 HKO 23/19.

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