

Information release

The Court of Justice of the EU considers pets to be ‘luggage’ for the purposes of possible compensation for loss on flights.

The CJEU establishes that compensation for loss or damage to an animal travelling on a commercial airline is governed by the rules that apply to luggage.

Madrid, 03 November 2025.- Animal welfare is protected under European Union treaties. However, this does not prevent them from being considered as ‘luggage’ when dogs, cats or other domestic animals are transported on a flight with their owners. This means that compensation in the event of loss or damage to pets is limited to that provided for checked baggage, as reflected in a recent ruling by the Court of Justice of the European Union ([CJEU](#)).

In this regard, the Court is clear: ‘the fact that the protection of animal welfare is a recognised objective of general interest in the Union does not prevent animals from being transported as “luggage” and being treated as such for the purposes of liability for loss, provided that the requirements relating to their welfare during transport are fully taken into account.’

In reaching this conclusion, the judges rely on the Montreal Convention, which establishes three types of transport on international flights: persons, baggage and cargo. The concept of “persons” covers “passengers”, so that a pet cannot be equated with a “passenger”. Consequently, for the purposes of air transport, a pet falls under the concept of “baggage”, and compensation for damage - material or moral - resulting from its loss is subject to the liability regime provided for baggage.

This is how the CJEU responds to a preliminary ruling submitted by a commercial court in Madrid that had to rule on a claim by a passenger on an Iberia flight from Buenos Aires to Madrid whose dog escaped from the carrier in which it had been checked in when it was taken to the aircraft's hold. The animal was not recovered and its owner requested compensation of €5,000 from the airline for moral damages. In this case, the passenger had not made a special declaration of the value of her pet and, although the airline acknowledged its liability and the passenger's right to compensation, it considered that this compensation should be limited to the compensation provided for checked baggage, which was less than the amount claimed.

In this context, the judges also warn that passengers could be entitled to higher compensation than that provided for baggage, but point out that, in order to do so, a special declaration of value would have to be made when handing over the baggage - in this case, the pet - provided that the air carrier agrees and an additional amount has been paid.

Source of information: [Court of Justice of the European Union](#).