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Judgment of the Court in Case C-436/21 | flightright (Air transport from Stuttgart to Kansas City)

### **The right to compensation for air passengers subject to long delays applies to connecting flights made up of flights operated by separate operating air carriers**

*Where those flights have been combined by a travel agency which has charged an overall price and issued a single ticket, it is irrelevant that there is no legal relationship between the carriers*

A passenger purchased, through a travel agency, an electronic plane ticket for a journey on 25 July 2018 from Stuttgart to Kansas City made up of three flights. The first flight from Stuttgart to Zurich was operated by Swiss International Air Lines, whilst the two flights from Zurich to Philadelphia and from Philadelphia to Kansas City, respectively, were operated by American Airlines. The electronic ticket number appeared on the boarding passes for those flights. In addition, that ticket showed that American Airlines was providing services and contained a single reservation number relating to the entire journey. Furthermore, the travel agency issued an invoice showing a total price for the whole of that journey and for the return.

While the flights from Stuttgart to Zurich and from Zurich to Philadelphia, respectively, ran to schedule, the arrival of the flight from Philadelphia to Kansas City was delayed by more than four hours.

Before the German courts, flightright, a company providing legal assistance to air passengers to which the rights arising from that delay had been assigned, is claiming compensation of € 600 from American Airlines, pursuant to Regulation No 261/2004 concerning compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights. The German Federal Court of Justice, before which the case has been brought, has put questions to the Court of Justice regarding the interpretation of certain parts of that regulation.

By today's judgment, the Court of Justice holds that **the concept of a "connecting flight" covers a transport operation departing from a Member State made up of a number of flights operated by separate operating air carriers which do not have a legal relationship, where those flights have been combined by a travel agency which has charged an overall price and issued a single ticket for that operation.**

The Court points out that concept of a 'connecting flight' must be understood as referring to two or more flights constituting a whole for the purposes of the right to compensation for passengers provided for in Regulation No 261/2004. That is the case when two or more flights were **booked as a single unit**. In the present case, it appears that the passenger had a ticket constituting proof that the reservation for that passenger's entire journey from Stuttgart to Kansas City had been accepted and registered by a tour operator. Such a transport operation must be regarded as being based on a single reservation and, therefore, as a 'connecting flight'.

The flights comprising the connecting flight at issue were operated by separate operating air carriers, namely Swiss International Air Lines and American Airlines, there being no legal relationship between them. The Court considers that no provision of the regulation concerning compensation of air passengers renders the classification as a connecting flight subject to the condition that there is a specific legal relationship between the operating air carriers

operating, where relevant, the flights which make up the connecting flight. Such an additional condition would also be **contrary to the objective of ensuring a high level of protection for passengers**, in that it would be capable of limiting, in particular, their right to compensation, where there is a long delay to their flight.

**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 European Union law or the validity of a European Union 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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