



Press and Information

Court of Justice of the European Union

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Luxembourg, 31 May 2018

Judgment in Case C-537/17

Claudia Wegener v Royal Air Maroc SA

The right to compensation for long delays of flights applies to connecting flights to third States with stopovers outside the EU

A change of aircraft during the stopover does not alter the fact that two or more flights booked as a single unit must be considered a single connecting flight

Claudia Wegener booked a flight with Royal Air Maroc from Berlin (Germany) to Agadir (Morocco), with a stopover and change of aircraft in Casablanca (Morocco). When she presented herself for boarding in Casablanca of the aircraft destined for Agadir, Royal Air Maroc did not allow her to board, informing her that her seat had been reassigned to another passenger. Ms Wegener eventually boarded another Royal Air Maroc aircraft and arrived in Agadir four hours after the scheduled time of arrival.

Ms Wegener subsequently applied for compensation for that delay. However, Royal Air Maroc refused her application on the ground that she was not entitled to claim compensation under the EU regulation on air passenger rights.¹

That regulation does not, in fact, apply to flights effected exclusively outside the European Union.² The airports of Casablanca and Agadir being situated in Morocco, the applicability of the regulation therefore depends on the question of whether the two flights (Berlin – Casablanca and Casablanca – Agadir), which were booked as a single unit, should be classified as a *single* (connecting) flight departing from a Member State (Germany), or whether it would be appropriate to consider them separately, in such a way that the flight from Casablanca to Agadir would not come within the scope of the regulation.

It is in those circumstances that the Landgericht Berlin (Regional Court, Berlin, Germany), to which Ms Wegener applied, asked the Court of Justice to interpret the regulation.

In today's judgment, the Court rules that the regulation applies to passenger transport effected under a single booking and comprising, between its departure from an airport situated in a Member State (Berlin) and its arrival at an airport situated in a third country (Agadir), a scheduled stopover outside the EU (Casablanca) with a change of aircraft.

According to the Court, it is apparent from the regulation and case-law³ that when, as in the present case, two (or more) flights are booked as a single unit, those flights constitute a whole for the purposes of the right to compensation for passengers. Those flights must therefore be considered as *one and the same* 'connecting flight'.

¹ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1). Under that regulation, air passengers may be entitled, in the event of cancellation of a delay of three hours or more on arrival, to flat-rate compensation rising, depending on distance, to 250, 400 or 600 euros.

² According to Article 3(1) of the regulation, it applies to a) to passengers departing from an airport located in the territory of a Member State to which the Treaty applies; and b) to passengers departing from an airport located in a third country to an airport situated in the territory of a Member State to which the Treaty applies, unless they received benefits or compensation and were given assistance in that third country, if the operating air carrier of the flight concerned is a Community carrier.

³ Case: [C-11/11](#) Folkerts, see Press Release no [18/13](#)

The Court notes in addition that the change of aircraft that may arise during a connecting flight has no influence on that qualification. None of the provisions of the regulation renders the classification as connecting flight subject to the condition that all of the flights included must be effected aboard the same aircraft.

Consequently, a transport such as that at issue in the present case must be regarded, taken as a whole, as a *single* connecting flight and, therefore, as coming within the scope of the regulation.

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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