

Workshop Case

The Federal Court of Justice of Germany referred the following question:

“Can a claim for compensation under Article 7 of the Regulation also exist if a passenger misses a directly connecting flight due to a relatively short delay on arrival and this causes a delay of three or more hours at the final destination, but both flights are operated by different airlines and the booking confirmation was through a tour operator who compiled the flights for its customer?”

The case was settled by judgement of confession (acknowledgement) on the national level and the German Supreme Court withdrew the reference.

But the identical question came up in a case before the District Court of Berlin. The District Court of Berlin referred the question (using the same wording) a second time. The reference for a preliminary ruling was pending again since 19th May 2017 - **C-186/17-1**. On 6th June 2018 General Advocate Tanchev delivered an opinion coming to the conclusion that the plaintiff should be entitled to compensation. Before the ECJ decided the case, the claim was – again – acknowledged. The district court of Berlin withdrew the reference.