

**Parties to the main proceedings**

*Applicants:* Ursula Kaufmann, Viktor Schay

*Defendant:* TUIfly GmbH

**Questions referred**

1. Is Article 5(3) of Regulation No 261/2004,<sup>(1)</sup> read in the light of recital 15, to be interpreted as meaning that an operating air carrier can be exempted from its obligation to pay compensation solely on the basis of such extraordinary circumstances that first occurred on the day of the flight, or can extraordinary circumstances that already occurred on the previous day justify the cancellation or long delay of a flight on the following day?
2. If extraordinary circumstances that already occurred on the previous day can also justify the cancellation or long delay of a flight on the following day, is Article 5(3) of Regulation No 261/2004 to be interpreted as meaning that an air carrier is required, as part of the reasonable measures which it must take in order to avoid extraordinary circumstances, to make adequate provision for such contingencies in advance and, in any event, also adequately provide replacement aircraft at its home base?

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<sup>(1)</sup> 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.

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**Request for a preliminary ruling from the Landgericht Berlin (Germany) lodged on 12 September 2017 — Claudia Wegener v Royal Air Maroc SA**

**(Case C-537/17)**

(2017/C 424/31)

*Language of the case: German*

**Referring court**

Landgericht Berlin

**Parties to the main proceedings**

*Applicant:* Claudia Wegener

*Defendant:* Royal Air Maroc SA

**Question referred**

Is there a flight, for the purposes of Article 3(1)(a) of Regulation (EC) No 261/2004<sup>(1)</sup> 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, in the case where an air carrier's air transport operation includes scheduled interruptions (stopovers) outside the territory of the European [Union] with a change of aircraft?

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<sup>(1)</sup> 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.