



C/2024/5215

2.9.2024

**Request for a preliminary ruling from the Landesgericht Korneuburg (Austria) lodged on 7 June
2024 – AirHelp Germany GmbH v Austrian Airlines AG**

(Case C-399/24, AirHelp Germany)

(C/2024/5215)

Language of the case: German

Referring court

Landesgericht Korneuburg

Parties to the main proceedings

Applicant and appellant: AirHelp Germany GmbH

Defendant and respondent: Austrian Airlines AG

Question referred

Is Article 5(3) of Regulation (EC) No 261/2004 ⁽¹⁾ 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 (the Air Passengers Rights Regulation) to be interpreted as meaning that an ‘extraordinary circumstance’ exists where the aircraft with which the flight was to be operated was struck by lightning on its immediately preceding flight, leading to a mandatory aircraft safety check by certified technicians as a result of which the aircraft was cleared for service again only approximately five hours after the scheduled departure?

⁽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).