



C/2025/3553

7.7.2025

**Request for a preliminary ruling from the Sąd Rejonowy dla m.st. Warszawy w Warszawie (Poland)
lodged on 23 April 2025 – M.B. and Others v AAA and Others**

(Case T-310/25, Słumazeń) ⁽¹⁾

(C/2025/3553)

Language of the case: Polish

Referring court

Sąd Rejonowy dla m.st. Warszawy w Warszawie

Parties to the main proceedings

Applicants: M.B. and Others

Defendants: AAA S.A., BBB, CCC, DDD S.A.

Questions referred

1. Must Article 2(b) and (h), read in conjunction with Articles 3(5), 4(3) and 5(1), of Regulation 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, ⁽²⁾ be interpreted as meaning that, where several legs of a flight are covered by a single reservation, each of the carriers which operated any of the legs covered by that reservation and from which the passenger requests compensation is liable for compensation for flight cancellation, delay or denied boarding, irrespective of other circumstances such as, for instance:
 - (a) who issued the reservation (the carrier in question, another carrier, a tour operator, an online travel agency, or another entity) and who (which carrier) issued the ticket;
 - (b) whether the carriers operating the various legs were linked by any legal relationship (regardless of whether they were parties to a code-share or interline agreement);
 - (c) where the connecting flight started and ended, and where the transfers took place, that is to say, whether in the territory of an EU Member State or outside the EU (provided that Article 3(1) of the abovementioned regulation is applicable to the connecting flight);
 - (d) on which leg the disruption (irregular service or denied boarding) occurred – in particular, whether this was the first or second leg of the connecting flight;
 - (e) whether another carrier operating the disrupted leg of the connecting flight is a carrier based in the European Union or outside the European Union.
2. If the answer to question 1a is in the negative – whether, within the meaning of Article 2(f) and (g) of Regulation 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, an online travel agency such as eSky.pl S.A or myTrip.com (Etraveli Group) which offers tickets for the flights operated by a particular carrier should be considered an authorised agent of that carrier, and, consequently, the reservations issued by such an online travel agency should be considered reservations ‘accepted and registered’ by that carrier, and if not – under what conditions is that possible?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

⁽²⁾ OJ 2004 L 46, p. 1.

3. If the answer to question 1b is in the negative – what conditions must the legal relationship between the carriers meet in order for it to be considered, within the meaning of Article 2(b) and (h) of Regulation 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, that in the event that several legs of a flight are covered by a single reservation, each of the carriers which operated any of the legs covered by that reservation and from which the passenger requests compensation is liable for compensation for flight cancellation, delay or denied boarding – in particular, is the existence of an interline agreement, that is to say, an agreement under which carriers are authorised to issue tickets that cover legs operated by other carriers, necessary and sufficient in that regard?

 4. If the answer to question 1b is in the negative and the answer to question 3 is that an interline or other agreement is necessary – in the light of Article 2(b) and (f) of Regulation 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, can it can be presumed that since a single reservation was issued covering legs corresponding to flights operated by different carriers (by any of those carriers, a tour operator, an online travel agency, or another entity), those carriers are linked by a legal relationship that is required to assume their joint and several liability for the disruption of the connecting flight, irrespective of the leg (and whether it was operated by them) on which the disruption occurred?
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