



## Reports of Cases

**Joined Cases C-274/16, C-447/16 and C-448/16**  
**flightright GmbH v Air Nostrum, Líneas Aéreas del Mediterráneo SA,**  
**Roland Becker v Hainan Airlines Co. Ltd**  
**and**  
**Mohamed Barkan and Others v Air Nostrum, Líneas Aéreas del Mediterráneo SA**

(Requests for a preliminary ruling from the Amtsgericht Düsseldorf and from the Bundesgerichtshof)

(Reference for a preliminary ruling — Area of Freedom, Security and Justice — Jurisdiction in civil and commercial matters — Regulation (EC) No 44/2001 — Article 5(1) — Regulation (EU) No 1215/2012 — Article 7(1) — Concept of ‘matters relating to a contract’ — Contract for the provision of services — Connecting flight operated by different air carriers — Concept of ‘place of performance’ — Regulation (EC) No 261/2004 — Right of air passengers to compensation for denied boarding and for the long delay of a flight — Action for compensation brought against an operating air carrier not domiciled in the territory of a Member State or with which the passengers do not have contractual relations)

Summary — Judgment of the Court (Third Chamber), 7 March 2018

1. *Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters — Regulation No 44/2001 — Special jurisdiction — Article 5(1)(b), second indent — Inapplicability as regards defendants domiciled in a third State*

*(Council Regulation No 44/2001, Art. 5(1)(b), second indent)*

2. *Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters — Regulation No 44/2001 — Special jurisdiction — Jurisdiction in matters relating to a contract — Concept — Claim brought by air passengers for compensation for the long delay of a connecting flight against an air carrier with which the passengers concerned do not have contractual relations — Included*

*(Council Regulation No 44/2001, Art. 5(1)(a); European Parliament and Council Regulation No 261/2004)*

3. *Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters — Regulation No 44/2001 — Regulation No 1215/2012 — Special jurisdiction — Jurisdiction in matters relating to a contract — Claim brought by air passengers for compensation for the long delay of a connecting flight — Action based on an irregularity which took place on the first flight, operated by the air carrier with which the passengers concerned do not have contractual relations — Place of performance of the contractual obligation in question — Place of arrival of the second flight*

*(Council Regulation No 44/2001, Art. 5(1)(b), second indent; European Parliament and Council Regulation No 261/2004; European Parliament and Council Regulation No 1215/2012, Art. 7(1)(b), second indent)*

1. The second indent of Article 5(1)(b) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as not applying to a defendant domiciled in a third State, such as the defendant in the main proceedings.

(see para. 55, operative part 1)

2. Article 5(1)(a) of Regulation No 44/2001 must be interpreted as meaning that the concept of ‘matters relating to a contract’, for the purposes of that provision, covers a claim brought by air passengers for compensation for the long delay of a connecting flight, made under 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, against an operating air carrier with which the passenger concerned does not have contractual relations.

(see para. 65, operative part 2)

3. The second indent of Article 5(1)(b) of Regulation No 44/2001 and the second indent of Article 7(1)(b) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that, in the case of a connecting flight, the ‘place of performance’ of that flight, for the purposes of those provisions, is the place of arrival of the second leg, where the carriage on both flights was operated by two different air carriers and the action for compensation for the long delay of that connecting flight under Regulation No 261/2004 is based on an irregularity which took place on the first of those flights, operated by the air carrier with which the passengers concerned do not have contractual relations.

(see para. 78, operative part 3)