

Defendant: Germanwings GmbH

Questions referred

1. Is Article 5(3) of Regulation (EC) No 261/2004 ⁽¹⁾ of the European Parliament and of the Council to be interpreted as meaning that avoidability relates only to the occurrence of the extraordinary circumstances or also to the consequences of the extraordinary circumstances, namely cancellation or major delay?
2. If the Court answers question 1 to the effect that avoidability relates to the delay: if the aircraft on the preceding flight is affected by the extraordinary circumstances, must the operating air carrier attempt to find a replacement aircraft already upon the occurrence of the extraordinary circumstances in the preceding flight, or can it wait until it is certain that the extraordinary circumstances lead to a considerable delay to the following flight?
3. If the Court answers question 1 to the effect that avoidability relates to the delay: is booking a sub-charter flight unreasonable if the cost is approximately three times higher than the original flight?

⁽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 (Text with EEA relevance) — Commission Statement (OJ L 46, 17.2.2004, p. 1).

Request for a preliminary ruling from the Amtsgericht Hannover (Germany) lodged on 5 October 2016 — Ralf-Achim Vetter, Susanne Glang-Vetter, Anna Louisa Vetter, Carolin Marie Vetter v Germanwings GmbH

(Case C-521/16)

(2017/C 030/18)

Language of the case: German

Referring court

Amtsgericht Hannover

Parties to the main proceedings

Applicants: Ralf-Achim Vetter, Susanne Glang-Vetter, Anna Louisa Vetter, Carolin Marie Vetter

Defendant: Germanwings GmbH

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1. Is Article 5(3) of Regulation (EC) No 261/2004 ⁽¹⁾ of the European Parliament and of the Council to be interpreted as meaning that avoidability relates only to the occurrence of the extraordinary circumstances or also to the consequences of the extraordinary circumstances, namely cancellation or major delay?
2. If the Court answers question 1 to the effect that avoidability relates to the delay: if the aircraft on the preceding flight is affected by the extraordinary circumstances, must the operating air carrier attempt to find a replacement aircraft already upon the occurrence of the extraordinary circumstances in the preceding flight, or can it wait until it is certain that the extraordinary circumstances lead to a considerable delay to the following flight?
3. If the Court answers question 1 to the effect that avoidability relates to the delay: is booking a sub-charter flight unreasonable if the cost is approximately three times higher than the original flight?

⁽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 (Text with EEA relevance) — Commission Statement (OJ L 46, 17.2.2004, p. 1).