

Judgment of the Court (Fourth Chamber) of 26 June 2019 (request for a preliminary ruling from the juge de paix du troisième canton de Charleroi — Belgium) — André Moens v Ryanair Ltd

(Case C-159/18) ⁽¹⁾

(Reference for a preliminary ruling — Air transport — Regulation (EC) No 261/2004 — Article 5(3) — Compensation to passengers in the event of denied boarding and of cancellation or long delay of flights — Scope — Exemption from the obligation to pay compensation — Concept of ‘extraordinary circumstances’ — Presence of petrol on an airport runway)

(2019/C 280/06)

Language of the case: French

Referring court

Juge de paix du troisième canton de Charleroi

Parties to the main proceedings

Applicant: André Moens

Defendant: Ryanair Ltd

Operative part of the judgment

1. Article 5(3) of 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, read in the light of recitals 14 and 25 thereof, must be interpreted as meaning that the presence of petrol on a runway of an airport which led to its closure and, consequently, the long delay of a flight to or from that airport, falls within the concept of ‘extraordinary circumstances’ within the meaning of that provision, when the petrol in question does not originate from an aircraft of the carrier that operated that flight.
2. Article 5(3) of Regulation No 261/2004, read in the light of recitals 14 and 15 thereof, must be interpreted as meaning that the presence of petrol on a runway of an airport which has led to the closure of that runway, the nature of which is established as an ‘extraordinary circumstance’, must be regarded as a circumstance which could not have been avoided even if all reasonable measures had been taken within the meaning of that provision.

⁽¹⁾ OJ C 166, 14.5.2018.
