

**Judgment of the Court (Eighth Chamber) of 31 May 2018 (request for a preliminary ruling from the Landgericht Berlin — Germany) — Claudia Wegener v Royal Air Maroc SA**

(Case C-537/17) <sup>(1)</sup>

*(Reference for a preliminary ruling — Air transport — Regulation (EC) No 261/2004 — Article 3(1) — Scope — Definition of ‘connecting flight’ — Flight departing from an airport situated in the territory of a Member State, including a transfer at an airport situated in the territory of a third State and destined for another airport of that third State)*

(2018/C 259/20)

Language of the case: German

**Referring court**

Landgericht Berlin

**Parties to the main proceedings**

Applicant: Claudia Wegener

Defendant: Royal Air Maroc SA

**Operative part of the judgment**

Article 3(1)(a) 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, must be interpreted as meaning that the regulation applies to a passenger transport effected under a single booking and comprising, between its departure from an airport situated in the territory of a Member State and its arrival at an airport situated in the territory of a third State, a scheduled stopover outside the European Union with a change of aircraft.

<sup>(1)</sup> OJ C 424, 11.12.2017.

**Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark (Austria) lodged on 29 January 2018 — Mijo Mestrovic**

(Case C-50/18)

(2018/C 259/21)

Language of the case: German

**Referring court**

Landesverwaltungsgericht Steiermark

**Parties to the main proceedings**

Appellant: Mijo Mestrovic

Respondent authority: Bezirkshauptmannschaft Murtal

Interested party: Finanzpolizei

**Questions referred**

1. Must Article 56 TFEU and Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services <sup>(1)</sup> and Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC <sup>(2)</sup> be interpreted as precluding a national provision which, for infringements of formal obligations in connection with the cross-border deployment of labour, such as the failure to keep available documents relating to pay, provides for very high fines, in particular high minimum penalties, which are imposed *cumulatively* in respect of each worker concerned?

2. If Question 1 itself is not answered in the affirmative:

Must Article 56 TFEU and Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services and Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC be interpreted as precluding the imposition of cumulative fines for infringements of formal obligations in connection with the cross-border deployment of labour *which have no absolute upper limits*?

<sup>(1)</sup> OJ 1997 L 18, p. 1.

<sup>(2)</sup> OJ 2014 L 159, p. 11.

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**Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark (Austria) lodged on 1 February 2018 — Zoran Maksimovic**

**(Case C-64/18)**

(2018/C 259/22)

*Language of the case: German*

**Referring court**

Landesverwaltungsgericht Steiermark

**Parties to the main proceedings**

*Appellant:* Zoran Maksimovic

*Respondent authority:* Bezirkshauptmannschaft Murtal

*Interested party:* Finanzpolizei

**Questions referred**

1. Must Article 56 TFEU, Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services <sup>(1)</sup> and Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC <sup>(2)</sup> be interpreted as precluding a national provision which, for infringements of formal obligations in connection with the cross-border deployment of labour, such as the failure by the hiring-out entity to make documents relating to pay available to the third-party employer, provides for very high fines, in particular high minimum penalties, which are imposed *cumulatively* in respect of each worker concerned?

2. If Question 1 itself is answered in the negative:

Must Article 56 TFEU, Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services and Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC be interpreted as precluding the imposition of cumulative fines in the case of infringements of formal requirements in connection with the cross-border deployment of labour *which have no absolute upper limits*?

<sup>(1)</sup> OJ 1997 L 18, p. 1.

<sup>(2)</sup> OJ 2014 L 159, p. 11.

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