

**Parties to the main proceedings**

Applicants: Q, R, S

Defendant: United Airlines Inc.

**Operative part of the judgment**

1. Article 3(1)(a), read in conjunction with Articles 6 and 7 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 a passenger on a connecting flight, comprising two legs and subject to a single booking with a Community carrier, departing from an airport located in the territory of a Member State and arriving at an airport located in a third country via another airport in that third country, is entitled to compensation from the third-country air carrier which operated the entirety of that flight acting on behalf of that Community carrier, where that passenger has reached his or her final destination with a delay of more than three hours caused in the second leg of the said flight;
2. The examination of the second question referred for a preliminary ruling has disclosed no factor such as to affect the validity of Regulation No 261/2004 in the light of the principle of customary international law according to which each State has complete and exclusive sovereignty over its airspace.

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(<sup>1</sup>) OJ C 128, 12.4.2021.

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**Judgment of the Court (Third Chamber) of 7 April 2022 (request for a preliminary ruling from the  
Oberster Gerichtshof — Austria) — J v H Limited**

(Case C-568/20) (<sup>1</sup>)

*(Reference for a preliminary ruling — Judicial cooperation in civil matters — Jurisdiction and the  
recognition and enforcement of judgments in civil and commercial matters — Regulation (EU)  
No 1215/2012 — Scope — Article 2(a) — Concept of ‘judgment’ — Order for payment made in another  
Member State after a summary contested examination of a judgment given in a third State —  
Article 39 — Enforceability in Member States)*

(2022/C 213/15)

Language of the case: German

**Referring court**

Oberster Gerichtshof

**Parties to the main proceedings**

Applicant: J

Defendant: H Limited

**Operative part of the judgment**

Article 2(a) and Article 39 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 an order for payment made by a court of a Member State on the basis of final judgments delivered in a third State constitutes a judgment and is enforceable in the other Member States if it was made at the end of adversarial proceedings in the Member State of origin and was declared to be enforceable in that Member State. The fact that it is recognised as a judgment does not, however, deprive the party against whom enforcement is sought of the right to apply, pursuant to Article 46 of that regulation, for a refusal of enforcement on one of the grounds referred to in Article 45.

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(<sup>1</sup>) OJ C 28, 25.1.2021.