

**Judgment of the Court (Ninth Chamber) of 6 October 2021 (request for a preliminary ruling from the Landesgericht Salzburg — Austria) — CS v Eurowings GmbH**

(Case C-613/20) <sup>(1)</sup>

*(Reference for a preliminary ruling — Air transport — Regulation (EC) No 261/2004 — Article 5(3) — Common rules on compensation and assistance to passengers in the event of cancellation or long delay of flights — Exemption from the obligation to pay compensation — Concept of ‘extraordinary circumstances’ — Strike by airline staff — Strike by the staff of a subsidiary in solidarity with the staff of the parent company)*

(2021/C 490/14)

Language of the case: German

**Referring court**

Landesgericht Salzburg

**Parties to the main proceedings**

*Appellant:* CS

*Respondent:* Eurowings GmbH

**Operative part of the judgment**

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, must be interpreted as meaning that strike action intended to assert workers' demands with regard to salary and/or social benefits, which is entered into upon a call by a trade union of the staff of an operating air carrier in solidarity with strike action which was launched against the parent company of which that air carrier is a subsidiary, which is observed by a category of the staff of that subsidiary whose presence is necessary to operate a flight and which continues beyond the period originally announced by the trade union which called the strike, in spite of the fact that an agreement has been reached in the meantime with the parent company, is not covered by the concept of ‘extraordinary circumstances’ within the meaning of that provision.

<sup>(1)</sup> OJ C 35, 1.2.2021.

**Request for a preliminary ruling from the Sąd Rejonowy dla m.st. Warszawy w Warszawie (Poland) lodged on 8 July 2021 — X sp. z o.o., sp. k. v Z**

(Case C-419/21)

(2021/C 490/15)

Language of the case: Polish

**Referring court**

Sąd Rejonowy dla m.st. Warszawy w Warszawie

**Parties to the main proceedings**

*Applicant:* X sp. z o.o., sp. k.

*Defendant:* Z

**Questions referred**

1. Must Article 6(1) of Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions <sup>(1)</sup> be interpreted as meaning that, in the case of a contract in which the parties provided for several deliveries of goods and in which payment for each delivery was due within a certain time limit after that delivery, a fixed sum of EUR 40, as a minimum, is payable for each late payment for an individual delivery, or does European Union law merely require that the creditor be paid a fixed sum of EUR 40 in respect of the