

Request for a preliminary ruling from the Landgericht Frankfurt am Main (Germany) lodged on 16 September 2020 — flightright GmbH v SunExpress Günes Ekspres Havacilik A.S.

(Case C-434/20)

(2020/C 433/23)

Language of the case: German

Referring court

Landgericht Frankfurt am Main

Parties to the main proceedings

Applicant: flightright GmbH

Defendant: SunExpress Günes Ekspres Havacilik A.S.

Questions referred

1. Must Articles 4 and 7 of Council Regulation (EC) No 261/2004 ⁽¹⁾ be interpreted as meaning that a rebooking onto another, earlier flight by which the passenger reaches his final destination 10 hours and 1 minute before the scheduled arrival time of the flight originally booked constitutes a case of denied boarding triggering an obligation to pay compensation?
2. In the event that the answer to question 1 is in the affirmative, must the passenger, even in that event, have presented himself for check-in and boarding at the time indicated and no later than 45 minutes before the published departure time of the originally booked flight — as required in principle by Article 3(2) and Article 2(j) of Council Regulation (EC) No 261/2004 — in order for that regulation to be applicable and, more specifically, in order to give rise to a case of denied boarding triggering an obligation to pay compensation, even though this was in fact no longer possible because the passenger had taken the rebooked earlier replacement 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 (OJ 2004 L 46, p. 1).

Request for a preliminary ruling from the Schleswig-Holsteinisches Verwaltungsgericht (Germany) lodged on 16 September 2020 — C v Bundesrepublik Deutschland

(Case C-435/20)

(2020/C 433/24)

Language of the case: German

Referring court

Schleswig-Holsteinisches Verwaltungsgericht

Parties to the main proceedings

Applicant: C

Defendant: Bundesrepublik Deutschland

Questions referred

1. Is national legislation under which an application for international protection can be rejected as an inadmissible subsequent application compatible with Article 33(2)(d) and Article 2(q) of Directive 2013/32/EU⁽¹⁾ if the unsuccessful initial asylum procedure was conducted in a different EU Member State?
2. If the answer to Question 1 is in the affirmative: Is national legislation under which an application for international protection can be rejected as an inadmissible subsequent application compatible with Article 33(2)(d) and Article 2(q) of Directive 2013/32/EU also if the unsuccessful initial asylum procedure was not conducted in an EU Member State, but in Switzerland?
3. If the answer to Question 2 is in the negative: Is national legislation under which an application for asylum is inadmissible in the event of a subsequent application and which makes no distinction between refugee status and subsidiary protection status compatible with Article 33(2)[(d)] of Directive 2013/32/EU?

⁽¹⁾ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ 2013 L 180, p. 60).

**Request for a preliminary ruling from the Landgericht Düsseldorf (Germany) lodged on
18 September 2020 — BT v Eurowings GmbH**

(Case C-438/20)

(2020/C 433/25)

Language of the case: German

Referring court

Landgericht Düsseldorf

Parties to the main proceedings

Applicant: BT

Defendant: Eurowings GmbH

Questions referred

1. Is there a case of 'denied boarding' within the meaning of Article 4 and Article 2(j) of Regulation (EC) No 261/2004⁽¹⁾ even in the case where passengers are denied boarding on the flight in question not at the boarding gate (departure gate) but earlier, at the check-in desk, and for that reason do not even get as far as the boarding gate (departure gate)?
2. If the first question is answered in the affirmative, is there a case of 'denied boarding' within the meaning of Article 4 and Article 2(j) of Regulation (EC) No 261/2004 even in the case where the passenger is refused acceptance onto the flight at the check-in desk only a few minutes before the scheduled time of departure, that is to say at a point in time by which it is clear that boarding has already closed and it is effectively no longer possible to accept passengers onto the flight?
3. If the second question is answered in the negative, does the fact that the passenger is rebooked onto another flight constitute a case of 'denied boarding' within the meaning of Article 4 and Article 2(j) of the Regulation, in the case where the passenger reaches the check-in desk only a few minutes before the scheduled time of departure, that is to say at a point in time by which it is clear that boarding has already closed and it is effectively no longer possible to accept passengers onto the flight, and has been denied boarding because boarding has already closed?