

Parties to the main proceedings

Appellant: Keskinäinen Vakuutusyhtiö Fennia

Respondent: Koninklijke Philips NV

Operative part of the judgment

Article 3(1) of Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, as amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999, must be interpreted as meaning that the concept of ‘producer’, referred to in that provision, does not require that the person who has put his name, trade mark or other distinguishing feature on the product, or who has authorised those particulars to be put on the product, also present himself as the producer of that product in some other way.

⁽¹⁾ OJ C 278, 12.7.2021.

Judgment of the Court (Eighth Chamber) of 7 July 2022 (request for a preliminary ruling from the Tribunal Judicial da Comarca dos Açores — Portugal) — KU, OP, GC v SATA International — Azores Airlines SA

(Case C-308/21) ⁽¹⁾

(Reference for a preliminary ruling — Air transport — Regulation (EC) No 261/2004 — Compensation and assistance to passengers — Cancellation or long delay of flights — Article 5(3) — Exemption from the obligation to pay compensation — Extraordinary circumstances — Generalised failure of the aircraft refuelling system at the airport)

(2022/C 318/23)

Language of the case: Portuguese

Referring court

Tribunal Judicial da Comarca dos Açores

Parties to the main proceedings

Applicants: KU, OP, GC

Defendant: SATA International — Azores Airlines SA

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 where the airport of origin of the flights or aircraft concerned is responsible for the aircraft refuelling system, a generalised breakdown in the supply of fuel can be regarded as an ‘extraordinary circumstance’ within the meaning of that provision.

⁽¹⁾ OJ C 329, 16.8.2021.