

**Judgment of the Court (Eighth Chamber) of 17 October 2024**

(Preliminary ruling requests from the Regional Court of Korneuburg [C-650/23], Regional Court of Düsseldorf [C-705/23] – Austria, Germany) –

**E EAD/DW [C-650/23], Flightright GmbH/Condor Flugdienst GmbH [C-705/23]**

(Joinder of Cases C-650/23 and C-705/23, Hembesler et al.)

(Preliminary ruling – Air transport – Package travel – Regulation (EC) No 261/2004 – Article 3(6) – Directive (EU) 2015/2302 – Article 14(5) – Cumulative application – Limits – Regulation No 261/2004 – Article 3(2) – Article 4(3) – Compensation for passengers in the event of denied boarding – Passengers informed in advance of denied boarding – Incorrect information – Tour operator rebooking passengers on another flight – Flight nevertheless operated as originally scheduled by the operating air carrier – Obligation of the operating air carrier to pay compensation – Article 13 – Possibility to claim damages from the tour operator)

(C/2024/7151)

**Language of the case: German**

**Referring courts:**

Regional Court of Korneuburg (C-650/23), Regional Court of Düsseldorf (C-705/23)

**Parties to the main proceedings:**

**Claimants:** E EAD (C-650/23), Flightright GmbH (C-705/23)

**Defendants:** DW (C-650/23), Condor Flugdienst GmbH (C-705/23)

**Operative part of the judgment:**

Article 4(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,

in conjunction with Article 2(j) of Regulation No 261/2004,

**is to be interpreted as meaning that**

a passenger who, as part of a package travel arrangement, had a confirmed booking for a flight may claim compensation under Article 7(1) of the Regulation from the operating air carrier if the tour operator – without first informing the air carrier – informed the passenger that the originally planned flight would not be operated, even though it was in fact operated as scheduled.

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