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Reference for a preliminary ruling from the Juzgado de lo Mercantil de A Coruña (Spain) lodged on 28 June 2011 - Germán Rodríguez Cachafeiro and Maria Reyes Martínez-Reboredo Varela-Villamayor v Iberia Líneas Aéreas de España S.A.

(Case C-321/11)

Language of the case: Spanish

Referring court

Juzgado de lo Mercantil de A Coruña

Parties to the main proceedings

Applicants: Germán Rodríguez Cachafeiro and Maria Reyes Martínez-Reboredo Varela-Villamayor

Defendant: Iberia Líneas Aéreas de España S.A.

Question referred

May the definition of 'denied boarding' contained in Article 2(j), in conjunction with Article 3(2) and 4(3), of Regulation (EC) No 261/2004, ¹ be regarded as including a situation in which an airline refuses to allow boarding because the first flight included in the ticket is subject to a delay ascribable to the airline and the latter erroneously expects the passengers not to arrive in time to catch the second flight, and so allows their seats to be taken by other passengers?

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 (Text with EEA relevance) - Commission Statement; OJ 2004 L 46, p. 1.

