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Judgment of the Court in Case C-597/20 | LOT (Payment of compensation ordered by the administrative authority)

The national authority responsible for the enforcement of the Air Passengers Rights Regulation may, in response to individual complaints, compel a carrier to pay compensation to passengers

That is the case provided that the Member State concerned has granted that body a power to that effect

Following a delay of more than three hours of their flight from New York to Budapest, a number of passengers brought the matter before the Hungarian authority responsible for the enforcement of the Air Passengers Right Regulation asking it to order LOT, the air carrier concerned, to pay them the compensation provided for in that regulation.

Indeed, that authority found that the regulation had been infringed and ordered LOT to pay compensation in the amount of EUR 600 to each passenger concerned.

Taking the view that the authority in question did not have the power to order the payment of such compensation on the ground that jurisdiction to do so lay with the national courts alone, LOT challenged that authority's decision before the Budapest High Court. That court asks the Court of Justice whether, where an individual complaint has been made to the national body responsible for the enforcement of that regulation, that body can order an air carrier to pay compensation for infringement of that regulation.

By today's judgment, the Court observes that, while the Regulation does not require a national body responsible for its enforcement to take enforcement action in response to individual complaints made by air passengers, **it does not preclude Member States from granting such a power to that body.**

In that context, the Court notes that the fixed sums set out in the regulation constitute standardised and immediate compensation that is intended to compensate only for the damage that is almost identical for every passenger concerned. It follows that the passengers, carriers and bodies referred to above can easily identify the amount of compensation due. Moreover, **the payment of such compensation aims precisely at avoiding the inconvenience inherent in the bringing of actions for damages before the courts having jurisdiction.**

Consequently, **the Member States may authorise the national body responsible for the enforcement of the regulation to compel an air carrier to pay compensation to passengers** in response to individual complaints made by those passengers. In that regard, however, the Court points out that passengers and air carriers **must be able to bring proceedings** against the decision of that body **before the courts.**

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which

have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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