



PRESS RELEASE No 132/25

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Judgment of the Court in Case C-399/24 | AirHelp Germany (Aircraft struck by lightning)

A lightning strike to an aircraft may constitute an extraordinary circumstance

It constitutes an extraordinary circumstance which may relieve the airline of the obligation to pay compensation for cancellation or long delay where it leads to mandatory safety inspections which result in the aircraft's delayed return to service

Shortly before landing in Iași (Romania), an Austrian Airlines aircraft was struck by lightning. Due to the mandatory safety inspections that followed, that aircraft was unable to operate the subsequent flight to Vienna (Austria) as planned.

A passenger who was supposed to take that flight arrived in Vienna, on a replacement flight, with a delay of more than seven hours. He assigned the potential claim arising from that delay to AirHelp, which is claiming compensation of €400 from Austrian Airlines before the Austrian courts.

Austrian Airlines considers that the lightning strike, followed by mandatory safety inspections, constitutes an extraordinary circumstance. Moreover, it had, in its view, taken all reasonable measures to remedy the delay. Thus, according to the Air Passenger Rights Regulation, ¹ it did not have to pay compensation.

The Austrian court hearing the case referred a question to Court of Justice on that point.

The Court ² replies that a lightning strike to an aircraft with which a flight was to be operated constitutes an extraordinary circumstance where that lightning strike led to mandatory safety inspections which resulted in the aircraft's delayed return to service.

It observes, inter alia, that the EU legislature included meteorological conditions incompatible with the operation of the flight concerned – including the risk of the aircraft being struck by lightning – in the concept of 'extraordinary circumstances'. A lightning strike, after which the aircraft must undergo mandatory safety inspections, is not intrinsically linked to its operating system. It is, therefore, not inherent in the normal exercise of the activity of the airline concerned and is beyond the airline's actual control. That conclusion makes it possible to guarantee the objective of passenger safety by preventing airlines from being encouraged not to take the necessary measures and to prioritise the maintaining and punctuality of their flights over that objective of safety.

In order to be released from the obligation to pay compensation to the affected passengers, the airline must still show that it took all reasonable measures to avoid the extraordinary circumstances ³ and the consequences thereof, ⁴ such as a long delay. It is for the Austrian court to assess that point in the present case.

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 EU law or the validity of an EU 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.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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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.

² It should be recalled that, since 1 October 2024, it is in principle the General Court of the European Union that has jurisdiction to hear questions referred for a preliminary ruling concerning air passenger rights. However, as the request for a preliminary ruling in the present case was received by the Court of Justice on 7 June 2024, the Court of Justice has retained jurisdiction to reply. As regards the partial transfer of jurisdiction to give preliminary rulings, see Press Releases Nos [125/24](#), [126/24](#) and [154/24](#).

³ Although preventive measures, such as measures to circumvent areas affected by storms, make it possible to avoid a lightning strike, it is particularly difficult, despite the meteorological data and modern routes, to completely exclude the possibility of crossing some of those areas.

⁴ The airline must establish that, even if it had deployed all its resources in terms of staff or equipment and the financial means at its disposal, it would clearly not have been able, unless it had made intolerable sacrifices, to prevent the extraordinary circumstances leading to the cancellation or long delay of the flight.