

**SMALL CLAIMS TRIBUNAL****(EUROPEAN SMALL CLAIMS PROCEDURE)****ADJUDICATOR ADV. DR. Leontine Calleja LL.D****Sitting of Wednesday, 6th November 2024**Claim Number: **10 / 2024****Marc Pulis (ID card no 205987M)****VERSUS****Deutsche Lufthansa**

The Tribunal,

Having seen the Claim Form (Form A) filed by the claimants on the 13th May, 2024 whereby the same, in line with EC Regulation no. 861/2007, requested the Tribunal to condemn defendant to pay them the sum of six hundred euros (€600) for the reasons explained under Section 8 of the Claim Form. Claimant states that he had booked a flight with Lufthansa from Geneva to Malta with a layover in Munich on the 21st April 2024. The initial flight out of Munich was delayed by one hour and so claimant was not allowed to board the flight since the time between flights was only thirty (30) minutes and he would have missed the connecting flight to Malta. He was given one night's accommodation in Geneva and flew to Malta the following morning via Frankfurt arriving at 12.00pm. He submitted a claim for to Lufthansa for compensation however he was informed that since the first flight was operated by Air Dolomiti he should submit the claim to them, however since the flight was only delayed by one hour he was not entitled to compensation from them. He again communicated with Lufthansa stating that since the flight was booked through them, they were responsible and he should be compensated under EU rule 261/2004.

Having seen that although the defendant was duly notified with the claim they failed to reply.

Having taken cognizance of all the acts and documents relating to the case. Having seen EU Regulation 261/2004 Article 7 which refers to right to compensation which states as follows:

1. Where reference is made to this Article, passengers shall receive compensation amounting to:
 - (a) EUR 250 for all flights of 1500 kilometres or less;
 - (b) EUR 400 for all intra-Community flights of more than 1500 kilometres, and for all other flights between 1500 and 3500 kilometres;

(c) EUR 600 for all flights not falling under (a) or (b).

Having seen the communication by e mail and the booking with only 30 minutes between two flights.

The Tribunal considers:

That from the attached documentation, it results that the claimant had booked a flight from Geneva to Malta with a transit stopover in Munich. Having seen that with such a tight stopover even without the first flight being delayed, it would have been very difficult for the claimant to actually arrive in Munich in time for the second flight. Having seen that at no point did the defendant accept responsibility but tried to shift the responsibility on the airline that operated the first flight. Having seen that this claim falls under article 7(1)(b) of Reg 261/2004 where compensation is to be four hundred euros (€400).

Thus the Tribunal finds the Defendant Company responsible and orders the defendant Company to pay the Plaintiff compensation of four hundred euros (€400) and to pay the costs of these proceedings.

Finally, the Tribunal orders that a copy of this judgment is served upon the parties in terms of Article 13 of EC Regulation no 861/2007.

Avukat, Leontine Calleja LL.D.

Adjudicator