

Other party to the proceedings: European Parliament

Form of order sought

The appellant claims that the Court should:

- set aside the judgment under appeal;
- take a decision itself on the case, resulting in a ruling that the action at first instance is well founded;
- order the defendant to pay all the costs of both sets of proceedings.

Pleas in law and main arguments

1. Error of law due to an erroneous interpretation of the criterion of doubt entitling the administration to intervene in the electoral process to elect the Bureau of the Staff Committee — Contradictory reasoning — Infringement of the right to freedom of association and assembly (Article 12 of the Charter of Fundamental Rights of the European Union) as reflected in the prohibition of any unjustified interference by the administration in that electoral process.
2. Incorrect classification of certain documents drawn up at the request of the defendant for the purposes of reviewing the electoral process — Breach by the Court of its obligation to state reasons.
3. Distortion of the file and erroneous interpretation of the rules applicable to the constituent meeting of the Staff Committee — Infringement of the rights of the defence.

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 16 August 2022 — GF v Schauinsland-Reisen GmbH

(Case C-546/22)

(2022/C 408/45)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: GF

Defendant: Schauinsland-Reisen GmbH

Questions referred

1. Is Article 12(3) of Directive (EU) 2015/2302 ⁽¹⁾ of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (package travel directive) to be interpreted as meaning that, for an organiser to rely on unavoidable and extraordinary circumstances preventing performance of a contract, it is sufficient that the authority authorised in the customer's Member State to issue travel warnings has issued the highest-level warning for the destination country before the start of the proposed journey?
2. If the answer to Question 1 is in the affirmative:

Is Article 12(3) of Directive (EU) 2015/2302 to be interpreted as meaning that there are no unavoidable and extraordinary circumstances in a case where the traveller, who is aware of the travel warning and the uncertainty as to the subsequent development of the pandemic, has nevertheless stated that he wishes to proceed with the journey and that it would not have been impossible for the organiser to carry it out?

⁽¹⁾ Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ 2015 L 326, p. 1).