

Questions referred

1. Can any other requirements not related to conformity set out in the guarantee statement within the meaning of Article 2, point 14, of Directive 2011/83/EU ⁽¹⁾ and any other requirements not related to conformity within the meaning of Article 2, point 12, of Directive (EU) 2019/771 ⁽²⁾ apply where circumstances specific to the consumer, in particular his or her subjective attitude towards the item purchased (in this case, the consumer's personal satisfaction with the item purchased), have a bearing on the guarantor's obligation, without it being necessary that those personal circumstances relate to the condition or features of the item purchased?
2. If Question 1 is answered in the affirmative:

Must it be possible to establish the absence of requirements based on the circumstances specific to the consumer (in this case, the consumer's satisfaction with the goods purchased) in the light of objective circumstances?

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- ⁽¹⁾ Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ 2011 L 304, p. 64).
- ⁽²⁾ Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ 2019 L 136, p. 28), as corrected (OJ 2019 L 305, p. 66).

Request for a preliminary ruling from the Bundesarbeitsgericht (Germany) lodged on 1 March 2022 — MO v SM, as trustee of G GmbH

(Case C-134/22)

(2022/C 222/20)

Language of the case: German

Referring court

Bundesarbeitsgericht

Parties to the main proceedings

Appellant in the appeal on a point of law: MO

Respondent in the appeal on a point of law: SM, as trustee of G GmbH

Question referred

What is the purpose of the second subparagraph of Article 2(3) of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies, ⁽¹⁾ according to which the employer is to forward to the competent public authority a copy of, at least, the elements of the written communication which are provided for in the first subparagraph, point (b), subpoints (i) to (v)?

⁽¹⁾ OJ 1998 L 225, p. 16.

Request for a preliminary ruling from the Landesverwaltungsgericht Niederösterreich (Austria) lodged on 3 March 2022 — RE v Bezirkshauptmannschaft Lilienfeld

(Case C-155/22)

(2022/C 222/21)

Language of the case: German

Referring court

Landesverwaltungsgericht Niederösterreich

Parties to the main proceedings

Appellant: RE

Respondent authority: Bezirkshauptmannschaft Lilienfeld

Other party to the proceedings: Arbeitsinspektorat NÖ Wald- und Mostviertel

Question referred

Is EU law to be interpreted as being compatible with a national provision that allows persons who are criminally liable for a transport undertaking to transfer their liability for very serious infringements of Community provisions on driving time and rest periods for drivers to a natural person by mutually acceptable agreement, if such transfer precludes the assessment of good repute within the meaning of Regulation (EC) No 1071/2009,⁽¹⁾ which is provided for under national law only when a punishment is being imposed on the persons transferring criminal liability?

⁽¹⁾ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ 2009 L 300, p. 51).

Request for a preliminary ruling from the Landgericht Stuttgart (Germany) lodged on 17 February 2022 — TAP Portugal v flightright GmbH

(Case C-156/22)

(2022/C 222/22)

Language of the case: German

Referring court

Landgericht Stuttgart

Parties to the main proceedings

Appellant: TAP Portugal

Respondent: flightright GmbH

Question referred

Is Article 5(3) of Regulation (EC) No 261/2004⁽¹⁾ to be interpreted as meaning that an extraordinary circumstance within the meaning of that provision exists where a flight departing from an airport outside the base of the operating air carrier is cancelled because a crew member deployed on that flight (*in casu* the co-pilot), who has passed the prescribed regular medical examinations without restriction, dies suddenly and in a way that the air carrier is unable to foresee shortly before the flight or falls so seriously ill that he or she cannot perform the flight?

⁽¹⁾ Regulation 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 (OJ 2004 L 46, p. 1).

Request for a preliminary ruling from the Landgericht Stuttgart (Germany) lodged on 17 February 2022 — TAP Portugal v Myflyright GmbH

(Case C-157/22)

(2022/C 222/23)

Language of the case: German

Referring court

Landgericht Stuttgart