

**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,<sup>(1)</sup> which is provided for under national law only when a punishment is being imposed on the persons transferring criminal liability?

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<sup>(1)</sup> 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).

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**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<sup>(1)</sup> 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?

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<sup>(1)</sup> 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).

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**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