

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

Parties to the main proceedings

Appellant: TAP Portugal

Respondent: Myflyright 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-158/22)

(2022/C 222/24)

Language of the case: German

Referring court

Landgericht Stuttgart

Parties to the main proceedings

Appellant: TAP Portugal

Respondent: Myflyright 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 Curtea de Apel București (Romania) lodged on 4 March 2022 — Groenland Poultry SRL, in liquidation v Agenția de Plăți și Intervenție pentru Agricultură — Centrul Județean Dâmbovița

(Case C-169/22)

(2022/C 222/25)

Language of the case: Romanian

Referring court

Curtea de Apel București