

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

Parties to the main proceedings

Applicant — *appellant*: Groenland Poultry SRL, in liquidation

Defendant — *respondent*: Agenția de Plăți și Intervenție pentru Agricultură — Centrul Județean Dâmbovița

Questions referred

1. Must Article 47(1) of Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽¹⁾ be interpreted as meaning that cases of 'force majeure or exceptional circumstances' also include the case where the beneficiary of the aid loses the right to use the leased assets following the termination of the lease on account of the insolvency of the owner of the leased assets (lessor)?
2. In the light of the principle of proportionality, must Article 44(2)(a) of Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) be interpreted as meaning that, where, during the period for which a commitment given as a condition for the grant of assistance runs, all or part of the holding of a beneficiary is transferred to another person, and that second beneficiary, although having honoured a significant part of the commitment concerned, ceases agricultural activities, and it is not feasible for a successor to take over the commitment, the second beneficiary of the commitment [more correctly: of the aid] must reimburse the aid which it has received (in relation to the period for which it was the beneficiary of the aid), or must it also reimburse the aid received by the first beneficiary thereof?
3. What conditions must the national court take into consideration in interpreting Article 44(2)(a) of Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) for the purpose of assessing whether 'it is not feasible for a successor to take over the commitment'?

⁽¹⁾ OJ 2006 L 368, p. 15.

Request for a preliminary ruling from the Curtea de Apel București (Romania) lodged on 8 March 2022 — Criminal proceedings against AR

(Case C-179/22)

(2022/C 222/26)

Language of the case: Romanian

Referring court

Curtea de Apel București

Person subject to the European arrest warrant

AR

Questions referred

1. Must the provisions of Article 25 of Framework Decision 2008/909/JHA ⁽¹⁾ be interpreted as meaning that the judicial authority executing a European [arrest] warrant, if it intends to apply Article 4(6) of Framework Decision 2002/584/JHA ⁽²⁾ for the purposes of recognising the judgment passing sentence, is required to request the [forwarding] of the judgment and the certificate issued pursuant to Framework Decision 2008/909/JHA and to obtain the consent of the sentencing State pursuant to Article 4(2) of Framework Decision 2008/909/JHA?