

Appeal brought on 19 December 2021 by Ioana-Felicia Rosca against the judgment of the General Court (Eighth Chamber) delivered on 20 October 2021 in Case T-434/19, Rosca v Commission

(Case C-802/21 P)

(2022/C 398/12)

Language of the case: English

Parties

Appellant: Ioana-Felicia Rosca (represented by: L.-O. Tufler, avocat)

Other party to the proceedings: European Commission

By order of 07/09/2022, the Court of Justice (Seventh Chamber) held that the appeal is dismissed as being in part manifestly inadmissible and in part manifestly unfounded and that Ms Ioana-Felicia Rosca should bear her own costs.

**Request for a preliminary ruling from the Bundesfinanzhof (Germany) lodged on 27 May 2022 —
Gemeinde A v Finanzamt**

(Case C-344/22)

(2022/C 398/13)

Language of the case: German

Referring court

Bundesfinanzhof

Parties to the main proceedings

Applicant: Gemeinde A

Defendant: Finanzamt

Questions referred

1. In circumstances such as those in the main proceedings, does a municipality which, on the basis of municipal bylaws, imposes a 'spa tax' (of a certain amount per day's stay) on visitors staying in the municipality (spa guests) for the provision of spa facilities (for example a spa park, a spa building, footpaths) carry out, by providing the spa facilities to the spa guests in return for a spa tax, an economic activity for the purposes of Article 2(1)(c) of Council Directive 2006/112/EC⁽¹⁾ of 28 November 2006 on the common system of value added tax if the spa facilities are in any event freely accessible to everyone (and therefore also, for example, to residents not subject to the spa tax or to other persons not subject to the spa tax)?
2. If the answer to Question 1 is in the affirmative: In the circumstances in the main proceedings described above, is the municipal territory alone the relevant geographic market for the purpose of examining whether treating the municipality as a non-taxable person would lead to 'significant distortions of competition' within the meaning of the second subparagraph of Article 13(1) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax?

⁽¹⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1).

**Request for a preliminary ruling from the Landgericht Hannover (Germany) lodged on 12 July
2022 — MK v WB**

(Case C-461/22)

(2022/C 398/14)

Language of the case: German

Referring court

Landgericht Hannover

Parties to the main proceedings

Appellant: MK

Respondent: WB

Questions referred

Is a legally appointed curator who performs that activity in a professional capacity a controller within the meaning of Article 4(7) of Regulation (EU) 2016/679 ⁽¹⁾ of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation — ‘the GDPR’)?

Is he or she required to provide information in accordance with Article 15 of the GDPR?

⁽¹⁾ OJ 2016 L 119, p. 1.

**Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 15 July 2022 —
Laudamotion GmbH v flihtright GmbH**

(Case C-474/22)

(2022/C 398/15)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Defendant and appellant on a point of law: Laudamotion GmbH

Applicant and respondent in the appeal on a point of law: flihtright GmbH

Questions referred

1. Does the right to compensation for a delay in a flight of more than three hours after the scheduled time of arrival under Articles 5, 6 and 7 of Regulation (EC) No 261/2004 ⁽¹⁾ require that, in accordance with Article 3(2)(a) thereof, the passenger must present himself or herself for check-in at the time indicated by the air carrier, the tour operator or an authorised travel agent, but not later than 45 minutes before the published departure time, or is the case of a long delay in the above sense exempt from that requirement — as in the case where a flight is cancelled?
2. In the event that the right to compensation is not exempt, on the sole basis of the occurrence of a long delay in the above sense, from the requirement for passengers to present themselves for check-in, does such an exemption apply where the passenger had sufficiently reliable information indicating that the flight would arrive only with a long delay in the above sense?

⁽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).