

must be interpreted as meaning that where, contrary to that provision, a Member State does not permit a third-country national staying illegally on its territory to go immediately to the Member State which issued him or her with a valid residence permit or other authorisation offering a right to stay before it adopts a return decision in respect of that national, the competent national authorities, including national courts hearing an appeal against that return decision and the accompanying entry ban, are required to take all necessary measures to remedy a national authority's failure to fulfil obligations arising from that provision.

⁽¹⁾ OJ C 482, 19.12.2022.

Order of the Court (Seventh Chamber) of 27 June 2023 (request for a preliminary ruling from the Supremo Tribunal Administrativo — Portugal) — Finalgarve — Sociedade de Promoção Imobiliária e Turística SA v Ministério do Planeamento e das Infraestruturas

(Case C-24/23, ⁽¹⁾ Finalgarve)

(Reference for a preliminary ruling — Article 53(2) and Article 94 of the Rules of Procedure of the Court of Justice — Requirement to set out the legal context of the dispute in the main proceedings and the reasons justifying the need for a reply to the questions referred — Lack of sufficient information — Manifest inadmissibility)

(2023/C 286/17)

Language of the case: Portuguese

Referring court

Supremo Tribunal Administrativo

Parties to the main proceedings

Appellant: Finalgarve — Sociedade de Promoção Imobiliária e Turística SA

Respondent: Ministério do Planeamento e das Infraestruturas

Operative part of the order

The request for a preliminary ruling made by the Supremo Tribunal Administrativo (Supreme Administrative Court, Portugal), by decision of 15 December 2022, is manifestly inadmissible.

⁽¹⁾ Date lodged: 18.1.2023.

Appeal brought on 2 March 2023 by Vialto Consulting Kft. against the judgment of the General Court (Seventh Chamber) delivered on 21 December 2022 in Case T-537/18, Vialto Consulting Kft. v Commission

(Case C-130/23 P)

(2023/C 286/18)

Language of the case: Greek

Parties

Appellant: Vialto Consulting Kft. (represented by: S. Paliou and A. Skoulikis, dikigoroi)

Other party to the proceedings: European Commission

Form of order sought

The appellant claims that the Court should:

- set aside the judgment of the General Court of 21 December 2022 in Case T-537/18; ⁽¹⁾
- order the Commission to pay the costs.

Grounds of appeal and main arguments

In support of its appeal, the appellant puts forward three grounds:

First, the appellant claims that the judgment under appeal is vitiated by an error of law and distortion of the facts in relation to the publication of the exclusion of the appellant on the Commission's website; the General Court held that the publication of the exclusion on the Commission's website was proportionate, although the reasoning given by the Commission in connection with that publication was neither specific nor distinct from the reasoning given in connection with the exclusion, despite this being required under Article 106(16) of Regulation No 966/2012.⁽²⁾

Second, the appellant claims that the judgment under appeal is vitiated by an error of law in relation to failure to comply with the requirement to supply information under Article 106(16) of Regulation No 966/2012. The appellant argues that the General Court erred in law in so far as it found that the failure to mention, in the publication of the exclusion, that no final decision or final administrative decision had been made, even though it is required under Article 106(16) of Regulation No 966/2012, is not a breach of an essential procedural requirement and does not affect the legal or factual situation of the appellant.

Third, the appellant claims that the judgment under appeal is vitiated by an error of law in relation to the rejection of the claim for compensation. Bearing in mind that the appellant claims that the General Court's finding that there was no breach of the principle of proportionality as far as concerns the publication of the exclusion of the appellant on the Commission's website is vitiated by an error of law and must be set aside, it is also appropriate to set aside the findings of the judgment under appeal by which the General Court rejected the appellant's claim for compensation on the ground that no unlawfulness on the part of the Commission had been established.

⁽¹⁾ ECLI:EU:T:2022:852.

⁽²⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ 2012 L 298, p. 1).

Request for a preliminary ruling from the Cour d'appel d'Amiens (France) lodged on 27 March 2023 — Air France SA v M. L., the spouse of G, X. G., C. G., R. G, L. G.

(Case C-194/23, Air France)

(2023/C 286/19)

Language of the case: French

Referring court

Cour d'appel d'Amiens

Parties to the main proceedings

Appellant: Air France SA

Respondents: M. L., the spouse of G, X. G, C. G., R. G, L. G.

Questions referred

1. Must the concept of 'directly connecting flight' referred to in Article 2(h) of Regulation No 261/2004⁽¹⁾ be interpreted as meaning that the flights having been the subject of a single booking is a necessary condition of its existence or merely one indication among others, so that, where separate bookings were made, the national courts can examine other factors capable of characterising a set of flights?
2. If the concept of 'directly connecting flight' may be applied where separate bookings were made, must that concept be interpreted as meaning that the conditions of the stopover as in the present case, lasting 19 hours with one night booked in a hotel outside the airport, are of such a kind as to preclude a set of flights?
3. If the concept of 'directly connecting flight' must be precluded, must the concept of 'further compensation' referred to in Article 12(1) of Regulation No 261/2004 be interpreted as meaning that it includes compensation for transport costs which no longer serve any purpose, which cannot be reimbursed on the basis of Article 8 of that regulation?