

**Request for a preliminary ruling from the Landgericht Frankfurt am Main (Germany) lodged on 20 March 2023 — trendtours Touristik GmbH v SH**

**(Case C-170/23, trendtours Touristik)**

(2023/C 189/31)

*Language of the case: German*

**Referring court**

Landgericht Frankfurt am Main

**Parties to the main proceedings**

*Defendant and appellant:* trendtours Touristik GmbH

*Applicant and respondent:* SH

**Questions referred**

1. Is the first sentence of Article 12(2) of Directive (EU) 2015/2302 <sup>(1)</sup> of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2001/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (‘the Package Travel Directive’) to be interpreted as meaning that the organiser’s entitlement to compensation for termination does not lapse if, at the time of the trip, there are no longer any significant adverse effects resulting from unavoidable and extraordinary circumstances, even if such circumstances had reportedly existed at an earlier point in time and those circumstances would have resulted in significant adverse effects, or does the answer to the question as to whether or not unavoidable and extraordinary circumstances are significantly affecting the trip depend solely on a decision made on the basis of a prediction at the time of the declaration of termination?
2. If the determinative factor is a decision made on the basis of a prediction, up to what point in time must the traveller wait until he or she is entitled to issue his or her declaration of termination without being required to pay compensation for termination, even if the significant adverse effects resulting from unavoidable and extraordinary circumstances subsequently cease?

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<sup>(1)</sup> Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ 2015 L 326, p. 1).

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**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 28 March 2023 —  
Autorità di regolazione dei trasporti v Lufthansa Linee Aeree Germaniche and Others**

**(Case C-204/23, Lufthansa Linee Aeree Germaniche and Others)**

(2023/C 189/32)

*Language of the case: Italian*

**Referring court**

Consiglio di Stato

**Parties to the main proceedings**

*Appellant:* Autorità di regolazione dei trasporti

*Respondents:* Lufthansa Linee Aeree Germaniche, Austrian Airlines AG, Brussels Airlines SA/NV, Swiss International Air Lines Ltd, Lufthansa Cargo AG

**Questions referred**

1. Must Article 11(5) of Directive 2009/12/EC <sup>(1)</sup> — a legislative act relating to the airport sector — be interpreted as meaning that the funding of the Authority must be carried out only by means of levying airport charges, or may it not also be carried out by means of other forms of funding such as levying a financial contribution (the present Chamber finds that collecting the sums intended to fund the Authority by means of levying airport charges is merely an option for Member States)?

2. Must the charges or the financial contribution which may be levied for the funding of the supervisory authority pursuant to Article 11(5) of Directive 2009/12/EC relate only to specific services and costs — which, in any event, are not referred to in the Directive — or is their correlation to the Authority's operating costs as resulting from the financial statements submitted to and audited by the public authorities not sufficient?
3. Must Article 11(5) of Directive 2009/12/EC be interpreted as meaning that charges may be levied only on persons resident or incorporated under the law of the State which established the Authority, and can this also apply in the case of financial contributions levied for the operation of the Authority?

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(<sup>1</sup>) Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ 2009 L 70, p. 11).

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**Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 30 March 2023 — AX**

**(Case C-208/23, Martiesta (<sup>1</sup>))**

(2023/C 189/33)

*Language of the case: Italian*

**Referring court**

Corte suprema di cassazione

**Parties to the main proceedings**

*Appellant:* AX

**Questions referred**

1. Must Article 1(2) and (3) of Framework Decision 2002/584/JHA on the European arrest warrant (<sup>2</sup>) be interpreted as meaning that the executing judicial authority must refuse or, in any event, defer the surrender of a pregnant woman or a mother who has minor children living with her?
2. If the answer to the first question is in the affirmative, are Article 1(2) and (3) and Articles 3 and 4 of Framework Decision 2002/584/JHA compatible with Articles 3, 7, 4, 24 and 35 of the Charter of Fundamental Rights of the European Union, taking account also the case-law of the European Court of Human Rights and the constitutional traditions common to the Member States, in so far as they require the surrender of the pregnant woman or the mother, thus severing ties with the minor children living with her without considering the ‘best interest of the child’?

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(<sup>1</sup>) The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

(<sup>2</sup>) Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1).

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**Action brought on 31 March 2023 — European Commission v Portuguese Republic**

**(Case C-210/23)**

(2023/C 189/34)

*Language of the case: Portuguese*

**Parties**

*Applicant:* European Commission (represented by: P. Caro de Sousa and M. Noll-Ehlers, acting as Agents)

*Defendant:* Portuguese Republic