

Judgment of the Court (Eighth Chamber) of 31 March 2022 (request for a preliminary ruling from the Amtsgericht Bremen — Germany) — DM v CTS Eventim AG & Co. KGaA

(Case C-96/21) ⁽¹⁾

(Reference for a preliminary ruling — Consumer protection — Directive 2011/83/EU — Right of withdrawal for distance and off-premises contracts — Exceptions to the right of withdrawal — Article 16(l) — Provision of services related to leisure activities — Contract providing for a specific date or period of performance — Provision of ticket agency services — Intermediary acting in its name but on behalf of the organiser of a leisure activity — Risk associated with the exercise of the right of withdrawal)

(2022/C 207/06)

Language of the case: German

Referring court

Amtsgericht Bremen

Parties to the main proceedings

Applicant: DM

Defendant: CTS Eventim AG & Co. KGaA

Operative part of the judgment

Article 16(l) of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council must be interpreted as meaning that the exception to the right of withdrawal provided for in that provision may be relied on against a consumer who has concluded, with an intermediary acting in its name, but on behalf of the organiser of a leisure activity, a distance contract for acquiring a right of access to that activity, provided that, first, the termination of the obligation to perform that contract vis-à-vis the consumer by means of withdrawal, in accordance with Article 12(a) of that directive, would place the risk linked to the setting aside of the capacity thus released on the organiser of the activity concerned and, second, the leisure activity to which that right gives access is scheduled to take place on a specific date or within a specific period.

⁽¹⁾ OJ C 138, 19.4.2021.

Judgment of the Court (Eighth Chamber) of 31 March 2022 (request for a preliminary ruling from the Rayonen sad Lukovit — Bulgaria) — LB v Smetna palata na Republika Bulgaria

(Case C-195/21) ⁽¹⁾

(Reference for a preliminary ruling — Public procurement — Directive 2014/24/EU — Applicability to a purely internal situation — Article 58(1) and (4) — Selection criteria — Technical and professional ability of the tenderers — Protection of the financial interests of the European Union — Council Regulation (EC, Euratom) No 2988/95 — Article 8(3) — Control measures — Possibility for national authorities protecting the financial interests of the European Union to assess differently a public procurement procedure)

(2022/C 207/07)

Language of the case: Bulgarian

Referring court

Rayonen sad Lukovit