

**Parties to the main proceedings**

*Applicant:* LB

*Defendant:* Smetna palata na Republika Bulgaria

**Operative part of the judgment**

1. Article 58(1) and (4) of Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, as amended by Commission Delegated Regulation (EU) 2017/2365 of 18 December 2017, must be interpreted as not precluding, in a public procurement procedure, a contracting authority from being able to impose, under the selection criteria relating to the technical and professional abilities of the economic operators, stricter requirements than the minimum requirements set by the national legislation, provided that such requirements are appropriate to ensure that a candidate or tenderer has the technical and professional abilities to perform the contract to be awarded, that they are related to the subject matter of the contract and that they are proportionate to it.
2. Article 8(3) of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests, read in conjunction with Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013, laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006, must be interpreted as meaning that, subject to the principle of proportionality, it does not preclude national authorities protecting the financial interests of the European Union from assessing the same facts in a public procurement procedure differently.

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(<sup>1</sup>) OJ C 228, 14.6.2021.

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**Judgment of the Court (Seventh Chamber) of 31 March 2022 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — IA v Bundesamt für Fremdenwesen und Asyl**

(Case C-231/21) (<sup>1</sup>)

*(Reference for a preliminary ruling — Area of freedom, security and justice — Dublin system — Regulation (EU) No 604/2013 — Article 29(2) — Transfer of the asylum seeker to the Member State responsible for examining the application for international protection — Six-month time limit for transfer — Possibility of extending that time limit up to a maximum of one year in the event of imprisonment — Definition of ‘imprisonment’ — Court-authorised non-voluntary committal of the asylum seeker to a hospital psychiatric department)*

(2022/C 207/08)

Language of the case: German

**Referring court**

Verwaltungsgerichtshof

**Parties to the main proceedings**

*Applicant:* IA

*Defendant:* Bundesamt für Fremdenwesen und Asyl

### Operative part of the judgment

The second sentence of Article 29(2) of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person must be interpreted as meaning that the concept of ‘imprisonment’ referred to in that provision is not applicable to the non-voluntary committal of an asylum seeker to a hospital psychiatric department, which has been authorised by a judicial decision, on the ground that that person, due to a mental illness, is a serious danger to him- or herself or to society.

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(<sup>1</sup>) OJ C 242, 21.6.2021.

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### Order of the Court (Eighth Chamber) of 10 January 2022 (request for a preliminary ruling from the Amtsgericht Hamburg — Germany) — EL, CP v Ryanair DAC

(Case C-287/20) (<sup>1</sup>)

*(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Air transport — Regulation (EC) No 261/2004 — Article 5(3) — Common rules on compensation and assistance to passengers in the event of cancellation or long delay of flights — Exemption from the obligation to pay compensation — Concept of ‘extraordinary circumstances’ — Strike by cabin crew and pilots — Circumstances that are ‘internal’ and ‘external’ to the operating air carrier’s activity — Charter of Fundamental Rights of the European Union — Articles 12 and 28 — Articles 12 and 28 of the Charter of Fundamental Rights of the European Union — No infringement of the workers’ freedom of assembly and association and the air carrier’s right of negotiation)*

(2022/C 207/09)

Language of the case: German

### Referring court

Amtsgericht Hamburg

### Parties to the main proceedings

*Applicants:* EL, CP

*Defendant:* Ryanair DAC

### Operative part of the order

Article 5(3) of Regulation (EC) No 261/2004 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, must be interpreted as meaning that strike action which is entered into upon a call by a trade union of the cabin crew and pilots of an operating air carrier and which is intended to assert the demands of those workers does not come within the concept of ‘extraordinary circumstances’ within the meaning of that provision, any prior negotiations with the workers’ representatives being irrelevant in that regard.

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(<sup>1</sup>) OJ C 279, 24.8.2020.