

2. Is Article 3(1)(b) and Regulation No 261/2004 in conjunction with the Agreement between the European Community and the Swiss Confederation on Air Transport of 21 June 1999, as amended by Decision No 2/2010 of the Community/Switzerland Air Transport Committee of 26 November 2010, to be interpreted as meaning that a flight connection consisting of two flights, departing from the territory of a third country with a stopover in the territory of a Member State and a final destination in the territory of the Swiss Confederation, the operating air carrier for which is a Community carrier, falls within the scope of Regulation No 261/2004?

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

⁽²⁾ 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 (OJ 2004 L 46, p. 1).

⁽³⁾ Decision No 2/2010 of the Community/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 26 November 2010, replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport (OJ 2010 L 347, p. 54).

Request for a preliminary ruling from the Sąd Okręgowy w Koszalinie (Poland) lodged on 24 January 2023 — RF v Getin Noble Bank S.A.

(Case C-34/23, Getin Noble Bank)

(2023/C 155/38)

Language of the case: Polish

Referring court

Sąd Okręgowy w Koszalinie

Parties to the main proceedings

Applicant: RF

Defendant: Getin Noble Bank S.A.

Question referred

Does the prohibition laid down in Article 70(1) Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, ⁽¹⁾ of the European Parliament and of the Council, relate only to the possibility of securing a pecuniary claim by way of enforcement or also to the institution of any proceedings to secure claims in relation to an entity under special resolution?

⁽¹⁾ OJ 2014 L 173, p. 190.

Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on 25 January 2023 — Agenzia delle Entrate v PR

(Case C-37/23, Giocevi) ⁽¹⁾

(2023/C 155/39)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellant: Agenzia delle Entrate

Respondent: PR

Question referred

Do the principles set out in the order [of 15 July 2015,] *Revenue Agency v Nuova Invincibile srl*, C-82/14, EU:C:2015:510, and in the judgment of 17 July 2008, *Commission v Italy*, C-132/06, EU:C:2008:412, preclude a legislative provision, such as that resulting from Article 33(28) of Legge (Law) No. 183 of 2011, which allows taxpayers to obtain a refund, at the rate of 60 %, of the VAT paid in the period between April 2009 and December 2010, in relation to the earthquake which affected the Abruzzo territory on 6 April 2009?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any of the parties to the proceedings.

Request for a preliminary ruling from the *Nederlandstalige Ondernemingsrechtbank Brussel* (Belgium) lodged on 31 January 2023 — A, B, C, D v MS Amlin Insurance SE

(Case C-45/23, MS Amlin Insurance)

(2023/C 155/40)

Language of the case: Dutch

Referring court

Nederlandstalige Ondernemingsrechtbank Brussel

Parties to the main proceedings

Appellants: A, B, C, D

Respondent: MS Amlin Insurance SE

Question referred

Should Article 17(1) of Directive 2015/2302 ⁽¹⁾ of the European Parliament and 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, be interpreted as meaning that the security which it requires also applies to the refund of all sums already paid by travellers or on their behalf where the traveller terminates the package travel contract by reason of unavoidable and extraordinary circumstances within the meaning of Article 12(2) of that Directive and the organiser is declared insolvent after the termination of the package travel contract on that basis, but before those sums have actually been refunded to the traveller, as a result of which that traveller suffers a financial loss and consequently bears an economic risk in the event of the organiser's liquidation?

⁽¹⁾ OJ 2015 L 326, p. 1.

Request for a preliminary ruling from the *Upravno sodišče Republike Slovenije* (Slovenia) lodged on 6 February 2023 — Y.N. v Republika Slovenija

(Case C-58/23, Abboudnam ⁽¹⁾)

(2023/C 155/41)

Language of the case: Slovenian

Referring court

Upravno sodišče Republike Slovenije

Parties to the main proceedings

Applicant: Y.N.

Defendant: Republika Slovenija