

3. Article 5(3) of Regulation No 261/2004, read in the light of recital 14 of that regulation, must be interpreted as meaning that for an air carrier to re-route a passenger, on the ground that the aircraft carrying that passenger was affected by an extraordinary circumstance, by means of a flight operated by that carrier and resulting in that passenger arriving on the day following the day originally scheduled, does not constitute a 'reasonable measure' releasing that carrier from its obligation to pay compensation under Article 5(1)(c) and Article 7(1) of that regulation, unless there was no other possibility of direct or indirect re-routing by a flight operated by itself or any other air carrier and arriving at a time which was not as late as the next flight of the air carrier concerned or unless the implementation of such re-routing constituted an intolerable sacrifice for that air carrier in the light of the capacities of its undertaking at the relevant time, which is a matter for the national court to assess.

(¹) OJ C 148, 29.4.2019.

Judgment of the Court (Second Chamber) of 11 June 2020 (request for a preliminary ruling from the Judecătoria Zărnești — Romania) — Asociația 'Alianța pentru combaterea abuzurilor' v TM, UN, Asociația DMPA

(Case C-88/19) (¹)

(Reference for a preliminary ruling — Conservation of natural habitats and of wild fauna and flora — Directive 92/43/EEC — Article 12(1) — System of strict protection of animal species — Annex IV — Canis lupus (wolf) — Article 16(1) — Natural range — Capture and relocation of a wild animal of the species canis lupus — Public safety)

(2020/C 271/16)

Language of the case: Romanian

Referring court

Judecătoria Zărnești

Parties to the main proceedings

Applicant: Asociația 'Alianța pentru combaterea abuzurilor'

Defendants: TM, UN, Asociația DMPA

Operative part of the judgment

Article 12(1)(a) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended by Directive 2013/17/EU of 13 May 2013, must be interpreted as meaning that the capture and relocation of a specimen of an animal species protected under Annex IV to that directive, such as the wolf, on the outskirts of a human settlement area or within such an area, can fall within the scope of the prohibition laid down in that provision.

Article 16(1) of that directive must be interpreted as meaning that any form of deliberate capture of specimens of that animal species in the aforementioned circumstances is prohibited in the absence of a derogation granted by the competent national authority on the basis of that provision.

(¹) OJ C 172, 20.5.2019.