

Request for a preliminary ruling from the Landesgericht Korneuburg (Austria) lodged on 27 May 2021 — L GmbH v F GmbH, BW, SW

(Case C-336/21)

(2021/C 349/22)

Language of the case: German

Referring court

Landesgericht Korneuburg

Parties to the main proceedings

Appellant: L GmbH

Respondents: F GmbH, BW, SW

Questions referred

1. Is Article 5(3) of Regulation (EC) No 261/2004 ⁽¹⁾ to be interpreted as meaning that an air carrier is not obliged to pay compensation in accordance with Article 7 of the regulation, if it arrives at the passenger's final destination with a delay of 7 hours and 41 minutes, because the aircraft was damaged by a lightning strike during the first of two preceding flights; the technician from the air carrier's contracted maintenance company who was called in after landing found only minor damage that did not affect the airworthiness of the aircraft ('some minor findings'); the second preceding flight went ahead; however, during the course of a pre-flight check before the preceding flight, it emerged that the aircraft was not fit for further use for the time being; and the air carrier therefore used a replacement aircraft in place of the originally intended, damaged aircraft, which completed the flight with a departure delay of 7 hours and 40 minutes?
2. Is Article 5(3) of Regulation No 261/2004 to be interpreted as meaning that the reasonable measures to be taken by the air carrier include offering to rebook the passengers on a different flight, which would have enabled them to reach their final destination with less of a delay, even though the air carrier operated the flight with a replacement aircraft in place of the now unfit aircraft, with which the passengers reached their final destination with a longer delay?

⁽¹⁾ Regulation 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).

Appeal brought on 4 June 2021 by Ryanair DAC against the judgment of the General Court (Tenth Chamber, Extended Composition) delivered on 14 April 2021 in Case T-388/20, Ryanair v Commission (Finnair I; Covid-19)

(Case C-353/21 P)

(2021/C 349/23)

Language of the case: English

Parties

Appellant: Ryanair DAC (represented by: E. Vahida and F.-C. Lapr votte, avocats, S. Rating, abogado, I.-G. Metaxas-Maranghidis, dikigoros, and V. Blanc, avocate)

Other parties to the proceedings: European Commission, Kingdom of Spain, French Republic, Republic of Finland

Form of order sought

The appellant claims that the Court should:

- set aside the judgment under appeal;
- declare in accordance with Articles 263 and 264 TFEU that Commission Decision C(2020) 3387 final of 18 May 2020 on State Aid SA.56809 (2020/N) — Finland — COVID-19: State loan guarantee for Finnair is void; and
- order the Commission to bear its own costs and pay those incurred by Ryanair, and order the interveners at first instance and in this appeal (if any) to bear their own costs.

Pleas in law and main arguments

In support of the action, the appellant relies on five pleas in law.

First plea in law: the General Court erred in law and manifestly distorted the facts in rejecting the Appellant's plea concerning the infringement of Article 107(3)(b) TFEU.

Second plea in law: the General Court infringed EU law in rejecting the Appellant's claim that the non-discrimination principle has been unjustifiably violated.

Third plea in law: the General Court erred in law and manifestly distorted the facts regarding the Appellant's claim on the infringement of the freedom of establishment and the free provision of services.

Fourth plea in law: the General Court erred in law and manifestly distorted the facts regarding the failure to open a formal investigation procedure.

Fifth plea in law: the General Court erred in law and manifestly distorted the facts regarding the failure to state reasons.

**Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas (Lithuania)
lodged on 4 June 2021 — R.J. R. v Valstybės įmonė Registrų centras**

(Case C-354/21)

(2021/C 349/24)

Language of the case: Lithuanian

Referring court

Lietuvos vyriausiasis administracinis teismas

Parties to the main proceedings

Appellant: R.J. R.

Respondent: Valstybės įmonė Registrų centras

Question referred

Must point (l) of Article 1(2) and Article 69(5) of Regulation (EU) No 650/2012 ⁽¹⁾ of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession be interpreted as not precluding legal rules of the Member State in which the immovable property is situated under which the rights of ownership can be recorded in the Real Property Register on the basis of a European Certificate of Succession only in the case where all of the details necessary for registration are set out in that European Certificate of Succession?

⁽¹⁾ OJ 2012 L 201, p. 107.