Question referred

Are the European Union Guidelines for State Aid in the agricultural and forestry sectors and in rural areas 2014-2020 (2014/C 204/01) [2] and, in particular, paragraphs 135, 136 and 137 and point 144(a) thereof, to be interpreted as meaning that there is investment aid that serves to finance the costs of the construction, procurement or improvement of immovable property only if the grant beneficiary itself also is or is to become the owner of the immovable property to which the costs relate?

[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] OJ 2014 C 204, p. 1.

Request for a preliminary ruling from the Varhoven administrativen sad (Bulgaria) lodged on 9 June 2023 — 'Vivacom Bulgaria' EAD v Varhoven administrativen sad, Natsionalna agentsia za prihodite

(Case C-369/23, Vivacom Bulgaria)

(2023/C 314/08)

Language of the case: Bulgarian

Referring court

Varhoven administrativen sad

Parties to the main proceedings

Applicant and appellant in cassation: 'Vivacom Bulgaria' EAD

Defendants and respondents in cassation: Varhoven administrativen sad, Natsionalna agentsia za prihodite

Question referred

Do the second subparagraph of Article 19(1) TEU and Article 47 of the Charter of Fundamental Rights of the European Union preclude national legislation such as Article 2c(1)(1) of the Zakon za otgovornostta na darzhavata i obshtinite za vredi (Bulgarian Law on Liability of the State and of Municipalities for Damage), read in conjunction with Article 203(3) and Article 128(1)(6) of the Administrativnoprotsesualen kodeks (Bulgarian Code of Administrative Procedure), under which an action for compensation for damage caused by an infringement of EU law by the Varhoven administrativen sad (Supreme Administrative Court, Bulgaria), in which the Supreme Administrative Court is the defendant, must be examined by that court at last instance?

Request for a preliminary ruling from the Korkein oikeus (Finland) lodged on 22 June 2023 — Passenger A v Finnair Oyj

(Case C-385/23, Finnair)

(2023/C 314/09)

Language of the case: Finnish

Referring court

Korkein oikeus

Parties to the main proceedings

Applicant: Passenger A

Defendant: Finnair Oyj

Questions referred

1. Can an air carrier rely on extraordinary circumstances within the meaning of Article 5(3) of Regulation No 261/2004 [1] on the sole ground that the aircraft manufacturer discovered the existence of a hidden design defect detrimental to flight safety and affecting the entire aircraft type, even though that discovery was not made until after the flight was delayed and cancelled?

2. If the first question is answered in the negative, and it falls to be examined whether the circumstances in question are the result of events which are inherent in the normal exercise of the activity of the air carrier concerned and are not beyond the actual control of that carrier on account of their nature or origin, is the case-law of the Court of Justice of the European Union on the premature failure of certain technical parts of an aircraft applicable in a case such as that here, in which, at the time when the flight was cancelled, neither the manufacturer nor the air carrier knew the nature of the defect in the new aircraft type at issue or how it could be rectified?

(1) 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).

Action brought on 5 July 2023 — European Commission v Slovak Republic

(Case C-412/23)

(2023/C 314/10)

Language of the case: Slovak

Parties

Applicant: European Commission (represented by: G. Gattinara and R. Lindenthal, acting as Agents)

Defendant: Slovak Republic

Form of order sought

— Declare that, by continuously failing, in 2015, 2016, 2017 and from 2018, to ensure that public entities providing healthcare paid their commercial debts within a period of a maximum of 60 calendar days, and as a result of this situation continuing to exist, the Slovak Republic has failed to fulfil its obligations under Directive 2011/7 [1] on combating late payment in commercial transactions, in particular Article 4(3) and 4(4)(b) thereof;

— order Slovak Republic to pay the costs.

Pleas in law and main arguments

Under Article 4(3) of Directive 2011/7, the Slovak Republic was to ensure that, in commercial transactions where the debtor was a public authority, the period for payment of those sums due as remuneration for those transactions with undertakings did not exceed 30 calendar days from fulfilment of the factual circumstances listed therein. Meanwhile, under Article 4(4)(b) of the Directive, in the Slovak Republic public entities providing healthcare can extend that deadline to 60 calendar days.

However, the Slovak Republic has failed to ensure that, in the case of those public entities providing healthcare, the period for payment in commercial transactions where those entities constitute the debtors did not exceed 60 calendar days.

From data concerning the average period for payment of debts on the part of public hospitals in commercial transactions, it is apparent that in 2015, 2016, 2017 and from 2018 until the point at which the present application was lodged, the Slovak Republic has continuously failed to comply with Article 4(3) and Article 4(4)(b) of the Directive.

(1) Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions (OJ 2011 L 48, p. 1).