

means in fact that only older judges, who were appointed before January 2010 (who benefited from court rulings in the period from 2006 to 2009, the operative parts of which were subject to interpretation in 2019 pursuant to Decision [No 7/2019 of the Înalta Curte de Casație și Justiție (High Court of Cassation and Justice)]), received retroactive payment of remuneration rights (similar to those sought in the action which forms the subject matter of the present proceedings) during December 2019 and January 2020, in respect of the period from 2010 to 2015, even though during that period the claimants also acted as judges and performed the same work, under the same conditions and in the same institution?

3. Must the provisions of Directive 2000/78/EC be interpreted as precluding discrimination only where it is based on one of the criteria referred to in Article 1 of that directive or, on the contrary, do those provisions, possibly supplemented by other provisions of EU law, generally preclude one employee from being treated differently from another, in respect of remuneration, where he or she performs the same work, for the same employer, [during the] same period, and under the same conditions?

(¹) OJ 2000 L 303, p. 16.

Request for a preliminary ruling from the Varhoven administrativen sad (Bulgaria) lodged on 12 May 2021 — Komisia za zashtita na lichnite danni, Tsentralna izbiratelna komisia v Koalitsia 'Demokraticzna Bulgaria — Obedinenie'

(Case C-306/21)

(2021/C 329/13)

Language of the case: Bulgarian

Referring court

Varhoven administrativen sad

Parties to the main proceedings

Appellants in cassation: Komisia za zashtita na lichnite danni, Tsentralna izbiratelna komisia

Respondent in cassation: Koalitsia 'Demokraticzna Bulgaria — Obedinenie'

Questions referred

1. Is Article 2(2)(a) of the General Data Protection Regulation (¹) to be interpreted as precluding the application of that regulation to an ostensibly purely internal situation, such as the holding of elections to the National Assembly, where the subject matter of the protection is the personal data of individuals — citizens of the European Union — and the data processing operations are not restricted to the collection of data in the context of the activity in question?
2. If the first question is answered in the affirmative, does the conclusion of the holding of elections to the National Assembly, which do not appear to fall within the scope of EU law, release controllers, processors and persons who store personal data from their obligations under the regulation, as the sole means of protecting personal data of EU citizens at EU level? Does the applicability of the regulation depend solely on the activity for which the personal data were produced or collected, thereby also leading to the conclusion that its subsequent applicability is precluded?
3. If the first question is answered in the negative, do Article 6[(1)](e) of the General Data Protection Regulation and the principle of proportionality enshrined in recitals 4 and 129 thereof preclude national rules implementing the regulation, such as those at issue, which preclude and restrict from the outset the possibility of carrying out any video recording during the determination of the election results at polling stations, do not allow for differentiation and regulation of individual elements of the recording process and preclude the possibility of achieving the objectives of the regulation — the protection of personal data of individuals — by other means?

4. Alternatively, and in the context of the scope of application of EU law, do Article 6[(1)](e) of the General Data Protection Regulation and the principle of proportionality enshrined in recitals 4 and 129 thereof preclude — in the holding of municipal elections and elections to the European Parliament — national rules implementing that regulation, such as those at issue, which preclude and restrict from the outset the possibility of carrying out any video recording during the determination of the election results at polling stations, do not differentiate and regulate individual elements of the recording process or even allow for such differentiation and regulation, and preclude the possibility of achieving the objectives of the regulation — the protection of personal data of individuals — by other means?
5. Does Article 6(1)(e) of the General Data Protection Regulation preclude the categorisation of the activities of ascertaining lawful conduct and determining the results of elections as a task carried out in the public interest which justifies a certain degree of interference, subject to the requirement of proportionality, with regard to the personal data of persons present at polling stations when they perform an official, public task which is regulated by law?
6. If the previous question is answered in the affirmative, does the protection of personal data preclude the introduction of a national statutory prohibition on the collection and processing of personal data, which limits the possibility of carrying out ancillary activities consisting in the video recording of materials, objects or items which do not contain personal data, where the recording process potentially gives rise to the possibility of personal data also being collected during the video recording of persons present at polling stations who are carrying out an activity in the public interest at the relevant time?

(¹) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1).

**Request for a preliminary ruling from the Tribunal Judicial da Comarca dos Açores (Portugal) lodged
on 14 May 2021 — KU and Others v SATA International — Azores Airlines SA**

(Case C-308/21)

(2021/C 329/14)

Language of the case: Portuguese

Referring court

Tribunal Judicial da Comarca dos Açores

Parties to the main proceedings

Applicants: KU, OP, GC

Defendant: SATA International — Azores Airlines SA

Question referred

Does a delay of more than three hours to, or the cancellation of, a flight as a result of a breakdown of the supply of fuel at the airport of origin, in the case where that airport is responsible for the management of the fuel system, constitute an ‘extraordinary circumstance’ within the meaning and for the purposes of Article 5(3) of Regulation (EC) No 261/2004 (¹) of the European Parliament and of the Council of 11 February 2004?

(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).