

**Form of order sought**

The appellants submit that the Court should:

- Set aside the judgment of the General Court of 11 December 2018, *BTB Holding Investments and Dufenco Participations Holding v Commission* (T-100/17);
- Refer the case back to the General Court;
- Order the defendant to pay the costs of these proceedings and the costs of the proceedings before the General Court.

**Grounds of appeal and main arguments**

By their appeal against judgment T-100/17, the appellants submit that, in the judgment under appeal, the General Court infringed their right to a fair hearing when it stated that, 'in order to establish that the Commission made a manifest error in the [complex economic] assessment of the facts justifying the annulment of the contested decision, the evidence adduced by the applicant must be sufficient to make the assessment of the facts in the decision at issue implausible'. The appellants submit that, in particular, the General Court infringed the principles relating to the burden of proof and the principle of equality of arms.

---

**Request for a preliminary ruling from the Amtsgericht Köln (Germany) lodged on 22 February 2019 — FZ v DER Touristik GmbH**

**(Case C-153/19)**

(2019/C 182/23)

*Language of the case: German*

**Referring court**

Amtsgericht Köln

**Parties to the main proceedings**

*Applicant:* FZ

*Defendant:* DER Touristik GmbH

**Question referred**

Do a traveller's claims against a travel organiser, under a contract for travel, for a price reduction because of shortcomings in the flight on account of a flight delay constitute claims to further compensation under Article 12 of Regulation No 261/2004<sup>(1)</sup>, and can compensation granted as a result of the flight delay in application *mutatis mutandis* of Article 7 of the Regulation be deducted from those claims in accordance with Article 12 of that regulation?

---

<sup>(1)</sup> 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).

---