

Request for a preliminary ruling from the Sąd Najwyższy (Poland) lodged on 3 March 2020 — Koleje Mazowieckie — KM sp. z o.o. v Skarb Państwa — Minister Infrastruktury i Budownictwa, now Minister Infrastruktury, and Prezes Urzędu Transportu Kolejowego, and PKP Polskie Linie Kolejowe S.A.

(Case C-120/20)

(2020/C 209/14)

Language of the case: Polish

Referring court

Sąd Najwyższy

Parties to the main proceedings

Appellant: Koleje Mazowieckie — KM sp. z o.o.

Respondents: Skarb Państwa — Minister Infrastruktury i Budownictwa, now Minister Infrastruktury, and Prezes Urzędu Transportu Kolejowego, and PKP Polskie Linie Kolejowe S.A.

Questions referred

1. Are the provisions of Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001, ⁽¹⁾ and in particular Article 4(5) and Article 30(1), (3), (5) and (6) thereof, to be interpreted as precluding a railway undertaking from claiming, with no judicial review of the decision of a supervisory body, damages against a Member State on grounds of incorrect implementation of a directive in a situation where an element of the damages is an overpaid charge for the use of railway infrastructure?
2. Does the assumption that a right to damages under Community law for misapplication of EU law, and in particular the incorrect implementation or non-implementation of a directive, exists only where the rule of law infringed is intended to confer rights on individuals, the infringement of the law is qualified in nature (in particular in the form of manifest and grave disregard of a Member State's discretion in implementing a directive), and the causal link between the infringement and the damage is direct in nature, preclude rules of law of a Member State which, in such cases, confer a right to damages where less stringent conditions are satisfied?

⁽¹⁾ Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ 2001 L 75, p. 29).

Request for a preliminary ruling from the Rechtbank Den Haag, zittingsplaats Amsterdam (Netherlands) lodged on 4 March 2020 — VG v Minister van Buitenlandse Zaken

(Case C-121/20)

(2020/C 209/15)

Language of the case: Dutch

Referring court

Rechtbank Den Haag, zittingsplaats Amsterdam

Parties to the main proceedings

Applicant: VG

Defendant: Minister van Buitenlandse Zaken

Question referred

Is the answer to the questions referred for a preliminary ruling in the cases before the Court registered under numbers C-225/19 and C-226/19 different if it has been made known or has become known which country it is that objected to the issuing of a visa to the applicant during the prior consultation as referred to in Article 22 of the Visa Code? ⁽¹⁾

⁽¹⁾ Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (OJ 2009 L 243, p. 1).

Request for a preliminary ruling from the Sąd Rejonowy w Gliwicach (Poland) lodged on 5 March 2020 — D. Spółka Akcyjna v W. Zrt

(Case C-127/20)

(2020/C 209/16)

Language of the case: Polish

Referring court

Sąd Rejonowy w Gliwicach

Parties to the main proceedings

Applicant: D. Spółka Akcyjna

Defendant: W. Zrt

Questions referred

Must Article 5(3) of 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 ..., ⁽¹⁾ be interpreted as meaning that an air carrier whose aircraft has suffered a bird strike is obliged, as part of the reasonable measures that it must take, to provide, in its rotation-based flight planning system, for sufficient reserve time for a required safety check to be made?

and, in the event that this question is answered in the negative:

Must Article 5(3) of 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 ..., be interpreted as meaning that an air carrier whose aircraft has suffered a bird strike is obliged, as part of the reasonable measures that it must take, to establish crew rosters or staffing levels in such a way that crews are ready for flight duties immediately after a required safety check is made, regardless of the limits on flight time and duty time and the rest period requirements laid down in Annex III to Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations ...? ⁽²⁾

⁽¹⁾ OJ 2004 L 46, p. 1.

⁽²⁾ OJ 2012 L 296, p. 1.
