

Parties to the main proceedings

Applicant: FI

Defendant: Eurowings GmbH

Question referred

Does a trade union organised strike by an operating air carrier's own staff (in this case the cabin crew) constitute an 'extraordinary circumstance' within the meaning of Article 5(3) of Regulation (EC) No 261/2004? ⁽¹⁾

⁽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).

Request for a preliminary ruling from the Győri Közigazgatási és Munkaügyi Bíróság (Hungary) lodged on 7 April 2020 — 'Grossmania' Mezőgazdasági Termelő és Szolgáltató Kft. v Vas Megyei Kormányhivatal

(Case C-177/20)

(2020/C 279/33)

Language of the case: Hungarian

Referring court

Győri Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: 'Grossmania' Mezőgazdasági Termelő és Szolgáltató Kft.

Defendant: Vas Megyei Kormányhivatal

Question referred

Must Article 267 of the Treaty on the Functioning of the European Union be interpreted as meaning that, where the Court of Justice of the European Union, in a decision given in preliminary ruling proceedings, has declared a legislative provision of a Member State to be incompatible with EU law, that legislative provision cannot be applied in subsequent national administrative or judicial proceedings either, notwithstanding that the facts of the subsequent proceedings are not entirely identical to those of the previous preliminary ruling proceedings?

Request for a preliminary ruling from the Fővárosi Törvényszék (formerly the Fővárosi Közigazgatási és Munkaügyi Bíróság (Hungary)) lodged on 7 April 2020 — Pharma Expressz Szolgáltató és Kereskedelmi Kft v Országos Gyógyszerészeti és Élelmezés-egészségügyi Intézet

(Case C-178/20)

(2020/C 279/34)

Language of the case: Hungarian

Referring court

Fővárosi Törvényszék (formerly Fővárosi Közigazgatási és Munkaügyi Bíróság)

Parties to the main proceedings

Applicant: Pharma Expressz Szolgáltató és Kereskedelmi Kft

Defendant: Országos Gyógyszerészeti és Élelmezés-egészségügyi Intézet

Questions referred

1. Does an obligation flow from Articles 70 to 73 of Directive 2001/83⁽¹⁾ to regard a medicinal product which can be dispensed without medical prescription in one Member State as a medicinal product which can also be dispensed without medical prescription in another Member State, including where, in that other Member State, the medicinal product in question does not have a marketing authorisation and has not been classified?
2. Is a quantitative restriction which makes the possibility of ordering and dispensing to a patient a medicinal product which does not have a marketing authorisation in one Member State but does have such an authorisation in another [Member State of the EEA] conditional on the existence of a medical prescription and a declaration from the pharmaceutical authority, including where the medicinal product is registered in the other Member State as a medicinal product not subject to medical prescription, justified in the interests of protection of the health and life of humans, as referred to in Article 36 TFEU?

⁽¹⁾ Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use (OJ 2001 L 311, p. 67).

Request for a preliminary ruling from the Oberster Gerichtshof (Austria) lodged on 5 May 2020 — Laudamotion GmbH v Verein für Konsumenteninformation

(Case C-189/20)

(2020/C 279/35)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Appellant in the appeal on a point of law: Laudamotion GmbH

Respondent in the appeal on a point of law: Verein für Konsumenteninformation

Questions referred

1. Are the provisions of Regulation (EU) No 1215/2012,⁽¹⁾ in particular Article 25, Article 17(3) and Article 19, and in any event in the light of Article 67, to be interpreted as precluding a review of unfairness of international agreements conferring jurisdiction in accordance with Directive 93/13/EEC⁽²⁾ or the corresponding national implementing provisions?
2. Is the last clause of the first sentence of Article 25(1) of Regulation (EU) No 1215/2012 (*'unless the agreement is null and void as to its substantive validity under the law of that Member State'*) to be interpreted as meaning that it opens up the possibility — which extends even beyond the area of harmonised law — of a substantive review in accordance with the national law of the Member State on which jurisdiction has been conferred via prorogation?
3. In the event that Questions 1 and 2 are answered in the negative:

Are the national implementing provisions applicable to a review of unfairness in accordance with Directive 93/13/EEC determined by the law of the Member State on which jurisdiction has been conferred via prorogation or by the *lex causae* of the Member State seised?

⁽¹⁾ Regulation of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2012 L 351, p. 1).

⁽²⁾ Council Directive of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29).