Parties to the main proceedings

Applicant: P

Defendant: Swiss International Air Lines AG

Question referred

Does Regulation (EC) No 261/2004 ([1]) 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, having regard to Article 15 of the Agreement between the European Community and the Swiss Confederation on Air Transport of 21 June 1999 ([2]) and Decisions No 1/2006 ([3]) and No 1/2017 ([4]) of the Committee, in the case of directly connecting flights, where, between the departure from an airport situated in the territory of a Member State and the arrival at an airport situated in the territory of a third State there is a planned stopover in Switzerland and a change of aircraft, also apply to the directly connecting flight departing from Switzerland and bound for a third country?

([1]) OJ 2004 L 46, p. 1.
([2]) OJ 2002 L 114, p. 73.
([3]) 2006/727/EC: Decision No 1/2006 of the Community/Switzerland Air Transport Committee of 18 October 2006 amending the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport (OJ 2006 L 298, p. 23).
([4]) Decision No 1/2017 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 29 November 2017 replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport (OJ 2017 L 348, p. 46).

Request for a preliminary ruling from the Městský soud v Praze (Czech Republic) lodged on 20 October 2020 — VÍTKOVICE STEEL, a.s. v Ministerstvo životního prostředí

(Case C-524/20)

(2020/C 443/16)

Language of the case: Czech

Referring court

Městský soud v Praze

Parties to the main proceedings

Applicant: VÍTKOVICE STEEL, a.s.

Defendant: Ministerstvo životního prostředí

Questions referred

1. Does Article 10(8) of European Commission Decision 2011/278/EU ([1]) of 27 April 2011, read in conjunction with Annex I thereto, require emission allowances to be allocated free of charge for the period 2013 to 2020 to an installation operating a *basic oxygen furnace process,* where the input to that process is *carbon-saturated liquid iron* imported from another installation belonging to another operator, if at the same time it is ensured that there will be no double counting or double allocation of allowances in respect of the *hot metal* product?

2. If the first question is answered in the negative, is Article 10(8) of European Commission Decision 2011/278/EU of 27 April 2011, read in conjunction with Annex I thereto, invalid with respect to the *hot metal* product on the grounds that it is incompatible with Article 2(1) of Directive 2003/87/EC of the European Parliament and of the Council, read in conjunction with Annex I thereto, or alternatively on the grounds that it is incomprehensible?

3. If the second question is answered in the affirmative, is Article 1(1) of European Commission Decision 2013/448/EU ([2]) of 5 September 2013 also invalid in respect of the installation bearing the identifier CZ-existing-CZ-52-CZ-0102-05 given that it no longer has a legal basis?

4. If the first question is answered in the affirmative, must Article 1(1) and the third subparagraph of Article 1(2) of European Commission Decision 2013/448/EU of 5 September 2013 be interpreted in respect of the installation bearing the identifier CZ-existing-CZ-52-CZ-0102-05 as permitting the allocation of allowances for the *hot metal* product to that installation on the basis of a new application from the Czech Republic if double counting and double allocation of allowances are excluded?

5. If the fourth question is answered in the negative, is Article 1(1) of European Commission Decision 2013/448/EU of 5 September 2013 invalid in respect of the installation bearing the identifier CZ-existing-CZ-52-CZ-0102-05 on the grounds that it is incompatible with Article 10(8) of European Commission Decision 2011/278/EU of 27 April 2011, read in conjunction with Annex I thereto?

6. If the third, fourth or fifth question is answered in the affirmative, how should an authority of a Member State proceed under EU law where that authority has failed, contrary to EU law, to allocate free emission allowances to the operator of an installation which operates a *basic oxygen furnace* process if the installation concerned is no longer in operation and the period for which the allowances were allocated has already ended?

([1]) Commission Decision of 27 April 2011 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (notified under document C(2011) 2772), OJ 2011 L 130, p. 1.

([2]) Commission Decision of 5 September 2013 concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances in accordance with Article 11(3) of Directive 2003/87/EC of the European Parliament and of the Council (notified under document C(2013) 5666), OJ 2013 L 240, p. 27.

Request for a preliminary ruling from the Satversmes tiesa (Latvia) lodged on 20 October 2020 — SIA EUROAPTIEKA v Ministru kabinets

(Case C-530/20)

(2020/C 443/17)

Language of the case: Latvian

Referring court

Satversmes tiesa

Parties to the main proceedings

Applicant: SIA EUROAPTIEKA

Institution which adopted the contested act: Ministru kabinets

Questions referred

1. Must the activities to which the contested provision refers be regarded as advertising of medicinal products within the meaning of Title VIII of Directive 2001/83/EC ([1]) ('Advertising')?

2. Must Article 90 of Directive 2001/83/EC be interpreted as precluding legislation of a Member State which extends the list of prohibited methods of advertising and imposes stricter restrictions than those expressly provided for in Article 90 of that directive?