

2. Is Article 1(2)(b) of Directive 2001/83/EC of 6 November 2001 to be interpreted as meaning that a product which is placed on the market as a cosmetic and which significantly modifies physiological functions by producing a pharmacological effect is to be regarded as a medicinal product by function only in the case where it has a specific positive health-promoting effect? Is it sufficient in this regard even that the product has on a person's appearance a predominantly positive effect which, by increasing self-esteem or wellbeing, is of indirect benefit to health?
3. Or is that product also a medicinal product by function in the case where its positive effect is confined to an improvement in a person's appearance, without being of direct or indirect benefit to health, but where it does not have properties that are exclusively harmful to health and is not therefore comparable to a narcotic?

(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 as amended by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 (OJ 2019 L 198, p. 241).

**Request for a preliminary ruling from the Juzgado de lo Mercantil No 1 de Córdoba (Spain) lodged on
19 November 2020 — ZU and TV v Ryanair Ltd**

(Case C-618/20)

(2021/C 72/16)

Language of the case: Spanish

Referring court

Juzgado de lo Mercantil No 1 de Córdoba

Parties to the main proceedings

Applicants: ZU and TV

Defendant: Ryanair Ltd

Questions referred

1. May a carrier that sells tickets through its own website for flights operated under the code of another airline be considered an operating air carrier for the purposes of Article 5(5) of Regulation No 261/2004 (¹) in respect of the specific flights it sells that are operated by another company?
2. May a carrier that sells tickets through its own website for flights operated under the code of another airline be considered an operating air carrier for the purposes of Article 5(5) of Regulation No 261/2004 in respect of the specific flights it sells that are operated by another company where the company that operates a flight is part of the corporate group of the company that sells tickets for that flight?
3. May the concept of contracting carrier in Article 45 of the Montreal Convention be equated with the concept of operating air carrier in Article 5(5) of Regulation No 261/2004?
4. May the concept of actual carrier referred to in Article 45 of the Montreal Convention be equated with the concept of operating air carrier in Article 5(5) of Regulation No 261/2004?

(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).