4. Does the circumvention of Article 19(4) and (5) of the directive lead to the annulment of the loan agreement between the bank and the client?

(1) Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ 2004 L 145, p. 1).

Request for a preliminary ruling from the Amtsgericht Rüsselsheim (Germany) lodged on 2 July 2014 — Marc Hußock, Ute Hußock, Michelle Hußock, Florian Hußock v Condor Flugdienst GmbH

(Case C-316/14)

(2014/C 303/35)

Language of the case: German

Referring court

Amtsgericht Rüsselsheim

Parties to the main proceedings

Applicants: Marc Hußock, Ute Hußock, Michelle Hußock, Florian Hußock

Defendant: Condor Flugdienst GmbH

Questions referred

1. Are adverse actions by third parties acting on their own responsibility and to whom certain tasks that constitute part of the operation of an air carrier have been entrusted, to be deemed to be extraordinary circumstances within the meaning of Article 5(3) of Regulation No 261/2004? (1)

2. If the answer to Question 1 is in the affirmative, does the assessment of the situation depend on who (airline, airport operator etc.) entrusted the task(s) to the third party?

(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).

Action brought on 2 July 2014 — European Commission v Kingdom of Belgium

(Case C-317/14)

(2014/C 303/36)

Language of the case: French

Parties

Applicant: European Commission (represented by: J. Enegren and D. Martin, acting as Agents)

Defendant: Kingdom of Belgium

Form of order sought

The Commission claims that the Court should:

— find that, in requiring persons applying for positions with local services established in French-speaking or German-speaking regions who do not have diplomas or certificates to show that they have completed their studies in the language concerned to obtain the certificate issued by SELOR (having taken the exam organised by that body), and in making that certificate the only way in which those persons can prove that they have the language skills needed for such positions, the Kingdom of Belgium has failed to fulfil its obligations under Article 45 TFEU and Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union; ([1])

— order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The condition, set out in Belgian legislation, under which persons applying for vacant positions with local public services in French-speaking or German-speaking regions who do not have diplomas to show that they have completed their studies in the language concerned are required to prove their language skills before they can fill such positions and are given only one way in which they can do so constitutes discrimination prohibited by Article 45 TFEU and Regulation (EU) No 492/2011.

([1]) OJ 2011 L 141, p. 1.

Request for a preliminary ruling from the Gyulai Közigazgatási és Munkaügyi Bíróság (Hungary) lodged on 8 July 2014 — Szemerey Gergely v Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve

(Case C-330/14)

(2014/C 303/37)

Language of the case: Hungarian

Referring court

Gyulai Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: Gergely Szemerey

Defendant: Mezőgazdasági és Vidékfejlesztési Hivatal Központi Szerve

Questions referred

1. Must the principle of flexibility and of the possibility of amending [recitals] 20 and 27 in the preamble to Regulation (EC) No 796/2004 ([1]) and [recitals] 18, 23 and 26 in the preamble to Regulation (EC) No 1122/2009 ([2]) be interpreted as precluding a national provision, under which, in the case of the cultivation of a rare plant species, the certificate relating to the rare plant must be attached to the application for payment, having regard to the administrative practice, in accordance with which it was possible to apply for the certificate only before applying for payment between 2 and 15 April 2010, and it was possible to attach it only at the same time as the presentation of the single application, and the provision did not make it possible to remedy the defect in the application constituted by the failure to produce a certificate?

2. Is this arrangement consistent with the obligation of a Member State not to undermine the objectives of the Common Agriculture Policy, or can it be said that the effective exercise of the right to aid under EU law of farmers who grow rare plants became impossible or excessively difficult and unpredictable in 2010 when the legislation was amended (amendment of Paragraph 43(6) of Regulation No 61/2009 (of 14 May 2009) of the Ministry of Agriculture and Rural Development, made law by Regulation No 31/2010 (of 30 March 2010) of the Ministry of Agriculture and Rural Development)?