

The eleventh plea in law alleging violation of principles common to legal systems of Member States, namely the principle of prohibition of conflict of interest of public officers, including members of the government, which also involves an effective enforcement of this principle, which, in turn, presupposes a possibility for a person with different interest than those of an institution of the European Union, including the European Commission, to bring an action for failure of the European Commission to effectively enforce the prohibition of conflict of interest.

(¹) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ 2018, L 193, p. 1).

Request for a preliminary ruling from the Budai Központi Kerületi Bíróság (Hungary) lodged on 2 March 2021 — Criminal proceedings against KI

(Case C-131/21)

(2021/C 182/58)

Language of the case: Hungarian

Referring court

Budai Központi Kerületi Bíróság

Party to the main proceedings

KI

Question referred

Is it contrary to Article 50 of the Charter of Fundamental Rights of the European Union — interpreted in the light of Article 4 of the Additional Protocol No 7 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of 1950, and the relevant case-law of the European Court of Human Rights — to initiate a criminal prosecution which is based, in part, on facts in respect of which the defendant has already, in administrative proceedings leading to sanctions and by a final decision, been given an on-the-spot fine which, as a result of non-payment, was converted by means of a court decision into a custodial sentence?

Request for a preliminary ruling from the Landgericht Köln (Germany) lodged on 4 March 2021 — Deutsche Lufthansa AG v GD and WT

(Case C-135/21)

(2021/C 182/59)

Language of the case: German

Referring court

Landgericht Köln

Parties to the main proceedings

Applicant: Deutsche Lufthansa AG

Defendants: GD, WT

Question referred

Does a strike by the air carrier's own employees which is called by a trade union 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).

Appeal brought on 26 February 2021 by Council of the European Union against the judgment of the General Court (Seventh Chamber) delivered on 16 December 2020 in Case T-315/19, BT v Commission

(Case C-138/21 P)

(2021/C 182/60)

Language of the case: French

Parties

Appellant: Council of the European Union (represented by: M. Bauer and M. Alver, acting as Agents)

Other parties to the proceedings: BT, European Commission, European Parliament, International Association of Former Officials of the European Union (AIAOE International)

Form of order sought

The appellant submits that the Court should:

- allow the appeal and set aside the judgment under appeal;
- dispose of the case and dismiss the action brought at first instance as unfounded;
- order the applicants at first instance to pay the costs incurred by the Council in the course of the present proceedings and the proceedings at first instance.

Grounds of appeal and main arguments

In support of the appeal, the Council puts forward four grounds of appeal.

The first, and main, ground of appeal alleges errors of law regarding the existence of a difference in treatment, for the purposes of the grant of a survivor's pension under Article 18 or Article 20 of Annex VIII to the Staff Regulations, between, on the one hand, the surviving spouse of a former official who married before the latter's employment ceased and, on the other hand, the surviving spouse of a former official who married after the latter's employment ceased. According to the Council, the General Court failed to assess the comparability of the situations at issue having regard to all the elements which characterise them, including their respective legal situations, in the light of the subject matter and purpose of the EU act which makes the distinction in question, namely the Staff Regulations as a whole. The General Court therefore erred in law in so far as it declared that the date on which the marriage was concluded is the sole element which determines the application of Article 18 or Article 20 of Annex VIII to the Staff Regulations, while the difference in treatment is justified by the fundamental factual and legal difference between the legal situation of an official who has one of the administrative statuses set out in Article 35 of the Staff Regulations and that of a former official.