

Request for a preliminary ruling from the Amtsgericht Hannover (Germany) lodged on 22 May 2017 — Helga Jordan-Grompe, Sven Grompe, Yves-Felix Grompe, Justin Joel Grompe v TUIfly GmbH

(Case C-291/17)

(2017/C 239/50)

Language of the case: German

Referring court

Amtsgericht Hannover

Parties to the main proceedings

Applicants: Helga Jordan-Grompe, Sven Grompe, Yves-Felix Grompe, Justin Joel Grompe

Defendant: TUIfly GmbH

Questions referred

1. Is the absence on sick leave of a significant part of an operating air carrier's staff for flight operation an extraordinary circumstance under Article 5(3) of Regulation (EC) No 261/2004? ⁽¹⁾ In the event that the first question is answered in the affirmative: how high must the rate of absence be to constitute such an extraordinary circumstance?
2. In the event that the first question is answered in the negative: is the spontaneous absence, due to unauthorised work stoppage under employment law or collective agreements ('wildcat strike'), of a significant part of an operating air carrier's staff for flight operation an extraordinary circumstance under Article 5(3) of Regulation (EC) No 261/2004? In the event that the second question is answered in the affirmative: how high must the rate of absence be to constitute such an extraordinary circumstance?
3. In the event that the first or the second question is answered in the affirmative: must the extraordinary circumstance itself have been present at the time the flight was cancelled or is the operating air carrier entitled to devise a new flight plan pursuant to economic considerations?
4. In the event that the first or the second question is answered in the affirmative: does the avoidability criterion relate to the extraordinary circumstance or, rather, to the consequences of the occurrence of the extraordinary circumstance?

⁽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 23 May 2017 — European Commission v Romania

(Case C-301/17)

(2017/C 239/51)

Language of the case: Romanian

Parties

Applicant: European Commission (represented by: L. Nicolae and E. Sanfrutos Cano, acting as Agents)

Defendant: Romania

Form of order sought

The applicant claims that the Court should:

- declare, pursuant to Article 258 TFEU, that, having failed to comply, as regards 68 landfill sites, with the obligation to adopt all necessary measures to close down as soon as possible, under Articles 7(g) and 13 of Council Directive 1999/31/EC of 29 April 1999 on the landfill of waste, sites which have not been granted, in accordance with Article 8, a permit to continue to operate, Romania is in breach of its obligations under Article 14(b) in conjunction with Article 13 of that directive;