

Respondent: Autoritatea de Supraveghere Financiară

Question referred

Must Article 63 et seq. TFEU, read in conjunction with Article 2(2) of Directive 2004/25/EC⁽¹⁾ and Article 87 of Directive 2001/34/EC,⁽²⁾ be interpreted as precluding a national legislative framework (in the present case Article 2(3)(j) of CNVM Regulation No 1/2006) which establishes a legal presumption of concerted practice in respect of holdings in companies whose shares are admitted to trading on a regulated market and which are treated as alternative investment funds (known as ‘financial investment companies’) with regard to:

1. persons who have carried out or who are carrying out economic transactions together, whether related or unrelated to the capital market, and
2. persons who, in carrying out economic transactions, use financial resources which have the same origin or which originate from different entities which are involved persons?

⁽¹⁾ Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids (OJ 2004 L 142, p. 12).

⁽²⁾ Directive 2001/34/EC of the European Parliament and of the Council of 28 May 2001 on the admission of securities to official stock exchange listing and on information to be published on those securities (OJ 2001 L 184, p. 1).

Request for a preliminary ruling from the Bundesarbeitsgericht (Germany) lodged on 30 April 2019 — MH Müller Handels GmbH v MJ

(Case C-341/19)

(2019/C 255/29)

Language of the case: German

Referring court

Bundesarbeitsgericht

Parties to the main proceedings

Appellant on a point of law: MH Müller Handels GmbH

Respondent in the appeal on a point of law: MJ

Questions referred

1. Can established indirect unequal treatment on grounds of religion within the meaning of Article 2(2)(b) of Directive 2000/78/EC,⁽¹⁾ resulting from an internal rule of a private undertaking, be justifiable only if, according to that rule, it is prohibited to wear any visible sign of religious, political or other philosophical beliefs, and not only such signs as are prominent and large-scale?
2. If Question 1 is answered in the negative:
 - (a) Is Article 2(2)(b) of Directive 2000/78/EC to be interpreted as meaning that the rights derived from Article 10 of the Charter of Fundamental Rights of the European Union and from Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms may be taken into account in the examination of whether established indirect unequal treatment on grounds of religion is justifiable on the basis of an internal rule of a private undertaking which prohibits the wearing of prominent, large-scale signs of religious, political or other philosophical beliefs?

- (b) Is Article 2(2)(b) of Directive 2000/78/EC to be interpreted as meaning that national rules of constitutional status which protect freedom of religion may be taken into account as more favourable provisions within the meaning of Article 8(1) of Directive 2000/78/EC in the examination of whether established indirect unequal treatment on grounds of religion is justifiable on the basis of an internal rule of a private undertaking which prohibits the wearing of prominent, large-scale signs of religious, political or other philosophical beliefs?

3. If Questions 2(a) and 2(b) are answered in the negative:

In the examination of an instruction based on an internal rule of a private undertaking which prohibits the wearing of prominent, large-scale signs of religious, political or other philosophical beliefs, must national rules of constitutional status which protect freedom of religion be set aside because of primary EU law, even if primary EU law, such as, for example, Article 16 of the Charter of Fundamental Rights, recognises national laws and practices?

(¹) Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ 2000 L 303, p. 16).

**Request for a preliminary ruling from the Amtsgericht Düsseldorf (Germany) lodged on 16 April 2019 —
EUflight.de GmbH v Eurowings GmbH**

(Case C-345/19)

(2019/C 255/30)

Language of the case: German

Referring court

Amtsgericht Düsseldorf

Parties to the main proceedings

Applicant: EUflight.de GmbH

Defendant: Eurowings GmbH

Questions referred

1. Are the provisions of Articles 4, 5, 6 and 7 of Regulation (EC) No 261/2004 (¹) to be interpreted as meaning that passengers who are transported to their final destination via the booked flight over an hour before the planned time of departure obtain compensation, by application by analogy of Article 7 of that regulation?
2. Can that compensation be reduced according to flight distance pursuant to Article 7(2) if the time of arrival precedes the periods of delayed arrival specified therein, or even the scheduled time of arrival?