

**Request for a preliminary ruling from the Landgericht Hannover (Germany) lodged on 12 December 2013 — Wilhelm Spitzner, Maria-Luise Spitzner v TUIfly GmbH**

(Case C-658/13)

(2014/C 85/20)

*Language of the case: German*

**Referring court**

Landgericht Hannover

**Parties to the main proceedings**

*Appellants:* Wilhelm Spitzner and Maria-Luise Spitzner

*Respondent:* TUIfly GmbH

**Questions referred**

1. Is Article 5(3) of Regulation (EC) No 261/2004<sup>(1)</sup> 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, to be interpreted as meaning that an extraordinary circumstance causing a delay to a flight also constitutes an extraordinary circumstance, within the meaning of that provision, for another, subsequent flight, in the case where the effect of the extraordinary circumstance causing a delay affects the later flight solely by reason of the operational organisation of the air carrier?
2. Is Article 5(3) of Regulation (EC) No 261/2004 to be interpreted as meaning that the concept of avoidability relates, not to the extraordinary circumstances as such, but to the delay to or cancellation of the flight caused by those extraordinary circumstances?
3. Is Article 5(3) of Regulation (EC) No 261/2004 to be interpreted as meaning that it is reasonable for air carriers which operate their flights in a so-called rotation system to factor in a minimum time reserve between flights, the length of which corresponds to the time spans laid down in Article 6(1)(a) to (c) of Regulation (EC) No 261/2004?
4. Is Article 5(3) of Regulation (EC) No 261/2004 to be interpreted as meaning that it is reasonable for air carriers which operate their flights in a so-called rotation system to deny boarding to passengers whose flight has already been signifi-

cantly delayed due to an extraordinary event, or to transport such passengers later, in order to avoid a delay to subsequent flights?

<sup>(1)</sup> OJ 2004 L 46, p. 1.

**Request for a preliminary ruling from the Tribunal do Trabalho de Lisboa (Portugal) lodged on 16 December 2013 — Sindicato Nacional dos Profissionais de Seguros e Afins v Via Directa — Companhia de Seguros SA**

(Case C-665/13)

(2014/C 85/21)

*Language of the case: Portuguese*

**Referring court**

Tribunal do Trabalho de Lisboa

**Parties to the main proceedings**

*Applicant:* Sindicato Nacional dos Profissionais de Seguros e Afins

*Defendant:* Via Directa — Companhia de Seguros SA

**Questions referred**

1. Must the principle of equal treatment, from which the prohibition of discrimination is derived, be interpreted as applying to public sector employees?
2. Does the fact that the State imposed a unilateral suspension of the payment of those items of remuneration and applied this only to a specific category of workers — those in the public sector — constitute discrimination having regard to the nature of the employment relationship?

**Request for a preliminary ruling from the Finanzgericht Düsseldorf (Germany) lodged on 16 December 2013 — Rohm Semiconductor GmbH v Hauptzollamt Krefeld**

(Case C-666/13)

(2014/C 85/22)

*Language of the case: German*

**Referring court**

Finanzgericht Düsseldorf