Operative part of the judgment

1) *Articles 2(11) and 11 of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, must be interpreted as meaning that where the removal of a child has taken place in accordance with a judgment which was provisionally enforceable and which was thereafter overturned by a judgment which fixed the residence of the child at the home of the parent living in the Member State of origin, the court of the Member State to which the child was removed, seised of an application for the return of the child, must determine, by undertaking an assessment of all the circumstances of fact specific to the individual case, whether the child was still habitually resident in the Member State of origin immediately before the alleged wrongful retention. As part of that assessment, it is important that account be taken of the fact that the judgment authorising the removal could be provisionally enforced and that an appeal had been brought against it.*

2) *Regulation No 2201/2003 must be interpreted as meaning that, in circumstances where the removal of a child has taken place in accordance with a court judgment which was provisionally enforceable and which was thereafter overturned by a court judgment fixing the child's residence at the home of the parent living in the Member State of origin, the failure to return the child to that Member State following the latter judgment is wrongful and Article 11 of the Regulation is applicable if it is held that the child was still habitually resident in that Member State immediately before the retention. If it is held, conversely, that the child was at that time no longer habitually resident in the Member State of origin, a decision dismissing the application for return based on that provision is without prejudice to the application of the rules established in Chapter III of the Regulation relating to the recognition and enforcement of judgments given in a Member State.*

([1]) OJ C 351, 6.10.2014.

Request for a preliminary ruling from the Landgericht Köln (Germany) lodged on 31 July 2014 — Sommer Antriebs- und Funktechnik GmbH v Rademacher Geräte-Elektronik GmbH & Co. KG

(Case C-369/14)

(2014/C 439/22)

Language of the case: German

Referring court

Landgericht Köln

Parties to the main proceedings

Applicant: Sommer Antriebs- und Funktechnik GmbH

Defendant: Rademacher Geräte-Elektronik GmbH & Co. KG

Questions referred

1) Must Articles 2(1) and 3(a) of, and Annexes IA and IB to, Directive 2002/96/EC ([1]) of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment and/or Articles 2(1)(a) and 3(1)(a) of, and Annexes I and II to, Directive 2012/19/EU ([2]) of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment be interpreted as meaning that operating devices for (garage) doors with an electric voltage of approximately 220 to 240 volts, which are designed to be incorporated into the building structure together with the (garage) door, come within the concept of electrical and electronic equipment, in particular the concept of electrical and electronic tools?

2) If the answer to Question 1 is in the affirmative:

   Must Annex IA, No 6, and Annex IB, No 6, to Directive 2002/96/EC and/or Article 3(1)(b) of, and Annex I, No 6, and Annex II, No 6, to, Directive 2012/19/EU be interpreted as meaning that (garage-door) operating devices, as referred to in Question (1), are to be regarded as components of large-scale stationary industrial tools within the meaning of those provisions?

3) If the answer to Question (1) is in the affirmative and the answer to Question (2) is in the negative:

Must Article 2(1) of Directive 2002/96/EC and/or Article 2(3)(b) of Directive 2012/19/EU be interpreted as meaning that (garage-door) operating devices, as referred to in Question (1), are to be regarded as part of another type of equipment which does not fall within the scope of those directives?

(1) Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) — Joint declaration of the European Parliament, the Council and the Commission relating to Article 9, OJ 2002 L 37, p. 24.
(2) OJ 2012 L 197, p. 38.

Request for a preliminary ruling from the Amtsgericht Rüsselsheim (Germany) lodged on 11 August 2014 — Juergen Schneider, Erika Schneider v Condor Flugdienst GmbH

(Case C-382/14)

(2014/C 439/23)

Language of the case: German

Referring court

Amtsgericht Rüsselsheim

Parties to the main proceedings

Applicants: Juergen Schneider, Erika Schneider

Defendant: Condor Flugdienst GmbH

Questions referred

1. Must the extraordinary circumstance within the meaning of Article 5(3) of Regulation No 261/2004 (1) relate directly to the booked flight?

2. If the first question is to be answered in the negative, how many earlier flights involving the aircraft to be used for the scheduled flight are relevant to the existence of an extraordinary circumstance? Is there a time-limit to the consideration of extraordinary circumstances which occur during earlier flights? If so, how is that time-limit to be calculated?

3. If extraordinary circumstances which occur during earlier flights are also relevant to a later flight, must the reasonable measures to be taken by the operating air carrier, in accordance with Article 5(3) of the regulation, relate only to preventing the extraordinary circumstance or also to avoiding a long delay?

(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).

Request for a preliminary ruling from the Debreceni Közigazgatási és Munkaügyi Bíróság (Hungary) lodged on 28 August 2014 — Schenker Nemzetközi Szállítmányozási és Logisztikai Kft. v Nemzeti Adó- és Vámhivatal Észak-alföldi Regionális Vám- és Pénzügyőri Főigazgatósága

(Case C-409/14)

(2014/C 439/24)

Language of the case: Hungarian

Referring court

Debreceni Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: Schenker Nemzetközi Szállítmányozási és Logisztikai Kft.