

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⁽¹⁾ 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?

⁽¹⁾ 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

Parties to the main proceedings

Applicant: Rohm Semiconductor GmbH

Defendant: Hauptzollamt Krefeld

Questions referred ⁽¹⁾

1. Does the fact that goods have an individual function within the meaning of heading 8543 of the Combined Nomenclature mean that they may not be classified in heading 8541, despite their assembly?
2. If the answer to Question 1 is in the affirmative: In what circumstances are transmitter/receiver modules of the type described in more detail in the grounds, which have an individual function within the meaning of heading 8543, to be regarded as parts of machines or apparatus in heading 8543?

⁽¹⁾ Interpretation of Commission Regulation (EC) No 1832/2002 of 1 August 2002, amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 2002 L 290, p. 1).

Request for a preliminary ruling from the Curtea de Apel Suceava (România) lodged on 16 December 2013 — Casa Județeană de Pensii Botoșani v Evangeli Paraskevopoulou

(Case C-668/13)

(2014/C 85/23)

Language of the case: Romanian

Referring court

Curtea de Apel Suceava

Parties to the main proceedings

Applicant: Casa Județeană de Pensii Botoșani

Defendant: Evangeli Paraskevopoulou

Question referred

Is Article 7(2)(c) of Regulation (EEC) No 1408/71 ⁽¹⁾ to be interpreted as including within its scope a bilateral agreement

which two Member States entered into before the date on which that regulation became applicable and by which the two states agreed to the termination of obligations relating to social security benefits owed by one State to nationals of the other State who had been political refugees in the territory of the first State and who have been repatriated to the territory of the second State, in exchange for a payment by the first State of a lump sum for the payment of pensions and to cover periods during which social security contributions were paid in the first Member State?

⁽¹⁾ Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community (OJ, English Special Edition 1971 (II), p. 416).

Appeal brought on 16 December 2013 by Mundipharma GmbH against the judgment of the General Court (Third Chamber) delivered on 16 October 2013 in Case T-328/12 Mundipharma GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-669/13 P)

(2014/C 85/24)

Language of the case: German

Parties

Appellant: Mundipharma GmbH (represented by: F. Nielsen, Rechtsanwalt)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Form of order sought

The appellant claims that the Court should:

— Set aside the judgment of the General Court of the European Union (Third Chamber) of 16 October 2013 (Case T-328/12);

— Order the defendant and respondent to pay the costs.

Grounds of appeal and main arguments

In the judgment under appeal, the General Court held that there was no likelihood of confusion between the marks at issue OXYGESIC and Maxigesic and thus that the requirements of