

**Parties to the main proceedings**

*Appellant:* SBS Belgium NV

*Respondent:* Belgische Vereniging van Auteurs, Componisten en Uitgevers (SABAM)

**Question referred**

Does a broadcasting organisation which transmits its programmes exclusively via the technique of direct injection — that is to say, a two-step process in which it transmits its programme-carrying signals in an encrypted form via satellite, a fibre-optic connection or another means of transmission to distributors (satellite, cable or xDSL-line), without the signals being accessible to the public during or as a result of that transmission, and in which the distributors then send the signals to their subscribers so that the latter may view the programmes — make a communication to the public within the meaning of Article 3 of Directive 2001/29/EC <sup>(1)</sup> of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society?

<sup>(1)</sup> OJ 2001 L 167, p. 10.

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**Request for a preliminary ruling from the Amtsgericht Rüsselsheim (Germany) lodged on 14 July 2014 — Elvira Mandl, Helmut Mandl v Condor Flugdienst GmbH**

(Case C-337/14)

(2014/C 315/68)

*Language of the case: German*

**Referring court**

Amtsgericht Rüsselsheim

**Parties to the main proceedings**

*Applicants:* Elvira Mandl, Helmut Mandl

*Defendant:* Condor Flugdienst GmbH

**Question referred**

Is there an obligation on an airline company which wishes to rely on the possibility of exemption in Article 5(3) of Regulation No 261/2004 <sup>(1)</sup> to set out and prove that it took all reasonable measures to avoid the foreseeable consequences of an extraordinary circumstance in the form of cancellation or considerable delay or that no such reasonable measures were available to it?

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

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**Action brought on 22 July 2014 — Republic of Poland v European Parliament and Council of the European Union**

(Case C-358/14)

(2014/C 315/69)

*Language of the case: Polish*

**Parties**

*Applicant:* Republic of Poland (represented by: B. Majczyna)

*Defendants:* European Parliament, Council of the European Union