

3. If Question 1 is to be answered in the affirmative:

Is there a well-founded fear of persecution within the meaning of Article 2(c) of Directive 2004/83/EC if it is established that the applicant will carry out certain religious practices — other than those falling within the core area — after returning to the country of origin, even though they will give rise to a risk to life or limb or physical freedom, or is the applicant to be expected to abstain from engaging in such religious practices in the future?

<sup>(1)</sup> Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 L 304, p. 12).

**Reference for a preliminary ruling from the Oberlandesgericht Köln (Germany) lodged on 4 March 2011 — ebookers.com Deutschland GmbH v Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband e. V.**

(Case C-112/11)

(2011/C 173/08)

*Language of the case: German*

#### Referring court

Oberlandesgericht Köln

#### Parties to the main proceedings

*Applicant:* ebookers.com Deutschland GmbH

*Defendant:* Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband e. V.

#### Question referred

Does Article 23(1) of the Regulation,<sup>(1)</sup> according to which optional price supplements are to be communicated in a clear, transparent and unambiguous way at the start of any booking process and are to be accepted by the customer on an opt-in basis, also apply to costs connected with air travel arising from services provided by third parties (*in this case, an insurer offering travel cancellation insurance*) and which are charged to the air traveller by the company organising the air travel together with the air fare as part of a total price?

<sup>(1)</sup> Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, OJ 2008 L 293, p. 3.

**Reference for a preliminary ruling from the Schienen-Control Kommission Wien (Austria), lodged on 18 March 2011 — Westbahn Management GmbH v ÖBB-Infrastruktur AG**

(Case C-136/11)

(2011/C 173/09)

*Language of the case: German*

#### Referring tribunal

Schienen-Control Kommission Wien

#### Parties to the main proceedings

*Complainant:* Westbahn Management GmbH

*Defendant:* ÖBB-Infrastruktur AG

#### Questions referred

1. Is Article 8(2) of, in conjunction with Annex II, Part II, to, Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations<sup>(1)</sup> to be interpreted as meaning that information on main connecting services must include, in addition to scheduled departure times, notification of delays to or cancellations of those connecting services?
2. If the answer to Question 1 is in the affirmative: is Article 5 of, in conjunction with Annex II to, Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure [and safety certification]<sup>(2)</sup> to be interpreted, in the light of Article 8(2) of, in conjunction with Annex II, Part II, to, Regulation (EC) No 1371/2007, as meaning that the infrastructure manager is under an obligation to make real-time data on other railway undertakings' trains available to railway undertakings in a non-discriminatory manner, in so far as those trains constitute main connecting services within the meaning of Annex II, Part II, to Regulation (EC) No 1371/2007?

<sup>(1)</sup> OJ 2007 L 315, p. 14.

<sup>(2)</sup> Directive 2001/14/EC of the European Parliament and of the Council of 26 February 2001 on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ 2001 L 75, p. 29).