

Parties to the main proceedings

Applicant: Erich Pickert

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 Naczelny Sąd Administracyjny (Poland) lodged on 25 June 2013 — Minister Finansów v Oil Trading Poland sp. z o.o.

(Case C-349/13)

(2013/C 274/07)

Language of the case: Polish

Referring court

Naczelny Sąd Administracyjny

Parties to the main proceedings

Applicant: Minister Finansów

Defendant: Oil Trading Poland sp. z o.o.

Question referred

Should Article 3(3) of Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ⁽¹⁾ and correspondingly the current Article 1(3), point (a) of the first subparagraph and the [second] subparagraph, of Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC ⁽²⁾ be interpreted as not precluding the imposition by a Member State of excise duty on lubricating oils falling within CN codes 2710 19 71 to 2710 19 99 used for purposes other than as motor fuels or heating fuels, in accordance with the rules relating to the harmonised excise duty imposed on the consumption of energy products?

⁽¹⁾ OJ 1992 L 76, p. 1.

⁽²⁾ OJ 2009 L 9, p. 12.

Request for a preliminary ruling from the Amtsgericht Rüsselsheim (Germany) lodged on 27 June 2013 — Jürgen Hein, Hjördis Hein v Condor Flugdienst GmbH

(Case C-353/13)

(2013/C 274/08)

Language of the case: German

Referring court

Amtsgericht Rüsselsheim

Parties to the main proceedings

Applicants: Jürgen Hein, Hjördis Hein

Defendant: Condor Flugdienst GmbH

Questions referred

1. Are adverse actions by third parties acting on their own responsibility and to whom certain tasks that constitute part of the operation of an air carrier have been entrusted to be deemed to be extraordinary circumstances within the meaning of Article 5(3) of Regulation No 261/2004? ⁽¹⁾