

Request for a preliminary ruling from the Amtsgericht München (Germany) lodged on 2 May 2016 — Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, Bezirksdirektion Nürnberg (GEMA) v Josef Ebert

(Case C-252/16)

(2016/C 279/20)

Language of the case: German

Referring court

Amtsgericht München

Parties to the main proceedings

Applicant: Gesellschaft für musikalische Aufführungs- und mechanische Vervielfältigungsrechte, Bezirksdirektion Nürnberg (GEMA)

Defendant: Josef Ebert

By decision of 31 May 2016, the Court removed the case from the Court's Register

Request for a preliminary ruling from the Amtsgericht Köln (Germany) lodged on 9 May 2016 — Elke Roch, Jürgen Roch v Germanwings GmbH

(Case C-257/16)

(2016/C 279/21)

Language of the case: German

Referring court

Amtsgericht Köln

Parties to the main proceedings

Applicants: Elke Roch, Jürgen Roch

Defendant: Germanwings GmbH

Questions referred

1. Is a technical defect of the aircraft caused by bird strike, that is, a collision in the air between the aircraft and birds, an extraordinary circumstance within the meaning of Article 5(3) of the regulation? ⁽¹⁾
2. Is Article 5(3) of the regulation to be interpreted as meaning that the operating air carrier can rely also on extraordinary circumstances which did not occur on the flight booked by the passenger but on an immediately preceding flight with the aircraft scheduled for the booked flight as part of a flight diagram?

⁽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).