

Request for a preliminary ruling from the Amtsgericht Hamburg (Germany) lodged on 10 May 2019 — GE v Société Air France

(Case C-370/19)

(2019/C 280/30)

Language of the case: German

Referring court

Amtsgericht Hamburg

Parties to the main proceedings

Applicant: GE

Defendant: Société Air France

Question referred

Does a trade union organised strike by the staff of an operating air carrier constitute an 'extraordinary circumstance' within the meaning of Article 5(3) of Regulation (EC) No 261/2004? ⁽¹⁾

⁽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 Sąd Rejonowy w Ostrowie Wielkopolskim (Poland) lodged on 15 May 2019 — Powiat Ostrowski v Ubezpieczeniowy Fundusz Gwarancyjny z siedzibą w Warszawie

(Case C-383/19)

(2019/C 280/31)

Language of the case: Polish

Referring court

Sąd Rejonowy w Ostrowie Wielkopolskim

Parties to the main proceedings

Applicant: Powiat Ostrowski

Defendant: Ubezpieczeniowy Fundusz Gwarancyjny z siedzibą w Warszawie

Questions referred

- 1) Must Article 3 of Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability, ⁽¹⁾ be interpreted as meaning that the obligation to take out civil liability motor insurance extends even to situations in which a local government authority — a district — has acquired, on the basis of a court decision, title to a vehicle which is not capable of being driven, is on private property in the form of a guarded car park not on the public highway, and is to be destroyed in accordance with the wishes of its owner?
- 2) Or must it be interpreted as meaning that, in such circumstances, the local government authority, as the owner of the vehicle, is not obliged to take out insurance, without prejudice to the liability of the fund towards injured third parties?

⁽¹⁾ OJ 2009 L 263, p. 11.

**Request for a preliminary ruling from the Varhoven administrativen sad (Bulgaria) lodged on 21 May 2019 —
‘Unipack’ AD v Direktor na Teritorialna direksia ‘Dunavska’ of the Agentsia ‘Mitnitsi’, The Public Prosecutor
at the Varhovna administrativna prokuratura of the Republic of Bulgaria**

(Case C-391/19)

(2019/C 280/32)

Language of the case: Bulgarian

Referring court

Varhoven administrativen sad

Parties to the main proceedings

Appellant in the appeal on a point of law: ‘Unipack’ AD

Respondent in the appeal on a point of law: Direktor na Teritorialna direksia ‘Dunavska’ of the Agentsia ‘Mitnitsi’, The Public Prosecutor at the Varhovna administrativna prokuratura of the Republic of Bulgaria

Question referred

Does it constitute exceptional circumstances within the meaning of Article 172(2) of Commission Delegated Regulation (EU) 2015/2446 ⁽¹⁾ of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code, which would provide a basis for the granting of authorisation with retroactive effect pursuant to Article 211(2) of the Union Customs Code for the use of the end-use customs procedure pursuant to Article 254 of the Union Customs Code in relation to an import of products that took place before the date of acceptance of the application for authorisation and after the expiry of the validity of a BTI decision in favour of the holder of the procedure for those products due to an amendment to the Combined Nomenclature, if, in the period (of approximately 10 months) between the expiry of the validity of the BTI decision and the import for which the use of the end-use procedure was requested, several (nine) imports of products were made without the customs authorities having corrected the declared Combined Nomenclature code, and the goods were used for a purpose exempted from the anti-dumping duty?

⁽¹⁾ OJ 2015 L 343, p. 1.