

Parties to the main proceedings

Applicant: Jaouad El Majdoub

Defendant: CarsOnTheWeb.Deutschland GmbH

Question referred

Does so-called ‘click wrapping’ fulfil the requirements for there to be a communication by electronic means within the meaning of Article 23(2) of Regulation No 44/2001? ⁽¹⁾

⁽¹⁾ Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).

Request for a preliminary ruling from the Rechtbank Noord-Holland (Netherlands) lodged on 7 July 2014 — Helm AG v Inspecteur van de Belastingdienst/Douane, kantoor Rotterdam Rijnmond

(Case C-323/14)

(2014/C 315/66)

Language of the case: Dutch

Referring court

Rechtbank Noord-Holland

Parties to the main proceedings

Applicant: Helm AG

Defendant: Inspecteur van de Belastingdienst/Douane, kantoor Rotterdam Rijnmond

Question referred

Is Council Regulation (EU) No 248/2011 ⁽¹⁾ invalid, to the extent to which it relates to the Jushi Group, in view of the fact that the Commission did not determine within three months of the initiation of the investigation, in accordance with the second subparagraph of Article 2(7)(c) of the basic regulation, ⁽²⁾ whether the Jushi Group, which was included in the sample, met the criteria set out in the first subparagraph of Article 2(7)(c) of the basic regulation?

⁽¹⁾ Implementing Regulation of 9 March 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain continuous filament glass fibre products originating in the People's Republic of China (OJ 2011 L 67, p. 1).

⁽²⁾ Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community (OJ 2009 L 343, p. 51).

Request for a preliminary ruling from the Hof van beroep te Brussel (Belgium) lodged on 7 July 2014 — SBS Belgium NV v Belgische Vereniging van Auteurs, Componisten en Uitgevers (SABAM)

(Case C-325/14)

(2014/C 315/67)

Language of the case: Dutch

Referring court

Hof van beroep te Brussel

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 ⁽¹⁾ 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?

⁽¹⁾ OJ 2001 L 167, p. 10.

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 ⁽¹⁾ 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?

⁽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 — Commission Statement (OJ 2004 L 46, p. 1).

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