

Parties to the main proceedings

Applicant: Eurowings GmbH

Defendants: Klaus Rövekamp, Christiane Rupp

Question referred

Can a right to compensation under Article 7 of Regulation (EC) No 261/2004⁽¹⁾ also exist when a passenger does not catch a directly connecting flight due to a relatively minor delay in arrival, with the result that there is a delay in arrival at the final destination of three hours or more, but the two flights were operated by different air carriers and the booking confirmation was issued by a tour operator who combined the flights for its customer?

⁽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 Hoge Raad der Nederlanden (Netherlands) lodged on 9 November 2017 — SF v Inspecteur van de Belastingdienst

(Case C-631/17)

(2018/C 063/07)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: SF

Defendant: Inspecteur van de Belastingdienst

Question referred

The legislation of which Member State is designated by Regulation No 883/2004⁽¹⁾ in a situation in which the person concerned (a) resides in Latvia, (b) has Latvian nationality, (c) is employed by an employer established in the Netherlands, (d) works as a seafarer, (e) works on board a vessel at sea flying the flag of the Bahamas, and (f) performs those activities outside the territory of the European Union?

⁽¹⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).

Request for a preliminary ruling from the Rechtbank Den Haag, sitting in Haarlem (Netherlands) lodged on 14 November 2017 — E. v Staatssecretaris van Veiligheid en Justitie

(Case C-635/17)

(2018/C 063/08)

Language of the case: Dutch

Referring court

Rechtbank Den Haag, sitting in Haarlem

Parties to the main proceedings

Applicant: E.

Defendant: Staatssecretaris van Veiligheid en Justitie

Questions referred

1. Having regard to Article 3(2)(c) of Directive 2003/86/EC⁽¹⁾ and to the *Nolan* judgment (EU:C:2012:638), does the Court of Justice have jurisdiction to answer questions referred for a preliminary ruling by courts in the Netherlands on the interpretation of provisions of Directive 2003/86/EC in proceedings concerning the right of residence of a member of the family of a person with subsidiary protection status, if that directive has, under Netherlands law, been declared directly and unconditionally applicable to persons with subsidiary protection status?

(see the order for reference made by the Afdeling bestuursrechtspraak van de Raad van State (Chamber for Contentious Administrative Proceedings of the Council of State) of 21 June 2017, ECLI:NL:RVS:2017:1609; registered with the Court of Justice as Case C-380/17);

2. Must Article 11(2) of Directive 2003/86/EC be interpreted as precluding the rejection of a refugee's application for family reunification solely because of the fact that that refugee has not provided any official documentary evidence of the family relationship with his application,

or

must Article 11(2) of Directive 2003/86/EC be interpreted as precluding the rejection of a refugee's application for family reunification on the sole ground of a lack of any official documentary evidence of the family relationship only if that refugee has given a plausible explanation for the fact that he has not provided such documentary evidence and for his statement that he is not yet able to provide such documentary evidence?

⁽¹⁾ Council Directive of 22 September 2003 on the right to family reunification (OJ 2003 L 251, p. 12).

**Request for a preliminary ruling from the Landesgericht Korneuburg (Austria) lodged on
14 November 2017 — Germanwings GmbH v Emina Pedić**

(Case C-636/17)

(2018/C 063/09)

Language of the case: German

Referring court

Landesgericht Korneuburg

Parties to the main proceedings

Appellant: Germanwings GmbH

Respondent: Emina Pedić

Questions referred

1. Is Article 5(3) of 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⁽¹⁾, to be interpreted as meaning that 'all reasonable measures' which the operating air carrier must have taken in order, in the event of extraordinary circumstances, to avoid an obligation to pay compensation in accordance with Article 7 of that regulation must be aimed merely at avoiding the 'extraordinary circumstances' (in this particular case, the allocation of a new (later) air traffic control slot by the European air surveillance organisation EUROCONTROL), or is the operating air carrier also required to take reasonable measures to avoid cancellations or long delays themselves?