

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?

2. If the operating air carrier is required to take reasonable measures to avoid long delays themselves, 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, to be interpreted as meaning that, in the case of the carriage of passengers on a route consisting of two (or more) flights, the air carrier must, in order to avoid an obligation to pay compensation in accordance with Article 7 of that regulation, merely take reasonable measures aimed at avoiding a delay to the flight which it is due to operate and which is subject to possible delay, or that it must also take reasonable measures to avoid a long delay for the individual passenger at the final destination (for example, by examining the possibility of rebooking the passenger onto another flight)?
3. Are Articles 5, 6, 7 and 8 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, to be interpreted as meaning that, in the event of a long delay at the final destination, the operating air carrier — if it wishes to avoid an obligation to pay compensation in accordance with Article 7 of that regulation — must state and prove that it has taken reasonable measures to rebook the passenger onto a flight expected to enable him to reach his final destination without a long delay?

⁽¹⁾ OJ 2004 L 46, p. 1.

Request for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 1 December 2017 — Luonnonsuojeluyhdistys Tapiola Pohjois-Savo — Kainuu ry

(Case C-674/17)

(2018/C 063/10)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Appellant: Luonnonsuojeluyhdistys Tapiola Pohjois-Savo — Kainuu ry

Other parties: Suomen riistakeskus, Risto Mustonen, Kai Ruhanen

Questions referred

1. Can regionally restricted derogation permits based on applications from individual hunters be granted for hunting for 'population management purposes' under Article 16(1)(e) of the Habitats Directive, ⁽¹⁾ having regard to the wording of that provision?
 - In considering that question, is it relevant that the discretion exercised when deciding on derogation permits is governed by a national population management plan and by the maximum number of individual animals killed laid down in a regulation, under which derogation permits may be granted annually for the territory of the Member State?
 - As part of that consideration, may account be taken of other factors, such as the objective of preventing harm to dogs and increasing the general feeling of security?
2. Can derogation permits be granted for hunting for population management purposes, as described in the first question, on the basis that there is no satisfactory alternative within the meaning of Article 16(1) of the Habitats Directive to prevent poaching?