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(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Third Chamber) of 31 January 2013 (request for a preliminary ruling from the Dublin Metropolitan District Court — Ireland) — Denise McDonagh v Ryanair Ltd

(Case C-12/11) ⁽¹⁾

(Air transport — Regulation (EC) No 261/2004 — Notion of ‘extraordinary circumstances’ — Obligation to provide assistance to passengers in the event of cancellation of a flight due to ‘extraordinary circumstances’ — Volcanic eruption leading to the closure of air space — Eruption of the Icelandic volcano Eyjafjallajökull)

(2013/C 86/02)

Language of the case: English

Referring court

Dublin Metropolitan District Court

Parties to the main proceedings

Plaintiff: Denise McDonagh

Defendant: Ryanair Ltd

Re:

Request for a preliminary ruling — Dublin Metropolitan District Court — Interpretation and validity of Articles 5 and 9 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 (OJ 2004 L 46, p. 1) — Notion of ‘extraordinary circumstances’ for the purposes of the regulation — Scope — Flight cancellation owing to the closure of European air space following the eruption of the Icelandic volcano Eyjafjallajökull

Operative part of the judgment

1. Article 5 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, must be interpreted as meaning that circumstances such as the closure of part of European airspace as a result of the eruption of the

Eyjafjallajökull volcano constitute ‘extraordinary circumstances’ within the meaning of that regulation which do not release air carriers from their obligation laid down in Articles 5(1)(b) and 9 of Regulation No 261/2004.

2. Articles 5(1)(b) and 9 of Regulation No 261/2004 must be interpreted as meaning that, in the event of cancellation of a flight due to ‘extraordinary circumstances’ of a duration such as that in the main proceedings, the obligation to provide care to air passengers laid down in those provisions must be complied with, and the validity of those provisions is not affected.

However, an air passenger may only obtain, by way of compensation for the failure of the air carrier to comply with its obligation referred to in Articles 5(1)(b) and 9 of Regulation No 261/2004 to provide care, reimbursement of the amounts which, in the light of the specific circumstances of each case, proved necessary, appropriate and reasonable to make up for the shortcomings of the air carrier in the provision of care to that passenger, a matter which is for the national court to assess.

⁽¹⁾ OJ C 80, 12.3.2011.

Judgment of the Court (Third Chamber) of 31 January 2013 (request for a preliminary ruling from the Grondwettelijk Hof (Belgium)) — Belgische Petroleum Unie VZW and Others v Belgische Staat

(Case C-26/11) ⁽¹⁾

(Directive 98/70/EC — Quality of petrol and diesel fuels — Articles 3 to 5 — Environmental specifications for fuels — Directive 98/34/EC — Information procedure in the field of technical standards and regulations and of rules on Information Society services — Articles 1 and 8 — Concept of ‘technical regulation’ — Obligation to communicate draft technical regulations — National rules requiring petroleum companies placing petrol and/or diesel fuels on the market in the same calendar year also to place on the market a quantity of biofuels)

(2013/C 86/03)

Language of the case: Dutch

Referring court

Grondwettelijk Hof

Parties to the main proceedings

Applicants: Belgische Petroleum Unie VZW, Continental Tanking Company NV, Belgische Olie Maatschappij NV, Octa NV, Van Der Sluijs Group Belgium NV, Belgomazout Liège NV, Martens Energie NV, Transcor Oil Services NV, Mabanafit BV, Belgomine NV, Van Raak Distributie NV, Bouts NV, Gabriels & Co NV, Joassin René NV, Orion Trading Group NV, Petrus NV, Argosoil Belgium NV

Defendants: Belgische Staat,

Intervening parties: Belgian Bioethanol Association VZW, Belgian Biodiesel Board VZW

Re:

Request for a preliminary ruling — Grondwettelijk Hof — Interpretation of Article 4(3) TEU, Articles 26(2), 28, 34, 35 and 36 TFEU, Articles 3, 4 and 5 of Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EC (OJ 1998 L 350, p. 58) and Article 8 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ 1998 L 204, p. 37) — National rules requiring petroleum companies releasing petrol and diesel products for consumption also to make available for consumption in the same year a quantity of bio-ethanol, pure or in the form of bio-ETBE, and fatty acid methyl esters (FAME)

Operative part of the judgment

- Articles 3 to 5 of Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC, as amended by Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009, must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, which, in accordance with the objective of promoting the use of biofuels in transport, set for each Member State by Directives 2003/30/EC of the European Parliament and of the Council of 8 May 2003 on the promotion of the use of biofuels or other renewable fuels for transport, 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC, and 2009/30, requires petroleum companies placing petrol and/or diesel fuels on the market also to place on the market, in the same calendar year, a quantity of biofuels by blending them with those products, where this quantity is calculated as a percentage of the total amount of those products which they market annually, and where those percentages comply with the maximum limits set by Directive 98/70, as amended by Directive 2009/30.
- Article 8 of Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and

regulations and of rules on Information Society services, as amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998, read in conjunction with Article 10(1), final indent, of that directive, must be interpreted as not requiring notification of draft national legislation which obliges petroleum companies placing petrol and/or diesel fuels on the market also to place on the market, in the same calendar year, certain percentages of biofuels, where, after having been notified pursuant to the first subparagraph of Article 8(1), the draft was amended to take account of the Commission's observations on it, and the amended draft was then communicated to the Commission.

(¹) OJ C 113, 9.4.2011.

Judgment of the Court (Second Chamber) of 31 January 2013 (request for a preliminary ruling from the High Court of Ireland — Ireland) — H.I.D., B.A. v Refugee Applications Commissioner, Refugee Appeals Tribunal, Minister for Justice, Equality and Law Reform, Ireland, Attorney General

(Case C-175/11) (¹)

(Request for a preliminary ruling — Common European Asylum System — Application by a national of a third country seeking refugee status — Directive 2005/85/EC — Article 23 — Possibility of prioritising the processing of asylum applications — National procedure applying a prioritised procedure for the examination of applications by persons belonging to a certain category defined on the basis of nationality or country of origin — Right to an effective judicial remedy — Article 39 of Directive 2005/85 — Concept of 'court or tribunal' within the meaning of that article)

(2013/C 86/04)

Language of the case: English

Referring court

High Court of Ireland

Parties to the main proceedings

Applicants: H.I.D., B.A.

Defendants: Refugee Applications Commissioner, Refugee Appeals Tribunal, Minister for Justice, Equality and Law Reform, Ireland, Attorney General

Re:

Request for a preliminary ruling — High Court of Ireland — Interpretation of Articles 23 and 39 of Council Directive 2005/85/EC of 1 December 2005 on minimum standards on