2. Must 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, be interpreted as meaning that an event such as that at issue in the present proceedings, that is to say, the spillage of petrol on a runway which caused that runway to be closed, must be found to be an event inherent in the normal exercise of the activity of an air carrier and, accordingly, cannot be classified as an 'extraordinary circumstance' capable of exonerating the air carrier from its obligation to compensate passengers in the case where a flight operated by that carrier is subjected to a significant delay?

3. If an event such as that at issue in the present proceedings, that is to say, the spillage of petrol on a runway which caused that runway to be closed, must be found to be an 'extraordinary circumstance', must it be inferred from this that, for the air carrier, this is an 'extraordinary circumstance' that could not have been avoided even if all reasonable measures had been taken?

([1]) OJ 2004 L 46, p. 1.

Reference for a preliminary ruling from the Court of Appeal (Ireland) made on 2 March 2018 — Atif Mahmood, Shabina Atif, Mohammed Ahsan, Noor Habib, Mohammed Haroon, Nik Bibi Haroon v Minister for Justice and Equality

(Case C-169/18)

(2018/C 166/31)

Language of the case: English

Referring court

Court of Appeal (Ireland)

Parties to the main proceedings

Applicants: Atif Mahmood, Shabina Atif, Mohammed Ahsan, Noor Habib, Mohammed Haroon, Nik Bibi Haroon

Defendant: Minister for Justice and Equality

Questions referred

1. Subject to the potential justifications described in Questions 2, 3 and 4, is a Member State in breach of the requirement in Article 5(2) of Directive 2004/38/EC ([1]) 'the 2004 Directive') to issue a visa as quickly as possible to the spouse and family Members of a Union citizen exercising free movement rights in the Member State in question or intending to exercise such rights where the delays in processing such an application exceed 12 months or more?

2. Without prejudice to Question 1, are delays in processing or otherwise deciding on an application for a visa pursuant to Article 5(2) arising from the necessity to ensure in particular by way of background checks that the application is not fraudulent or an abuse of rights, including that the marriage amounts to a marriage of convenience, whether by virtue of Article 35 of the 2004 Directive or otherwise and thus not a breach of Article 5(2)?

3. Without prejudice to Question 1, are delays in processing or deciding on an application for a visa pursuant to Article 5 (2) arising from the necessity to conduct extensive background and security checks on persons coming from certain third countries because of specific concerns relating to security in respect of travellers coming from those third countries, whether by virtue of Article 27 or Article 35 of the 2004 Directive or otherwise justifiable and thus not in breach of Article 5(2)?

4. Without prejudice to Question 1, are delays in processing or deciding on an application for a visa pursuant to Article 5 (2) arising from a sudden and anticipated surge in such applications coming from certain third countries which are thought to present real security concerns justifiable and thus not in breach of Article 5(2)?

(1) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004, L 158, p. 77).

Request for a preliminary ruling from the Tribunal de première instance de Liège (Belgium) lodged on 5 March 2018 — Jean Jacob, Dominique Lennertz v État belge

(Case C-174/18)

(2018/C 166/32)

Language of the case: French

Referring court

Tribunal de première instance de Liège

Parties to the main proceedings

Applicants: Jean Jacob, Dominique Lennertz

Defendants: État belge

Question referred

Is it contrary to Article 39 [EC, now Article 45 TFEU] for the Belgian tax system, in Article 155 of the CIR/92 and regardless of whether or not Circular No Ci.RH.331/575.420 of 12 March 2008 is applied, to have the effect that the Luxembourg pensions of the applicant Mr Jacob, which are exempted from tax pursuant to Article 18 of the Convention concluded between Belgium and Luxembourg for the avoidance of double taxation, are taken into account for the purpose of calculating the tax payable in Belgium and used as the basis of assessment for the granting of tax advantages provided for under the CIR/92, even though they should not form part of that basis by reason of their total exemption as provided for in the Convention for the avoidance of double taxation, and that those advantages, such as the tax-free allowance, long-term savings, costs paid with service vouchers, costs incurred in saving energy in the home, costs incurred in protecting the home against theft or fire, and charitable donations made by the applicant Mr Jacob, are partly lost, reduced or granted to a lesser extent than if both applicants had income earned in Belgium, which, for its part, is taxable in Belgium and is not exempt and may thus absorb the tax advantages in their entirety?

Request for a preliminary ruling from the justice de paix de Schaerbeek (Belgium) lodged on 13 March 2018 — Société nationale de chemins de fer belges (SNCB) v Gherasim Sorin Rusu

(Case C-190/18)

(2018/C 166/33)

Language of the case: French

Referring court

Justice de paix de Schaerbeek