

Request for a preliminary ruling from the Cour du travail de Mons (Belgium) lodged on 25 March 2016 — Miguel José Moreno Osacar v Ryanair Ltd

(Case C-169/16)

(2016/C 191/23)

Language of the case: French

Referring court

Cour du travail de Mons

Parties to the main proceedings

Appellant: Miguel José Moreno Osacar

Respondent: Ryanair Ltd

Questions referred

Taking into account:

- the need for predictability of approach and legal certainty, which governed the adoption of the rules on jurisdiction and the enforcement of judgments in civil and commercial proceedings laid down in the Convention of 27 September 1968 on jurisdiction and the enforcement of judgments in civil and commercial matters (OJ 1978 L 304, p. 36), as amended by the Convention of 29 November 1996 on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden (OJ 1997 C 15, p. 1), ('the Brussels Convention') and 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) (see, in particular, the judgment of 19 July 2012 in *Mahamdia* (C-154/11, EU:C:2012:491, paragraphs 44 and 46),
- the particular features of the European air navigation sector, in which air crews working for airlines whose registered office is in one of the Member States of the European Union fly over, on a daily basis, the territory of the European Union, departing from a home base that may, as in the present case, be located in another Member State,
- the particular circumstances of the present case as described in the grounds of the present order for reference,
- the criterion derived from the concept of 'home base' (as defined in Annex III to Regulation No 3922/91), which is used in Regulation No 883/2004 to determine which social security legislation applies, with effect from 28 June 2012, to airline flight crews and cabin crews,
- the approach taken in the case-law of the Court of Justice of the European Union, in the terms of the judgments cited in the grounds of the present order for reference,

may the concept of the 'place where the employee habitually carries out his work' referred to in Article 19(2) of Council Regulation (EC) No 44/2001 of 22 December 2000 be interpreted as being comparable to that of 'home base', defined in Annex III to Council Regulation (EEC) No 3922/91 of 16 December 1991 as 'the location nominated by the operator to the crew member from where the crew member normally starts and ends a duty period or a series of duty periods and where, under normal conditions, the operator is not responsible for the accommodation of the crew member concerned', for the purpose of determining the Contracting State (and thus the jurisdiction) on whose territory an employee habitually carries out his work where the employee is employed as a member of the air crew of an airline, subject to the laws of a Member State of the European Union, that transports passengers internationally by air throughout the territory of the European Union, since that criterion of connection, based on the 'home base', in the sense of 'the effective centre of the work relationship', inasmuch as the employee systematically begins and ends his working day at that place, organises his daily work there and, throughout the period of his contractual relationship maintains his residence there, is the criterion which both indicates the closest connection with a Contracting State and ensures the most satisfactory protection of the weaker party in the contractual relationship?
