

Parties to the main proceedings

Applicants: Marcela Pešková, Jiří Peška

Defendant: Travel Service a.s.

Operative part of the judgment

1. 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, read in the light of recital 14 thereof, must be interpreted as meaning that a collision between an aircraft and a bird is classified under the concept of 'extraordinary circumstances' within the meaning of that provision.
2. Article 5(3) of Regulation No 261/2004, read in the light of recital 14 thereof, must be interpreted as meaning that cancellation or delay of a flight is not due to extraordinary circumstances when that cancellation or delay is the result of the use by the air carrier of an expert of its choice to carry out fresh safety checks necessitated by a collision with a bird after those checks have already been carried out by an expert authorised under the applicable rules.
3. Article 5(3) of Regulation No 261/2004, read in the light of recital 14 thereof, must be interpreted as meaning that the 'reasonable measures' which an air carrier must take in order to reduce or even prevent the risks of collision with a bird and thus be released from its obligation to compensate passengers under Article 7 of Regulation No 261/2004 include control measures preventing the presence of such birds provided that, in particular at the technical and administrative levels, such measures can actually be taken by that air carrier, that those measures do not require it to make intolerable sacrifices in the light of the capacities of its undertaking and that that carrier has shown that those measures were actually taken as regards the flight affected by the collision with a bird, it being for the referring court to satisfy itself that those conditions have been met.
4. Article 5(3) of Regulation No 261/2004, read in the light of recital 14 thereof, must be interpreted as meaning that, in the event of a delay to a flight equal to or in excess of three hours in arrival caused not only by extraordinary circumstances, which could not have been avoided by measures appropriate to the situation and which were subject to all reasonable measures by the air carrier to avoid the consequences thereof, but also in other circumstances not in that category, the delay caused by the first event must be deducted from the total length of the delay in arrival of the flight concerned in order to assess whether compensation for the delay in arrival of that flight must be paid as provided for in Article 7 of that regulation.

⁽¹⁾ OJ C 414, 14.12.2015.

**Judgment of the Court (Third Chamber) of 4 May 2017 (request for a preliminary ruling from the
Nederlandstalige rechtbank van eerste aanleg te Brussel — Belgium) — Criminal proceedings against
Luc Vanderborght**

(Case C-339/15) ⁽¹⁾

(Reference for a preliminary ruling — Article 56 TFUE — Freedom to provide services — Provision of oral and dental care — National legislation prohibiting, in absolute terms, advertising for oral and dental care services — Existence of a cross-border element — Protection of public health — Proportionality — Directive 2000/31/EC — Information society service — Advertising via an internet site — Member of a regulated profession — Professional rules — Directive 2005/29/EC — Unfair trading practices — National provisions relating to health — National provisions governing regulated professions)

(2017/C 213/07)

Language of the case: Dutch

Referring court

Nederlandstalige rechtbank van eerste aanleg te Brussel

Party in the main proceedings

Luc Vanderborght

Operative part of the judgment

1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('the Unfair Commercial Practices Directive') must be interpreted as not precluding a national provision, such as that at issue in the main proceedings, which protects public health and the dignity of the profession of dentist, first, by imposing a general and absolute prohibition of any advertising relating to the provision of oral and dental care services and, secondly, by establishing certain requirements of discretion with regard to signs of dental practices;
2. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce') must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which imposes a general and absolute prohibition of any advertising relating to the provision of oral and dental care services, inasmuch as it prohibits any form of electronic commercial communications, including by means of a website created by a dentist;
3. Article 56 TFEU must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which imposes a general and absolute prohibition of any advertising relating to the provision of oral and dental care services.

⁽¹⁾ OJ C 311, 21.9.2015.

Judgment of the Court (Ninth Chamber) of 4 May 2017 — European Commission v United Kingdom of Great Britain and Northern Ireland

(Case C-502/15) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 91/271/EEC — Articles 3 to 5 and 10 — Annex I, Sections A, B and D — Urban waste-water treatment — Collecting systems — Secondary or equivalent treatment — More stringent treatment of discharges into sensitive areas)

(2017/C 213/08)

Language of the case: English

Parties

Applicant: European Commission (represented by: K. Mifsud-Bonnici and E. Manhaeve, Agents)

Defendant: United Kingdom of Great Britain and Northern Ireland (represented by: J. Kraehling, Agent, and by S. Ford, Barrister)

Operative part of the judgment

The Court:

1. Declares that, by not ensuring that the waters collected in a combined urban waste waters and rainwater system in the Gowerton and Llanelli agglomerations are retained and conducted for treatment, in compliance with the requirements of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under Articles 3, 4 and 10 of, and Sections A and B of Annex I to, that directive;
2. Declares that, by not putting in place secondary treatment for the urban waste water in the Ballycastle agglomeration and by not subjecting the urban waste water in the Gibraltar agglomeration to any treatment, the United Kingdom of Great Britain and Northern Ireland has failed to fulfil its obligations under Article 4 of, and Section B of Annex I to, Directive 91/271;