

Operative part of the judgment

Article 16 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, where an individual complaint has been made by a passenger to the body designated by each Member State pursuant to Article 16(1) of the regulation following the refusal by an air carrier to pay to the passenger the compensation provided for in Article 7(1) of the regulation, that body is not required to take enforcement action against the carrier with a view to compelling it to pay the compensation.

⁽¹⁾ OJ C 198, 15.6.2015.

Judgment of the Court (First Chamber) of 17 March 2016 (request for a preliminary ruling from the Conseil d'État — Belgium) — Abdelhafid Bensada Benallal v État belge

(Case C-161/15) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2004/38/EC — Decision withdrawing residence authorisation — Principle of respect for the rights of the defence — Right to be heard — Procedural autonomy of the Member States — Admissibility of grounds of appeal on a point of law — Plea based on public policy)

(2016/C 156/25)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Abdelhafid Bensada Benallal

Defendant: État belge

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EU law must be interpreted as meaning that where, in accordance with the applicable national law, a plea alleging infringement of national law raised for the first time before the national court hearing an appeal on a point of law is admissible only if that plea is based on public policy, a plea alleging infringement of the right to be heard, as guaranteed by EU law, raised for the first time before that same court, must be held to be admissible if that right, as guaranteed by national law, satisfies the conditions required by national law for it to be classified as a plea based on public policy, this being a matter for the referring court to determine.

⁽¹⁾ OJ C 190, 8.6.2015.