

- e) at the point at which the lower salary scales were introduced, the State's statistics showed that 70 % of teachers appointed were 25 years of age or under and it was acknowledged that this was typical of the age profile of entrants to national teaching in any given year; and
- f) national teachers who entered the profession in 2011 and later suffer a clear financial disadvantage in comparison to their teaching colleagues appointed prior to 2011.
2. If the answer to question 1 is in the affirmative, can the introduction of the lower salary scales be objectively justified by a requirement to achieve a medium- to long-term structural reduction in the cost of the public service, having regard to budgetary constraints facing the State and/or the importance of maintaining good industrial relations with existing civil and public servants?
3. Would the answer to question 2 be different if the State could have achieved equivalent savings by reducing the pay of all teachers by a significantly lesser amount than the reduction applied only to newly recruited teachers?
4. Would the answer to questions 2 or 3 be different if the decision not to reduce the salary scales applicable to teachers already in employment was taken in compliance with a collective agreement between the Government as an employer and the trade unions representing public service workers whereby the Government committed not to further reduce the pay of existing public servants who had already been subject to pay cuts and the industrial relations consequences that would flow from a failure to comply with that agreement, having regard to the fact that the new pay scale introduced in 2011 did not form part of such a collective agreement?

⁽¹⁾ OJ 2000, L 303, p. 16.

**Request for a preliminary ruling from the Justice de paix du troisième canton de Charleroi (Belgium)
lodged on 27 February 2018 — André Moens v Ryanair Ltd**

(Case C-159/18)

(2018/C 166/30)

Language of the case: French

Referring court

Justice de paix du troisième canton de Charleroi

Parties to the main proceedings

Applicant: André Moens

Defendant: Ryanair Ltd

Questions referred

[The] request for a preliminary ruling concerning the interpretation of 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 ⁽¹⁾ [is] worded as follows:

1. Does the circumstance at issue in the present proceedings, that is to say, the spillage of petrol on a runway which caused that runway to be closed, fall to be classified under the notion of an 'event' within the meaning of paragraph 22 of the judgment of 22 December 2008, *Wallentin-Hermann* (C-549/07, EU:C:2008:771), or under that of 'extraordinary circumstances' within the meaning of recital 14 of that regulation, as interpreted by the judgment of 31 January 2013, *McDonagh* (C-12/11, EU:C:2013:43), or do those two concepts overlap?

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)?