

- while national law does in principle provide for the institution of detention for the purpose of enforcing judicial decisions, national constitutional case-law precludes the application of the relevant provision to a situation of the nature involved here, and
- for a situation of the nature involved here, national law does not provide for coercive instruments that are more expedient than threats and impositions of financial penalties but are less invasive than detention, and recourse to such coercive instruments does not come into consideration from a substantive point of view either?

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**Request for a preliminary ruling from the Tribunal d'instance d'Aulnay-Sous-Bois (France) lodged on  
3 December 2018 — LC, MD v easyJet Airline Co. Ltd**

(Case C-756/18)

(2019/C 54/15)

*Language of the case: French*

**Referring court**

Tribunal d'instance d'Aulnay-Sous-Bois

**Parties to the main proceedings**

*Applicants:* LC, MD

*Defendant:* easyJet Airline Co. Ltd

**Question referred**

Is Article 3(2)(a) 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 <sup>(1)</sup> ('Regulation No 261/2004'), to be interpreted as meaning that, in order to rely on the provisions of the regulation, passengers must prove that they presented themselves for check-in?

If so, does Article 3(2)(a) of Regulation No 261/2004 preclude a rule of simple presumption that the requirement that a passenger present himself for check-in may be regarded as satisfied if the passenger has a reservation that has been accepted and registered by the operating air carrier within the meaning of Article 2(g)?

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<sup>(1)</sup> OJ 2004 L 46, p. 1.

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**Request for a preliminary ruling from the Rayonen sad Haskovo (Bulgaria) lodged on 4 December  
2018 — QH v Varhoven kasatsionen sad of the Republic of Bulgaria**

(Case C-762/18)

(2019/C 54/16)

*Language of the case: Bulgarian*

**Referring court**

Rayonen sad Haskovo

**Parties to the main proceedings**

*Applicant:* QH

*Defendant:* Varhoven kasatsionen sad of the Republic of Bulgaria

### Questions referred

1. Must Article 7(1) of Directive 2003/88/EC<sup>(1)</sup> of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time be interpreted as precluding national legislation and/or case-law, according to which a worker who has been unfairly dismissed and subsequently reinstated by a court decision, is not entitled to paid annual leave for the period from the date of dismissal until the date of his reinstatement?
2. In the event that the first question is answered in the affirmative, must Article 7(2) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time be interpreted as precluding national legislation and/or case-law, according to which in the event that the employment relationship is terminated once again the worker in question is not entitled to financial compensation for unused paid annual leave for the period from the date of his previous dismissal until the date of his reinstatement?

<sup>(1)</sup> OJ 2003 L 299, p. 9.

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**Request for a preliminary ruling from the Cour de cassation (France) lodged on 7 December 2018 —  
Caisse d'assurance retraite et de la santé au travail d'Alsace-Moselle v SJ, Ministre chargé de la  
Sécurité sociale**

**(Case C-769/18)**

(2019/C 54/17)

*Language of the case: French*

### Referring court

Cour de cassation

### Parties to the main proceedings

*Applicant:* Caisse d'assurance retraite et de la santé au travail d'Alsace-Moselle

*Defendants:* SJ, Ministre chargé de la Sécurité sociale

### Questions referred

1. Does the social assistance for help with the expenditure associated with a disability provided for by Paragraph 35a of the Eighth Book of the Sozialgesetzbuch (German Social Code) fall within the material scope of Regulation No 883/2004?<sup>(1)</sup>
2. If it does, are the payment of the child-rearing allowance for a disabled child and the supplement thereto, or, in its place, the disability compensation allowance, on the one hand, and the social assistance for the integration of children and young people with mental disabilities, provided for in Paragraph 35a of the Eighth Book of the Sozialgesetzbuch (German Social Code), on the other hand, of an equivalent nature within the meaning of Article 5(a) of Regulation No 883/2004, having regard to the purpose of Article L. 351-4-1 of the French Social Security Code aimed at the taking into account of the costs inherent in raising a child with a disability for the purposes of the determination of the insurance period providing entitlement to a retirement pension?

<sup>(1)</sup> Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).