



## Newsletter

Week XX - XXI: 13<sup>th</sup> – 24<sup>th</sup> May 2024

### Contact us

@ENDesk

Jacques René  
Zammit  
Press Officer  
+352 4303 3355

Monica Pizzo  
Assistant  
+352 4303 3366

Desk Email  
Press.ENdesk@curia.europa.eu

\*\*\*

**Graziella  
Schembri**

assisted in the  
preparation of  
this Newsletter.

\*\*\*

Follow  
[@EUCourtPress](#)  
on X (formerly  
Twitter)

\*\*\*

Download our  
app



\*\*\*

## Week XX 13<sup>th</sup> to 17<sup>th</sup> May

### Thursday 16<sup>th</sup> May

#### [Judgment in Case C-27/23 Hocinx](#)

*(Freedom of movement for workers – Social security for migrant workers)*

A Belgian national works in Luxembourg and lives in Belgium. Since he has frontier worker status, he depends on the Luxembourg system for family allowances, which he has received for several years for a child placed in his home by court order.

In 2017, however, the Caisse de l'Avenir des Enfants (Luxembourg) withdrew his entitlement to this family allowance. This organisation considers that the payment of family allowances is limited to children who are directly related (legitimate, natural or adopted) to the frontier worker.

However, children residing in Luxembourg and placed into care are entitled to receive this allowance, which is paid to the natural or legal carers having custody over the children.

The Cour de Cassation (Luxembourg) asked the Court of Justice for guidance as to whether the rules of the Luxembourg Social Code constituted indirect discrimination by applying different conditions for entitlement depending on whether the worker was resident or not.

#### [Background Documents C-27/23](#)

**There will be a press release for this case.**

### Thursday 16<sup>th</sup> May

#### [Judgment in Case C-405/23 Touristic Aviation Services](#)

*(Transport)*

In 2021, a flight from Cologne-Bonn (Germany) to the Greek island of Kos, operated by TAS, was delayed by 3 hours and 49 minutes. The delay was due to a number of

# Newsletter

Weeks XX – XXI: 13<sup>th</sup> – 24<sup>th</sup> May 2024

All times are 9:30 unless otherwise stated.

Don't forget to check the diary on our website for details of other cases.



reasons, but mainly due to a lack of staff at Cologne-Bonn airport to load luggage onto the plane.

A number of passengers affected by the delay have assigned their claims for compensation to Flightright who brought an action against TAS before the German courts. Flightright argued that the delay was attributable to TAS and could not be justified by extraordinary circumstances.

Under the EU law ([Regulation \(EC\) No 261/2004](#)), an airline is not obliged to pay compensation for a long delay, i.e. more than three hours, if it can prove that the delay was due to 'extraordinary circumstances' which could not have been avoided even if all reasonable measures had been taken.

The German court hearing the case asked the Court of Justice whether a shortage of the airport operator's staff responsible for loading luggage onto aircraft could constitute an 'extraordinary circumstance'.

### [Background Documents C-405/23](#)

**There will be a press release for this case.**

## Week XXI 20<sup>th</sup> to 24<sup>th</sup> May

**The Court is in recess for the Whit Sunday break.**

## HEARINGS OF NOTE\*

### Court of Justice

Tuesday 14<sup>th</sup> May 2024: 09:30 – Case [C-339/22 BSH Hausgeräte](#) (Area of freedom, security and justice – Judicial cooperation in civil matters) ([streamed on Curia](#))

Wednesday 15<sup>th</sup> May 2024: 09:30 Case [C-370/23 Mesto Rimavská Sobota](#) (Environment)

Thursday 16<sup>th</sup> May 2024: 09:30 – Case [C-137/23 Alsen](#) (Taxation)

\* This is a non-exhaustive list and does not include all the hearings over the next two weeks.

---

# Newsletter

Weeks XX - XXI: 13<sup>th</sup> - 24<sup>th</sup> May 2024

