

4. Without prejudice to Question 1, are delays in processing or deciding on an application for a visa pursuant to Article 5 (2) arising from a sudden and anticipated surge in such applications coming from certain third countries which are thought to present real security concerns justifiable and thus not in breach of Article 5(2)?

⁽¹⁾ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ 2004, L 158, p. 77).

Request for a preliminary ruling from the Tribunal de première instance de Liège (Belgium) lodged on 5 March 2018 — Jean Jacob, Dominique Lennertz v État belge

(Case C-174/18)

(2018/C 166/32)

Language of the case: French

Referring court

Tribunal de première instance de Liège

Parties to the main proceedings

Applicants: Jean Jacob, Dominique Lennertz

Defendants: État belge

Question referred

Is it contrary to Article 39 [EC, now Article 45 TFEU] for the Belgian tax system, in Article 155 of the CIR/92 and regardless of whether or not Circular No Ci.RH.331/575.420 of 12 March 2008 is applied, to have the effect that the Luxembourg pensions of the applicant Mr Jacob, which are exempted from tax pursuant to Article 18 of the Convention concluded between Belgium and Luxembourg for the avoidance of double taxation, are taken into account for the purpose of calculating the tax payable in Belgium and used as the basis of assessment for the granting of tax advantages provided for under the CIR/92, even though they should not form part of that basis by reason of their total exemption as provided for in the Convention for the avoidance of double taxation, and that those advantages, such as the tax-free allowance, long-term savings, costs paid with service vouchers, costs incurred in saving energy in the home, costs incurred in protecting the home against theft or fire, and charitable donations made by the applicant Mr Jacob, are partly lost, reduced or granted to a lesser extent than if both applicants had income earned in Belgium, which, for its part, is taxable in Belgium and is not exempt and may thus absorb the tax advantages in their entirety?

Request for a preliminary ruling from the justice de paix de Schaerbeek (Belgium) lodged on 13 March 2018 — Société nationale de chemins de fer belges (SNCB) v Gherasim Sorin Rusu

(Case C-190/18)

(2018/C 166/33)

Language of the case: French

Referring court

Justice de paix de Schaerbeek

Parties to the main proceedings

Applicant: Société nationale de chemins de fer belges (SNCB)

Defendant: Gherasim Sorin Rusu

Question referred

Do Council Directive 93/13/EC on terms in consumer contracts ⁽¹⁾ and Regulation No 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations ⁽²⁾ apply to relations between the SNCB and passengers caught without a valid ticket?

⁽¹⁾ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29).

⁽²⁾ Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ 2007 L 315, p. 14).
