




## FOLLOW-UP OF PRELIMINARY RULINGS

OVERVIEW FROM 1st to 31st OCTOBER 2017

### FLASH NEWS

1/17

 **Belgium – Court of Cassation**

[Ruling G4S Secure Solutions NV, [C-157/15](#)]

***Social Policy - Equality of treatment - Prohibition of wearing the Islamic headscarf***

Following the judgment of the Court of Justice in case C-157/15, the Court of Cassation partially reversed the judgement of the Court of Appeal of Antwerp, concerning the dismissal of a worker wearing the Islamic headscarf in violation of an internal rule of the company in question which prohibited the visible wearing of any political, philosophical or religious signs at the work place. The Court of Cassation sanctioned an incorrect interpretation of the internal law when determining the right to compensation for abuse of the right to dismiss. However, the Court of Cassation, while reiterating the decision of the Court of Justice, upheld the judgment of the Court of Appeal insofar as it was ruled that the disputed prohibition did not constitute direct discrimination based on any religion or beliefs under Directive 2000/78.

*Hof van Cassatie, [ruling of 09.10.2017 \(NL\)](#)*

 **France – Administrative court of appeal of Douai**

[Judgement Lobkowicz, [C-690/15](#)]

***Privileges and immunities of the European Union- Subjecting an official to national social security contributions.***

Following the judgement of the Court of Justice in the C-690/15 case, the Administrative Court of Appeal of Douai considered that the land revenue received in France by an official of the European Union having his tax residence on the French territory cannot be subject to the generalised social contribution on income from assets, the social security charges of 2 % and the additional contribution of 0.3 % to this charge. On the other hand, such income may be subject to the contribution of 1.1 %, as it is specifically allocated for financing a benefit which does not come under regulation number 1408/71 and which does fall under the scope of this regulation.

*Administrative Court of Appeal of Douai, [ruling of 12.10.2017, no. 14DA00317 \(FR\)](#)*

 **France – Council of State**

[Judgement W and others, [C-621/15](#)]

***Liability for Defective Products- Vaccine against Hepatitis B***

Following the judgement C- 621/ 15, the Court of Cassation rejected the appeal filed by the successors of a patient of the multiple sclerosis against the judgement by which the Court of Appeal of Paris had rejected their requests seeking to establish that there was a causal link between the hepatitis B vaccine and multiple sclerosis and thus have the Sanofi company declared liable for the adverse consequences of this vaccination. It held that the Court of Appeal, which had neither required proof of an abstract imputability for multiple sclerosis to the Hepatitis B vaccination, nor inferred the absence of serious, precise and consistent presumptions based only on the lack of scientific consensus on the aetiology of multiple sclerosis, had considered, in exercising its sovereign discretionary power, that, in particular, the concomitance between the vaccination and the appearance of the disease did not constitute such a presumption allowing to confirm the existence of a causal link between the vaccines administered and the disease.

*Court of cassation, [judgement of 18.10.2017, no. 1101 \(15-20.791\) \(FR\)](#)*

The intranet site of the Research and Documentation Directorate lists all the analyses of the follow-up decisions received and processed by the Directorate since 1st January 2000, arranged by year according to the date of filing of the case in the court. All the analyses established in the context of the follow-up of the preliminary rulings are also available via the internal portal, under each preliminary ruling, under the 'litigation at national level' section.