

Council Directive 2000/78, to be interpreted as precluding national statutory provisions or practices which provide for an occupational old-age pension in the amount corresponding to the ratio of the employee's actual length of service to the time from the beginning of his employment up to his reaching the normal retirement age under the statutory pension scheme (calculated on the basis of the *pro rata temporis* principle) and in so doing apply a maximum limit of reckonable years of service, with the result that employees having completed their period of service in an undertaking at a younger age receive a smaller occupational pension than their colleagues who completed their period of service at an older age, even though both sets of employees completed an equal length of service in the undertaking?

Case C-359/16. Social security

Ömer Altun, Abubekir Altun, Sedrettin Maksutogullari, Yunus Altun, Absa NV, M. Sedat BVBA, Alnur BVBA – v – Openbaar Ministerie, reference lodged by the Belgian Hof van Cassatie on 24 June 2016

Can an E101 certificate issued under Article 11(1) of Regulation (EEC) No 574/72 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as applicable before its repeal by Article 96(1) of Regulation (EC) No 987/2009, be annulled or disregarded by a court other than that of the sending Member State if the facts which are submitted to its scrutiny support the conclusion that the certificate was obtained or invoked fraudulently?

Case C-409/16. Sex discrimination

Ypourgos Esoterikon, Ypourgos Paideias kai Thriskevmaton – v – Maria-Eleni Kalliri, reference lodged by the Greek Symvoulío tis Epikrateias on 22 July 2016

Is Article 1(1) of Presidential Decree 90/2003, which amended Article 2(1) of Presidential Decree 4/1995 and provides that civilian candidates for the Officers' School and the School for Policemen of the Police Academy must, amongst other qualifications, "be of a height (in the case of men and women) of at least 1.70 m", compatible with Directives 76/207/EEC, 2002/73/EC and 2006/54/EC, which prohibit any indirect discrimination on grounds of sex as regards access to employment,

vocational training and promotion, and working conditions, in the public sector (unless that ultimate different treatment is attributable to factors which are objectively justified and are unrelated to any discrimination on grounds of sex, and does not go beyond what is appropriate and necessary in order to serve the objective pursued by the measure)?

Case C-414/16. Religious discrimination

Vera Egenberger – v – Evangelisches Werk für Diakonie und Entwicklung e.V., reference lodged by the German Bundesarbeitsgericht on 27 July 2016

Is Article 4(2) of Directive 2000/78/EC to be interpreted as meaning that an employer, such as the defendant in the present case, or the church on its behalf, may itself authoritatively determine whether adherence by an applicant to a specified religion, by reason of the nature of the activities or of the context in which they are carried out, constitutes a genuine, legitimate and justified occupational requirement, having regard to the employer/church's ethos?

If the first question is answered in the negative:

In a case such as the present one, is it necessary to disapply a provision of national law – such as, in the case at hand, the first alternative of paragraph 9(1) of the General Law on Equal Treatment (Allgemeines Gleichbehandlungsgesetz, the 'AGG') – which provides that a difference in treatment on grounds of religion in the context of employment with religious bodies and organisations adhering to them is lawful where adherence to a specific religion, in accordance with the self-conception of the religious body, having regard to its right of self-determination, constitutes a justified occupational requirement?

If the first question is answered in the negative, further:

What requirements are there as regards the nature of the activities or of the context in which they are carried out, as genuine, legitimate and justified occupational requirements, having regard to the organisation's ethos, in accordance with Article 4(2) of Directive 2000/78/EC?