

Parties to the main proceedings

Applicant: Deo Antoine Homawoo

Defendant: GMF Assurances SA

Questions referred

1. Are Articles 31 and 32 of Regulation (BC) No 864/2007 ⁽¹⁾ of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II), in conjunction with Article 297 of the Treaty on the Functioning of the European Union, to be interpreted to require a national court to apply Rome II, and in particular Article 15(c) thereof, in a case where the event giving rise to the damage occurred on 29th August 2007?
2. Is the answer to question 1 affected by either of the following facts:
 - (i) that the proceedings seeking compensation for damage were commenced on 8th January 2009;
 - (ii) that the national court had not made any determination of the applicable law before 11 January 2009?

⁽¹⁾ OJ L 199, p. 40

Reference for a preliminary ruling from the Conseil d'État (France) lodged on 19 August 2010 — Société Veleclair v Ministre du budget, des comptes publics et de la réforme de l'État

(Case C-414/10)

(2010/C 301/13)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Société Veleclair

Defendant: Ministre du budget, des comptes publics et de la réforme de l'État

Question referred

Does Article 17(2)(b) of the Sixth Directive ⁽¹⁾ permit a Member State to make the right to deduct value added tax on importation conditional, regard being had in particular to the

risk of tax evasion, upon the actual payment of that tax by the taxable person, where the taxable person for the purposes of value added tax on importation and the holder of the corresponding right to deduction are, as in France, the same person?

⁽¹⁾ Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1).

Reference for a preliminary ruling from the Bundesarbeitsgericht (Germany) lodged on 20 August 2010 — Galina Meister v Speech Design Carrier Systems GmbH

(Case C-415/10)

(2010/C 301/14)

Language of the case: German

Referring court

Bundesarbeitsgericht

Parties to the main proceedings

Applicant: Galina Meister

Defendant: Speech Design Carrier Systems GmbH

Questions referred

1. Are Article 19(1) of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) ⁽¹⁾ and Article 8(1) of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ⁽²⁾ and Article 10(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽³⁾ to be interpreted as meaning that, where a worker shows that he meets the requirements for a post advertised by an employer, he has a right vis-à-vis that employer, if he does not obtain the post, to information as to whether the employer has engaged another applicant and, if so, as to the criteria on the basis of which that appointment has been made?
2. If the answer to the first question is affirmative: