

3. Is the introduction of restrictions on the transfer of employees, that is, according to the type of employment relationship or its duration, in the context of a transfer of a business, in particular restrictions of the type referred to in Article 62(5), (6) and (11) of the RJAEL, ⁽²⁾ permissible and therefore consistent with EU law?

⁽¹⁾ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (OJ 2001 L 82, p. 16).

⁽²⁾ Regime Jurídico da Atividade Empresarial Local e das Participações Locais (Portuguese legal regime for local businesses and the shareholdings held by local authorities).

Request for a preliminary ruling from the Nederlandstalige rechtbank van eerste aanleg Brussel (Belgium) lodged on 1 August 2016 — Liga van Moskeeën en Islamitische Organisaties Provincie Antwerpen and Others v Vlaams Gewest

(Case C-426/16)

(2016/C 383/06)

Language of the case: Dutch

Referring court

Nederlandstalige rechtbank van eerste aanleg Brussel

Parties to the main proceedings

Applicants: Liga van Moskeeën en Islamitische Organisaties Provincie Antwerpen, VZW, Unie van Moskeeën en Islamitische Verenigingen van Limburg, VZW, Unie van Moskeeën en Islamitische Verenigingen Oost-Vlaanderen, VZW, Unie der Moskeeën en Islamitische Verenigingen van West-Vlaanderen, VZW, Unie der Moskeeën en Islamitische Verenigingen van Vlaams-Brabant, VZW, Association Internationale Diyanet de Belgique, IVZW, Islamitische Federatie van België, VZW, Rassemblement des Musulmans de Belgique, VZW, Erkan Konak, Chaibi El Hassan

Defendant: Vlaams Gewest

Intervening party: Global Action in the Interest of Animals, VZW

Question referred

Is Article 4(4), read in conjunction with Article 2(k), of Council Regulation (EC) No 1099/2009 ⁽¹⁾ of 24 September 2009 on the protection of animals at the time of killing invalid due to the infringement of Article 9 of the European Convention on Human Rights, Article 10 of the Charter of Fundamental Rights of the European Union and/or Article 13 of the Treaty on the functioning of the European Union, in that they provide that animals may be slaughtered in accordance with special methods required by religious rites without being stunned only if such slaughter takes place in a slaughterhouse falling within the scope of Regulation No 853/2004, ⁽²⁾ whereas there is insufficient capacity in the Vlaams Gewest (Flemish Region) to meet the annual demand for the ritual slaughter of unstunned animals on the occasion of the Islamic Festival of Sacrifice, and the costs of converting temporary slaughter establishments, approved and monitored by the authorities, for the purpose of the Islamic Festival of Sacrifice, into slaughterhouses falling within the scope of Regulation (EC) No 853/2004, do not appear relevant to achieving the objectives pursued of animal welfare and public health and do not appear proportionate thereto?

⁽¹⁾ Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing (OJ 2009 L 303, p. 1).

⁽²⁾ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ 2004 L 139, p. 55).
