

## JURISPRUDENCE FROM THE STATES

### Belgium

- Cour constitutionnelle

Reference: Arrêt n° 48/2017

Date: 27.04.2017

Source: <https://www.italaw.com/sites/default/files/case-documents/italaw8801.pdf>

Topics: *Ne impediatur legatio*. Immunité d'exécution.

### Colombia

- Consejo de Estado. Sala de lo contencioso admitistrativo, sección tercera

Reference: Sentencia 2006-02187/44516

Date: 10.11.2017

Source:

[http://legal.legis.com.co/document?obra=jurcol&document=jurcol\\_2c6206ce5a5e48c993a18e5c02ab3b99](http://legal.legis.com.co/document?obra=jurcol&document=jurcol_2c6206ce5a5e48c993a18e5c02ab3b99)

Topics: Inmunidad de jurisdicción en materia laboral.

### France

- Cour d'appel de Paris, Pôle 4, chambre 2

Reference: 15/17763

Date: 11.10.2017

Source: <https://www.doctrine.fr/d/CA/Paris/2017/C1B69C55557B7512902F9>

Topics: Immunité diplomatique

### Germany

Selected by David Koppe ; period 1.1.2017 – 31.12.2017.

- Tax Court of Baden-Württemberg (*Finanzgericht Baden-Württemberg*), Judgement of 12 January 2017

Reference: FG Baden-Württemberg, Urt. v. 12.01.2017 – 3 K 1670/15 = BeckRS 2017, 94616

[ECLI:DE:FGBW:2017:0112.3K1670.15.0A]

Date: 12.01.2017

Topics: Taxes. Article 34 of the Vienna Convention on Diplomatic Relations.

- Higher Regional Court Oldenburg (OLG Oldenburg), Order of 23 January 2017

Reference: OLG Oldenburg, Beschl. v. 23.1.2017 – 11 UF 150/16 = BeckRS 2017, 110578

[ECLI:DE:OLGOL:2017:0123.11UF150.16.0A]

Date: 23.01.2017

Topics: Protection of the interests of minors. Article 5 *lit.* h of the Vienna Convention on Consular Relations (1961). Guardianship. Interest of a minor. Notification.

- Higher Labour Court Düsseldorf (LAG Düsseldorf), Judgement of 24 January 2017

Reference: LAG Düsseldorf, Urt. v. 25.01.2017 – 7 Sa 585/15 = BeckRS 2017, 109957

[ECLI:DE:LAGD:2017:0125.7SA585.15.00]

Date: 24.01.2017

Topics: Jurisdiction. State immunity. Sovereign activity.

- Federal Labour Court (*Bundesarbeitsgericht*), Judgement of 21 March 2017

Reference: BAG, Urt v. 21.03.2017 – 7 AZR 207/15 = BeckRS 2017, 119476

[ECLI:DE:BAG:2017:210317.U.7AZR207.15.0]

Date: 21.03.2017

Topics: Foreign States. German Jurisdiction. Article 3 paragraph 1 *lit.* d and e of the Vienna Convention on Diplomatic Relations (1961) and of article 5 *lit.* b and c of the Vienna Convention on Consular Relations (1963).

-Local Court of Dresden (*Amtsgericht Dresden*), Order of 30 May 2017

Reference: AG Dresden, Beschl. v. 30.05.2017 – 504 M 5221/17 = BeckRS 2017, 137319

[ECLI:DE:AGDRESD:2017:0530.504M5221.17.0A]

Date: 30.05.2017

Topics: Special envoy. Vienna Convention on Diplomatic Relations (1961). Special Ambassador.

- Higher Social Court Bayern (*LSG Bayern*), Judgement of 19 June 2017

Reference: LSG Bayern, Urt. v. 19.6.2017 – L 9 EG 36/15 = BeckRS 2017, 133459

[ECLI:DE:BAYLSG:2017:0619.9EG36.15.00]

Date: 19.06.2017

Topics: Consular employee. Resident in Germany. Articles 49.1 and 71.2 of the Vienna Convention on Consular Relations. Taxes.

- Higher Administrative Court Hamburg (*OVG Hamburg*), Order of 3 July 2017

Reference: OVG Hamburg, Beschl. v. 3.7.2017 – 4 Bs 142/17 = BeckRS 2017, 120673

[ECLI:DE:OVGHH:2017:0703.4BS142.17.0A]

Date: 3.07.2017

Topics: Protection of life and limb of the G-20. Appropriate precautions.

- Regional Court Tübingen (*LG Tübingen*), Order of 3 August 2017

Reference: LG Tübingen, Beschl. v. 3.8.2017 – T 121/17, 5 T 20/17, 5 T 141/17, 5 T 122/17, 5 T 246/17, 5 T 280/16 = BeckRS 2017, 129595

[ECLI:DE:LG TUEBI:2017:0803.5T121.17.5T20.17.0A]

Date: 3.08.2017

Topics: Broadcasting contributions. Taxpayers under article 2 of Vienna Convention on Diplomatic Relations (1961).

## Latvia

- Court of first instance: *Rīgas pilsētas Vidzemes priekšpilsētas tiesa* (Riga City Vidzeme district court).

Reference: C30622810.

Date: 25.11.2016

Topics: diplomatic immunity, labour contract with Embassy of the Russian Federation

*Comment of Janis Grasis:* Natural person B (Claimant) submitted claim against Division of Social Security of the Consular department of the Russian Embassy in the Republic of Latvia on April 19, 2010. Claimant requested to declare as null and void and illegal notice on termination of the labour legal relations,

cancellation of the mentioned notice, renewal of the work position and to pay compensation or all period of forced absence at workplace. Defendant - Division of Social Security of the Consular department of the Russian Embassy argued that their are part of Embassy of Russian Federation therefore it is under diplomatic immunity according to Vienna Convention of 1961 on diplomatic relations. Latvian court of First Instance referred to the Judgement No. C-154/11 of the Court of EU in case Ahmed Mahamdia versus People's Democratic Republic of Algeria, where it was stated: "... it should be recalled that the functions of an embassy, as stated in Article 3 of the Vienna Convention on Diplomatic Relations, consist essentially in representing the sending State, protecting the interests of the sending State, and promoting relations with the receiving State. In the exercise of those functions, the embassy, like any other public entity, can act *iure gestionis* and acquire rights and obligations of a civil nature, in particular as a result of concluding private law contracts. That is the case where it concludes contracts of employment with persons who do not perform functions which fall within the exercise of public powers that immunity is not absolute, but is generally recognised where the dispute concerns sovereign acts performed *iure imperii*. It may be excluded, by contrast, if the legal proceedings relate to acts performed *iure gestionis* which do not fall within the exercise of public powers. Consequently, in view of the content of that principle of customary international law concerning the immunity of States from jurisdiction, it must be considered that it does not preclude the application of Regulation No 44/2001 in a dispute, such as that in the main proceedings, in which an employee seeks compensation and contests the termination of a contract of employment concluded by him with a State". Court decision was in favour of Claimant.

## United Kingdom

- The Supreme Court

Reference: Michaelmas Term [2017] UKSC 62. On appeal from: [2015] EWCA Civ 33

Date: 18.10.2017

Source: <https://www.supremecourt.uk/cases/docs/uksc-2015-0063-judgment.pdf>

Topics: State Immunity Act 1978. Convention on Human Rights. European Union Charter of Fundamental Rights. Customary international Law.

- The Supreme Court

Reference: Michaelmas Term [2017] UKSC 61. On appeal from: [2015] EWCA Civ 32

Date: 18.10.2017

Source: <https://www.supremecourt.uk/cases/docs/uksc-2016-0023-judgment.pdf>

Topics: Article 31 of the Vienna Convention on Diplomatic Relations 1961. Diplomatic Privileges Act 1964. Employment Tribunal jurisdiction.