

Case C-598/19, Miscellaneous

Confederación Nacional de Centros Especiales de Empleo (CONACEE) – v – Diputación Foral de Guipúzcoa, reference lodged by the Tribunal Superior de Justicia del País Vasco (Spain) on 6 August 2019

Must Article 20 of Directive 2014/24/EU on public procurement be interpreted as meaning that the scope *ratione personae* of the reservation laid down therein cannot be defined in terms which exclude from its scope undertakings or economic operators which satisfy the condition that at least 30% of their employees must be persons with disabilities and which meet the aim or objective of the social and professional integration of those persons, by setting additional criteria related to the constitution, character and aims of those bodies, to their activities and investments, or to other matters?

Case C-624/19, Discrimination

K and Others – v – Tesco Stores Ltd, reference lodged by the Watford Employment Tribunal (United Kingdom) on 22 August 2019

1. Is Article 157 of the Treaty on the Functioning of the European Union (TFEU) directly effective in claims made on the basis that claimants are performing work of equal value to their comparators?
2. If the answer to question 1 is no, is the single source test for comparability in Article 157 distinct from the question of equal value, and if so, does that test have direct effect?

Case C-635/19, Miscellaneous

Confederación Sindical Comisiones Obreras de Euskadi – v – Ayuntamiento de Arrigorriaga, reference lodged by the Órgano Administrativo de Recursos Contractuales de la Comunidad Autónoma de Euskadi (Spain) on 26 August 2019

Does Directive 2014/24/EU preclude national legislation, such as Article 122(2) of the LCSP, which compels contracting authorities to include in the procurement documents governing a public contract a special condition of performance imposing on the successful tenderer an obligation to guarantee that the pay conditions appli-

cable to workers under the relevant sectoral collective agreement will at least be honoured, even if that sectoral collective agreement is not binding on the undertaking to which the contract is awarded under the rules governing collective bargaining and collective agreements, which establish the primacy of the company agreement on pay and provide for the possibility of not applying a collective agreement in force for economic, technical, organisational or production reasons?

Case C-644/19, Fixed-term work, Age discrimination

FT – v – Universitatea 'Lucian Blaga' Sibiu, GS and Others, and Ministerul Educației Naționale, reference lodged by the Curtea de Apel Alba Iulia (Romania) on 28 August 2019

1. Are Article 1, Article 2(2)(b) and Article 3 of Directive 2000/78/EC and Clause 4 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, implemented by Council Directive 1999/70/EC of 28 June 1999, to be interpreted as meaning that a measure, such as that at issue in the main proceedings, is discriminatory, within the meaning of those provisions, where it enables an employer to decide that individuals who have reached the age of 65 may continue to perform their duties as tenured members of staff and retain the rights which they enjoyed prior to retirement only if they have doctoral supervisor status, thereby placing at a disadvantage other individuals in a similar situation who may do the same only if there are vacant posts and they meet certain requirements relating to professional performance, and to require individuals who do not have doctoral supervisor status to perform similar academic duties under successive fixed-term employment contracts under which they receive remuneration on an 'hourly basis' at a level below that paid to tenured members of a university's staff?
2. Can the precedence in the application of EU law (the principle of the primacy of EU law) be interpreted as permitting a national court to disapply a final ruling of another national court in which it has been held that, in the factual situation described, Directive 2000/78/EC has been complied with and there has been no discrimination?