

by a reduction in the budget, be regarded as an objective ground justifying this difference in treatment?

Can the administration's prerogative to organise itself be regarded as an objective ground which justifies this difference in treatment?

2. Must Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC be construed to the effect that the administration's prerogative to organise itself is always limited by the obligation not to discriminate against employees in its service or treat them differently, irrespective of whether they are classified as career civil servants, or interim, casual or temporary civil servants?
3. Can the interpretation and application of point 3 of the second additional provision ('College Lecturers and their integration with University Lecturers') of Basic Law 4/2007 of 12 April 2007, amending Basic Law 6/2001 of 21 December 2001 relating to Universities be construed as contrary to Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC insofar as, in the process for college lecturers joining the body of university lecturers, college lecturers appointed on a permanent basis are allowed to retain all their rights and full capacity to teach, even though they do not have a doctorate degree, while this is not allowed for interim college lecturers?
4. If the requirement of having a doctorate is the objective justification for cutting the working hours of interim college lecturers who do not have one by half, yet this does not apply to non-interim college lecturers who do not have a doctorate, can this be construed as discriminatory and therefore contrary to Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC?

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## Case C-451/16. Sex discrimination

*MB – v – Secretary of State for Work and Pensions, reference lodged by the Supreme Court of the United Kingdom on 12 August 2016*

The question referred is whether Council Directive 79/7/EEC on equal treatment for men and women in matters of social security precludes the imposition in national law of a requirement that, in addition to satisfying the physical, social and psychological criteria for recognizing a change of gender, a person who has changed gender must also be unmarried in order to qualify for a state retirement pension.