In particular, the type of business must be taken into account. In labour-intensive sectors, such as in the case at hand, a group of workers engaged in a joint activity on a permanent basis may constitute an economic activity. It can retain its identity if a new employer does not merely pursue the activity in question but also takes over a major part of the employees specially assigned by its predecessor to that task, in terms of number and skills. It is not important whether the transfer of employees has been imposed by a collective agreement.

Second question

As the Spanish government has rightly argued, the ECJ is confined to considering provisions of EU law alone. The question concerns the examination of the consistency of a collective agreement with a provisions of national law, which falls outside the ECJ's competence.

Ruling

1. Article 1(1) of 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, must be interpreted as meaning that that directive applies to a situation in which a contracting entity has terminated the contract for the provision of services relating to the security of buildings concluded with one undertaking and has, for the purposes of the provision of those services, concluded a new contract with another undertaking, which takes on, pursuant to a collective agreement, the majority, in terms of their number and skills, of the staff whom the first undertaking had assigned to the performance of those services, insofar as the operation is accompanied by the transfer of an economic entity between the two undertakings concerned.
2. The Court of Justice of the European Union does not have jurisdiction to answer the second question referred by the Tribunal Superior de Justicia de Galicia (High Court of Justice of Galicia, Spain).

ECJ 11 July 2018, case C-356/15 (EC – v – Belgium), Social insurance

European Commission – v – Kingdom of Belgium, Belgian case

Ruling

1. Declares that, by adopting Articles 23 and 24 of the Programme Law of 27 December 2012, the Kingdom of Belgium has failed to fulfil its obligations under Article 11(1), Article 12(1) and Article 76(6) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as amended by Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012, and under Article 5 of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation No 883/2004;
2. Dismisses the action as to the remainder;
3. Orders the Kingdom of Belgium to pay the costs.

ECJ 25 July 2018, case C-679/16 (A), Social Insurance

A (Intervener: Espoon kaupungin sosiaali- ja terveyslautakunnan yksilöasioiden jaosto), Finnish case

Questions

1. Must Article 3(1)(a) of Regulation No 883/2004 be interpreted as meaning that a benefit such as the personal assistance at issue in the main proceedings, which entails, inter alia, covering the costs to which a severely disabled person's everyday activities give rise, with the aim of enabling that person, who is not economically active, to study in higher education, falls within the concept of 'sickness benefit' within the meaning of that provision?
2. In the event of the personal assistance at issue in the main proceedings not being encompassed by the concept of 'sickness benefits' and therefore falling outside the scope of Regulation No 883/2004, do Articles 20 and 21 TFEU preclude the home municipality of a resident of a Member State who is

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severely disabled from refusing to grant that person a benefit such as the personal assistance at issue in the main proceedings on the ground that he is staying in another Member State in order to pursue his higher education studies there?

Ruling

1. Article 3(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as amended by Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009, must be interpreted as meaning that a benefit such as the personal assistance at issue in the main proceedings, which entails, inter alia, covering the costs to which a severely disabled person's everyday activities give rise, with the aim of enabling that person, who is not economically active, to study in higher education, does not fall within the concept of 'sickness benefit' within the meaning of that provision and is therefore outside the scope of Regulation No 883/2004.
2. Articles 20 and 21 TFEU preclude the home municipality of a resident of a Member State who is severely disabled from refusing to grant that person a benefit, such as the personal assistance at issue in the main proceedings, on the ground that he is staying in another Member State in order to pursue his higher education studies there.

ECJ 7 August 2018, case C-123/17 (Yön), Free movement

Nefiye Yön – v – Landeshauptstadt Stuttgart, German case

Question

Must Article 7 of Decision No 2/76 or Article 13 of Decision No 1/80 be interpreted as meaning that a national measure, such as that at issue in the main proceedings, introduced during the period from 20 December 1976 to 30 November 1980, which makes the grant of a residence permit for the purposes of family reunification to third-country nationals who are family members of a Turkish worker residing lawfully in the Member State concerned, subject to such nationals obtaining, before entry onto national territory, a visa for the purpose of that reunification, constitutes a 'new restriction' within the meaning of those provisions, and, if so, whether such a measure may nevertheless be justified on grounds of effective immigration control and the management of migratory flows?

Ruling

Article 7 of Decision No 2/76 of 20 December 1976 adopted by the Association Council set up by the Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 by the Republic of Turkey, on the one hand, and by the Member States of the EEC and the Community, on the other, and concluded, approved and confirmed on behalf of the Community by Council Decision 64/732/EEC of 23 December 1963, must be interpreted as meaning that a national measure, such as that at issue in the main proceedings, taken during the period from 20 December 1976 to 30 November 1980, which makes the grant, for the purposes of family reunification, of a residence permit to third-country nationals who are family members of a Turkish worker residing lawfully in the Member State concerned, subject to such nationals obtaining, before entering national territory, a visa for the purpose of that reunification, constitutes a 'new restriction' within the meaning of that provision.

Such a measure may nevertheless be justified on the grounds of the effective control of immigration and the management of migratory flows, but may be accepted only provided that the detailed rules relating to its implementation do not go beyond what is necessary to achieve the objective pursued, which it is for the national court to verify.

ECJ 19 September 2018, case C-41/17 (González Castro), Gender discrimination, working time

Isabel González Castro – v – Mutua Umivale, ProsegurEspaña SL, Instituto Nacional de la Seguridad Social (INSS), Spanish case

Legal background

Directive 92/85/EEC contains measures to ensure the health and safety at work of pregnant workers and those who have recently given birth or are breastfeeding. Article 4 requires employers to conduct a risk assessment to assess any risks to health or safety and any possible

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