

rights, termination of employment and participation in selection competitions to fill vacancies and obtain promotion) in accordance with the principles of permanence and security of employment, with all associated rights and obligations, on equal terms with permanent regulated IT specialists?

13. In the circumstances described here, is there an obligation under EU law to review final judgments/administrative acts when the four conditions laid down in *Kühne & Heitz NV* (C 453/00 of 13 January 2004) are met: (1) Under Spanish national law, the authorities and the courts may review decisions (even if the restrictions involved make it very difficult or even impossible); (2) The contested decisions have become final as a result of a judgment of a national court issued in sole or final instance; (3) That judgment is based on an interpretation of EU law inconsistent with the case-law of the CJEU and adopted without a question being referred to the CJEU for a preliminary ruling; and (4) The person concerned applied to the administrative body as soon as it knew of the relevant case-law?
14. May and must national courts, as European courts that must give full effect to EU law in the Member States, require and order the internal administrative authority of a Member State – within its respective area of jurisdiction – to adopt the relevant measures in order to eliminate rules of domestic law incompatible with EU law in general, and with Directive 1999/70/EC and its Framework Agreement in particular?

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Case C-134/18, Social insurance

Maria Vester – v – Rijksdienst voor Ziekte- en Invaliditeitsverzekering (Riziv), reference lodged by the *Arbeidsrechtbank Antwerpen* (Belgium) on 19 February 2018

1. Are Articles 45 TFEU and 48 TFEU infringed in the case where the last competent Member State refuses, upon commencement of incapacity for work, after expiry of a waiting period of 52 [Or. 9] weeks of incapacity for work, during which illness benefits were awarded, entitlement to invalidity benefit on the basis of Article 57 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, and the other, previously competent Member State applies, for the examination of the entitlement to a pro-rata invalidity benefit, a 104-week waiting period in accordance with the national law of that Member State?
2. If that is the case, is it compatible with the right of free movement that the person concerned, during this waiting time gap, is dependent on social assis-

tance, or do Articles 45 TFEU and 48 TFEU oblige the previously competent Member State to examine the entitlement to invalidity benefits after expiry of the waiting period under the legislation of the last competent Member State, even if the national law of the previously competent Member State does not permit this?

Case C-161/18, Equal treatment, Pension

Violeta Villar Láiz – v – Instituto Nacional de la Seguridad Social (INSS), Tesorería General de la Seguridad Social (TGSS), reference lodged by the *Tribunal Superior de Justicia de Castilla y León* (Spain) on 27 February 2018

1. Under Spanish law, in order to calculate a retirement pension, a percentage based on the number of years for which contributions have been paid throughout the person's entire working life must be applied to the reference basis, which is calculated on the basis of earnings in the most recent years. Must a rule of national law, such as that in Article 247(a) and Article 248(3) of the *Ley General de la Seguridad Social* (General Law on Social Security), which reduces the number of qualifying years for the purpose of applying the percentage in the case of periods of part-time working, be considered contrary to Article 4(1) of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security? Does Article 4(1) of Directive 79/7/EEC require that the number of years of contributions that are taken into account in order to determine the percentage to be applied in calculating the retirement pension be determined in the same way for full-time workers and part-time workers?
2. Must a rule of national law such as that in dispute in the present proceedings be interpreted as also being contrary to Article 21 of the Charter of Fundamental Rights of the European Union, thus requiring the national court to give full effect to the Charter and to refrain from applying the disputed provisions of national law, without requesting or awaiting the prior setting aside of the provisions by legislative or other constitutional means?