

Case C-254/18, Working time

Syndicat des cadres de la sécurité intérieure – v – Premier ministre, Ministre d'État, Ministre de l'Intérieur, Ministre de l'Action et des Comptes public, reference lodged by the Conseil d'État (France) on 12 April 2018

1. Must Articles 6 and 16 of Directive 2003/88/EC of 4 November 2003 concerning certain aspects of the organisation of working time be interpreted as imposing a reference period determined on a rolling basis or as allowing Member States to choose whether to employ a rolling or fixed reference period?
2. If those provisions are to be interpreted as requiring a rolling reference period, may the possibility afforded by Article 17 to derogate from Article 16(b) relate not only to the duration of the reference period but also to the requirement for a rolling period?

Case C-257/18, Social insurance

M. Güler – v – Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen, reference lodged by the Centrale Raad van Beroep (Netherlands) on 13 April 2018

1. Can a Turkish national who is duly registered as belonging to the labour force of a Member State, has obtained the nationality of that Member State without renouncing his Turkish nationality and subsequently voluntarily renounced the nationality of that Member State and thus Union citizenship rely on Article 6 of Decision 3/80 to avoid the residence requirement under the TW?
2. If so, at what point must that Turkish national satisfy the requirement that he is not a Union citizen in order to derive rights from Article 6 of Decision 3/80: right from the time he leaves the host Member State or only later, when the benefit to be exported is payable in the foreign country?
3. Is Article 6(1) of Decision 3/80 to be construed as meaning that a Turkish national who still held the nationality of a Member State at the time of emigration to Turkey but later voluntarily renounced that nationality, from that latter point onwards may not be denied the right to a special benefit not based on non-contributory payments designed to guarantee an income to the amount of the guaranteed minimum income in the Member State concerned, solely because he is resident in Turkey, even if, until the time of departure from the Member State con-

cerned, he was not eligible for that special benefit since the award conditions had not then be satisfied?

Case C-258/18, Social insurance

H. Solak – v – Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen, reference lodged by the Centrale Raad van Beroep (Netherlands) on 13 April 2018

1. Can a Turkish national who is duly registered as belonging to the labour force of a Member State, has obtained the nationality of that Member State without renouncing his Turkish nationality and subsequently voluntarily renounced the nationality of that Member State and thus Union citizenship rely on Article 6 of Decision 3/80 to avoid a residence requirement in national social security legislation which can, however, be imposed on Union citizens?
2. Is Article 6(1) of Decision 3/80, with due regard to Article 59 of the Additional Protocol, to be construed as meaning that it precludes a statutory regulation of a Member State such as Article 4a of the TW, on the basis of which an awarded supplementary benefit is withdrawn if the recipient moves to Turkey, even if that recipient has left the territory of the Member State on his own initiative after voluntarily renouncing the nationality of a Member State and whilst it has not been found that he is no longer duly registered as belonging to the labour force of that Member State?

Case C-274/18, Gender discrimination, Fixed-term work

Minoo Schuch-Ghannadan – v – Medizinische Universität Wien, reference lodged by the Arbeits- und Sozialgericht Wien (Austria) on 23 April 2018

1. Is the principle of *pro rata temporis* under point 2 of clause 4 of the Framework Agreement annexed to Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work, in conjunction with the principle of non-discrimination under point 1 of clause 4, to be applied to legislation under which the total duration of immediately consecutive employment contracts of an employee of an Austrian university working within the framework of externally funded projects or research projects is 6 years for full-time employ-

ees, but 8 years for part-time employees, and moreover, if there is objective justification, in particular for the continuation or completion of research projects or publications, a further one-off extension up to a total of 10 years for full-time employees and of 12 years for part-time employees is permissible?

2. Does legislation such as that described in Question 1 constitute indirect discrimination based on sex within the meaning of Article 2(1)(b) of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) in the case where, within the group of workers subject to that legislation, a significantly higher percentage of women is affected as compared with the percentage of men so affected?
3. Is Article 19(1) of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) to be interpreted as meaning that a woman who, in the area of application of legislation such as that set out in Question 1, claims to have suffered indirect discrimination based on sex on the ground that significantly more women than men are employed on a part-time basis, must assert this fact, in particular that women are statistically much more significantly affected, by submitting specific statistics or specific facts and must substantiate this by means of appropriate evidence?

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Case C-293/18, Fixed-term work

Sindicato Nacional de CCOO de Galicia – v – Unión General de Trabajadores de Galicia (UGT), Universidad de Santiago de Compostela, Confederación Intersindical Gallega, reference lodged by the Tribunal Superior de Justicia de Galicia (Spain) on 26 April 2018

1. Must workers engaged pursuant to Article 20 of Ley 14/2011, de 1 de junio, de la Ciencia, Tecnología y la Innovación (Law 14/2011 of 1 June 2011 on Science, Technology and Innovation) be regarded as falling within the scope of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, which led to Council Directive 1999/70/EC of 28 June 1999?
2. Must the compensation payable on the termination of contracts of employment be regarded as an employment condition as referred to in clause 4 of the framework agreement?
3. If the previous questions are answered in the affirmative, must the termination of the contracts of

employment of workers engaged pursuant to Law 14/2011 of 1 June 2011 on Science, Technology and Innovation and the termination of permanent contracts on objective grounds in accordance with Article 52 of the Estatuto de los Trabajadores (Workers' Statute) be regarded as comparable?

4. If the answer to Question 3 is in the affirmative, is there any ground under legislation for the differences?

Case C-317/18, Transfer, Miscellaneous

Cátia Correia Moreira – v – Município de Portimão, reference lodged by the Tribunal Judicial da Comarca de Faro (Portugal) on 14 May 2018

1. On the premise that 'worker' must be taken to mean any person who, in the Member State in question, is protected as such by the national employment legislation, can a person who has a contract for a position of trust with the transferor be regarded as a 'worker' for the purposes of Article 2(1)(d) of Council Directive 2001/23/EC of 12 March 2001 and can that person, accordingly, enjoy the protection which that legislation confers?
2. Does EU legislation, in particular Directive 2001/23/EC, in conjunction with Article 4(2) of the Treaty on European Union, preclude a national rule which, even in the case of a transfer falling within the scope of that directive, requires that workers in all cases undergo a public selection procedure and become bound by a new relationship with the transferee where that transferee is a municipality?

Case C-372/18, Social insurance

Ministre de l'Action et des Comptes publics – v – Mr and Mrs Raymond Dreyer, reference lodged by the Cour administrative d'appel de Nancy (France) on 7 June 2018

1. Do the contributions allocated to the Caisse nationale de solidarité pour l'autonomie (National Solidarity Fund for Independent Living), which contribute to the funding of the benefits in question, have a direct and sufficiently relevant link with certain branches of social security listed in Article 3 of Regulation (EC) No 883/2004 and do they therefore come within the scope of that regulation solely on the ground that those benefits relate to one of the risks set out in that Article 3 and are granted with-