

[annexed to] Council Directive 97/81/EC of 15 December 1997, and to Articles 2(1)(b) and 14(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)?

## Case C-486/18, Parental leave

RE – v – Praxair MRC, reference lodged by the Cour de cassation (France) on 23 July 2018

1. Are Clauses 2.4 and 2.6 of the framework agreement on parental leave, annexed to Council Directive 96/34/EC of 3 June 1996 concerning the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, to be interpreted as precluding the application to an employee who is on part-time parental leave at the time of his dismissal of a provision of domestic law, such as Article L. 3123-13 of the Labour Code, applicable at the material time, under which ‘the compensation payment for dismissal and retirement benefit payable to an employee who has worked on both a full-time and part-time basis for the same undertaking shall be calculated in proportion to the periods of each of those types of employment completed since the employee joined the undertaking’?
2. Are Clauses 2.4 and 2.6 of the framework agreement, annexed to Council Directive 96/34/EC of 3 June 1996 concerning the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, to be interpreted as precluding the application to an employee who is on part-time parental leave at the time of his dismissal of a provision of domestic law, such as Article R. 1233-32 of the Labour Code, under which, during a period of redeployment leave which exceeds the notice period, the employee is to receive a monthly payment from the employer of an amount equivalent to at least 65% of the employee’s average gross monthly pay during the twelve months preceding the notice of dismissal, subject to the contributions referred to in Article L. 5422-9?
3. If the answer to either of the preceding questions is in the affirmative, is Article 157 of the Treaty on the Functioning of the European Union to be interpreted as precluding provisions of national law, such as Article L. 3123-13 of the Labour Code, applicable at the material time, and Article R. 1233-32 of that Code, insofar as a far greater number of women than men choose to take part-time parental leave and the indirect discrimination which results therefrom as regards the receipt of redundancy pay and redeployment leave allowance, which are less than

those received by employees who have not taken part-time parental leave, is not justified by objective factors unrelated to any form of discrimination?

## Case C-581/18, Age discrimination

YV, reference lodged by the Sąd Najwyższy (Poland) on 17 August 2018

1. Should Article 47 of the Charter of Fundamental Rights of the European Union, in conjunction with Article 9(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, be interpreted as meaning that, where an appeal is brought before a court of final instance in a Member State against an alleged infringement of the prohibition of discrimination on grounds of age in respect of a judge of that court, together with a motion for suspension of execution of the contested measure, that court – in order to protect the rights arising from EU law by ordering an interim measure provided for under national law – must refuse to apply national provisions which confer jurisdiction, in the case in which the appeal was lodged, on an organisational unit of that court which is not operational by reason of a failure to appoint the judges adjudicating within it?

## Case C-588/18, Working time

Federación de Trabajadores Independientes de Comercio (FETICO), Federación Estatal de Servicios, Movilidad y Consumo de la Unión General de Trabajadores (FESMC-UGT), Federación de Servicios de Comisiones Obreras (CC.OO.) – v – Grupo de Empresas DIA, S.A., Twins Alimentación, S.A., reference lodged by the Audiencia Nacional (Spain) on 20 September 2018

1. Must Article 5 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time be interpreted as precluding national legislation under which the weekly rest period is permitted to overlap with paid leave of absence intended to meet needs other than rest?
2. Must Article 7 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time be interpreted as precluding national legislation under which annual