

Case C-537/18, Age Discrimination, General Discrimination

YV – v – Krajowa Rada Sądownictwa, reference lodged by the Sąd Najwyższy (Poland) on 17 August 2018

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, Paid Leave

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 leave is permitted to overlap with paid leave of absence intended to meet needs other than rest, relaxation and leisure?

Case C-610/18, Social Insurance

AFMB Ltd and Others – v – Raad van bestuur van de Sociale verzekeringsbank, reference lodged by the Centrale Raad van Beroep (The Netherlands) on 25 September 2018

1. Must Article 14(2)(a) of Regulation (EEC) No 1408/71 be interpreted as meaning that, in circumstances such as those of the cases in the main proceedings, an international truck driver in paid employment is to be regarded as being a member of the driving staff of:
 - a. the transport company which has recruited the person concerned, to which the person concerned is de facto fully available for an indefinite period, which exercises effective control over the person concerned and which actually bears the wage costs; or
 - b. the company which has formally concluded an employment contract with the truck driver and which, by agreement with the transport company referred to under (a), paid the worker a salary and paid contributions in respect thereof in the Member State where that company has its registered office and not in the Member State where the transport company referred to in (a) has its registered office;
 - c. both the company under (a) and the company under (b)?
2. Must Article 13(1)(b) of Regulation (EC) No 883/2004 be interpreted as meaning that, in circumstances such as those of the cases in the main proceedings, the employer of an international truck driver in paid employment is considered to be:
 - a. the transport company which has recruited the person concerned, to which the person concerned is de facto fully available for an indefinite period, which exercises effective control over the person concerned and which actually bears the wage costs; or
 - b. the company which has formally concluded an employment contract with the truck driver and which, by agreement with the transport company referred to under (a), paid the worker a salary and paid contributions in respect thereof in the Member State where that company has its registered office and not in the Member State where the transport company referred to in (a) has its registered office;
 - c. both the company under (a) and the company under (b)?
3. In the event that, in circumstances such as those of the cases in the main proceedings, the employer is regarded as being the undertaking referred to in Question 1A(b) and in Question 1B(b): Do the specific conditions under which employers, such as