is a cause of discrimination as regards remuneration between working mothers and working fathers?

2. Is the prohibition of discrimination on grounds of sex laid down in 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 to be interpreted as precluding a national provision such as Article 60 of Royal Legislative Decree 8/2015 approving the consolidated text of the General Law on Social Security (*Real Decreto legislativo 8/2015 por el que se aprueba el texto refundido de la Ley General de la Seguridad Social*) of 30 October 2015, which absolutely and unconditionally excludes fathers in receipt of a pension, who are able to prove that they have assumed the task of bringing up their children, from entitlement to the credit it establishes for the purposes of calculating retirement, survivor's and permanent incapacity pensions?
3. Must Article 2(2), (3) and (4) and Article 5 of Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions be interpreted as precluding a measure like that at issue in the main proceedings which absolutely and unconditionally excludes fathers in receipt of a pension, who are able to prove that they have assumed the task of bringing up their children, from entitlement to the credit it establishes for the purposes of calculating retirement, survivor's and permanent incapacity pensions?
4. Is the exclusion of the applicant from entitlement to the credit derived from the Spanish 'maternity supplement' contrary to the requirement of non-discrimination laid down in Article 21(1) of the Charter of Fundamental Rights of the European Union (2000/C 364/01)?

Case C-16/19, Disability Discrimination

VL – v – Szpital Kliniczny im. dra J. Babińskiego Samodzielny Publiczny Zakład Opieki Zdrowotnej w Krakowie, reference lodged by the Sąd Okręgowy w Krakowie (Poland) on 2 January 2019

Should Article 2 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 the differing treatment of individual members of a group distinguished by a protected characteristic (disability) amounts to a breach of the principle of equal treatment if the employer treats individual members of that group differently on the basis of an apparently neutral criterion, and that criterion cannot be objectively justified by a legitimate aim, and the measures taken in order to achieve that aim are not appropriate and necessary?

Case C-17/19, Social Insurance

Bouygues travaux publics, Elco construct Bucarest, Welbond armatures, reference lodged by the Cour de cassation (France) on 10 January 2019

Must Article 11 of Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community, in the version amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005, and Article 19 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 (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, be interpreted as meaning that an E 101 certificate issued by the institution designated by the competent authority of a Member State pursuant to Article 14(1) and (2)(b) of Regulation No 1408/71, in the version amended and updated by Regulation No 118/97, as amended by Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005, or an A1 certificate issued pursuant to Article 13 (1) of Regulation No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, binds the courts of the Member State in which the work is carried out when it comes to determining the legislation applicable, not only as regards the social security system but also as regards labour law, where such legislation defines the obligations of employers and the rights of employees, so that, having heard the arguments of the parties, those courts can disregard the above-mentioned certificates only if, on the basis of an assessment of specific evidence, collected in the course of the judicial investigation, which supports the conclusion that the certificates were fraudulently obtained or relied on and which the issuing institution failed to take into account, the said courts identify, within a reasonable timeframe, fraud, comprised, as regards its objective element, by the failure to meet the conditions laid down in either of the aforementioned provisions of Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Council Regulation (EEC) No 1408/71 of 14 June 1971 and Regulation (EC) No 987/2009 of the European Parliament and of the Coun-

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cil of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 and, as regards its subjective element, by the intention of the accused person to evade or circumvent the conditions for the issue of that certificate, in order to obtain the advantages attaching thereto?

Case C-29/19, Social Insurance

ZP – v – Bundesagentur für Arbeit, reference lodged by the Bundessozialgericht (Germany) on 16 January 2019

1. Is Article 62(1), in conjunction with Article 62(2), of Regulation (EC) No 883/2004 to be interpreted as meaning that, when a worker becomes unemployed, the competent institution of the Member State of residence must base the calculation of the benefits on the 'salary' that the person concerned 'received' in respect of his/her last activity as an employed person in the territory of that institution even in the case where, under the national legislation on unemployment benefits administered by the competent institution, that salary cannot be taken into account due to insufficient duration of receipt and a notional assessment of the benefits is provided for as an alternative?
2. Is Article 62(1), in conjunction with Article 62(2), of Regulation (EC) No 883/2004 to be interpreted as meaning that, when a worker becomes unemployed, the competent institution of the Member State of residence must base the calculation of the benefits on the 'salary' that the person concerned 'received' in respect of his/her last activity as an employed person in the territory of that institution even in the case where, under the national legislation administered by the competent institution, that salary may not be included as a basis for calculating the benefits in the reference period because it was not processed timeously and a notional assessment of the benefit is provided for as an alternative?

Case C-37/19, Paid Leave

CV – v – Iccrea Banca SpA Istituto Centrale del Credito Cooperativo, reference lodged by the Corte suprema di cassazione (Italy) on 21 January 2019

Must Article 7(2) of Directive 2003/88/EC and Article 31(2) of the Charter of Fundamental Rights of the European Union, taken separately where applicable, be interpreted as precluding provisions of national legislation or national practices pursuant to which, once the employment relationship has ended, the right to payment of an allowance for paid leave accrued but not taken (and for a legal arrangement, such as 'abolished public holidays', which is comparable in nature and function to paid annual leave) does not apply in a context where the worker was unable to take the leave before the employment relationship ended because of an unlawful act (a dismissal established as unlawful by a national court by means of a final ruling ordering the retroactive restoration of the employment relationship) attributable to the employer, for the period between that unlawful act by the employer and the subsequent reinstatement only?

Case C-85/19, Gender Discrimination

Agencia Estatal de la Administración Tributaria – v – RK, reference lodged by the Tribunal Superior de Justicia de Galicia (Spain) on 6 February 2019

Are a provision in a collective agreement and an employer's practice, pursuant to which, for the purposes of remuneration and promotion, the length of service of a part-time female employee whose working hours are 'distributed vertically' over the whole year is to be calculated solely on the basis of time actually worked, contrary to Clause 4(1) and (2) of the Framework Agreement on part-time work [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-135/19, Social Insurance, Pension

Pensionsversicherungsanstalt – v – CW, reference lodged by the Oberster Gerichtshof (Austria) on 20 February 2019

1. Pursuant to the provisions 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, is the Austrian rehabilitation allowance to be regarded:
   a. as a sickness benefit pursuant to Article 3(1)(a) of the regulation, or
   b. as an invalidity benefit pursuant to Article 3(1)(c) of the regulation, or
   c. as an unemployment benefit pursuant to Article 3(1)(h) of the regulation?
2. In the light of primary law, is Regulation (EC) No 883/2004 to be interpreted as meaning that, as the

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