

former State of residence and State of employment, a Member State is obliged to pay benefits such as the Austrian rehabilitation allowance to a person who is resident in another Member State if that person completed the majority of the periods of insurance from the sickness and pension branches as an employee in that other Member State (after the transfer of residence to that country years previously) and has not since then received benefits from the health and pension insurance scheme of the former State of residence and employment?

## Case C-181/19, Social Insurance

*JD – v – Jobcenter Krefeld — Widerspruchsstelle*, reference lodged by the Landessozialgericht Nordrhein-Westfalen (Germany) on 25 February 2019

1. Is the exclusion of Union citizens having a right of residence under Article 10 of Regulation No 492/2011 from receipt of social assistance within the meaning of Article 24(2) of Directive 2004/38 compatible with the requirement of equal treatment arising from Article 18 TFEU read in conjunction with Articles 10 and 7 of Regulation No 492/2011?
  - a. Does social assistance within the meaning of Article 24(2) of Directive 2004/38 constitute a social advantage within the meaning of Article 7(2) of Regulation No 492/2011?
  - b. Does the limitation set out in Article 24(2) of Directive 2004/38 apply to the requirement of equal treatment arising from Article 18 TFEU read in conjunction with Articles 10 and 7 of Regulation No 492/2011?
2. Is the exclusion of Union citizens from receipt of special non-contributory cash benefits within the meaning of Articles 3(3) and 70(2) of Regulation No 883/2004 compatible with the requirement of equal treatment arising from Article 18 TFEU read in conjunction with Article 4 of Regulation No 883/2004 if those citizens have a right of residence arising from Article 10 of Regulation No 492/2011 and are integrated into a social security system or family benefits system within the meaning of Article 3(1) of Regulation No 883/2004?

## Case C-211/19, Working Time

*UO – v – Készenléti Rendőrség*, reference lodged by the Miskolci Közigazgatási és Munkaügyi Bíróság (Hungary) on 6 March 2019

1. Must Article 1(3) of Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time be interpreted as meaning that the scope *ratione personae* of that directive is determined by Article 2 of Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work?
2. If so, must Article 2(2) of Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work be interpreted as meaning that Article 2(1) and (2) of [Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time] is not to be applied to police officers who are members of the professional staff of the Rapid Intervention Police?

## Case C-223/19, Social Insurance, Gender Discrimination, Pension

*YS – v – NK*, reference lodged by the Landesgericht Wiener Neustadt (Austria) on 13 March 2019

1. Does the scope of 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, and/or of Directive 2006/54/EC 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, include legislation of a Member State if the effect of that legislation is that the former employer is to withhold sums of money from a considerably higher proportion of men entitled to an occupational pension than from women entitled to an occupational pension when those occupational pensions are paid out and those sums may be freely used by the former employer, and are such provisions discriminatory within the meaning of those directives?
2. Does the scope of Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation include legislation of a Member State that discriminates on the ground of age because the financial