

refused by the administration is ultimately to be viewed as an abuse of rights.

- Sixth, the appellant alleges that the General Court committed a series of distortions of the facts on which its judgment is based, which relate, in particular, to his duty to inform the administration of the place where he was staying.

Case C-454/19, Free movement

ZW, reference lodged by the *Amtsgericht Heilbronn* (Germany) on 14 June 2019

- Is primary and/or secondary European law, in particular Directive 2004/38/EC of the European Parliament and of the Council, in the sense of a full right of EU citizens to move and reside freely within the territory of the Member States, to be interpreted as meaning that it also covers national criminal provisions?
- If the question is answered in the affirmative: does the interpretation of primary and/or secondary European law preclude the application of a national criminal provision which penalises the retention of a child from his guardian abroad where the provision does not differentiate between Member States of the European Union and third countries?

288

Case C-463/19, Gender discrimination

Syndicat CFTC du personnel de la Caisse primaire d'assurance maladie de la Moselle – v – Caisse primaire d'assurance maladie de Moselle, reference lodged by the *Conseil de prud'hommes de Metz* (France) on 18 June 2019

Should Directive 2006/54/EC read in conjunction with Articles 8 and 157 TFEU, the general EU law principles of equal treatment and of the prohibition of discrimination, and Articles 20, 21(1) and 23 of the Charter of Fundamental Rights of the European Union, be interpreted as meaning that the provisions of Article 46 of the French national collective agreement for social security bodies, which grant female employees of social security organisations raising children on their own three months leave with half pay, one and a half months leave with full pay and unpaid leave of up to a year after maternity leave, are excluded from the scope of application of that directive?

Case C-471/19, Gender discrimination

Middlegate Europe NV – v – Ministerraad, reference lodged by the *Grondwettelijk Hof* (Belgium) on 20 June 2019

- Should Article 49 of the Treaty on the Functioning of the European Union, whether or not read in conjunction with Article 56 of that Treaty, with Articles 15 and 16 of the Charter of Fundamental Rights of the European Union and with the principle of equality, be interpreted as precluding national legislative provisions that oblige persons or undertakings which, in a Belgian port area, wish to engage in dock-work activities within the meaning of the *Wet van 8 juni 1972 betreffende de havenarbeid* (Law of 8 June 1972 organising dock work) – including activities which, strictly speaking, are unrelated to the loading and unloading of ships – to have recourse solely to recognised dockers?
- If the first question is answered in the affirmative, may the *Grondwettelijk Hof* provisionally maintain the effects of Articles 1 and 2 of the *Wet van 8 juni 1972 betreffende de havenarbeid* in order to prevent legal uncertainty and social discontent and to enable the legislature to bring those provisions into line with the obligations arising from EU law?

Case C-483/19, Fixed-term work

Ville de Verviers – v – J, reference lodged by the *Cour du travail de Liège* (Belgium) on 24 June 2019

- Does the fact that the social partners, by means of Opinion of No 1342 ... of the *Conseil national de travail*, decided to make use of the option to exclude from the scope of the Framework Agreement in question, referred to in clause 2(2)(a) and (b) thereof, absolve the Belgian legislature from taking, with regard to employment contracts which have been concluded within the framework of a specific public or publicly-supported training, integration and vocational retraining programme, specific, objective and concrete measures to ensure that the Framework Agreement's objectives are guaranteed to workers engaged in subsidised employment?
- If the answer to the first question is in the negative, that is to say the Belgian State is not relieved of its obligations under Council Directive 1999/70/EC of 28 June on fixed-term work, does clause 5(1)(a) of the Framework Agreement preclude a provision of national law which, like Article 10 of the Law of 3 July 1978 on employment contracts, authorises hav-

ing recourse to successive fixed-term employment contracts in breach of the strict conditions relating to maximum duration and renewal laid down by Article 10a of that law, provided that the public employer establishes ‘legitimate reasons’ not otherwise specified in that law which justify the use of unlimited successive fixed-term employment contracts?

3. Again, if the answer to the first question is in the negative, does clause 5(1)(a) of the Framework Agreement impose the obligation, on the national court hearing a case between a public employer and a worker employed under successive fixed-term employment contracts concluded within the framework of various training, integration and retraining programmes, to examine the appropriateness of concluding successive fixed-term employment contracts in the light of the ‘objective reasons’ set out in the case-law of the Court of Justice of the European Union?
4. In such a case, can the ‘legitimate reasons’ put forward by the public employer be considered to be ‘objective reasons’ justifying the use of successive fixed-term employment contracts in breach of the conditions laid down by Article 10a, cited above, in order, on the one hand, to prevent and tackle abuse arising from the use of successive fixed-term employment contracts where the needs covered by those contracts are not of a temporary nature but are rather fixed and permanent needs in terms of social cohesion within an insecure population and, on the other, to take account of the specific objectives of those vocational reinsertion contracts concluded within the framework of that social employment policy established by the Belgian State and the Walloon Region and which is heavily dependent on public subsidies?

Cases C-492/19, C-493/19 and C-494/19, Free movement, Posting of workers and expatriates

OK, PL and QM, reference lodged by the Landesverwaltungsgericht Steiermark (Austria) lodged on 26 June 2019

1. Must Article 56 TFEU, Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services and Directive 2014/67/EU be interpreted as precluding a national provision which, for infringements of formal obligations in connection with the cross-border deployment of labour, such as a failure to make

available documents relating to pay or a failure to report to the Central Coordination Office (ZKO notifications), provides for very high fines, in particular high minimum penalties, which are imposed cumulatively in respect of each worker concerned?

2. If the answer to Question 1 is in the negative: Must Article 56 TFEU, Directive 96/71 and Directive 2014/67 be interpreted as precluding the imposition of cumulative fines for infringements of formal obligations in connection with the cross-border deployment of labour which have no absolute upper limits?
3. Is Article 56 TFEU to be interpreted as precluding national legislation that requires a declaration of amendment to be provided to the Central Coordination Office in the event that the temporary activity in the host country is concluded prematurely and/or interrupted?
4. Is Article 56 TFEU to be interpreted as precluding national legislation which does not grant a reasonable period of time for the submission of a declaration of amendment?
5. Are Article 56 TFEU and Article 9 of Directive 2014/67 to be interpreted as precluding national legislation that provides that, for the purposes of the requirement to make available certain documents, it is not sufficient subsequently to submit appropriate and relevant documents within a reasonable period of time?
6. Are Article 56 TFEU and Article 9 of Directive 2014/67 to be interpreted as precluding national legislation that provides that foreign service providers are to submit documents that go beyond those specified in Article 9 of Directive 2014/67, are neither relevant nor appropriate and are not clearly defined under national law (such as, for example, pay statements, payslips, pay lists, tax statements, registrations and deregistrations, health insurance, schedules of notification and allocation of surcharges, documents relating to pay grades, certificates)?

Case C-511/19, Age discrimination

AB – v – Olympiako Athlitiko Kentro Athinon – Spyros Louis, reference lodged by the Areios Pagos (Greece) on 4 July 2019

- a. Does the adoption by the Member State of legislation applicable to government, local authorities and public-law legal entities and to all bodies (private-law legal entities) in the broader public sector in general in their capacity as employer, such as that adopted under Article 34(1)(c), (3)(a) and (4) of Law 4024/2011 placing staff under a private-law contract of employment with the above bodies on reserve for a period not exceeding twenty-four (24)