

## Case C-942/19, Fixed-term Work

*Servicio Aragonés de la Salud – v – LB*, reference lodged by the Tribunal Superior de Justicia de Aragón (Spain) on 31 December 2019

*Servicio Aragonés de la Salud – v – LB*, reference lodged by the Tribunal Superior de Justicia de Aragón (Spain) on 31 December 2019

1. Must clause 4 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, annexed to Directive 1999/70/EC, be interpreted as meaning that the right, derived from obtaining a post in the public sector, to the conferral of a particular administrative status in relation to the post – also in the public sector – which was held up until then is a condition of employment in respect of which temporary workers and permanent workers may not be treated differently?
2. Must clause 4 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, annexed to Directive 1999/70/EC, be interpreted as meaning that justification on objective grounds for the different treatment between fixed-term workers and permanent workers includes the aim of preventing serious failings and harm as regards the instability of workforces in a field as sensitive as the provision of healthcare, which falls under the constitutional right to the protection of health, such that it can serve as the basis for refusal to grant a particular type of leave of absence to those who obtain a temporary post but not to those who obtain a permanent post?
3. Does clause 4 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, annexed to Directive 1999/70/EC, preclude a rule such as that laid down in Article 15 of [Royal Decree 365/1995], which excludes posts held as a temporary civil servant or as a temporary staff member from being part of the posts which give entitlement to the status of on leave of absence by reason of employment in the public sector, when that status must be granted to those who take up a permanent post in the public sector and that status is more advantageous for a public servant than the other alternative administrative statuses which that public servant would have to request in order to be

able to take up a new post to which he or she has been nominated?

## Case C-27/20, Social insurance

*PF and QG – v – Caisse d’allocations familiales d’Ille-et-Vilaine (CAF)*, reference lodged by the Tribunal de grande instance de Rennes (France) on 21 January 2020

Is EU law, in particular Articles 20 and 45 of the Treaty on the Functioning of the European Union, Article 4 of Regulation No 883/2004 and Article 7 of Regulation No 492/2011, to be interpreted as precluding a provision of national legislation, such as Article R 532-3 of the code de la sécurité sociale (French Social Security Code), which defines the reference calendar year, for the purposes of calculating family allowances, as the year before that preceding the payment period, and results, in a situation where the income of the person claiming the allowance has risen substantially in another Member State, and then fallen [following] his or her return to his or her Member State of origin, in that person being deprived, unlike residents who have not exercised their right of free movement, of part of his or her family allowance rights?

## Case C-40/20, Fixed-term Work

*AQ, BO, CP – v – Presidenza del Consiglio dei Ministri, Ministero dell’Istruzione, dell’Università e della Ricerca – MIUR, Università degli studi di Perugia*, reference lodged by the Consiglio di Stato (Italy) on 27 January 2020

*AQ, BO, CP – v – Presidenza del Consiglio dei Ministri, Ministero dell’Istruzione, dell’Università e della Ricerca – MIUR, Università degli studi di Perugia*, reference lodged by the Consiglio di Stato (Italy) on 27 January 2020

1. Does clause 5 of the Framework Agreement annexed to Council Directive 1999/70/EC of 28 June 1999 concerning the Framework Agreement on fixed-term work concluded by ETUC, UNICE