

recruitment takes place further to an open competition, and notwithstanding the specific features of the open competition procedure, which, for the reasons already stated, leads to a complete novation of the relationship and, with an interruption acknowledged by the participant in the open competition procedure, to a new relationship characterised by official recruitment, special obligations and the special features of greater permanency?

2. If the answer to question (1) above is in the affirmative, must the past length of service be recognised in full, or are there objective grounds to differentiate the recognition criteria as regards full recognition on the basis of the abovementioned special features?
3. If the answer to question (2) above is in the negative, on the basis of which criteria must the length of service that is capable of being recognised be calculated in order for that length of service not to be discriminatory?

## Case C-54/20 P, Miscellaneous

European Commission – v – Stefano Missir Mamachi di Lusignano and Others, appeal against judgment of the General Court (Eighth Chamber) of 20 November 2019 in Case T-502/16, Stefano Missir Mamachi di Lusignano and Others v Commission

The appellant claims that the Court should:

- set aside the judgment under appeal in so far as the General Court ordered the Commission to pay compensation for the non-material harm suffered by Ms Maria Letizia Missir and Mr Stefano Missir following the death of Mr Alessandro Missir;
- dispose of the case itself and dismiss the action at first instance as inadmissible;
- order Mr Stefano Missir and Ms Maria Letizia Missir to pay the costs of the present proceedings and those at first instance.

## Case C-63/20 P, Miscellaneous

Sigrid Dickmanns – v – European Union Intellectual Property Office (EUIPO), appeal against judgment of the General Court (Eighth Chamber) of 18 November 2019 in Case T-181/19 Sigrid Dickmanns v European Union Intellectual Property Office (EUIPO)

The appellant claims that the Court of Justice of the European Union should:

1. set aside in full the order of the General Court of the European Union (Sixth Chamber) of 18 November 2019 in Case T-181/19 and then refer the case back to the General Court;
2. order the European Union Intellectual Property Office (EUIPO) to pay the costs of the appeal proceedings before the Court of Justice.

## Case C-71/20, Work and residence permit

Anklagemyndigheden – v – VAS Shipping ApS, reference lodged by the Østre Landsret (Denmark) on 12 February 2020

Does Article 49 TFEU preclude legislation of a Member State which requires third-country crew members on a vessel flagged in a Member State and owned by a shipowner who is a national of another EU Member State to have a work permit, unless the vessel enters ports of the Member State on at most 25 occasions calculated continuously over the last year?

## Case C-105/20, Gender Discrimination, Part Time Work

UF – v – Union Nationale des Mutualités Libres (Partenamut) (UNMLibres), reference lodged by the Tribunal du travail de Nivelles (Belgium) on 27 February 2020

UF – v – Union Nationale des Mutualités Libres (Partenamut) (UNMLibres), reference lodged by the Tribunal du travail de Nivelles (Belgium) on 27 February 2020

1. Does the Royal Decree of 20 July 1971 establishing insurance for allowances and maternity insurance for self-employed workers and spouses infringe Articles 21 and 23 of the Charter of Fundamental Rights, Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, 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), Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a

self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood and the Framework Agreement on part-time work implemented by Council Directive 97/81/EC of 15 December 1997 concerning part-time work in not providing for an adequate allowance in the context of maternity leave for a self-employed woman who works part-time on a supplementary basis but pays contributions as a worker on a primary basis, whereas a self-employed woman who works part-time on a primary basis receives the full amount of the maternity allowance?

- Does the Royal Decree of 20 July 1971 establishing insurance for allowances and maternity insurance for self-employed workers and spouses infringe Articles 21 and 23 of the Charter of Fundamental Rights, Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding, 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), Council Directive 86/613/EEC of 11 December 1986 on the application of the principle of equal treatment between men and women engaged in an activity, including agriculture, in a self-employed capacity, and on the protection of self-employed women during pregnancy and motherhood and the Framework Agreement on part-time work implemented by Council Directive 97/81/EC of 15 December 1997 concerning part-time work in not providing for an adequate allowance in the context of maternity leave for a female worker who, on a full-time basis, combines paid employment with a self-employed activity, whereas a self-employed woman working full-time receives the full amount of the maternity allowance?

## Case C-129/20, Maternity and Parental Leave

XI – v – *Caisse pour l'avenir des enfants*, reference lodged by the *Cour de cassation du Grand-Duché de Luxembourg (Luxembourg)* on 9 March 2020

Must clauses 1.1, 1.2, 2.1 and 2.3(b) of the framework agreement on parental leave concluded on 14 December 1995 between the general cross-industry organisations UNICE, CEEP and the ETUC, which was implemented by Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, be interpreted as precluding the application of a provision of national law, such as Article 29bis of the amended Law of 16 April

1979 laying down the general regulations applicable to State officials in the version resulting from the Law of 22 December 2006 (*Mémorial*, A, 2006, No 242, p. 4838), which makes the grant of parental leave subject to the twofold condition that the worker is lawfully employed in a workplace and affiliated in that regard to the social security scheme, first, without interruption for a continuous period of at least 12 months immediately preceding the start of the parental leave and, secondly, at the time of the birth or of the reception of the child or children to be adopted, compliance with that second condition being required even if the birth or reception occurred more than 12 months before the start of the parental leave?

## Case C-130/20, Gender Discrimination, Pension

YJ – v – *Instituto Nacional de la Seguridad Social (INSS)*, reference lodged by the *Juzgado de lo Social n.º3 de Barcelona (Spain)* on 9 March 2020

Can a provision like Article 60(4) of the General Law on Social Security (*Ley General de la Seguridad Social*), which excludes the maternity supplement for women who retire [early] voluntarily, as opposed to those who retire, also voluntarily, at the normal age provided for, or who retire early but on the basis of work performed throughout their working lives, by reason [of] disability, or because they ceased employment before taking retirement through no fault of their own, be considered to constitute direct discrimination for the purposes of Directive 79/7?

## Case C-135/20, Fixed-term Work

JS – v – *Câmara Municipal de Gondomar*, reference lodged by the *Supremo Tribunal Administrativo (Portugal)* on 12 March 2020

JS – v – *Câmara Municipal de Gondomar*, reference lodged by the *Supremo Tribunal Administrativo (Portugal)* on 12 March 2020

- Should EU law, in particular 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 and CEEP, be interpreted as precluding national legislation which in all cases prohibits the conversion of fixed-term employment contracts concluded by public law entities into contracts of an indefinite duration?