

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

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- 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?

- Should Directive 1999/70/EC be interpreted as requiring the conversion of the contracts as being the only means to prevent abuse arising from the use of successive fixed-term employment contracts?

Case C-163/20, Social Insurance

AZ – v – Finanzamt Hollabrunn Korneuburg Tulln, reference lodged by the Bundesfinanzgericht (Austria) on 16 April 2020

Are Articles 18 and 45(1) of the Treaty on the Functioning of the European Union, Article 7(1) and (2) of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union, Article 4, Article 5(b), Article 7 and Article 67 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 and the second sentence of Article 60(1) 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 on the coordination of social security systems to be interpreted as precluding the application of national legislation which provides that family benefits for a child who is not actually permanently resident in the Member State that pays those family benefits, but is actually resident in another Member State of the European Union, in another contracting party to the Agreement on the European Economic Area or in Switzerland, must be adjusted on the basis of the comparative price levels, published by the Statistical Office of the European Union, for the State concerned in relation to the Member State that pays the family benefits?

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Case C-166/20, Other Forms of Free Movement

BB – v – Lietuvos Respublikos sveikatos apsaugos ministerija (Ministry of Health of the Republic of Lithuania), reference lodged by the Lietuvos vyriausiasis administracinis teismas (Lithuania) on 22 April 2020

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- Should Article 10(b) of Directive 2005/36/EC, when interpreted together with the purpose of the directive specified in Article 1, be interpreted as being applicable in a situation where a person has

not obtained formal evidence of qualifications because he or she has potentially fulfilled the requirements necessary for obtaining the professional qualifications in several Member States of the European Union rather than in a single one? In such a situation, where a person has not acquired formal evidence of qualifications because he or she has potentially fulfilled the requirements necessary for obtaining the professional qualifications in several Member States of the European Union rather than in a single one, should Chapter I (General system for the recognition of evidence of training) of Title III of Directive 2005/36/EC be interpreted as obliging the institution recognising qualifications to assess the content of all the documents submitted by the person which can demonstrate professional qualifications and whether they comply with the requirements set in the host Member State for obtaining the professional qualifications and, if necessary, to apply compensation measures?

- In a situation such as that in the present case, where the applicant has potentially fulfilled the requirements necessary for obtaining the professional qualifications as a pharmacist for the purposes of Article 44 in Section 7 of Chapter III of Directive 2005/36/EC but those requirements have been fulfilled in several Member States of the European Union rather than in a single one and, therefore, the applicant does not hold the evidence attesting to professional qualifications that is laid down in point 5.6.2 of Annex V to Directive 2005/36/EC, should Articles 45 and 49 TFEU and Article 15 of the Charter be interpreted as obliging the competent authorities of the host Member State to assess the professional training of the applicant and to compare it with the professional training required in the host State, and also to assess the content of the documents submitted which can demonstrate professional qualifications and whether they comply with the requirements set in the host Member State for obtaining the professional qualifications, and, if necessary, to apply compensation

Case C-194/20, Work and Residence Permit

BY and others – v – City of Duisburg, reference lodged by the Verwaltungsgericht Düsseldorf (Germany) on 7 May 2020

The following questions are referred to the Court of Justice of the European Union for a preliminary ruling pursuant to Article 267 TFEU:

- Does the entitlement of Turkish children under the first sentence of Article 9 of Decision No 1/80 of the EEC-Turkey Association Council ('Decision No 1/80') also include a right of residence in the host