an amount withheld from the part of that pension exceeding one of those thresholds and (ii) the benefit of a contractually agreed indexation of that pension, on the sole ground that that legislation affects only recipients above a certain age.

4. Articles 16, 17, 20 and 21 of the Charter of Fundamental Rights of the European Union must be interpreted as not precluding legislation of a Member State pursuant to which recipients of a pension that a State-controlled undertaking is contractually bound to pay them directly and that exceeds certain thresholds set in that legislation are deprived of (i) an amount withheld from the part of that pension exceeding one of those thresholds and (ii) the benefit of a contractually agreed indexation of that pension.
5. Article 47 of the Charter of Fundamental Rights of the European Union must be interpreted as not precluding a Member State's failure to provide, in its legal system, for a free-standing legal remedy for, primarily, an examination of whether national provisions implementing that right are compatible with EU law, provided that it is possible for such examination to take place indirectly.

ECJ 1 October 2020, Case C-612/19 P (CC/ Parliament), Miscellaneous

CC – v – European Parliament, EU case

Summary

Claim for (further) damages following an inadequate recruitment procedure denied.
No English translation is available yet. Other language versions are available on: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62019CJ0612.

ECJ 6 October 2020, Case C-181/19 (Job Center Krefeld), Social Insurance

Jobcenter Krefeld – Widerspruchsstelle – v – NK AG, Austrian case

Summary

Regulation 492/2011 precludes legislation based on which a Member State denies a citizen from another EU member state his social benefits when his children still go to school in the (first) Member State. Unfortunately, no English translation is available yet.
Other language versions are available on: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62019CJ0181.

ECJ 8 October 2020, Case C-644/19 („Lucian Blaga" Sibiu and Others), Age Discrimination, Fixed-Term Work

FT – v – Universitatea « Lucian Blaga » Sibiu and Others, Romanian case

Summary

Difference in treatment of teaching staff not found to be age discriminatory, but may be in breach of the fixed-term work directive.

Questions

1. Must Articles 1 and 2 of Directive 2000/78 be interpreted as precluding the application of national legislation under which, among members of the teaching staff of a university continuing to work there after reaching the statutory retirement age, only lecturers with doctoral supervisor status may retain their status as tenured lecturers, while lecturers without doctoral supervisor status may conclude only fixed-term employment contracts with that

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establishment, which include a system of lower remuneration than that for tenured lecturers?

2. Must Clause 4(1) of the framework agreement be interpreted as precluding the application of national legislation under which, among members of the teaching staff of a university continuing to work there after reaching the statutory retirement age, only lecturers with doctoral supervisor status may retain their status as tenured lecturers, while lecturers without doctoral supervisor status may conclude only fixed-term employment contracts with that establishment, which include remuneration which is lower than that for tenured lecturers?

Ruling

1. Articles 1 and 2 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation must be interpreted as not being applicable to national legislation under which, among members of the teaching staff of a university continuing to work there after reaching the statutory retirement age, only lecturers with doctoral supervisor status may retain their status as tenured lecturers, while lecturers without doctoral supervisor status may conclude only fixed-term employment contracts with that establishment, which include a system of lower remuneration than that for tenured lecturers.
2. Clause 4(1) of the Framework Agreement on fixed-term work, concluded on 18 March 1999, which is 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 must be interpreted as precluding the application of national legislation under which, among members of the teaching staff of a university who continue to work there after reaching the statutory retirement age, only lecturers with doctoral supervisor status may retain their status as tenured lecturers, while lecturers without doctoral supervisor status may conclude only fixed-term employment contracts with that establishment, which include a system of lower remuneration than that for tenured lecturers, to the extent that the first category of lecturer is composed of permanent workers comparable to the workers in the second category, and that the difference in treatment arising, in particular, from the system of remuneration in question is not justified by an objective reason, which it is for the referring court to determine.

ECJ 14 October 2020, case C-681/18 (KG (Missions successives dans le cadre du travail intérimaire)), Temporary Agency Work

JH – v – KG, Italian case

Summary

Article 5(5) of Directive 2008/104 does not impose specific measures on Member States, but it does require that they take certain measures to reach its aim.

Question

Must the first sentence of Article 5(5) of Directive 2008/104 be interpreted as precluding national legislation which does not limit the number of successive assignments that the same temporary agency worker may carry out at the same user undertaking and does not make the lawfulness of the use of temporary agency work subject to the prerequisite that it must be justified by technical, production, organisation or replacement-related reasons?

Ruling

The first sentence of Article 5(5) of Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work must be interpreted as not precluding national legislation which does not limit the number of successive assignments that the same temporary agency worker may fulfil at the same user undertaking and does not make the lawfulness of the use of temporary agency work subject to the prerequisite that it must be justified by technical, production, organisation or replacement-related reasons. On the other hand, that provision must be interpreted as precluding a Member State from taking no measures at all to preserve the temporary nature of temporary agency work and as precluding national legislation which does not lay down any measure to prevent successive assignments of the same temporary agency worker to the same user undertaking in order to circumvent the provisions of Directive 2008/104 as a whole.

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