

cally prohibited by the terms of employment, unlike manifestation through clothing)?

## Case C-350/20, Social Insurance

O.D. and Others – v – Istituto nazionale della previdenza sociale (INPS), reference lodged by Corte costituzionale (Italy) on 30 July 2020

Is Article 34 of the Charter of Fundamental Rights of the European Union, proclaimed at Nice on 7 December 2000 and adjusted at Strasbourg on 12 December 2007, to be interpreted as applying to childbirth and maternity allowances under Article 3(1)(b) and (j) 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, referred to in Article 12(1)(e) of Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit, and is EU law therefore to be interpreted as precluding national legislation which fails to extend the abovementioned benefits, which are already granted to foreign nationals holding a long-term resident's EU residence permit, to foreign nationals who hold a single permit under that directive?

## Case C-372/20, Social Insurance, Gender Discrimination

QE – v – Finanzamt Wien für den 8., 16. und 17. Bezirk, reference lodged by the Bundesfinanzgericht (Austria) on 6 August 2020

1. Is Article 11(3)(e) of Regulation (EC) No 883/2004 to be interpreted as covering a situation in which a female worker who is a national of a Member State in which she and her children also reside enters into an employment relationship as a development aid worker with an employer established in another Member State, and that employment relationship is subject to the compulsory insurance scheme under the legislation of the State of establishment, and she is posted by the employer to a third country not immediately after being employed but after completing a preparatory period and returning to the State of establishment for reintegration periods?
2. Does a legal provision of a Member State such as Paragraph 53(1) FLAG, which, inter alia, makes independent provision for equal status with nationals, infringe the prohibition on the transposition of

regulations within the meaning of the second subparagraph of Article 288 TFEU?

3. (Questions 3 and 4 relate to the case where the applicant's situation falls within Article 11(3)(e) of Regulation No 883/2004 and where EU law requires only the Member State of residence to provide family benefits.) Is the prohibition of discrimination based on nationality enshrined for employees in Article 45(2) TFEU and, on a subsidiary basis, in Article 18 TFEU to be interpreted as meaning that it is incompatible with a national provision such as Paragraph 13(1) of the Entwicklungshelfergesetz (Law on development aid workers) in the version applicable until 31 December 2018 ('old version'), which connects entitlement to family benefits in the Member State not responsible under EU law with the fact that the development aid worker must have had his centre of interests or habitual residence in the territory of the Member State of establishment before commencing employment, whereby that requirement must also be met by nationals?
4. Are Article 68(3) of Regulation (EC) No 883/2004 and Article 60(2) and (3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing social security systems, OJ 2009 L 284 ('Regulation (EC) No 987/2009' or 'the Implementing Regulation') to be interpreted as meaning that the institution of the Member State which was presumed by the applicant to be the State of employment with primary responsibility and to which the application for family benefits was submitted, but whose legislation is applicable on neither a primary nor secondary basis, but in which there is an entitlement to family benefits under an alternative rule of the law of the Member State, must apply by analogy the provisions relating to the obligation to forward the application, to inform the person concerned, to take a provisional decision on the priority rules to be applied and to provide provisional cash benefits?
5. Is the obligation to take a provisional decision on the priority rules to be applied incumbent solely on the respondent authority, as the institution, or also on the administrative court seized on appeal?
6. At what point in time is the administrative court obliged to take a provisional decision on the priority rules to be applied? Question 7 relates to the case where the applicant's situation falls within Article 11(3)(a) of Regulation No 883/2004 and EU law requires the Member State of employment and the Member State of residence to provide family benefits jointly.
7. Are the words 'th[e] institution shall forward the application' in Article 68(3)(a) of Regulation No 883/2004 and in Article 60 of Regulation No 987/2009 to be interpreted as meaning that those provisions link the institution of the Member State with primary responsibility and the institution of the Member State with secondary responsibility in