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 seised 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

doi: 10.5553/EELC/187791072020005004027

such a way that both Member States must jointly settle ONE (one as in a singular) application for family benefits, or must the applicant make a separate application for the additional payment that may have to be made by the institution of the Member State whose legislation is applicable on a secondary basis, with the result that the applicant must submit two physical applications (forms) to two institutions of two Member States, which, by their nature, will trigger different time limits?

8. (Questions 8 and 9 concern the period from 1 January 2019, when Austria abolished, alongside the introduction of the indexation of family allowances, the granting of family allowances for development aid workers by repealing Section 13(1) EHG, old version.) Are Articles 4(4), 45, 208 TFEU, Article 4(3) TEU and Articles 2, 3, 7 and Title II of Regulation No 883/2004 to be interpreted as meaning that they generally prohibit a Member State from abolishing family benefits for a development aid worker who takes his family members with him to the place of employment in the third country?
9. In the alternative: Are Articles 4(4), 45, 208 TFEU, Article 4(3) TEU and Articles 2, 3, 7 and Title II of Regulation No 883/2004 to be interpreted as meaning that, in a situation such as that in the main proceedings, they guarantee to a development aid worker who has already acquired entitlement to family benefits for previous periods of time an individual and specific continuation of that entitlement to family benefits for periods of time, even though the Member State has abolished the granting of family benefits for development aid workers?

Case C-389/20, Gender Discrimination

CJ – v – Tesorería General de la Seguridad Social, reference lodged by the Juzgado de lo Contencioso-Administrativo n.º 2 de Vigo (Spain) \ on 14 August 2020

1. Must Article 4(1) of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security, governing equal treatment, which precludes any discrimination whatsoever on grounds of sex, either directly or indirectly, as regards the obligation to pay social security contributions, and Article 5(b) of 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, which lays down the same prohibition of direct and indirect discrimination on grounds of sex as regards the scope of social security schemes and the conditions of access to those schemes and the obligation to contribute, and the calculation of contributions, be interpreted as precluding a national provision like Article 251(d) LGSS, which provides: 'd) The protection afforded by the Special Scheme for Domestic Workers shall not include protection in respect of unemployment.'?
2. If the answer to that question is affirmative, must that statutory provision be regarded as an example of prohibited discrimination under Article 9(1)(e) and/or (k) of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006, in so far as the addressees of the provision at issue, Article 251(d) LGSS, are almost exclusively women?

C-405/20, Gender Discrimination, Pension

EB and Others – v – Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau (BVAEB), reference lodged by the Verwaltungsgerichtshof (Austria) on 28 August 2020

1. Must the limitation of the scope ratione temporis of the requirement of equal treatment for men and women laid down in the judgment in Case C-262/88, Barber, as well as in Protocol No 33 concerning Article 157 TFEU and Article 12 of 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 ('Directive 2006/54/EC'), be interpreted as meaning that an (Austrian) pensioner cannot lawfully rely on the requirement of equal treatment for men and women, or can do so only (in part) in respect of that part of his entitlement that relates to periods of employment after 1 January 1994, in order to claim that he has been discriminated against by rules on an adjustment of civil servants' pensions laid down for 2018 such as that which was applied in the main proceedings?
2. Must the requirement of equal treatment for men and women (pursuant to Article 157 TFEU in conjunction with Article 5 of Directive 2006/54/EC) be interpreted as meaning that indirect discrimination such as that which – in some cases – results from the rules, at issue in the main proceedings, concerning the 2018 pension adjustment, even in the light of similar measures adopted previously and the considerable loss caused by the cumulative effect of those measures as compared with an adjustment of the actual value of pensions to take into account inflation (in this instance, a loss of 25%), is justified in particular

doi: 10.5553/EELC/187791072020005004027