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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.° 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

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- in order to avoid a ‘divide’ between higher and lower pensions (caused by periodic adjustment at a single rate), even though this would be purely nominal and would leave the differential between the two unchanged,
- in order to put in place a general ‘social component’ in the form of steps to increase the purchasing power of those on lower pensions, even though (a) that objective could be attained even without limiting the adjustment of higher pensions and (b) the legislature does not also provide for the same type of measure to increase purchasing power when it comes to adjusting for inflation the salaries of lower-paid civil servants (to the detriment of the adjustment applied to the salaries of higher-paid civil servants), and has also not laid down rules for a comparable intervention in the adjustment applied to the value of pensions under other occupational social security schemes (in which the State does not participate) in order to increase the purchasing power of lower pensions (to the detriment of the adjustment of higher pensions),
- in order to maintain and finance ‘the scheme’, even though civil service pensions are payable not by an insurer-operated scheme organised in the form of insurance and financed from contributions, but by the Federal Government as employer of retired civil servants and in consideration for work performed, so that the maintenance or financing of a scheme is not decisive, the only relevant considerations, ultimately, being budgetary,
- because the fact that the statistically much higher representation of men among recipients of higher pensions is to be regarded as the consequence of the lack of equal opportunities for women in matters of employment and occupation that was typical in the past in particular, constitutes an independent ground of justification or (upstream of that) rules out from the outset any assumption of indirect discrimination on grounds of sex, within the meaning of Directive 2006/54/EC, to the detriment of men, or
- because the scheme is permissible as positive action for the purposes of Article 157(4) TFEU.

Case C-411/20, Free Movement, Social Insurance

S – v – Familienkasse Niedersachsen-Bremen der Bundesagentur für Arbeit, reference lodged by the Finanzgericht Bremen (Germany) on 2 September 2020

Must Article 24 of Directive 2004/38/EC and Article 4 of Regulation (EC) No 883/2004 be interpreted as precluding legislation of a Member State under which a national of another Member State, who establishes a permanent residence or habitual residence in the Member State concerned and does not prove that he has national income from agriculture and forestry, business, employment or self-employment, has no entitlement to family benefits within the meaning of Article 3(1)(j) of Regulation (EC) No 883/2004, in conjunction with Article 1(z) thereof, for the first three months of establishing a permanent residence or habitual residence, whilst a national of the Member State concerned, who is in the same situation, does have an entitlement to family benefits within the meaning of Article 3(1)(j) of Regulation (EC) No 883/2004, in conjunction with Article 1(z) thereof, without proving national income from agriculture and forestry, business, employment or self-employment?

Case C-426/20, Temporary Agency Work

GD and ES – v – Luso Temp – Empresa de Trabalho Temporário, S. A., reference lodged by the Tribunal Judicial da Comarca de Braga – Juízo do Trabalho de Barcelos (Portugal) on 10 September 2020

Do Article 3(1)(f) and Article 5(1) of Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work preclude a provision of law such as that in Article 185(6) of the Código do Trabalho (Employment Code) (adopted by Law No 7/2009 of 12 February [2009]), under which temporary agency workers are, in all cases, entitled to paid holiday and the corresponding holiday bonus pay only pro rata to the period of service in the user undertaking, even where their employment relationship commences in one calendar year and ends two or more calendar years later, whereas a worker recruited directly by the user undertaking who occupies the same job for the same period of time will be subject to the general holiday provisions, meaning that he or she will be entitled to a longer period of paid holiday and more

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