

equal treatment in employment and occupation must be interpreted as meaning that:

- the practice adopted by an employer and consisting in the payment of an allowance to workers with disabilities who have submitted their disability certificates after a date chosen by that employer, and not to workers with disabilities who have submitted those certificates before that date, may constitute direct discrimination if it is established that that practice is based on a criterion that is inextricably linked to disability, inasmuch as it is such as to make it impossible for a clearly identified group of workers, consisting of all the workers with disabilities whose disabled status was necessarily known to the employer when that practice was introduced, to satisfy that temporal condition;
- that practice, although apparently neutral, may constitute discrimination indirectly based on disability if it is established that, without being objectively justified by a legitimate aim and without the means of achieving that aim being appropriate and necessary, it puts workers with disabilities at a particular disadvantage depending on the nature of their disabilities, including whether they are visible or require reasonable adjustments to be made to working conditions.

ECJ 4 February 2021, Case C-903/19 (Ministre de la Transition écologique en solidaire en Ministre de l'Action en des Comptes publics), Pension, Miscellaneous

DQ – v – Ministre de la Transition écologique et solidaire, EU Case

Summary

Transfer of the actuarial equivalent of pension rights from the EU pension scheme to a national scheme is possible not only if the employee enters the national administration for the first time, but also if s/he returns to it.

Question

Must Article 11(1) of Annex VIII to the Staff Regulations be interpreted as meaning that the transfer of the actuarial equivalent of retirement pension rights is restricted solely to officials and members of the contract staff who are seconded to a national administration for the first time after having been employed in an EU institution, or whether that transfer may also be requested by those who return to that administration after having performed duties in an EU institution while on non-active status or leave on personal grounds?

Ruling

Article 11(1) of Annex VIII to the Staff Regulations of Officials of the European Union must be interpreted as meaning that the transfer of the actuarial equivalent of retirement pension rights may be requested both by officials and members of the contract staff who enter a national administration for the first time after having been employed in an EU institution and by those who return to a national administration after having performed duties in an EU institution in the context of a period of non-active status or leave on personal grounds.

ECJ 11 February 2021, Case C-760/18 (M.V. and Others (Contrats de travail à durée déterminée successifs dans le secteur public)), Fixed-Term Work

M.V. and Others – v – Organismos Topikis Aftodioikisis (OTA) 'Dimos Agiou Nikolaou', Greek case

Summary

The concept of “successive fixed-term contracts” in Clause 1 and 5(2) of the framework agreement on fixed-term work (annexed to Directive 1999/70/EC) also covers automatic extensions, even if they do not meet formal national requirements. The referring court must undertake, to the fullest extent possible, assess whether national law can be interpreted in conformity with the directive.