

3. Article 21(1)(b)(i) of Regulation No. 1215/2012 must be interpreted as meaning that an action such as that referred to in point 1 of the operative part of the present judgment may be brought before the court of the place where or from where the employee was required, pursuant to the contract of employment, to discharge the essential part of his or her obligations towards his or her employer, without prejudice to point 5 of Article 7 of that regulation.

ECJ 25 February 2021, Case C-940/19 (Les Chirurgiens-Dentistes de France and Others), Work and Residence Permit

Les chirurgiens-dentistes de France and Others – v – Ministre des Solidarités et de la Santé and Others, French case

Summary

Member States may authorise partial access to certain healthcare professions subject to the automatic recognition of professional qualifications; however this applies to the professions but not the professionals benefiting from automatic recognition, who should have full access to the activities covered by the corresponding profession in the host Member State.

Question

Must Article 4f(6) of Directive 2005/36 as amended be interpreted as precluding legislation which allows for the possibility of partial access to one of the professions covered by the mechanism for the automatic recognition of professional qualifications laid down by the provisions of Chapter III of Title III of that directive?

Ruling

Article 4f(6) of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, as amended by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013, must be interpreted as not precluding legislation allowing for the possibility of partial access to one of the professions covered by the mechanism for the automatic

recognition of professional qualifications laid down by the provisions of Chapter III of Title III of that directive, as amended.

ECJ 25 February 2021, Case C-129/20 (Caisse pour l'avenir des enfants (Emploi à la naissance)), Maternity and Parental Leave

XI – v – Caisse pour l'avenir des enfants, Luxembourg case

Summary

While Member States can require that a parent has been uninterruptedly employed during the year prior to the start of the parental leave, they cannot require that s/he was employed during when the child was born or adopted.

Question

Must clauses 1.1, 1.2, 2.1 and 2.3(b) of the framework agreement on parental leave, annexed to Directive 96/34, be interpreted as precluding the grant of parental leave from being made subject to the twofold condition that the worker is lawfully employed in a workplace and affiliated in that regard to the social security scheme concerned, first, without interruption for a period of at least 12 months immediately preceding the start of that parental leave and, secondly, at the time of the birth of the child or children or of the reception of the child or children to be adopted.

Ruling

Clauses 1.1, 1.2, 2.1 and 3.1(b) of the Framework Agreement on parental leave (revised) of 18 June 2009, annexed to Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESS-EUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC, must be interpreted as not precluding national legislation which makes the grant of a right to parental leave subject to the condition that the parent concerned is employed without interruption for a