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 BUSINESSEUROPE, 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

doi: 10.5553/EELC/187791072021006001016

period of at least 12 months immediately preceding the start of the parental leave. By contrast, those clauses preclude national legislation which makes the grant of a right to parental leave subject to the condition that the parent has the status of a worker at the time of the birth or adoption of his or her child.

ECJ 10 March 2021, Case C-739/19 (An Bord Pleanála), Other Forms of Free Movement

VK – v – An Bord Pleanála, Irish Case

Summary

In principle, a Member State can require an attorney-at-law from another Member State to cooperate with a local attorney-at-law during litigation, but a general obligation not taking the experience of the visiting lawyer into account would go beyond what is necessary in order to attain the objective of the proper administration of justice

Question

Must Article 5 of Directive 77/249, in the light of the objective of the sound administration of justice, be interpreted as precluding a lawyer, provider of representation services in respect of his or her client, from being required to work in conjunction with a lawyer who practises before the judicial authority in question and who would be responsible, if necessary, towards that judicial authority, under a system placing lawyers under ethical and procedural obligations such as that of submitting to the judicial authority in question any legal element, whether legislative or case-law-based, for the purposes of the proper course of the procedure, from which the litigant is exempt if he or she decides to conduct his or her own defence?

Ruling

Article 5 of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services must be interpreted as meaning that:

– it does not preclude, as such, in the light of the objective of the proper administration of justice, a lawyer, provider of representation services in respect of his or her client, from being required to work in conjunction with a lawyer who practises before the judicial authority in question and who would be responsible, if necessary, towards that judicial authority, under a system placing lawyers under ethical and procedural obligations such as that of submitting to the judicial authority in question any legal element, whether legislative or case-law-based, for the purposes of the proper course of the procedure, from which the litigant is exempt if he or she decides to conduct his or her own defence;
– the obligation for a visiting lawyer to work in conjunction with a lawyer who practises before the judicial authority in question, in a system in which the latter have the possibility of defining their respective roles, the sole purpose of the lawyer who practises before the judicial authority in question being, as a general rule, to assist the visiting lawyer to ensure the proper representation of their client and the proper fulfilment of his or her duties to that judicial authority is not disproportionate, in the light of the objective of the proper administration of justice;
– a general obligation to work in conjunction with a lawyer who practises before the judicial authority in question not allowing account to be taken of the experience of the visiting lawyer would go beyond what is necessary in order to attain the objective of the proper administration of justice.

ECJ 17 March 2021, Case C-585/19 (Academia de Studii Economice din Bucureşti), Working Time

Academia de Studii Economice din Bucureops ti – v – Organismul Intermediar pentru Programul Operaţional Capital Uman – Ministerul Educaţiei Naţionale, Romanian Case

Summary

Where a worker has concluded more than one employment contract with the same employer, the minimum daily rest period applies to the contracts taken as a whole and not to each of the contracts taken separately.

Question

Must Article 2(1) and Article 3 of Directive 2003/88 be interpreted as meaning that, where an employee has concluded several contracts of employment with the

doi: 10.5553/EELC/187791072021006001016