under the same Social Security scheme being deemed compatible, while benefits awarded under different schemes are deemed compatible, even if, in both cases, entitlement has been earned by virtue of separate contributions, contrary to the European rules established in Article 4 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, and Article 5 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 (recast), given that the Spanish legislation may give rise to indirect discrimination on grounds of sex or gender, having regard to gender distribution in the different Spanish Social Security schemes?

2. If the reply to the first question is in the negative, could the Spanish legislation be contrary to the aforesaid European legislation if the two benefits relate to different injuries or illnesses?

Case C-634/20, Work and Residence Permit

A – v – Sosiaali- ja terveysalan lupa- ja valvontavirasto, reference lodged by the Korkein hallinto-oikeus (Finland) on 25 November 2020

Having regard to the principle of proportionality, is Article 45 or 49 TFEU to be interpreted as precluding the competent authority of a host Member State from granting, on the basis of the national legislation, a person the right to pursue the profession of doctor for a limited period of three years and subject to the restriction that that person may practise only under the direction and supervision of a licensed doctor and must complete three years of special training in general medical practice during that same period in order to obtain authorisation to pursue the profession of doctor independently in the host Member State, taking account of the fact that:

– the person has obtained an undergraduate degree in medicine in the home Member State but, when applying for recognition of that professional qualification in the host Member State, he or she was unable to provide a certificate attesting to the completion of a professional traineeship of one year's duration, which is required as a further condition for obtaining the professional qualification in the home Member State;
– for the purposes of Article 55a of the Professional Qualifications Directive, in the host Member State, the person has been offered, as a preferential alternative, which was declined by him or her, the possibility of carrying out in the host Member State, for a period of three years, a professional traineeship that is in accordance with the guidelines of the home Member State and applying to the competent authority of the home Member State for recognition of that traineeship in order subsequently to be able to reapply in the host Member State for the right to pursue the profession of doctor through the system of automatic recognition referred to in the directive;
– the purpose of the national legislation of the host Member State is to promote patient safety and the quality of healthcare services by ensuring that healthcare professionals have the training required for their professional activity, other sufficient professional qualifications and other skills required for the professional activity?

Case C-660/20, Part Time Work

MK – v – Lufthansa CityLine GmbH, reference lodged by the Bundesarbeitsgericht (Germany) on 4 December 2020

1. Does a national statutory provision treat part-time workers in a less favourable manner than comparable full-time workers within the meaning of Clause 4.1 of the Framework Agreement on part-time work annexed to Directive 97/81/EC if it permits additional remuneration for part-time and full-time workers to be uniformly contingent on the same number of working hours having been exceeded, and therefore allows account to be taken of the overall remuneration, and not of the component of the remuneration that comprises the additional remuneration?
2. If Question 1 is answered in the affirmative: Is a national statutory provision which allows an entitlement to additional remuneration to be made conditional on the same number of working hours being exceeded uniformly in the case of both part-time and full-time workers compatible with Clause 4.1 and the principle of pro rata temporis in Clause 4.2 of the Framework Agreement on part-time work annexed to Directive 97/81/EC if the purpose of the additional remuneration is to compensate for a particular workload?

doi: 10.5553/EELC/187791072021006001036