

Case C-677/20, Information and Consultation, Miscellaneous

Industriegewerkschaft Metall (IG Metall) and ver.di – Vereinte Dienstleistungsgewerkschaft, reference lodged by the Bundesarbeitsgericht (Germany) on 11 December 2020

Is Paragraph 21(6) of the Gesetz über die Beteiligung der Arbeitnehmer in einer Europäischen Gesellschaft (German Law on involvement of employees in a European company), which determines that, in the case where an SE [Societas Europaea; European Company] with its registered office in Germany is established by means of transformation, a separate selection procedure for persons nominated by trade unions for a certain number of supervisory board members representing the employees must be guaranteed, compatible with Article 4(4) of Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees?

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Case C-713/20, Social Insurance, Temporary Agency Work

X,Y – v – Raad van bestuur van de Sociale verzekeringsbank, reference lodged by the Centrale Raad van Beroep (the Netherlands) on 24 December 2020

1. Must Article 11(3)(a) of [Regulation (EC) No 883/2004] be interpreted as meaning that a worker who resides in a Member State, and works in the territory of another Member State on the basis of a temporary agency contract, under which the employment relationship ends as soon as the temporary assignment ends and is then resumed again, remains subject to the legislation of the latter Member State during the intervening periods, so long as he has not temporarily ceased that work?
2. What factors are relevant for assessing whether or not there is a temporary cessation of activity in such cases?
3. How much time must elapse before a worker who is no longer in a contractual employment relationship is to be regarded as having temporarily ceased his activity in the country of employment, unless there are concrete indications to the contrary?

Case C-715/20, Fixed-Term Work

KL – v – X, reference lodged by the Sąd Rejonowy dla Krakowa–Nowej Huty w Krakowie (Poland) on 18 December 2020

1. Is Article 1 of Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, and also Clauses Nos 1 and 4 of that framework agreement, to be interpreted as precluding provisions of national law obliging employers to state in writing the reasons for a decision giving notice of termination of an employment contract only in relation to employment contracts of indefinite duration, and consequently subjecting to judicial review the well-foundedness of the reasons for the notice of termination of contracts of indefinite duration, without at the same time imposing such an obligation on employers (that is to say, an obligation to state the reasons justifying the notice of termination) in relation to fixed-term employment contracts (as a result of which only the issue of the compliance of the notice of termination with the provisions on termination of contracts is subject to judicial review)?
2. May the parties to a dispute before a court of law, in which private parties appear on both sides, rely on Clause No 4 of the abovementioned framework agreement and the general EU-law principle of non-discrimination (Article 21 of the Charter of Fundamental Rights of the European Union), and consequently do the rules referred to above have horizontal effect?

Case C-3/21, Social Insurance

FS – v – Chief Appeals Officer and Others, reference lodged by the High Court (Ireland) on 4 January 2021

1. Does the concept of ‘claim’ in art. 81 of regulation 883/2004 include the ongoing state of being in receipt of a periodic benefit from a first Member State (where the benefit is correctly payable by a second Member State) on each and every occasion on which such benefit is paid, even after the original application and the original decision by the first Member State to grant the benefit?
2. If the answer to the first question is yes, then in circumstances where a claim for social security is made incorrectly to a Member State of origin, when it should have been made to a second Member