

## ECJ Court Watch – Landmark Ruling

### ECJ 3 June 2021, case C-624/19 (Tesco Stores), Gender Discrimination, Discrimination General

[Employees] – v – Tesco Stores Ltd, UK case

#### Summary

The principle, laid down by EU law, of equal pay for male and female workers can be relied upon directly, in respect both of ‘equal work’ and of ‘work of equal value’, in proceedings between individuals. A summary of the case can be found on: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-06/cp210095en.pdf>.

#### Question

Must Article 157 TFEU be interpreted as having direct effect in proceedings between individuals in which failure to observe the principle of equal pay for male and female workers for ‘work of equal value’, as referred to in that article, is pleaded?

#### Ruling

Article 157 TFEU must be interpreted as having direct effect in proceedings between individuals in which failure to observe the principle of equal pay for male and female workers for ‘work of equal value’, as referred to in that article, is pleaded.

### ECJ 3 June 2021, case C-784/19 (TEAM POWER EUROPE), Social Insurance, Temporary Agency Work, Posting of Workers and Expatriates

‘TEAM POWER EUROPE’ EOOD – v – Direktor na Teritorialna direksia na Natsionalna agentsia za prihodite – Varna, Bulgarian case

#### Summary

A temporary-work agency must carry out a significant part of its activities of assigning temporary agency workers locally for local social insurance to be applicable. The ECJ’s summary can be found on: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2021-06/cp210092en.pdf>.

#### Question

Must Article 14(2) of Regulation No 987/2009 be interpreted as meaning that a temporary-work agency established in a Member State must, in order for it to be considered that it ‘normally carries out its activities’, within the meaning of Article 12(1) of Regulation No 883/2004, in that Member State, carry out a significant part of its activities of assigning temporary agency workers for the benefit of user undertakings established and carrying out their activities in the territory of that Member State?

#### Ruling

Article 14(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems must be interpreted as meaning that a temporary-work agency established in a Mem-

ber State must, in order for it to be considered that it 'normally carries out its activities', within the meaning of Article 12(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, in that Member State, carry out a significant part of its activities of assigning temporary agency workers for the benefit of user undertakings established and carrying out their activities in the territory of that Member State.