

2. If the first question is answered in the affirmative: Does the second sentence of Article 38(3) of the GDPR also preclude such a provision in national law if the designation of the data protection officer is mandatory not in accordance with Article 37(1) of the GDPR, but only in accordance with the law of the Member State?
3. If the first question is answered in the affirmative: Does the second sentence of Article 38(3) of the GDPR have sufficient legal basis, in particular in so far as it covers data protection officers that have an employment relationship with the controller?
4. If the first question is answered in the negative: Is there a conflict of interests within the meaning of the second sentence of Article 38(6) of the GDPR if the data protection officer also holds the office of chairman of the works council established at the controlling body? Must specific tasks have been assigned within the works council in order for such a conflict of interests to be assumed to exist?
4. Must Article 3 of Directive [2003/88], read in conjunction with Article 31(2) of the Charter, be interpreted as meaning that a worker is entitled to a minimum rest period which must be granted within the course of 24 hours even if, for any reason, he or she does not have to work in the following 24 hours?
5. If Question 4 is answered in the affirmative, must Articles 3 and 5 of Directive [2003/88], read in conjunction with Article 31(2) of the Charter, be interpreted as meaning that the daily rest period [must] be granted prior to the weekly rest period?

## Case C-477/21, Working Time

*IH – v – MÁV-START Vasúti Személyszállító Zrt.*, reference lodged by the Miskolci Törvényszék (Hungary) on 3 August 2021

1. Must Article 5 of Directive [2003/88], read in conjunction with Article 31(2) of the Charter [of Fundamental Rights of the European Union], be interpreted as meaning that the daily rest period provided for in Article 3 [of that directive] forms part of the weekly rest period?
2. Otherwise, must Article 5 of Directive [2003/88], read in conjunction with Article 31(2) of the Charter, be interpreted as meaning that, in accordance with the objective pursued by the directive, the aforementioned article lays down only the minimum duration of the weekly rest period, which is to say that the weekly rest period must be at least 35 consecutive hours' long, provided that there are no objective, technical or work organisation conditions which preclude this?
3. Must Article 5 of Directive [2003/88], read in conjunction with Article 31(2) of the Charter, be interpreted as meaning that, where the law of the Member State and the applicable collective agreement provide for the grant of a continuous weekly rest period of at least 42 hours, it is compulsory, following work which has been performed on the working day prior to the weekly rest period, also to grant the twelve-hour daily rest period guaranteed along with it under the relevant legislation of that Member State and the applicable collective agreement, provided that there are no objective, technical or work organisation conditions which preclude this?

## Case C-488/21, Social Insurance

*GV – v – Chief Appeals Officer, Social Welfare Appeals Office, Minister for Employment Affairs and Social Protection, Ireland, Attorney General*, reference lodged by the Court of Appeal (Ireland) on 10 August 2021

1. Is the derived right of residence of a direct relative in the ascending line of a Union citizen worker pursuant to Article 7(2) of Directive 2004/38/EC conditional on the continued dependency of that relative on the worker?
2. Does Directive 2004/38/EC preclude a host Member State from limiting access to a social assistance payment benefit by a family member of a Union citizen worker who enjoys a derived right of residence on the basis of her dependency on that worker, where access to such payment would mean she is no longer dependent on the worker?
3. Does Directive 2004/38/EC preclude a host Member State from limiting access to a social assistance payment benefit by a family member of a Union citizen worker who enjoys a derived right of residence on the basis of her dependency on that worker, on the grounds that payment of the benefit will result in the family member concerned becoming an unreasonable burden on the social assistance system of the State?