

ised by the Commission – for all healthcare personnel, even if they come from another Member State and are in Italy for the purposes of exercising the freedom to provide services and freedom of establishment, compatible with Regulation 2021/953 and with the principles of proportionality and non-discrimination contained therein?

## Case C-30/22, Social Insurance

DV – v – Direktor na Teritorialno podelenie na Natsionalnia osiguritelen institut – Veliko Tarnovo, reference lodged by the Administrativen sad Veliko Tarnovo (Bulgaria) on 12 January 2022

1. Must the provision of Article 30(2) of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, read in conjunction with Article 30(1) (a) thereof, be interpreted as meaning that the persons referred to in the second provision are covered by the scope *ratione personae* of Article 31(1) of the Agreement if they were nationals of a Member State without interruption throughout the transitional period and were at the same time subject to the legislation of the United Kingdom, or must it be interpreted as meaning that the persons referred to in Article 30(1)(a) of the Agreement are covered by Article 31(1) only for as long as they are employed in the United Kingdom at and/or after the end of the transitional period?
2. Must the provision of Article 30(2) of the Agreement, read in conjunction with Article 30(1)(c) thereof, be interpreted as meaning that the persons referred to in the second provision are covered by Article 31(1) of the Agreement if they resided as Union citizens in the United Kingdom without interruption throughout the transitional period and were at the same time subject to the legislation of a single Member State throughout the transitional period, until the end of that period, or must it be interpreted as meaning that the persons referred to in Article 30(1)(c) are not covered by Article 31(1) if they ceased to reside in the United Kingdom after the end of the transitional period?
3. If it follows from the interpretation of the provisions of Article 30(2) of the Agreement, read in conjunction with Article 30(1)(a) and (c) thereof, that those provisions are not applicable to the facts of the main proceedings because a Union citizen ceased to reside in the United Kingdom after the end of the transitional period, must the provisions of Article 30(4) of the Agreement, read in conjunction with Article 30(3) thereof, be interpreted as meaning that persons residing or working in the host State or in

the State of employment are no longer covered by the provision of Article 30(1) if their legal relationships as employed persons (workers) have been terminated and, as a result, they have lost their right of residence and have left the State of employment or the host State after the end of the transitional period, or must those provisions be interpreted as meaning that the restriction laid down by Article 30(4) relates to the right of residence and the right of employment exercised after the end of the transitional period, without it being relevant when the rights were terminated, provided that they still existed after the end of the transitional period?

## Case C-57/22, Paid Leave

YQ – v – DŘeditelství silnic a dálnic ČR, reference lodged by the Nejvyšší soud České republiky (Czech Republic) on 28 January 2022

Must Article 7(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time be interpreted as precluding national case-law by virtue of which a worker who was unlawfully dismissed then reinstated in his or her employment, in accordance with national law, following the annulment of the dismissal by a decision of a court, is not entitled to paid annual leave for the period between the date of the dismissal and that of the reinstatement in his or her employment on the ground that, during that period, that worker did not actually carry out work for the employer, also in cases when, according to national legislation, the worker who has been unlawfully dismissed and who has without undue delay informed his or her employer in writing that he or she insists on being employed, is entitled to wage or salary compensation in the amount of average earnings from the date when he or she informed the employer that he or she insists on the continuation of his or her employment until such time as the employer allows him or her to carry on in his or her work or his or her employment relationship is validly terminated?

## Case C-134/22, Collective Redundancies

MO – v – SM, as trustee of G GmbH, reference lodged by the Bundesarbeitsgericht (Germany) on 1 March 2022

What is the purpose of the second subparagraph of Article 2(3) of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies, according to which

the employer is to forward to the competent public authority a copy of, at least, the elements of the written communication which are provided for in the first subparagraph, point (b), subpoints (i) to (v)?

## Case C-45/22, Social Insurance, Pension

HK – v – Service fédéral des Pensions (SFP), reference lodged by the Tribunal du travail francophone de Bruxelles (Belgium) on 20 January 2022

1. Must the rule laid down in Article 55(1)(a) of Regulation (EC) No 883/2004 that the competent institutions are to divide the amounts of the benefit or benefits or other income, as they have been taken into account, by the number of benefits subject to the said rules be interpreted as meaning that the income as such taken into account when applying the rule to prevent overlapping must be divided by the number of survivors' pensions impacted by the rules against overlapping?
2. On the contrary, must the rule laid down in Article 55(1)(a) of Regulation (EC) No 883/2004 that the competent institutions are to divide the amounts of the benefit or benefits or other income, as they have been taken into account, by the number of benefits subject to the said rules be interpreted as meaning that it is not the income as such taken into account when applying the rule to prevent overlapping, but rather it is the portion of the income which exceeds a ceiling in respect of overlapping, as, for example, laid down by the national rule at issue, that must be divided by the number of survivors' pensions impacted by the rules against overlapping?

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## Case C-52/22, Age Discrimination, Pension

BF – v – Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau, reference lodged by the Bundesverwaltungsgericht (Austria) on 26 January 2022

Are Article 2(1) and 2(2)(a) and Article 6(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and the principles of legal certainty, maintenance of established rights and effectiveness of EU law to be interpreted as precluding national legislation – such as that at issue in the main proceedings – under which the first adjustment of the retirement pen-

sion of the group of civil servants who became entitled to a retirement pension ('total pension' under the Pensionsgesetz 1965 ('the 1965 Law on pensions')) as from 1 December 2021 at the latest is to be made with effect only from 1 January of the second calendar year following the commencement of entitlement to the retirement pension, whereas the first adjustment of the retirement pension of the group of civil servants who became or will become entitled to a retirement pension ('total pension' under the 1965 Law on pensions) as from 1 January 2022 is to be made with effect already from 1 January of the first calendar year following the commencement of entitlement to the retirement pension?