

Ruling

The second sentence of Article 38(3) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), must be interpreted as not precluding national legislation which provides that a controller or a processor may terminate the employment contract of a data protection officer, who is a member of his or her staff, only with just cause, even if the contractual termination is not related to the performance of that officer's tasks, in so far as such legislation does not undermine the achievement of the objectives of that regulation.

ECJ 30 June 2022, case C-625/20 (INSS (Cumul de pensions d'invalidité professionnelle totale)), Social Insurance, Gender Discrimination

KM – v – Instituto Nacional de la Seguridad Social (INSS), Spanish case

Summary

A Spanish anti cumulation provision for occupational invalidity pensions from the same scheme favours male workers without any objective justification and hence constitutes gender discrimination.

Question

Must Article 4(1) of Directive 79/7 be interpreted as precluding national legislation which prevents workers affiliated to social security from receiving a combination of two total occupational invalidity pensions where those pensions come under the same social security scheme, while permitting such a combination where those pensions come under different social security schemes?

Ruling

Article 4(1) 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 must be interpreted as precluding national legislation which prevents workers affiliated to social security from receiving a combination of two total occupational invalidity pensions where those pensions come under the same social security scheme, while permitting such a combination where those pensions come under different social security schemes, where that legislation places female workers at a particular disadvantage as compared with male workers, in particular in so far as that legislation permits a significantly higher proportion of male workers, determined on the basis of all male workers subject to that legislation, as compared with the corresponding proportion of female workers, to benefit from that combination and where that legislation is not justified by objective factors unrelated to any discrimination on ground of sex.

ECJ 30 June 2022, case C-192/21 (Comunidad de Castilla y León), Fixed-Term Work

Mr Clemente – v – Comunidad de Castilla y León (Dirección General de la Función Pública), Spanish case

Summary

It is not allowed to not take account of services provided as an interim civil servant (hence on a fixed-term basis) when consolidating the status of a career civil servant.

Question

Does Clause 4(1) of the Framework Agreement preclude national legislation under which, for the purposes of consolidating a personal grade, account is not taken of services which a career civil servant provided as an interim civil servant before he or she acquired the status of career civil servant?