

## Case C-329/23, Social Insurance

Sozialversicherungsanstalt der Selbständigen – v – Dr. W M, Bundesminister für Soziales, Gesundheit, Pflege und Konsumentenschutz, reference lodged by the Verwaltungsgerichtshof (Austria) on 25 May 2023

1. Are the rules of EU law on the determination of the applicable legislation in the area of social security according to Regulation (EC) No 883/2004 in conjunction with Regulation (EC) No 987/2009 to be applied to a situation in which an EU citizen is simultaneously self-employed in an EU State, an EEA EFTA State (Liechtenstein) and Switzerland.

If the answer to the first question is in the affirmative:

2. Must the application of Regulation (EC) No 883/2004 in conjunction with Regulation (EC) No 987/2009 in such a case be such that the applicability of the social security legislation must be assessed separately in the relationship between the EU Member State and the EEA-EFTA State, on the one hand, and the relationship between the EU Member State and Switzerland, on the other hand, and must, accordingly, a separate certificate regarding the applicable legislation be issued in each case?
3. Is there a change in the ‘relevant situation’ within the meaning of Article 87(8) of Regulation, (EC) No 883/2004 where a self-employment activity is commenced in another State to which the said regulation is applicable, even if a change in the applicable legislation would not result either under Regulation (EC) No 883/2004 or under Regulation (EEC) No 1408/71 and the activity is so subordinate in extent that only about 3% of total income is thereby obtained?
4. In that regard, does it make any difference whether, within the meaning of the second question, coordination in bilateral relations must take place separately, that is to say, on the one hand, between the States hitherto concerned and, on the other hand, between one of the States hitherto concerned and the ‘other’ State?

## Case C-329/23, Age Discrimination

HB – v – Federal Republic of Germany, reference lodged by the Verwaltungsgericht Karlsruhe (Germany) on 6 June 2023

1. Does it constitute direct discrimination on grounds of age within the meaning of Article 2(2)(a) of Directive 2000/78/EC, when, under Paragraph 48(2) of the German Law on Judges (Deutsches Richtergesetz, ‘the DRiG’), federal judges cannot postpone the start of their retirement, even though federal civil servants and, for example, judges in the service of Land Baden-Württemberg are allowed to do so?
2. In the context of the first subparagraph of Article 6(1) of Directive 2000/78/EC, do elements derived from the general context of the measure at issue also include aspects that are not mentioned at all in the legislative material or in the course of the entire parliamentary legislative process, but are presented only during the judicial proceedings?
3. How are the terms ‘objectively’ and ‘reasonably’ in the first subparagraph of Article 6(1) of Directive 2000/78/EC to be interpreted and what is their point of reference? Does the first subparagraph of Article 6(1) of the Directive require a twofold examination of reasonableness?
4. Is the first subparagraph of Article 6(1) of Directive 2000/78/EC to be interpreted as precluding, from the point of view of coherence, national legislation which precludes federal judges from postponing their retirement whereas federal public servants and, for example, judges in the service of Land Baden-Württemberg are allowed to do so?

## Case C-367/23, Working Time, Fundamental Rights

EA – v – Artemis security SAS, reference lodged by the Cour de cassation (France) on 9 June 2023

1. Does Article 9(1)(a) 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 fulfil the conditions