

ECJ Court Watch – Pending Cases

Case C-202/20 P, Miscellaneous

Claudio Necci – v – European Commission, European Parliament, Council of the European Union, appeal against judgment of the General Court (Fourth Chamber) of 25 March 2020 in Case T-129/19, Necci – v – Commission

The appellant claims that the Court should:

- set aside the order of 25 March 2020 of the General Court of the European Union in Case T-129/19, *Necci – v – Commission*;
- refer the case back to the General Court of the European Union for it to be adjudged afresh;
- reserve the costs.

Case C-205/20, Free movement

NE – v – Bezirkshauptmannschaft Hartberg-Fürstenfeld, reference lodged by the Landesverwaltungsgericht Steiermark (Austria) on 8 May 2020

1. Is the requirement of proportionality of penalties laid down in Article 20 of Directive 2014/67/EU and interpreted by the Court of Justice of the European Union in its orders in *Bezirkshauptmannschaft Hartberg-Fürstenfeld* (C-645/18, EU:C:2019:1108) and *Bezirkshauptmannschaft Hartberg-Fürstenfeld* (C-140/19, C-141/19, C-492/19, C-493/19 and C-494/19, EU:2019:1103) a directly applicable provision of the Directive?
2. If Question 1 is answered in the negative: Does the interpretation of national law in conformity with EU law permit and require the national court and administrative authority to supplement – in the absence of new legislation at national level – the domestic penal provisions applicable in the present proceedings with the criteria of the requirement of proportionality laid down in the orders of the Court of Justice of the European Union in *Bezirkshauptmannschaft Hartberg-Fürstenfeld* (C-645/18, EU:C:2019:1108) and *Bezirkshauptmannschaft Hartberg-Fürstenfeld* (C-140/19, C-141/19, C-492/19, C-493/19 and C-494/19, EU:2019:1103)?

Case C-214/20, Working Time

MG – v – Dublin City Council, reference lodged by the Labour Court (Ireland) on 20 May 2020

1. Must Article 2 of the Directive [2003/88/EC] be interpreted to mean that a worker, when ‘on call’ at a location or locations of his choosing without requirement at any time while on call to notify the employer of his or her location, but subject only to the requirement that the worker be able to respond to a ‘call in’ within a desirable turn-out period of 5 minutes and a maximum turn-out period of 10 minutes, is engaged in working time while on call?
2. If the answer to question 1 is in the affirmative, can a worker who is not restricted other than by a requirement to respond to a ‘call in’ within a desirable turn-out period of 5 minutes and a maximum turn-out period of 10 minutes, and who is able, without restriction, to be employed contemporaneously by another employer or to engage in business on his own account while ‘on call’, be regarded as engaged in ‘working time’ on behalf of the employer in respect of which employment he or she is ‘on call’?
3. If the answer to the second question is in the affirmative, if the worker actually is employed by a second employer while ‘on call’, subject only to a requirement that the second employer must release the worker when called in by the first employer, mean that the time spent by the worker ‘on call’ and working for the second employer be regarded as working time in terms of his relationship with the first employer?
4. If the answer to the third question is in the affirmative, does a worker who works for a second employer while on call to his first employer accrue working time in relation to the first and second employer contemporaneously?