

ECJ Court Watch – Rulings

ECJ 22 December 2022, case C-392/21 (Inspectoratul General pentru Imigrări (Acquisition de lunettes par un travailleur)) Health and Safety

TJ – v – Inspectoratul General pentru Imigrări,
Romanian case

Summary

‘Special corrective appliances’ include corrective spectacles which can also be used outside work. An employer has either to provide these or reimburse expenses and cannot suffice with a general salary supplement.

Question

1. Must Article 9(3) of Directive 90/270 be interpreted as meaning that ‘special corrective appliances’, within the meaning of that provision, include corrective spectacles and, moreover, if such appliances are restricted to appliances used exclusively for professional purposes?
2. Must Article 9(3) and (4) of Directive 90/270 be interpreted as meaning that the employer’s obligation, laid down in that provision, to provide the workers concerned with a special corrective appliance, may be met by the direct provision of the appliance to the worker, by reimbursement of the necessary expenses incurred by the worker or by the payment of a general salary supplement to the worker?

Ruling

1. Article 9(3) of Council Directive 90/270/EEC of 29 May 1990 on the minimum safety and health

requirements for work with display screen equipment (fifth individual Directive within the meaning of Article 16(1) of Directive 87/391/EEC) must be interpreted as meaning that ‘special corrective appliances’ provided for in that provision include spectacles aimed specifically at the correction and prevention of visual difficulties relating to work involving display screen equipment. Moreover, those ‘special corrective appliances’ are not limited to appliances used exclusively for professional purposes.

2. Article 9(3) and (4) of Directive 90/270 must be interpreted as meaning that the employer’s obligation, laid down in that provision, to provide the workers concerned with a special corrective appliance, may be met by the direct provision of the appliance to the worker by the employer or by reimbursement of the necessary expenses incurred by the worker, but not by the payment of a general salary supplement to the worker.

ECJ 22 December 2022, case C-404/21 (INPS and Repubblica italiana) Miscellaneous, Pension

WP – v – Istituto nazionale della previdenza sociale,
Repubblica italiana, Italian case

Summary

Although a Member State is not obliged to transfer pension amounts to the ECB pension scheme without an agreement between that Member State and the ECB, it must negotiate in good faith with a view to enter into such agreement.

Question

1. Must Article 4(3) TEU, Articles 45 and 48 TFEU, Article 11(2) of Annex VIII to the Staff Regulations and Article 8(a) of Annex IIIa to the ECB Conditions of Employment be interpreted as precluding