

## ECJ Court Watch – Pending Cases

### Case C-454/15. Insolvency Protection

*Jürgen Webb-Sämann –v– Christopher Seagon acting as liquidator in the insolvency of Baumarkt Praktiker DIY GmbH, reference lodged by the German Hessisches Landesarbeitsgericht on 24 August 2015*

Is a national understanding of a rule under which outstanding salary claims which were deposited with the employer in order to be paid over to a pension fund by a particular date but which were not paid by that employer into a separate account and therefore did not come within the scope of a right to have those claims excluded from insolvency proceedings in respect of the employer's assets (*Aussonderungsrecht*) pursuant to Paragraph 47 of the German Insolvency Regulation contrary to Article 8 of Directive 2008/94/EC (on the protection of employees in the event of the insolvency of their employer) or to other EU law?

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### Case C-508/15. Free Movement

*Sidika Ucar –v– Land Berlin, reference lodged by the German Verwaltungsgericht Berlin on 24 September 2015*

Is the first indent of the first paragraph of Article 7 of EEC-Turkey Association Council Decision No 1/80 of 19 September 1980 to be interpreted as meaning that the conditions governing application of that provision are also met in the case where the three years of legal residence of the member of the family of the Turkish worker duly registered as belonging to the labour force were preceded by a period in which the principal person entitled, after having been joined by the family member authorised to do so in accordance with that provision, was no longer duly registered as belonging to the labour force of that Member State?

Is the first paragraph of Article 7 of Decision No 1/80 to be interpreted as meaning that the extension of a residence permit is to be regarded as constituting the authorisation specified in that provision to join a Turkish worker duly registered as belonging to the labour force in the case where the family member concerned

has lived continuously, since being authorised to join the Turkish worker within the meaning of that provision, together with that person but the latter, following a period of temporary absence therefrom, is duly registered as belonging afresh to the labour force of the Member State only at the date on which the residence permit is extended?

### Case C-509/15. Free Movement

*Recep Kilic –v– Land Berlin, reference lodged by the German Verwaltungsgericht Berlin on 24 September 2015*

Can the extension of the residence permit of a family member – who was permitted to join the principal person entitled at a time when the latter was not duly registered as belonging to the labour force – at a date on which the principal person entitled, with whom the family member is lawfully resident, has become an employed person be regarded as constituting an ‘authorisation to join’ for the purposes of Article 7 of EEC-Turkey Association Council Decision No 1/80 of 19 September 1980?

### Case C-518/15. Working Time

*Ville de Nivelles –v– Rudy Matzak, reference lodged by the Belgian cour du travail de Bruxelles on 28 September 2015*

Must Article 17(3)(c)(iii) of Directive 2003/88/EC concerning certain aspects of the organisation of working time be interpreted as enabling Member States to exclude certain categories of firefighters recruited by the public fire services from all the provisions transposing that Directive, including the provision that defines working time and rest periods?

Inasmuch as Directive 2003/88 of 4 November 2003 concerning certain aspects of the organisation of working time provides for only minimum requirements, must it be interpreted as not preventing the national legislature from retaining or adopting a less restrictive definition of working time?