Taking account of Article 153(5) TFEU and of the objectives of Directive 2003/88 concerning certain aspects of the organisation of working time, must Article 2 of that Directive, in so far as it defines the principal concepts used in the Directive, in particular those of working time and rest periods, be interpreted to the effect that it is not applicable to the concept of working time which serves to determine the remuneration owed in the case of home-based on-call time?
Does Directive 2003/88 of 4 November 2003 concerning certain aspects of the organisation of working time prevent home-based on-call time from being regarded as working time when, although the on-call time is undertaken at the home of the worker, the constraints on him during the on-call time (such as the duty to respond to calls from his employer within eight minutes) very significantly restrict the opportunities to undertake other activities?

Case C-531/15. Sex Discrimination

Elda Otero Ramos –v– Servizo Galego de Saúde, Instituto Nacional de la Seguridad Social, reference lodged by the Spanish *Tribunal Superior de Justicia de Galicia* on 8 October 2015

Are the rules on the burden of proof laid down in Article 19 of Directive 2006/54/EC applicable to the situation of risk during breastfeeding referred to in Article 26(4), in conjunction with Article 26(3), of the Law on the Prevention of Occupational Risks, which was adopted to transpose into Spanish law Article 5(3) of Council Directive 92/85/?
If question 1 is answered in the affirmative, can the existence of risks to breastfeeding when working as a nurse in a hospital accident and emergency department, established by means of a report issued by a doctor who is also the director of the accident and emergency department of the hospital where the worker is employed, be considered to be facts from which it may be presumed that there has been direct or indirect discrimination within the meaning of Article 19 of Directive 2006/54/EC?
If question 2 is answered in the affirmative, can the fact that the job performed by the worker is included in the list of risk-free jobs drawn up by the employer after consulting the workers' representatives and the fact that the preventive medicine/prevention of occupational risks department of the hospital concerned has issued a declaration that the worker is fit for work, without those documents including any further information regarding how those conclusions were reached, be considered to prove, in every case and without possibility of challenge, that there has been no breach of the principle of equal treatment within the meaning of Article 19 of Directive 2006/54/EC?
If question 2 is answered in the affirmative and question 3 is answered in the negative, which of the parties – the applicant worker or the defendant employer – has, in accordance with Article 19 of Directive 2006/54/EC, the burden of proving, once it has been established that performance of the job creates risks to the mother or the breast-fed child, (1) that the adjustment of working conditions or working hours is not feasible or that, despite such adjustment, the working conditions are liable to have an adverse effect on the health of the pregnant worker or breast-fed child (Article 26(2), in conjunction with Article 26(4), of the Law on the Prevention of Occupational Risks, which transposes Article 5(2) of Directive 92/85/EEC), and (2) that it is not technically or objectively feasible to move the worker to another job or that such a move cannot reasonably be required on substantiated grounds (Article 26(3), in conjunction with Article 26(4), of the Law on the Prevention of Occupational Risks, which transposes Article 5(3) of Directive 92/85/EEC)?

Case C-539/15. Age Discrimination

Daniel Bowman –v– Pensionsversicherungsanstalt, reference lodged by the Austrian *Oberster Gerichtshof* on 15 October 2015

Is Article 21 of the Charter of Fundamental Rights of the European Union, in conjunction with Article 2(1) and (2) and Article 6 of Council Directive 2000/78/EC, 1 and also having regard to Article 28 of the Charter of Fundamental Rights, to be interpreted as meaning that

a. a provision in a collective agreement which provides for a longer period for incremental advancement for employment at the start of a career, thereby making it more difficult to advance to the next salary step, constitutes an indirect difference in treatment based on age,
b. and, if such is the case, that such a rule is appropriate and necessary in the light of the limited professional experience at the start of a career?

Case C-566/15. Nationality Discrimination

Konrad Erzberger –v– TUI AG, reference lodged by the German *Kammergericht Berlin* on 3 November 2015

Is it compatible with Article 18 TFEU (non-discrimination) and Article 45 TFEU (freedom of movement for workers) for a Member State to grant the right to vote and stand as a candidate for the employees' representa-

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