cy z przyczyn niedotyczących pracowników, Dz. U. 2003, No 90, item 844, as amended), is required to use the procedures specified in Articles 2, 3, 4 and 6 of that law? That is, does that obligation apply in the case of the following articles:

1. Article 241(2) 13 in conjunction with Article 241(2) 8 and Article 23 1 of the Labour Code (Kodeks pracy);
2. Article 241(2) 13 in conjunction with Article 77(5) 2 or Article 241(1) 7 of the Labour Code;
3. Article 42(1) of the Labour Code in conjunction with Article 45(1) of the Labour Code?

Case C-432/16. Maternity

Carolina Minayo Luque – v – Quitxalla Stars, S.L., and Fondo de Garantía Salarial, reference lodged by the Spanish Tribunal Superior de Justicia de Cataluña on 2 August 2016

On a proper construction of Article 10(1) of Directive 92/85, must the concept of '*exceptional cases not connected with their condition which are permitted under national legislation and/or practice*', constituting an exception to the prohibition against dismissing pregnant workers, be understood to have been complied with simply by providing proof of the objective economic, technical, organisational or productive reasons, as defined in Article 51(1) of the Workers' Statute, referred to in Article 52(c) of that statute?

In the event of an objective individual dismissal for economic, technical, organisational or productive reasons, is there a requirement, in order to decide whether exceptional cases exist that justify the dismissal of pregnant workers and workers who have recently given birth or are breastfeeding, in accordance with Article 10(1) of Directive 92/85/EEC, that the worker affected cannot be reassigned to another job, or that there are no other workers in similar posts who may be affected? Or is it sufficient that proof should be given of economic, technical and productive reasons that affect her job?

Is legislation, such as the Spanish statute transposing the prohibition on the dismissal of pregnant workers and workers who have recently given birth or are breastfeeding, by providing a guarantee that, in the absence of any proof of reasons justifying her dismissal, the dismissal is declared void (reparative protection), but not laying down a prohibition against dismissal (preventive protection), compatible with Article 10(1) of Directive 92/85/EEC, which lays down that prohibition?

Is national legislation, such as the Spanish statute, which does not provide for priority for retention in the undertaking in the event of objective individual dismissal for economic, technical, organisational or productive reasons for pregnant workers and workers who have recently given birth or are breastfeeding, compatible with Article 10(1) of Directive 92/85/EEC?

For the purposes of Article 10(2) of Directive 92/85/EEC, is national legislation compatible with this provision if it treats a letter of dismissal such as that shown in the present proceedings as sufficient even if it makes no reference whatsoever to the existence of any exceptional grounds, nor to the criteria which justify selecting the worker, notwithstanding her pregnancy?

Case C-442/16. Free movement

Florea Gusa – v – Minister for Social Protection, Attorney General, reference lodged by the Irish Court of Appeal on 8 August 2016

Does an EU citizen who (1) is a national of another Member State; (2) has lawfully resided in and worked as a self-employed person in a host Member State for approximately four years; (3) has ceased his work or economic activity by reason of absence of work and (4) has registered as a jobseeker with the relevant employment office, retain the status of self-employed person pursuant to Article 7(1)(a), whether pursuant to Article 7(3)(b) of Directive 2004/38/EC or otherwise.

If not, does he retain the right to reside in the host Member State, not having satisfied the criteria in Article 7(1) (b) or (c) of Directive 2004/38/EC or is he only protected from expulsion pursuant to Article 14(4) (b) of Directive 2004/38/EC.

If not, in relation to such a person, is the refusal of jobseeker's allowance (which is a non-contributory special benefit within the meaning of Article 70 of Regulation 883/2004/EC) by reason of a failure to establish a right to reside in the host Member State, compatible with EU law, and in particular Article 4 of Regulation 883/2004/EC.

Case C-443/16. Fixed-term employment

Francisco Rodrigo Sanz – v – Universidad Politécnica de Madrid, reference lodged by the Spanish Juzgado de lo Contencioso-Administrativo de Madrid on 8 August 2016

1. Must Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC be construed as precluding rules such as those described from allowing a reduction in working hours solely because the person involved is an interim civil servant ('funcionario interino', or a person appointed to a civil service post on a temporary basis)?
   If the answer is in the affirmative:
   Can the economic situation which makes a reduction in expenditure necessary, and which has been forced

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by a reduction in the budget, be regarded as an objective ground justifying this difference in treatment? Can the administration's prerogative to organise itself be regarded as an objective ground which justifies this difference in treatment?

2. Must Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC be construed to the effect that the administration's prerogative to organise itself is always limited by the obligation not to discriminate against employees in its service or treat them differently, irrespective of whether they are classified as career civil servants, or interim, casual or temporary civil servants?
3. Can the interpretation and application of point 3 of the second additional provision ('College Lecturers and their integration with University Lecturers') of Basic Law 4/2007 of 12 April 2007, amending Basic Law 6/2001 of 21 December 2001 relating to Universities be construed as contrary to Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC insofar as, in the process for college lecturers joining the body of university lecturers, college lecturers appointed on a permanent basis are allowed to retain all their rights and full capacity to teach, even though they do not have a doctorate degree, while this is not allowed for interim college lecturers?
4. If the requirement of having a doctorate is the objective justification for cutting the working hours of interim college lecturers who do not have one by half, yet this does not apply to non-interim college lecturers who do not have a doctorate, can this be construed as discriminatory and therefore contrary to Clause 4 of the Framework Agreement annexed to Directive 1999/70/EC?

Case C-451/16. Sex discrimination

MB – v – Secretary of State for Work and Pensions, reference lodged by the Supreme Court of the United Kingdom on 12 August 2016

The question referred is whether Council Directive 79/7/EEC on equal treatment for men and women in matters of social security precludes the imposition in national law of a requirement that, in addition to satisfying the physical, social and psychological criteria for recognizing a change of gender, a person who has changed gender must also be unmarried in order to qualify for a state retirement pension.

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