

## ECJ Court Watch – Pending cases

### Case C-627/16. Insolvency

João Ventura Ramos v Fundo de Garantia Salarial, reference lodged by the Portuguese Tribunal Administrativo e Fiscal de Viseu on 5 December 2016

Is a time-limit applicable to an application for payment of outstanding wage claims by the guarantee institution more favourable to employees, within the meaning of Article 11 of Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer, when the payment of such claims is only guaranteed where the application for payment is brought before the guarantee institution no later than one year from the day following that on which the contract of employment was terminated or where the time-limit is calculated from the date on which insolvency proceedings are brought, bearing in mind that the guarantee institution only guarantees the payment of the employee's claims which have fallen due in the six months prior to those proceedings being brought?

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If an employee has failed to comply with the time-limit for reasons for which he is not responsible, must the laws of the Member States, pursuant to Article 11 of Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008, provide for an additional time-limit for submitting his application, provided that the employee shows that he is not responsible for the failure to comply with the time-limit?

### Case C-653/16. Discrimination

Jitka Svobodová v Česká republika – Okresní soud v Náchodě, reference lodged by the Nejvyšší soud České republiky (Czech Republic) on 19 December 2016

Does the Czech legislation under which judges are not entitled to remuneration for on-call duty, even though other employees (in the public and private sectors) are entitled to that remuneration on the basis of the *Zákoník práce* (Labour Code) or other provisions of law, consti-

tute unequal treatment in the field of pay, prohibited by Council Directive 2000/78?

Does the Czech legislation under which all judges (according to the number of years credited) are entitled to the same salary, even though they perform different numbers of hours of on-call duty, constitute unequal treatment in the field of pay, prohibited by Council Directive 2000/78?