

amended by Regulation No 1992/2006, must be interpreted as precluding a Member State on whose territory a migrant worker resides, and which is not competent under that article, from making an entitlement to an old-age pension conditional on that migrant worker having insurance that entails payment of mandatory contributions.

ECJ 19 September 2019, case C-544/18 (Daknevičiute), Work and residence permit

Her Majesty's Revenue and Customs – v – Henrika Daknevičiute, UK case

Questions

Must Article 49 TFEU be interpreted as meaning that a woman who ceases self-employed activity in circumstances where there are physical constraints in the late stages of pregnancy and the aftermath of childbirth retains the status of being self-employed, provided that she returns to the same or another self-employed activity or employment within a reasonable period after the birth of her child?

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Ruling

Article 49 TFEU must be interpreted as meaning that a woman who ceases self-employed activity in circumstances where there are physical constraints in the late stages of pregnancy and the aftermath of childbirth retains the status of being self-employed, provided that she returns to the same or another self-employed activity or employment within a reasonable period after the birth of her child.

ECJ 26 September 2019, case C-63/18 (Vitali), Other forms of free movement

Vitali SpA – v – Autostrade per l'Italia SpA, Italian case

Question

Must Articles 49 and 56 TFEU and Directive 2014/24 be interpreted as precluding national legislation, such as that at issue in the main proceedings, which limits to 30% the share of the contract which the tenderer is permitted to subcontract to third parties?

Ruling

Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, as amended by Commission Delegated Regulation (EU) 2015/2170 of 24 November 2015, must be interpreted as precluding national legislation, such as that at issue in the main proceedings, which limits to 30% the share of the contract which the tenderer is permitted to subcontract to third parties.

ECJ 2 October 2019, case C-93/18 (Bajratari), Work and residence permit

Erмира Bajratari – v – Secretary of State for the Home Department, UK case

Question

Must Article 7(1)(b) of Directive 2004/38 be interpreted as meaning that a Union citizen minor has sufficient resources not to become an unreasonable burden on the social assistance system of the host Member State during his period of residence, despite his resources being derived from income obtained from the unlawful employment of his father, a third-country national without a residence card and work permit?