

holiday bonus pay, since these are not pro rata to the period of service?

Case C-485/20, Disability Discrimination

X – v – HR Rail, SA de droit public, reference lodged by Conseil d'État (Belgium) on 29 September 2020

Is Article 5 of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation to be interpreted as meaning that an employer has an obligation, in relation to a person who, due to his disability, is no longer capable of performing the essential functions of the post to which he was assigned, to assign him to another post, for which he has the requisite skills, capabilities and availability, where such a measure would not impose a disproportionate burden on the employer?'

Case C-502/20, Free Movement, Work and Residence Permit

TP – v – Institut des experts en automobiles, reference lodged by the Cour d'appel de Mons (Belgium) on 5 October 2020

1. Can the provisions of Article 5[(1)(2)](b) and Article 6 of the Belgian Law of 15 May 2007 on the recognition and protection of the profession of automotive expert, read in conjunction with the provisions of the Law of 12 February 2008 establishing a general framework for the recognition of EU professional qualifications, in particular Articles 6, 8 and 9 thereof, be interpreted as meaning that a service provider who changes his or her place of establishment to another Member State cannot, after that change, be entered, in his or her country of origin (in this instance, Belgium), in the IEA's register of temporary and occasional service providers with a view to pursuing temporary and occasional activity in that country? Is such an interpretation compatible with the freedom of establishment granted under EU law?
2. Are the provisions of Article 5[(1)(2)](b) and Article 6 of the Belgian Law of 15 May 2007 on the recognition and protection of the profession of automotive expert, read in conjunction with the provisions of the Law of 12 February 2008 establishing a general framework for the recognition of EU

professional qualifications, in particular Articles 6, 8 and 9 thereof, interpreted as meaning that the concept of temporary and occasional activity precludes the possibility for a service provider established in one Member State to provide services in another Member State if those services are to a degree recurrent, without being regular, or to possess some forms of infrastructure in that other Member State, compatible with the abovementioned provisions of the directive?

Case C-514/20, Paid Leave

DS – v – Koch Personaldienstleistungen GmbH, reference lodged by the Bundesarbeitsgericht (Germany) on 13 October 2020

Do Article 31(2) of the Charter of Fundamental Rights of the European Union and Article 7 of Directive 2003/88/EC preclude a provision in a collective labour agreement which, for the purpose of calculating whether an employee is entitled to overtime pay and for how many hours, takes account only of the hours actually worked and not also of the hours during which the employee takes his paid minimum annual leave?

Case C-518/20, Paid Leave

XP – v – St. Vincenz-Krankenhaus GmbH, reference lodged by the Bundesarbeitsgericht (Germany) on 16 October 2020

1. Do Article 7 of Directive 2003/88 and Article 31(2) of the Charter preclude an interpretation of a rule of national law such as Paragraph 7(3) of the German Bundesurlaubsgesetz (Federal Law on leave; 'the BUrIG') according to which the as yet unexercised entitlement to paid annual leave of a worker who suffers, on health grounds, a full reduction of earning capacity in the course of the leave year, but who could still have taken – at least some of – the leave in the leave year before the onset of his reduction of earning capacity, lapses 15 months after the end of the leave year in the event of a continuing uninterrupted reduction of earning capacity even if the employer has not actually enabled the worker to exercise his leave entitlement by informing him of the leave concerned and inviting him to take it?
2. If Question 1 is answered in the affirmative: Under these conditions, is it also impossible for the entitlement to lapse at a later point in time in cases where a full reduction of earning capacity persists?