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relationship with a domestic local or regional authority must be accredited as periods preceding the date of appointment in the determination of the comparison reference date only if the civil servant entered the employment relationship after 31 March 2000 and, otherwise, those periods are accredited only as other periods, of which half must be taken into account, and are thus subject to the flat-rate deduction, with the result that that legislation tends to disadvantage longer-serving civil servants?

# Case C-667/21, Privacy

## ZQ – v – Medizinischer Dienst der Krankenversicherung Nordrhein, a body governed by public law, reference lodged by the Bundesarbeitsgericht (Germany) on 8 November 2021

1. Is Article 9(2)(h) of Regulation (EU) 2016/679 (General Data Protection Regulation; 'the GDPR') to be interpreted as prohibiting a medical service of a health insurance fund from processing its employee's data concerning health which are a prerequisite for the assessment of that employee's working capacity?
2. If the Court answers Question 1 in the negative, with the consequence that an exception to the prohibition on the processing of data concerning health laid down in Article 9(1) of the GDPR is possible under Article 9(2)(h) of the GDPR: in a case such as the present one, are there further data protection requirements, beyond the conditions set out in Article 9(3) of the GDPR, that must be complied with, and, if so, which ones?
3. If the Court answers Question 1 in the negative, with the consequence that an exception to the prohibition on the processing of data concerning health laid down in Article 9(1) of the GDPR is possible under Article 9(2)(h) of the GDPR: does the permissibility or lawfulness of the processing of data concerning health depend on the fulfilment of at least one of the conditions set out in Article 6(1) of the GDPR?
4. Does Article 82(1) of the GDPR have a specific or general preventive character, and must that be taken into account in the assessment of the amount of non-material damage to be compensated at the expense of the controller or processor on the basis of Article 82(1) of the GDPR?
5. Is the degree of fault on the part of the controller or processor a decisive factor in the assessment of the amount of non-material damage to be compensated on the basis of Article 82(1) of the GDPR? In particular, can non-existent or minor fault on the part of the controller or processor be taken into account in their favour?

# Case C-680/21, Free Movement

## UL, SA Royal Antwerp Football Club – v – Union royale belge des sociétés de football association ASBL, reference lodged by the Tribunal de première instance francophone de Bruxelles (Belgium) on 11 November 2021

1. Is Article 101 TFEU to be interpreted as precluding the plan relating to "HGPs" adopted on 2 February 2005 by UEFA's Executive Committee, approved by UEFA's 52 member associations at the Tallinn Congress on 21 April 2005 and implemented by means of regulations adopted both by UEFA and by its member federations?
2. Are Articles 45 and 101 TFEU to be interpreted as precluding the application of the rules on the inclusion on the match sheet and the fielding of locally trained players, as formalised by Articles P335.11 and P.1422 of the URBSFA's federal regulation and reproduced in Articles B4.1[12] of Title 4 and B6.109 of Title 6 of the new URBSFA regulation?

# Case C-681/21, Age Discrimination, Pension

## Versicherungsanstalt öffentlich Bediensteter, Eisenbahnen und Bergbau, B, reference lodged by the Verwaltungsgerichtshof (Austria) on 11 November 2021

Are Article 2(1) and 2(2)(a) and Article 6(1) of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and the principles of legal certainty, maintenance of established rights and effectiveness of EU law to be interpreted as precluding national legislation – such as that at issue in the main proceedings – under which a previously advantaged category of civil servants is retroactively no longer entitled to pension benefits accruing on the basis of a pension adjustment, and which, in that way (retroactive removal of the previously advantaged category by now placing it on an equal footing with the previously disadvantaged category), has the effect that the previously disadvantaged category of civil servants is also not/no longer entitled to pension benefits accruing on the basis of the pension adjustment to which the latter category would have been entitled because of discrimination on grounds of age which has already been (on several occasions) judicially established – as a result of the non-application of a national provision which is contrary to EU law for the purpose of establishing equal treatment with the previously advantaged category?





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