

## ECJ Court Watch – Pending Cases

### Case C-518/22, Age Discrimination, Disability Discrimination

*J.M.P. – v – AP Assistenzprofis GmbH*, reference lodged by the Bundesarbeitsgericht (Germany) on 3 August 2022

Can Article 4(1), Article 6(1), Article 7 and/or Article 2(5) of Directive 2000/78/EC, read in the light of the requirements of the Charter of Fundamental Rights of the European Union and of Article 19 of the United Nations Convention on the Rights of Persons with Disabilities, be interpreted as meaning that, in a situation such as that in the main proceedings, direct discrimination on grounds of age can be justified?

- c. charging a fee per (renewal) application which is equal to the fee payable for a regular work permit for a third-country national, but five times higher than the fee payable for proof of lawful residence for a Union citizen?

### Case C-548/22, Fixed-Term Work, Part Time Work, Working Times

*M.M. – v – Presidenza del Consiglio dei Ministri, Ministero della Giustizia, Ministero dell'Economia e delle Finanze*, reference lodged by the *Giudice di pace di Fondi* (Italy) on 18 August 2022

Must Article 288 of the Treaty on the Functioning of the European Union, Articles 17, 31, 34 and 47 of the Charter of Fundamental Rights of the European Union, and Article 7 of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, Clause 4 of the Framework Agreement on part-time work, concluded on 6 June 1997, which is annexed to Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC, 2 amended by Council Directive 98/23/EC of 7 April 1998, and Clause 4 of the Framework Agreement on fixed-term work, concluded on 18 March 1999, which is annexed to Council Directive 1999/70/EC of 28 June 1999 concerning the Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP, be interpreted as meaning that those provisions preclude a national provision, such as that laid down in Article 29 of [decreto legislativo 13] luglio 2017, n. 116 ([Legislative Decree No 116 of 13] July 2017), as replaced by Article 1(629) of Legge 30 dicembre 2021, n. 234 (Law No 234 of 30 December 2021), which provides for the automatic waiver by law of all claims concerning the implementation of the abovementioned directives, with the loss of all other remuneration, employment and social welfare benefits guaranteed by European law:

- in the case where an honorary judge, as a fixed-term, part-time European worker comparable to a professional judge classified as a permanent, full-time European worker, merely submits an application to participate in stabilisation procedures that

### Case C-540/22, Social Insurance

*Various applicants – v – Staatssecretaris van Justitie en Veiligheid*, reference lodged by the *Rechtbank Den Haag* (The Netherlands) on 11 August 2022

1. Does the free movement of services guaranteed by Articles 56 and 57 TFEU include a right derived therefrom of residence in a Member State for third-country workers who may be employed in that Member State by a service provider established in another Member State?
2. If not, where the duration of the provision of services exceeds three months, does Article 56 TFEU preclude an application having to be made for a residence permit for each individual worker in addition to a simple obligation to declare on the part of the service provider?
3. If not, does Article 56 TFEU preclude
  - a. a provision of national law that the period of validity of such a residence permit may not exceed two years, irrespective of the duration of the provision of services?
  - b. the limitation of the period of validity of such a residence permit to the period of validity of the work and residence permit in the Member State in which the service provider is established?