

4. If, in the event of a transfer of a business, the national law also requires the application of Article 3 and Article 4 of Directive 2001/23/EC during insolvency proceedings, is Article 5(2)(a) of Directive 2001/23/EC applicable to employees' pension entitlements under supplementary company or intercompany pension schemes that did arise before the insolvency proceedings had been opened, but do not lead to benefit entitlements on the part of the employee until the occurrence of the covered event and therefore not until a later point in time?
5. If the second or the fourth question referred is answered in the affirmative: Does the minimum level of protection to be provided by the Member States pursuant to Article 8 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 also cover the part of the pension entitlements accrued as at the date on which the insolvency proceedings were opened because the employment relationship is not terminated in connection with the insolvency?
6. If the fifth question referred is answered in the affirmative: Under what circumstances can a former employee's losses suffered in respect of occupational old-age pension benefits as a result of the insolvency of the employer be regarded as manifestly disproportionate and therefore oblige the Member States to ensure a minimum degree of protection against such losses pursuant to Article 8 of Directive 2008/94/EC, even though the former employee receives at least half of the benefits that arise from his acquired pension rights?
7. If the fifth question referred is answered in the affirmative: Is the protection for employees' pension entitlements that is necessary pursuant to Article 3(4)(b) of Directive 2001/23/EC or Article 5(2)(a) of Directive 2008/94/EC – and is equivalent to that of Article 8 of Directive 2008/94/EC – also accorded if it does not arise from national law, but rather only from direct application of Article 8 of Directive 2008/94/EC?
8. If the seventh question referred is answered in the affirmative: Does Article 8 of Directive 2008/94/EC also have direct effect, such that it can be asserted before the national court by an individual employee if, although he receives at least half of the benefits arising out of his accrued pension rights, his losses suffered as a result of the insolvency of the employer are nevertheless to be regarded as disproportionate?
9. If the eighth question referred is answered in the affirmative: Is an institution organised under private law that the Member State has designated – in a manner that is binding on employers – as an insolvency insurance institution for occupational pensions that is subject to State supervision of financial services and levies the contributions required for insolvency insurance from employers under public

law, and, like an authority, can establish the conditions for enforcement by way of an administrative act, a public body of the Member State?

Case C-681/18, Temporary Agency Work

JH – v – KG, reference lodged by the Tribunale ordinario di Brescia (Italy) on 31 October 2018

Must Article 5(5) of Directive 2008/104/EC of 19 November 2008 be interpreted as precluding the application of Legislative Decree No 276/2003, as amended by Decree Law 34/2014, which: (a) does not place limits on successive assignments of the same worker to the same user undertaking; (b) does not require that, in order for the use of fixed-term supply work to be lawful, there must be technical, production, organisational or replacement reasons for having recourse to such supply work; (c) does not provide that, in order for the use of such a form of employment contract to be lawful, the production requirement of the user undertaking must be temporary in nature?

Case C-705/18, Part-time Work, Gender Discrimination

Agencia Estatal de la Administración Tributaria – v – SJ, reference lodged by the Tribunal Superior de Justicia de Galicia (Spain) on 13 November 2018

Are a provision in a collective agreement and an employer's practice, pursuant to which, for the purposes of remuneration and promotion, the length of service of a part-time female employee whose working hours are 'distributed vertically' over the whole year is to be calculated solely on the basis of time actually worked, contrary to Clause 4(1) and (2) of the Framework Agreement on part-time work [annexed to] Council Directive 97/81/EC of 15 December 1997, and to Articles 2(1)(b) and 14(1) of Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)?