

Ruling

A provision of a collective agreement which provides for a higher supplementary allowance for irregular night work than that established for regular night work is not implementing 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 for the purposes of Article 51(1) of the Charter of Fundamental Rights of the European Union.

ECJ 7 July 2022, case C-377/21 (Zone de secours Hainaut - Centre), Part time work

Ville de Mons, Zone de secours Hainaut-Centre – v – RM, Belgian case

Summary

It is allowed to apply the pro rata temporis principle to prior activities performed as volunteer firefighter when determining the firefighter's 'financial seniority'. Unfortunately, no English translation of the judgment is available. Other language versions are available on <https://eur-lex.europa.eu/legal-content/nl/TXT/?uri=CELEX:62021CJ0377>.

ECJ 14 July 2022, case C-743/19 (Parliament v Council (Siège de l'Autorité européenne du travail)), Miscellaneous

European Parliament – v – Council of the European Union, EU case

Summary

It is for the EU legislature to decide on the location of the seat of the European Labour Authority, not the Member States. The ECJ's summary of the case is available on <https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-07/cp220126en.pdf>.

Order

The Court (Grand Chamber):

1. Dismisses the action;
2. Orders the European Parliament and the Council of the European Union to bear their own costs;
3. Orders the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, Hungary, the Kingdom of the Netherlands, the Republic of Poland, the Slovak Republic and the Republic of Finland to bear their own costs.

ECJ 1 August 2022, case C-411/20 (Familienkasse Niedersachsen-Bremen), Social Insurance

S – v – Familienkasse Niedersachsen-Bremen der Bundesagentur für Arbeit, German case

Summary

A Member State cannot exclude Union citizens who are nationals of another Member State from entitlement to family benefits during the first three months of their residence in that Member State if they are not in receipt of national income during that period, while a national of the Member State concerned who returns to that Member State after having resided in another Member State in accordance with EU law is entitled to such benefits on return without receiving such income.

Question

Must Article 4 of Regulation No 883/2004 and Article 24 of Directive 2004/38 be interpreted as precluding legislation of a Member State under which a Union citizen, who is a national of another Member State, who has established his or her habitual residence on the territory of the first Member State and who is economically inactive in so far as he or she is not in gainful employment in that State, is refused an entitlement to 'family benefits', within the meaning of Article 3(1)(j) of Regulation No 883/2004, read in conjunction with Article 1(z) thereof, during the first three months of his or her residence in the territory of that Member State, whereas an economically inactive national of that Member State is entitled to such benefits, including during the first three months following his or her return to the same Member State