

**Request for a preliminary ruling from the Cour de cassation (France) lodged on 23 July 2018 — RE v Praxair MRC**

**(Case C-486/18)**

(2018/C 352/31)

*Language of the case: French*

**Referring court**

Cour de cassation

**Parties to the main proceedings**

*Applicant:* RE

*Defendant:* Praxair MRC

**Questions referred**

1. Are Clauses 2.4 and 2.6 of the framework agreement on parental leave, annexed to Council Directive 96/34/EC of 3 June 1996 concerning the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, <sup>(1)</sup> to be interpreted as precluding the application to an employee who is on part-time parental leave at the time of his dismissal of a provision of domestic law, such as Article L. 3123-13 of the Labour Code, applicable at the material time, under which 'the compensation payment for dismissal and retirement benefit payable to an employee who has worked on both a full-time and part-time basis for the same undertaking shall be calculated in proportion to the periods of each of those types of employment completed since the employee joined the undertaking'?
2. Are Clauses 2.4 and 2.6 of the framework agreement, annexed to Council Directive 96/34/EC of 3 June 1996 concerning the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, to be interpreted as precluding the application to an employee who is on part-time parental leave at the time of his dismissal of a provision of domestic law, such as Article R. 1233-32 of the Labour Code, under which, during a period of redeployment leave which exceeds the notice period, the employee is to receive a monthly payment from the employer of an amount equivalent to at least 65 % of the employee's average gross monthly pay during the twelve months preceding the notice of dismissal, subject to the contributions referred to in Article L. 5422-9?
3. If the answer to either of the preceding questions is in the affirmative, is Article 157 of the Treaty on the Functioning of the European Union to be interpreted as precluding provisions of national law, such as Article L. 3123-13 of the Labour Code, applicable at the material time, and Article R. 1233-32 of that Code, insofar as a far greater number of women than men choose to take part-time parental leave and the indirect discrimination which results therefrom as regards the receipt of redundancy pay and redeployment leave allowance, which are less than those received by employees who have not taken part-time parental leave, is not justified by objective factors unrelated to any form of discrimination?

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<sup>(1)</sup> OJ 1996 L 145, p. 4.

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**Request for a preliminary ruling from the Najvyšší súd Slovenskej republiky (the Slovak Republic) lodged on 30 July 2018 — YX**

**(Case C-495/18)**

(2018/C 352/32)

*Language of the case: Slovak*

**Referring court**

Najvyšší súd Slovenskej republiky