

Questions referred

1. Must Article 7(1) of Directive 2003/88/EC⁽¹⁾ of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time be interpreted as precluding national legislation and/or case-law, according to which a worker who has been unfairly dismissed and subsequently reinstated by a court decision, is not entitled to paid annual leave for the period from the date of dismissal until the date of his reinstatement?
2. In the event that the first question is answered in the affirmative, must Article 7(2) 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 be interpreted as precluding national legislation and/or case-law, according to which in the event that the employment relationship is terminated once again the worker in question is not entitled to financial compensation for unused paid annual leave for the period from the date of his previous dismissal until the date of his reinstatement?

⁽¹⁾ OJ 2003 L 299, p. 9.

**Request for a preliminary ruling from the Cour de cassation (France) lodged on 7 December 2018 —
Caisse d'assurance retraite et de la santé au travail d'Alsace-Moselle v SJ, Ministre chargé de la
Sécurité sociale**

(Case C-769/18)

(2019/C 54/17)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Caisse d'assurance retraite et de la santé au travail d'Alsace-Moselle

Defendants: SJ, Ministre chargé de la Sécurité sociale

Questions referred

1. Does the social assistance for help with the expenditure associated with a disability provided for by Paragraph 35a of the Eighth Book of the Sozialgesetzbuch (German Social Code) fall within the material scope of Regulation No 883/2004?⁽¹⁾
2. If it does, are the payment of the child-rearing allowance for a disabled child and the supplement thereto, or, in its place, the disability compensation allowance, on the one hand, and the social assistance for the integration of children and young people with mental disabilities, provided for in Paragraph 35a of the Eighth Book of the Sozialgesetzbuch (German Social Code), on the other hand, of an equivalent nature within the meaning of Article 5(a) of Regulation No 883/2004, having regard to the purpose of Article L. 351-4-1 of the French Social Security Code aimed at the taking into account of the costs inherent in raising a child with a disability for the purposes of the determination of the insurance period providing entitlement to a retirement pension?

⁽¹⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ 2004 L 166, p. 1).