

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Fourth Chamber) of 11 March 2015 (request for a preliminary ruling from the Bundesarbeitsgericht — Germany) — Europäische Schule München v Silvana Oberto (C-464/13), Barbara O’Leary (C-465/13)

(Joined Cases C-464/13 and C-465/13) ⁽¹⁾

(Reference for a preliminary ruling — Statute of the European Schools — Competence of the Complaints Board of the European Schools to rule on a fixed-term employment contract entered into between a European school and a teacher not posted or seconded by a Member State)

(2015/C 146/02)

Language of the case: German

Referring court

Bundesarbeitsgericht

Parties to the main proceedings

Applicant: Europäische Schule München

Defendants: Silvana Oberto (C-464/13), Barbara O’Leary (C-465/13)

Operative part of the judgment

- 1) *The first sentence of the first subparagraph of Article 27(2) of the Convention defining the Statute of the European Schools, concluded in Luxembourg on 21 June 1994 between the Member States and the European Communities, must be interpreted as meaning that part-time teachers employed by a European school who are not seconded by the Member States are among the persons covered by that provision, unlike the administrative and ancillary staff, who are excluded from it.*
- 2) *The first sentence of the first subparagraph of Article 27(2) of the Convention defining the Statute of the European Schools must be interpreted as not precluding an agreement concerning the fixed-term nature of the employment relationship, contained in the employment contract concluded between the school and the part-time teacher, from being regarded as constituting an act adversely affecting that part-time teacher.*
- 3) *The first sentence of the first subparagraph of Article 27(2) of the Convention defining the Statute of the European Schools must be interpreted as not precluding an act carried out by the headteacher of a European school in the exercise of his powers from coming, in principle, within the scope of that provision. Points 1.3, 3.2 and 3.4 of the Conditions of Employment for Part-time Teachers recruited between 1 September 1994 and 31 August 2011 must be interpreted as meaning that a dispute concerning the legality of an agreement on limiting the duration of the employment relationship included in the employment contract concluded between a part-time teacher and that headteacher comes within the exclusive jurisdiction of the Complaints Board of the European Schools.*

⁽¹⁾ OJ C 336, 16.11.2013.