

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Fifth Chamber) of 9 November 2017 (request for a preliminary ruling from the Juzgado de lo Social No 33 de Barcelona (Spain)) — María Begoña Espadas Recio v Servicio Público de Empleo Estatal (SPEE)

(Case C-98/15) ⁽¹⁾

(Reference for a preliminary ruling — Directive 97/81/EC — Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC — Clause 4 — Male and female workers — Equal treatment in matters of social security — Directive 79/7/EEC — Article 4 — ‘Vertical’ part-time worker — Unemployment benefit — National legislation excluding days not worked from the contribution period for the purpose of establishing the duration of the benefit)

(2018/C 005/02)

Language of the case: Spanish

Referring court

Juzgado de lo Social No 33 de Barcelona

Parties to the main proceedings

Applicant: María Begoña Espadas Recio

Defendant: Servicio Público de Empleo Estatal (SPEE)

Operative part of the judgment

1. Clause 4(1) of the Framework Agreement on part-time work concluded on 6 June 1997, which is annexed to Council Directive 97/81/EC of 15 December 1997 concerning the framework agreement on part-time work concluded by UNICE, CEEP and the ETUC, is not applicable to a contributory unemployment benefit such as that at issue in the main proceedings.
2. Article 4(1) of Council Directive 79/7/EEC of 19 December 1978 on the progressive implementation of the principle of equal treatment for men and women in matters of social security must be interpreted as precluding legislation of a Member State which, in the case of ‘vertical’ part-time work, excludes days not worked from the calculation of days in respect of which contributions have been paid, and therefore reduces the unemployment benefit payment period, when it is established that the majority of vertical part-time workers are women who are adversely affected by such legislation.

⁽¹⁾ OJ C 171, 26.5.2015