

Parties to the main proceedings

Applicant: Jessica Porras Guisado

Defendants: Bankia SA, Sección Sindical de Bankia de CCOO, Sección Sindical de Bankia de UGT, Sección Sindical de Bankia de ACCAM, Sección Sindical de Bankia de SATE, Sección Sindical de Bankia de CSICA, Fondo de Garantía Salarial (Fogasa)

Joined party: Ministério Fiscal

Operative part of the judgment

1. Article 10(1) of Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) must be interpreted as not precluding national legislation which permits the dismissal of a pregnant worker because of a collective redundancy within the meaning of Article 1(1)(a) of Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies.
2. Article 10(2) of Directive 92/85 must be interpreted as not precluding national legislation which allows an employer to dismiss a pregnant worker in the context of a collective redundancy without giving any grounds other than those justifying the collective dismissal, provided that the objective criteria chosen to identify the workers to be made redundant are cited.
3. Article 10(1) of Directive 92/85 must be interpreted as precluding national legislation which does not prohibit, in principle, the dismissal of a worker who is pregnant, has recently given birth or is breastfeeding as a preventative measure, but which provides, by way of reparation, only for that dismissal to be declared void when it is unlawful.
4. Article 10(1) of Directive 92/85 must be interpreted as not precluding national legislation which, in the context of a collective redundancy within the meaning of Directive 98/59, makes no provision for pregnant workers and workers who have recently given birth or who are breastfeeding to be afforded, prior to that dismissal, priority status in relation to being either retained or redeployed, but as not excluding the right of Member States to provide for a higher level of protection for such workers.

⁽¹⁾ OJ C 165, 10.5.2016.

Judgment of the Court (Fifth Chamber) of 21 February 2018 — LL v European Parliament

(Case C-326/16 P) ⁽¹⁾

(Appeal — Action for annulment — Sixth paragraph of Article 263 TFEU — Admissibility — Time limit for instituting proceedings — Calculation — Former Member of the European Parliament — Decision relating to the recovery of parliamentary assistance allowances — Implementing Measures for the Statute for Members of the European Parliament — Article 72 — Complaint procedure within the European Parliament — Notification of the decision adversely affecting a Member of the European Parliament — Registered letter not collected by its addressee)

(2018/C 134/05)

Language of the case: Lithuanian

Parties

Appellant: LL (represented by: J. Petrulionis, advokatas)

Other party to the proceedings: European Parliament (represented by: G. Corstens and S. Toliušis, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the order of the General Court of the European Union of 19 April 2016, *LL v Parliament* (T-615/15, not published, EU:T:2016:432);
2. Refers the case back to the General Court of the European Union for a decision on the merits;
3. The costs are reserved.

⁽¹⁾ OJ C 343, 19.9.2016.

Judgment of the Court (Third Chamber) of 22 February 2018 — European Commission v Hellenic Republic

(Case C-328/16) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 91/271/EEC — Urban waste-water treatment — Judgment of the Court establishing a failure to fulfil obligations — Non-implementation — Article 260(2) TFEU — Pecuniary penalties — Lump sum — Periodic penalty payment)

(2018/C 134/06)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: G. Zavvos, E. Manhaeve and D. Triantafyllou, acting as Agents)

Defendant: Hellenic Republic (represented by: E. Skandalou, acting as Agent)

Operative part of the judgment

The Court:

1. Declares that, by failing to adopt the measures necessary to comply with the judgment of 24 June 2004, *Commission v Greece* (C-119/02, not published, EU:C:2004:385) the Hellenic Republic failed to fulfil its obligations under Article 260(1) TFEU.
2. Orders that, if the failure to fulfil obligations found in point 1 has continued until the day of delivery of the present judgment, the Hellenic Republic be required to pay to the European Commission a penalty payment of EUR 3 276 000 for each six-month period of delay in implementing the measures necessary to comply with the judgment of 24 June 2004, *Commission v Greece* (C-119/02, not published, EU:C:2004:385), from the date of delivery of the present judgment until the judgment of 24 June 2004, *Commission v Greece* (C-119/02, not published, EU:C:2004:385) has been complied with in full, the actual amount of which must be calculated at the end of each six-month period by reducing the total amount relating to each of those periods by a percentage corresponding to the proportion representing the number of population equivalent units that have actually been brought into compliance with the judgment of 24 June 2004, *Commission v Greece* (C-119/02, not published, EU:C:2004:385), in the Thrasio Pedio area, at the end of the period in question, in comparison to the number of population equivalent units that have not been brought into compliance with the judgment of 24 June 2004, *Commission v Greece* (C-119/02, not published, EU:C:2004:385), on the day of delivery of the present judgment.
3. Orders the Hellenic Republic to pay to the European Commission a lump sum of EUR 5 million.
4. Orders the Hellenic Republic to pay the costs of the proceedings.

⁽¹⁾ OJ C 402, 31.10.2016.