

### Operative part of the judgment

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, such as that at issue in the main proceedings, which provides that the amount of retirement pension based on contributions of a part-time worker is to be calculated by multiplying a basic amount, established from the remuneration actually received and contributions actually paid, by a percentage which relates to the length of the period of contribution, that period being itself modified, by a reduction factor equal to the ratio of the time of part-time work actually carried out to the time of work carried out by a comparable full-time worker, and increased by the application of a factor of 1.5, to the extent that that legislation places at a particular disadvantage workers who are women as compared with workers who are men.

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(<sup>1</sup>) OJ C 190, 4.6.2018.

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### Judgment of the Court (Ninth Chamber) 8 May 2019 (request for a preliminary ruling from the Vrhovno sodišče Republike Slovenije — Slovenia) — Jadran Dodič v Banka Koper, Alta Invest

(Case C-194/18) (<sup>1</sup>)

(Reference for a preliminary ruling — Social policy — Transfers of undertakings — Directive 2001/23/EC — Article 1(1) — Scope — Criteria for assessment of the transfer — Transfer of clients — Transfer of all the financial services of a bank, excluding staff, to a stock brokering company)

(2019/C 230/16)

Language of the case: Slovenian

### Referring court

Vrhovno sodišče Republike Slovenije

### Parties to the main proceedings

Appellant: Jadran Dodič

Respondents: Banka Koper, Alta Invest

### Operative part of the judgment

Article 1(1) of Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, must be interpreted as meaning that the transfer, to a second undertaking, of financial instruments and other assets of the clients of a first undertaking, following the cessation of the first undertaking's activity, under a contract the conclusion of which is required by national legislation, even though the first undertaking's clients remain free not to entrust the management of their stock market securities to the second undertaking, may constitute a transfer of an undertaking or of part of an undertaking if it is established that there was a transfer of clients, that being a matter for the referring court to determine. In that context, the number of clients actually transferred, even if very high, is not, in itself, decisive as regards classification as a 'transfer' and the fact that the first undertaking cooperates with the second undertaking as a dependent stock-exchange intermediary, is, in principle, irrelevant.

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(<sup>1</sup>) OJ C 190, 4.6.2018.