

Question referred

Do Articles 8, 10 and 157 of the Treaty on the Functioning of the European Union, Article 3 of the Treaty on European Union, Article 23 and Article 33(2) of the Charter of Fundamental Rights, and Article 1 and Article 14(1) of Directive 2006/54,⁽¹⁾ all taken in conjunction with Directive 2010/18⁽²⁾ implementing the Framework Agreement on parental leave, preclude a rule of national law such as Article 37(6) of the Workers' Statute, which makes it a requirement that in order to exercise the right to reconcile family life and working life so as to be able to care directly for children or family members for whom they are responsible, workers must in all cases reduce their ordinary working hours, with a consequent proportional reduction in salary?

⁽¹⁾ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ 2006 L 204, p. 23).

⁽²⁾ Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC (OJ 2010 L 68, p. 13).

Request for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 4 June 2018 — María Teresa Aragón Carrasco, María Eugenia Cotano Montero, María Gloria Ferratges Castellanos, Raquel García Ferratges, Elena Muñoz Mora, Ángela Navas Chillón, Mercedes Noriega Bosch, Susana Rizo Santaella, Desamparados Sánchez Ramos, Lucía Santana Ruiz and Luis Salas Fernández (heir of Lucía Sánchez de la Peña) v Administración del Estado

(Case C-367/18)

(2018/C 294/35)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Applicants: María Teresa Aragón Carrasco, María Eugenia Cotano Montero, María Gloria Ferratges Castellanos, Raquel García Ferratges, Elena Muñoz Mora, Ángela Navas Chillón, Mercedes Noriega Bosch, Susana Rizo Santaella, Desamparados Sánchez Ramos, Lucía Santana Ruiz and Luis Salas Fernández (heir of Lucía Sánchez de la Peña),

Defendant: Administración del Estado

Questions referred

1. Must Clause 4 of the Framework Agreement on fixed-term work, set out in the Annex to Directive 1999/70,⁽¹⁾ be interpreted as meaning that it precludes the Spanish legislation which, in Article 12(3) of the Texto refundido del Estatuto [Básico] del Empleado Público (Real Decreto Legislativo [5]/2015, de 30 de octubre) (Consolidated text of the [Basic] Regulations governing public employees (Royal Legislative Decree [5]/2015 of 30 October)), provides for termination of appointment, at the discretion of the employer, without compensation and, conversely, in Article 49(1)(c) of the Texto refundido del Estatuto los Trabajadores (Real Decreto Legislativo 2/2015, de 23 de octubre) (Consolidated text of the Workers' Statute (Royal Legislative Decree 2/2015 of 23 October)), provides for compensation when a contract of employment is terminated on account of certain legally specified reason(s)?
2. If the answer to Question 1 is in the negative, does Clause 5 of the Framework Agreement cover a measure such as that introduced by the Spanish legislature, consisting in fixing compensation of 12 days' salary for every year of service, to be received by the worker at the end of a temporary contract even if the temporary employment has been limited to a single contract?

3. If the answer to the second question is in the affirmative, is it contrary to Clause 5 of the Framework Agreement where a legal provision grants fixed-term workers compensation of 12 days' salary for every year of service at the end of the contract, but excludes from that compensation [...] certain non-permanent staff ('personal eventual') upon the termination of their appointment at the employer's discretion?

⁽¹⁾ Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP (OJ 1999 L 175, p. 43).

**Request for a preliminary ruling from the Tribunal Administrativo e Fiscal de Penafiel (Portugal)
lodged on 7 June 2018 — Prosa — Produtos e Serviços Agrícolas v Autoridade Tributária e
Aduaneira**

(Case C-373/18)

(2018/C 294/36)

Language of the case: Portuguese

Referring court

Tribunal Administrativo e Fiscal de Penafiel

Parties to the main proceedings

Appellant: Prosa — Produtos e Serviços Agrícolas

Respondent: Autoridade Tributária e Aduaneira

Question referred

Is paragraph 26.1 of the General Schedule of Stamp Duties, in the version resulting from Article 3 of Decree-Law No 322-B/2001 of 14 December 2001, pursuant to which stamp duty is to be levied on the incorporation of a capital company (in particular, a public limited company) whose share capital is paid entirely in cash, contrary to Article 7(1) of Council Directive 69/335/EEC ⁽¹⁾ of 17 July 1969, as amended by Council Directive 85/303/EEC ⁽²⁾ of 10 June 1985?

⁽¹⁾ Council Directive 69/335/EEC of 17 July 1969 concerning indirect taxes on the raising of capital (OJ 1969 L 249, p. 25).

⁽²⁾ OJ 1985 L 156, p. 23.

**Request for a preliminary ruling from the Spetsializiran nakazatelen sad (Bulgaria) lodged on 8 June
2018 — Criminal proceedings against AH, PB, CX, KM, PH**

(Case C-377/18)

(2018/C 294/37)

Language of the case: Bulgarian

Referring court

Spetsializiran nakazatelen sad

Accused persons

AH, PB, CX, KM, PH