

**Request for a preliminary ruling from the Tribunal Superior de Justicia de Aragón (Spain) lodged on 31 December 2019 — Servicio Aragonés de la Salud v LB**

(Case C-942/19)

(2020/C 103/19)

*Language of the case: Spanish*

**Referring court**

Tribunal Superior de Justicia de Aragón

**Parties to the main proceedings**

*Appellant:* Servicio Aragonés de la Salud

*Respondent:* LB

**Questions referred**

1. Must clause 4 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, annexed to Directive 1999/70/EC, <sup>(1)</sup> be interpreted as meaning that the right, derived from obtaining a post in the public sector, to the conferral of a particular administrative status in relation to the post — also in the public sector — which was held up until then is a *condition of employment* in respect of which temporary workers and permanent workers may not be treated differently?
2. Must clause 4 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, annexed to Directive 1999/70/EC, be interpreted as meaning that justification on objective grounds for the different treatment between fixed-term workers and permanent workers includes the aim of preventing serious failings and harm as regards the instability of workforces in a field as sensitive as the provision of healthcare, which falls under the constitutional right to the protection of health, such that it can serve as the basis for refusal to grant a particular type of leave of absence to those who obtain a temporary post but not to those who obtain a permanent post?
3. Does clause 4 of the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, annexed to Directive 1999/70/EC, preclude a rule such as that laid down in Article 15 of [Royal Decree 365/1995], which excludes posts held as a temporary civil servant or as a temporary staff member from being part of the posts which give entitlement to the status of on leave of absence by reason of employment in the public sector, when that status must be granted to those who take up a permanent post in the public sector and that status is more advantageous for a public servant than the other alternative administrative statuses which that public servant would have to request in order to be able to take up a new post to which he or she has been nominated?

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<sup>(1)</sup> 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 Višje sodišče v Ljubljani (Slovenia) lodged on 20 January 2020 — ALPINE Bau GmbH, Salzburg — Celje branch — in liquidation**

(Case C-25/20)

(2020/C 103/20)

*Language of the case: Slovenian*

**Referring court**

Višje sodišče v Ljubljani