

- (i) Is the omission by the Spanish legislature from Article 48(2) of the Consolidated Text of the Law on the Workers' Statute (Texto Refundido de la Ley del Estatuto de los Trabajadores) and from Articles 177, 178 and 179 of the Consolidated Text of the General Law on Social Security (Texto Refundido de la Ley General de la Seguridad Social) of provisions requiring an assessment of the specific needs of single-parent families in the area of work-life balance, having implications for the period in which care is provided to a new-born child, as compared with a child born into a two-parent family in which both parents have an expectation of access to paid leave if both fulfil the conditions of access to the social security benefit, compatible with the Directive, which requires a specific assessment, inter alia, of the birth of a child into a single-parent family, in order to determine the conditions of access to and the detailed arrangements for parental leave?
- (ii) In the absence of a specific statutory provision laid down by the Spanish legislature, must the eligibility conditions for time off work for the birth of a child, the conditions of access to the social security cash benefit and the rules governing eligibility for parental leave, and, in particular, the possible extension of the duration of that leave owing to the lack of another parent other than the biological mother who cares for the child, be interpreted flexibly pursuant to the Community provision?

(¹) OJ L 188, 12.7.2019, p. 79–93.

Request for a preliminary ruling from the Audiencia Provincial de Alicante (Spain) lodged on 7 November 2022 — Julieta, Rogelio v Agencia Estatal de Administración Tributaria

(Case C-687/22)

(2023/C 112/20)

Language of the case: Spanish

Referring court

Audiencia Provincial de Alicante

Parties to the main proceedings

Appellants: Julieta, Rogelio

Respondent: Agencia Estatal de Administración Tributaria

Questions referred

- (i) Is it possible to apply the principle that national law must be interpreted in conformity with EU law to Article 23(4) of [Directive (EU) 2019/1023 (¹)] where the facts (as in the present case, in view of the date of the application for discharge of debt) occurred during the period between the entry into force of the directive and the deadline for its transposition, and the applicable national legislation (the consolidated text of the Ley Concursal (Insolvency Law), as amended by Royal Legislative Decree 1/2020) is not the legislation which transposes the directive (Law 16/22)?
- (ii) Is national legislation, such as the Spanish legislation established in the consolidated text of the Insolvency Law (as amended by Royal Legislative Decree 1/2020), which provides no justification for excluding claims governed by public law from discharge of debt, compatible with Article 23(4) of the directive and its underlying principles concerning discharge of debt? In so far as that legislation excludes claims governed by public law from discharge of debt and is not duly justified, does it compromise or jeopardise the attainment of the objectives established in the directive?

- (iii) Does Article 23(4) of the directive contain an exhaustive, closed list of categories of claims which can be excluded from discharge, or is the list instead merely illustrative, with the national legislature enjoying absolute discretion to establish such categories of excludable claims as it sees fit, provided that they are duly justified under national law?

- (¹) Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt, and amending Directive (EU) 2017/1132 (Directive on restructuring and insolvency) (OJ 2019 L 172, p. 18).

Appeal brought on 16 November 2022 by the European Investment Bank against the judgment of the General Court (Fourth Chamber) delivered on 7 September 2022 in Case T-651/20, KL v EIB

(Case C-704/22 P)

(2023/C 112/21)

Language of the case: French

Parties

Appellant: European Investment Bank (represented by: G. Faedo and I. Zanin, acting as Agents, and A. Duron, avocate)

Other party to the proceedings: KL

By order of 30 January 2023, the President of the Court removed Case C-704/22 P from the Court register and ordered the appellant to bear its own costs.

Appeal brought on 16 November 2022 by the European Investment Bank against the judgment of the General Court (Fourth Chamber) delivered on 7 September 2022 in Case T-751/20, KL v EIB

(Case C-705/22 P)

(2023/C 112/22)

Language of the case: French

Parties

Appellant: European Investment Bank (represented by: G. Faedo and I. Zanin, acting as Agents, and A. Duron, avocate)

Other party to the proceedings: KL

By order of 30 January 2023, the President of the Court removed Case C-705/22 P from the Court register and ordered the appellant to bear its own costs.

Request for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 16 November 2022 — Asociación Española de Productores de Vacuno de Carne — ASOPROVAC v Administración General del Estado

(Case C-708/22)

(2023/C 112/23)

Language of the case: Spanish

Referring court

Tribunal Supremo