

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Landsréttur dated 9 June 2022 in the case of Verkfræðingafélag Íslands, Stéttarfélag tölvunarfræðinga og Lyfjafræðingafélag Íslands v the Icelandic State

(Case E-9/22)

A request has been made to the EFTA Court, dated 9 June 2022, from Landsréttur (the Court of Appeal), which was received at the Court Registry on 9 June 2022, for an Advisory Opinion in the case of Verkfræðingafélag Íslands (Association of Chartered Engineers in Iceland), Stéttarfélag tölvunarfræðinga (Computer Scientists' Union) and Lyfjafræðingafélag Íslands (Pharmaceutical Society of Iceland) versus the Icelandic State, on the following questions:

- 1. Does it follow from Article 1(1) and Article 2 of Council Directive 98/59/EC, and also from the principle of effectiveness, that an employer who intends to terminate contracts with a group of workers covering fixed overtime is required to observe the procedural rules laid down in the Directive, including as regards consultation with workers' representatives under Article 2 of the Directive and notification of the competent public authority under Article 3 of the Directive?**
- 2. If the answer to the first question is in the affirmative, does the employer's obligation cease to apply if termination of contracts covering fixed overtime does not subsequently result in the full termination of the workers' employment contracts?**
- 3. Is it of significance for the answer to the first two questions whether the contracts covering fixed overtime which the employer terminates were specifically made in independent contracts that were additional to the workers' employment contracts?**