EELA EUROPEAN EMPLOYMENT LAWYERS ASSOCIATION

SUMMARY

ECJ 8 October 2026, Case C-808/24 (M. R. - Ministerstvo vnútra Slovenskej republiky)

M. R. - Ministerstvo vnútra Slovenskej republiky, Slovak case

Summary

Article 2(1) of Directive 2003/88/EC defines “working time” but does not, by itself, confer rights on individuals. A breach of that provision alone therefore does not satisfy the conditions for Member State liability. Compensation for non-material damage caused by a breach of Article 6(b) must be based on damage actually and concretely suffered, directly caused by that breach. It cannot be calculated solely by reference to how long the national rules failed to count on-call time as working time.

Questions

Does EU law give an individual a right to compensation where national law fails to treat on-call time at the workplace as working time under Article 2(1) of Directive 2003/88, but the maximum weekly working time in Article 6(b) has not been exceeded?
May compensation for non-material damage caused by a breach of Article 6(b) be calculated by reference to the duration of the breach resulting from the failure to count on-call time as working time, or must it reflect the damage actually suffered?

Ruling

Article 2(1) of Directive 2003/88 must be interpreted as meaning that it does not, by itself, confer rights on individuals. A breach of that provision alone is therefore insufficient to give rise to Member State liability.

Article 6(b) of Directive 2003/88 must be interpreted as meaning that compensation for non-material damage must be based on the damage actually and concretely suffered by the individuals concerned and directly caused by the breach of that provision. Subject to the principles of equivalence and effectiveness, the amount may not be determined solely by reference to the duration of the breach resulting from the failure to count on-call time as working time.

Creator: Hof van Justitie van de Europese Unie
Verdict at: 2026-10-08
Case number: ECLI:EU:C:2026:836 / C|808/24