

SUMMARY

EFTA 15 July 2021, case E-11/20 (Eyjólfur Orri Sverrisson v The Icelandic State), Working Time

Eyjólfur Orri Sverrisson – v – The Icelandic State, Icelandic Case

Summary

Necessary travel time outside working hours constitutes working time.

Question

Does time spent travelling to a location other than the worker's fixed or habitual place of attendance, in order to carry out his activity or duties in that other location, as required by his employer, constitutes working time within the meaning of Article 2(1) of the Directive, in particular, when such time spent travelling falls outside his standard working hours?

Is it material that the worker's journey to a location other than his fixed or habitual place of attendance may require domestic or international travel, including outside the territory of the EEA States?

Is the work undertaken by the worker, if any, during the worker's journey is of relevance?

Ruling

It is appropriate to answer the referring court's questions together.

The necessary time spent travelling, outside normal working hours, by a worker, such as the plaintiff in the main proceedings, to a location other than his fixed or habitual place of attendance in order to carry out his activity or duties in that other location, as required by his employer, constitutes "working time" within the meaning of Article 2(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning

certain aspects of the organisation of working time. It is immaterial whether that journey is made entirely within the EEA or to or from third countries if the employment agreement is established under and governed by the national law of an EEA State.

No assessment of the intensity of the work performed while travelling is required.

Creator: European Free Trade Association (EFTA) Court

Verdict at: 2021-07-15

Case number: E-11/20