

## SUMMARY

# **ECJ 9 September 2021, Case C-107/19 (Dopravní podnik hl. m. Prahy), Working Time**

***XR – v – Dopravní podnik hl. m. Prahy, akciová společnost, Czech case***

### **Summary**

A stand-by shift with a required response within two minutes makes a break qualify as working time.

### **Questions**

Must Article 2 of Directive 2003/88 must be interpreted as meaning that the break granted to a worker during his or her daily working time, during which the worker must be ready to respond to a call-out within a time limit of two minutes if necessary, must be classified as ‘working time’ or as a ‘rest period’, within the meaning of that provision, and whether the occasional and unpredictable nature and the frequency of call-outs during those breaks have a bearing on that classification.

Must the principle of primacy of EU law be interpreted as precluding a national court, ruling following the setting aside of its decision by a higher court, from being bound, in accordance with national procedural law, by the legal rulings of that higher court, where those rulings are not compatible with EU law.

### **Ruling**

Article 2 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 times must be interpreted as meaning that the break granted to a worker during his or her daily working

time, during which the worker must be ready to respond to a call-out within a time limit of two minutes if necessary, constitutes 'working time' within the meaning of that provision, where it is apparent from an overall assessment of all the relevant circumstances that the limitations imposed on that worker are such as to affect objectively and very significantly the worker's ability to manage freely the time during which his or her professional services are not required and to devote that time to his or her own interests.

The principle of primacy of EU law must be interpreted as precluding a national court, ruling following the setting aside of its judgment by a higher court, from being bound, in accordance with national procedural law, by the legal rulings of that higher court, where those assessments are not compatible with EU law.

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**Creator:** European Court of Justice (ECJ)

**Verdict at:** 2021-09-09

**Case number:** C-107/19