

SUMMARY

ECJ 7 July 2022, joined cases C-257/21 and 258/21 (Coca-Cola European Partners Deutschland), Other Fundamental Rights, Working Time

Coca-Cola European Partners Deutschland GmbH - v - LB and RG, German case

Summary

A provision on supplementary allowance for night work does not implement Directive 2003/88 and hence does not implement Union law within the meaning of Article 51(1) of the Charter.

Question

Is a provision of a collective agreement which provides for a higher supplementary allowance for irregular night work than that established for regular night work implementing Directive 2003/88 for the purposes of Article 51(1) of the Charter?

Ruling

A provision of a collective agreement which provides for a higher supplementary allowance for irregular night work than that established for regular night work is not implementing 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 for the purposes of Article 51(1) of the Charter of Fundamental Rights of the European Union.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-07-07

Case number: C-257/21 and 258/21