

SUMMARY

ECJ 22 September 2022, case C-120/21 (LB (Prescription du droit au congé annuel payé)), Paid leave

LB – v – TO, German case

Summary

The right to annual leave precludes national legislation according to which the right to annual leave can expire without having enabled the worker to exercise that right.

Question

Must Article 7 of Directive 2003/88 and Article 31(2) of the Charter be interpreted as precluding national legislation under which the right to paid annual leave acquired by a worker in respect of a given reference period is time-barred after a period of three years which begins to run at the end of the year in which that right arose, where the employer has not actually put the worker in a position to exercise that right?

Ruling

Article 7 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 and Article 31(2) of the Charter of Fundamental Rights of the European Union must be interpreted as precluding national legislation under which the right to paid annual leave acquired by a worker in respect of a given reference period is time-barred after a period of three years which begins to run at the end of the year in which that right arose, where the employer has not actually put the worker in a position to exercise that right.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-09-22

Case number: C-120/21