

SUMMARY

ECJ 22 September 2022, case C-518/20 (Fraport), Paid leave

XP - v – Fraport AG Frankfurt Airport Services Worldwide, German case

Summary

Article 7 of Directive 2003/88/EC and Article 21(2) of the Charter preclude national legislation under which the entitlement to paid annual leave, acquired by a worker during the leave year in the course of which that worker actually worked before finding him or herself in a state of total invalidity or incapacity for work due to illness which has persisted since, may lapse, either at the end of a carry-over period authorised under national law, or even at a later stage, where the employer has not, in good time, enabled the worker to exercise that entitlement.

Question

Must Article 7 of Directive 2003/88/EC and Article 31(2) of the Charter be interpreted as precluding national legislation under which entitlement to paid annual leave acquired by a worker during the leave year in the course of which total invalidity or incapacity for work due to illness occurred and which has persisted since, may lapse, either at the end of a carry-over period authorised under national law, or at a later stage, where the employer has not enabled the worker to exercise that leave entitlement in good time?

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 entitlement to paid annual leave, acquired by a worker during the leave year in the course of which that worker actually worked before finding him or herself in a state of total invalidity or incapacity for work due to illness which

has persisted since, may lapse, either at the end of a carry-over period authorised under national law, or even at a later stage, where the employer has not, in good time, enabled the worker to exercise that entitlement.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-09-22

Case number: C-518/20