

## SUMMARY

# ECJ 2 March 2023, case C-477/21 (MÁV-START), Working Time

## *IH – v – MÁV-START Vasúti Személyszállító Zrt., Hungarian case*

### Summary

Daily rest may not be (partially) replaced by weekly rest, even if they follow each other; this also applies when the weekly rest exceeds the required minimum. The ECJ's summary of the case is available on: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2023-03/cp230039en.pdf>.

### Questions

Must Article 5 of Directive 2003/88, read in the light of Article 31(2) of the Charter, be interpreted as meaning that the daily rest period provided for in Article 3 of that directive forms part of the weekly rest period referred to in Article 5 or whether Article 5 lays down only the minimum duration of that weekly rest period?

Must Articles 3 and 5 of Directive 2003/88, read in the light of Article 31(2) of the Charter, be interpreted as meaning that, where national legislation provides for a weekly rest period exceeding 35 consecutive hours, the worker must be granted, in addition to that period, the daily rest period as guaranteed by Article 3 of that directive?

Must Article 3 of Directive 2003/88, read in the light of Article 31(2) of the Charter, be interpreted as meaning that, where a worker is granted a weekly rest period, he or she is also entitled to a daily rest period preceding that weekly rest period?

### Ruling

Article 5 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, read in the light of Article 31(2) of the Charter of Fundamental Rights of the European Union, must be interpreted as meaning that the daily rest period provided for in Article 3 of that directive does not form part of the weekly rest period referred to in Article 5 of that directive, but is additional to it.

Articles 3 and 5 of Directive 2003/88, read in the light of Article 31(2) of the Charter of Fundamental Rights of the European Union, must be interpreted as meaning that where national legislation provides for a weekly rest period exceeding 35 consecutive hours, the worker must be granted, in addition to that period, the daily rest as guaranteed by Article 3 of that directive.

Article 3 of Directive 2003/88, read in the light of Article 31(2) of the Charter of Fundamental Rights of the European Union, must be interpreted as meaning that where a worker is granted a weekly rest period, he or she is also entitled to a daily rest period preceding that weekly rest period.

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

**Verdict at:** 2023-03-02

**Case number:** C-477/21