

SUMMARY

ECJ 18 January 2024, case C-218/22 (Comune di Copertino), paid leave

BU – v – Comune di Copertino, Italian case

Summary

A worker who was not able to take all of his or her days of paid annual leave before resigning is entitled to an allowance in lieu of that leave. The ECJ's summary of the case can be found [here](#).

Question

Must Article 7 of Directive 2003/88 and Article 31(2) of the Charter be interpreted as precluding national legislation which, for reasons relating to the control of public expenditure and the organisational needs of the public employer, prohibits the payment to a worker of an allowance in lieu of days of paid annual leave acquired, during both the last year of employment and previous years, which were not taken at the date of termination of the employment relationship, where that worker voluntarily terminates that relationship and has not shown that he or she had not taken his or her leave during that employment relationship for reasons beyond his or her control?

Ruling

Article 7 of Directive 2003/88 and Article 31(2) of the Charter must be interpreted as precluding national legislation which, for reasons relating to the control of public expenditure and the organisational needs of the public employer, prohibits the payment to a worker of an allowance in lieu of the days of paid annual leave acquired, during both the last year of employment and previous years, which were not taken at the date on which the employment relationship ended, where that worker voluntarily terminates that employment relationship and has not shown that he or she had not taken his or her leave during that employment relationship for reasons beyond his or her control.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-01-18

Case number: C-218/22