

SUMMARY

ECJ 2 September 2025, case C-253/24 (Pelavi), paid leave

Ministero della Giustizia - v - NZ, Italian case

Summary

Directive 2003/88/EC precludes legislation which entails waiving the right to paid annual leave in the event of the conversion of the fixed-term employment relationship into an employment relationship of indefinite duration.

Question

Must clause 5(1) of the Framework Agreement, read in conjunction with Clause 4 of that agreement, Article 7 of Directive 2003/88/EC and Article 31(2) of the Charter of Fundamental Rights of the European Union be interpreted as precluding national legislation, intended to penalise the misuse of successive fixed-term employment contracts, which makes the application, for serving honorary members of the judiciary, to participate in an assessment procedure in order to be confirmed until the age of 70, subject to the requirement to waive the right to paid annual leave arising from EU law, relating to their previous honorary employment relationship?

Ruling

Clause 5(1) of the Framework Agreement, read in conjunction with Clause 4 of that agreement, Article 7 of Directive 2003/88/EC and Article 31(2) of the Charter of Fundamental Rights of the European Union must be interpreted as precluding national legislation, intended to penalise the misuse of successive fixed-term employment contracts, which makes the application, for serving honorary members of the judiciary, to participate in an assessment procedure in order to be confirmed up to the age of 70, subject to the requirement to waive the right to paid annual leave arising from EU law, relating to their previous honorary employment relationship.

Creator: European Court of Justice (ECJ)

Verdict at: 2025-09-02

Case number: C-253/24