

SUMMARY

ECJ 8 October 2026, Case C-706/23 (Școala gimnazială „Mihai Eminescu” Vaslui - v - Uniunea Sindicală „Didactica” Vaslui)

***Școala gimnazială „Mihai Eminescu” Vaslui - v - Uniunea Sindicală
„Didactica” Vaslui, Romanian case***

Summary

Where an employee combines a full-time indefinite-term contract with a part-time fixed-term contract, the pay for work under the part-time contract must be included when calculating remuneration for paid annual leave. A meal allowance that forms part of remuneration must also be calculated taking account, on a pro rata basis, of the work performed under the part-time contract. The allowance must be included in the calculation of paid annual leave remuneration.

Questions

Do Article 7(1) of Directive 2003/88/EC, read in the light of Article 31(2) of the Charter and Clause 4 of the framework agreements on part-time work and fixed-term work, preclude a national rule that excludes the hours worked and pay earned under a part-time fixed-term contract when calculating an employee's remuneration for paid annual leave, where the employee also has a full-time indefinite-term contract?

Do those provisions preclude a national rule or practice under which the employee's meal allowance is calculated only by reference to work under the full-time indefinite-term contract and is excluded from the calculation of remuneration for paid annual leave?

Ruling

Article 7(1) of Directive 2003/88, read in the light of Article 31(2) of the Charter and Clause 4 of both framework agreements, must be interpreted as precluding a national rule that, where an employee combines a full-time indefinite-term contract with a part-time fixed-term contract paid by the hour, excludes both the time worked and the pay earned under the part-time contract when calculating remuneration for paid annual leave.

Article 7(1) of Directive 2003/88 and Clause 4(1) of both framework agreements must be interpreted as precluding a national rule or practice under which, in those circumstances, the meal allowance is calculated only by reference to work under the full-time indefinite-term contract and is not included in the calculation of remuneration for paid annual leave.

Creator: Hof van Justitie van de Europese Unie

Verdict at: 2026-10-08

Case number: ECLI:EU:C:2026:832 / C|706/23