

2. It is not necessary for the national court to verify whether the worker was unable to take the leave to which he or she was entitled.

ECJ 25 November 2021, case C-372/20 (Finanzamt Österreich (Allocations familiales pour coopérant)), Social Insurance

QY – v – Finanzamt Österreich, Austrian case

Summary

The court settles various technicalities on the interpretation of Regulation 883/2004.

ECJ 9 December 2021, case C-217/20 (Staatssecretaris van Financiën (Rémunération pendant le congé annuel payé)), Paid Leave

XXXX – v – Staatssecretaris van Financiën, Dutch case

Summary

If a worker takes annual leave when he is incapacitated for work due to illness, he is entitled to his full salary rather than a reduced amount which he is entitled to during illness.

Question

Must Article 7(1) of Directive 2003/88 be interpreted as precluding national provisions and practices under which, where a worker who is incapacitated for work due to illness exercises his or her right to paid annual leave, the reduction, following the incapacity for work,

of the amount of remuneration that he or she received during the reference period preceding that during which his or her annual leave is requested, is taken into account to determine the amount of remuneration that will be paid to him or her in respect of his or her paid annual leave?

Ruling

Article 7(1) 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 must be interpreted as precluding national provisions and practices under which, where a worker who is incapacitated for work due to illness exercises his or her right to paid annual leave, the reduction, following the incapacity for work, of the amount of remuneration that he or she received during the period of work preceding that during which annual leave is requested, is taken into account to determine the amount of remuneration that will be paid to him or her in respect of his or her paid annual leave.