

## ECJ 22 March 2022, case C-508/19(Prokurator Generalny), Miscellaneous

MF – v – JM, Prokurator Generalny, Rzecznik Praw Obywatelskich, Polish case

### Summary

Inadmissibility of request whether to annul a judge's service relationship. The ECJ's summary of the case is available on <https://curia.europa.eu/jcms/upload/docs/application/pdf/2022-03/cp220048en.pdf>.

## ECJ 7 April 2022, case C-236/20 (Ministero della Giustizia and Others (Status of Italian Magistrates)), Fixed-Term Work, Part Time Work, Paid Leave

PG – v – Ministero della Giustizia, CSM – Consiglio Superiore della Magistratura, Presidenza del Consiglio dei Ministri, Italian case

### Summary

Peace judges must be treated like ordinary judges.

### Questions

1. Must Article 7 of Directive 2003/88, Clause 4 of the framework agreement on part-time work and Clause 4 of the framework agreement on fixed-term work must be interpreted as precluding national legislation which makes no provision for an entitlement on the part of magistrates to 30 days' paid annual leave or to a social security and pension scheme consequent on the employment relationship, such as that provided for ordinary judges?
2. Must Clause 5 of the framework agreement on fixed-term work be interpreted as precluding national legislation pursuant to which a fixed-term

employment relationship can be renewed a maximum of three times successively, each renewal being for a duration of four years and for a total duration that does not exceed 16 years, and which does not provide for the possibility of penalising in an effective and dissuasive way the abusive continuance of the employment relationship?

### Ruling

1. Article 7 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, Clause 4 of the framework agreement on part-time work, concluded on 6 June 1997 and which is annexed to Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC, as amended by Council Directive 98/23/EC of 7 April 1998, and Clause 4 of the framework agreement on fixed-term work, concluded on 18 March 1999 and which is annexed to Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP must be interpreted as precluding national legislation which does not provide for an entitlement for magistrates to 30 days' paid annual leave or to a social security and pension scheme deriving from the employment relationship, such as that provided for ordinary judges, if that magistrate comes within the definition of 'part-time worker' within the meaning of the framework agreement on part-time work and/or 'fixed-term worker' within the meaning of the framework agreement on fixed-term work and is in a comparable situation to that of an ordinary judge.
2. Clause 5(1) of the framework agreement on fixed-term work concluded on 18 March 1999, which is annexed to Directive 1999/70, must be interpreted as precluding national legislation pursuant to which a fixed-term employment relationship can be renewed a maximum of three times successively, each renewal being for a duration of four years, for a total duration that does not exceed 16 years, and which does not provide for the possibility of penalising in an effective and dissuasive way the abusive continuance of the employment relationship.