

Cases C-206/22, Paid Leave

TF – v – Sparkasse Südpfalz, reference lodged by the Arbeitsgericht Ludwigshafen am Rhein (Germany) on 17 March 2022

- Must Article 7(1) of Directive 2003/88/EC and the right to an annual period of paid leave set out in Article 31(2) of the Charter of Fundamental Rights of the European Union be interpreted as precluding national legislation or practice on the granting of annual leave to workers under which the obligation to grant an entitlement to leave is fulfilled even if the worker is affected by an unforeseeable event during an authorised period of leave, such as, in the present case, government-ordered quarantine, and is therefore prevented from exercising that entitlement in full?

Cases C-218/22, Paid Leave

BU – v – Comune di Copertino, reference lodged by the Tribunale di Lecce (Italy) on 24 March 2022

- Should 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 and Article 31(2) of the Charter of Fundamental Rights of the European Union be interpreted as precluding national legislation, such as that at issue in the main proceedings (namely Article 5(8) of decreto-legge 6 luglio 2012, n. 95, Disposizioni urgenti per la revisione della spesa pubblica con invarianza dei servizi ai cittadini nonché misure di rafforzamento patrimoniale delle imprese del settore bancario (Decree-Law No 95 of 6 July 2012 on urgent provisions for the revision of public expenditure with no change in services to citizens and measures to strengthen the capital base of companies in the banking sector), converted, with amendments, by Article 1(1) of legge 7 agosto 2012, n. 135 (Law No 135 of 7 August 2012)), which, for reasons of public expenditure containment and organisational requirements of the public sector as employer, does not permit the monetisation of leave in the event that an employee in the public service resigns?
- Further, if the answer to the question above is in the affirmative, must 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 and Article 31(2) of the Charter of Fundamental Rights

of the European Union be interpreted as requiring the employee in the public service to demonstrate that it was impossible for him/her to take the leave concerned in the course of the employment relationship?

Cases C-244/22, Temporary Agency Work, Transfer

NQ – v – Mara-Tóni Bt., reference lodged by the Fővárosi Törvényszék (Hungary) on 6 April 2022

- Does an undertaking that employs, without State authorisation, workers who actually work for a client thereof, to which those workers are assigned, fall within the scope of Article 3(1)(b) of Directive 2008/104/EC?
- Do workers who have an employment relationship with an undertaking which, in the context of a work contract, assigns them to another undertaking in order to work, with the company that puts them to work providing them with the equipment, tools and instructions necessary to carry out the work, fall within the scope of Article 3(1)(c) of Directive [2008/104]?
- In so far as, having regard to the foregoing, the applicant and the electricians should be classified as temporary agency workers, should it be considered that they form an economic unit, a specific group of workers who engage continuously in an economic activity for successive undertakings belonging to the same circle of persons, even though those undertakings lack State authorisation to engage lawfully, either as transferor or transferee, in the temporary transfer of workers as temporary-work agencies and also taking into account the fact that, in the case of temporary agency work, there is, in principle, no transfer of assets?
- In so far as those workers are to be classified as an economic unit, as a specific group of workers, do they fall within the scope of Article 1(1) of Directive 2001/23/EC although they are workers assigned by a temporary-work agency?