

same age range. The ECJ's summary of the case can be found on <https://curia.europa.eu/jcms/upload/docs/application/pdf/2023-12/cp230187en.pdf>.

Question

Must Article 2(5), Article 4(1), Article 6(1) and/or Article 7 of Directive 2000/78, read in the light of the provisions of the Charter and Article 19 of the UN Convention, be interpreted as precluding the recruitment of a person providing personal assistance from being subject to an age requirement pursuant to national legislation under which account is to be taken of the individual wishes of persons who are entitled to personal assistance services as a result of their disability?

Ruling

Article 2(5) of Directive 2000/78, read in the light of Article 26 of the Charter and Article 19 of the UN Convention, must be interpreted as not precluding the recruitment of a person providing personal assistance from being subject to an age requirement pursuant to national legislation under which account is to be taken of the individual wishes of persons who are entitled to personal assistance services as a result of their disability, if such a measure is necessary for the protection of the rights and freedoms of others.

ECJ 14 December 2023, case C-206/22 (Sparkasse Südpfalz), Paid Leave

TF – v – Sparkasse Südpfalz, German case

Summary

An employee who ‘enjoys’ his annual leave while he is quarantined, is not entitled to take that leave at a later moment. The ECJ's summary of the case is available on <https://curia.europa.eu/jcms/upload/docs/application/pdf/2023-12/cp230189en.pdf>.

Question

Must Article 7(1) of Directive 2003/88 and Article 31(2) of the Charter be interpreted as precluding national legislation or practice that does not permit the carry-over of days of paid annual leave which were granted to a worker who is not sick in respect of a period

coinciding with a period of quarantine ordered by a public authority on account of that worker having been in contact with a person infected with a virus?

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 and Article 31(2) of the Charter of Fundamental Rights of the European Union must be interpreted as not precluding national legislation or practice that does not permit the carry-over of days of paid annual leave which were granted to a worker who is not sick in respect of a period coinciding with a period of quarantine ordered by a public authority on account of that worker having been in contact with a person infected with a virus.