



C/2024/472

3.1.2024

Judgment of the Court (First Chamber) of 9 November 2023 (requests for a preliminary ruling from the Conseil de Prud'hommes d'Agen — France) — XT (C-271/22), KH (C-272/22), BX (C-273/22), FH (C-274/22), NW (C-275/22) v Keolis Agen SARL

(Joined Cases C-271/22 to C-275/22, ⁽¹⁾ Keolis Agen and Others)

(Reference for a preliminary ruling — Social policy — Organisation of working time — Directive 2003/88/EC — Article 7 — Right to paid annual leave — Carry-over of entitlements to paid annual leave in the event of long-term illness — Charter of Fundamental Rights of the European Union — Article 31(2))

(C/2024/472)

Language of the case: French

Referring court

Conseil de Prud'hommes d'Agen

Parties to the main proceedings

Applicants: XT (C-271/22), KH (C-272/22), BX (C-273/22), FH (C-274/22), NW (C-275/22)

Defendant: Keolis Agen SARL

Intervener: Syndicat national des transports urbains SNTU-CFDT

Operative part of the judgment

1. Article 31(2) of the Charter of Fundamental Rights of the European Union and 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 must be interpreted as meaning that a worker may rely on the right to paid annual leave, enshrined in the former provision and given concrete expression by the latter, against his or her employer and the fact that the employer is a private undertaking, holding a public service delegation, is irrelevant in that regard.
2. Article 7 of Directive 2003/88 must be interpreted as not precluding national legislation and/or a national practice which, in the absence of a national provision laying down an express temporal limit on the carry-over of entitlements to paid annual leave accrued and not exercised due to a long-term absence from work due to illness, allows requests for paid annual leave submitted by a worker less than 15 months after the end of the reference period in which the entitlement to that leave arose and limited to two consecutive reference periods to be granted.

⁽¹⁾ OJ C 424, 7.11.2022.