

**Request for a preliminary ruling from the Työtuomioistuin (Finland) lodged on 24 October 2017 —
Terveys- ja sosiaalialan neuvottelujärjestö (TSN) ry v Hyvinvointialan liitto ry**

(Case C-609/17)

(2018/C 013/09)

Language of the case: Finnish

Referring court

Työtuomioistuin

Parties to the main proceedings

Applicant: Terveys- ja sosiaalialan neuvottelujärjestö (TSN) ry

Defendant: Hyvinvointialan liitto ry

Other party: Fimlab Laboratoriot Oy

Questions referred

1. Does Article 7(1) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 ⁽¹⁾ concerning certain aspects of the organisation of working time preclude a national provision in a collective agreement, or its interpretation, under which an employee who was incapacitated for work at the beginning of his annual leave or part thereof is not entitled, irrespective of any application by him, to carry over annual leave falling within the period in question and to which he is entitled under the collective agreement, if the employee's entitlement to four weeks of annual leave is not reduced by reason of the fact that the leave under the collective agreement is not carried over?
2. Does Article 31(2) of the Charter of Fundamental Rights of the European Union have direct legal effect in an employment relationship between private legal subjects, that is to say, direct horizontal legal effect?
3. Does Article 31(2) of the Charter of Fundamental Rights of the European Union protect accrued leave, in so far as the duration of the leave exceeds the minimum annual leave of four weeks provided for in Article 7(1) of the Working Time Directive, and does that provision of the Charter of Fundamental Rights preclude a national provision in a collective agreement, or its interpretation, under which an employee who was incapacitated for work at the beginning of his annual leave or part thereof is not entitled, irrespective of any application by him, to carry over annual leave falling within the period in question and to which he is entitled under the collective agreement, if the employee's entitlement to four weeks of annual leave is not reduced by reason of the fact that the leave under the collective agreement is not carried over?

⁽¹⁾ OJ 2003 L 299, p. 9.

**Request for a preliminary ruling from the Työtuomioistuin (Finland) lodged on 24 October 2017 —
Auto- ja Kuljetusalan Työntekijäliitto AKT ry v Satamaoperaattorit ry**

(Case C-610/17)

(2018/C 013/10)

Language of the case: Finnish

Referring court

Työtuomioistuin