



C/2025/2357

28.4.2025

Request for a preliminary ruling from the Curtea de Apel Constanța (Romania) lodged on 23 January 2025 – Liceul Tehnologic ‘Anghel Saligny’ v Sindicatul Învățământ Preuniversitar Tulcea

(Case C-42/25, Liceul Tehnologic ‘Anghel Saligny’)

(C/2025/2357)

Language of the case: Romanian

Referring court

Curtea de Apel Constanța

Parties to the main proceedings

Defendant at first instance and appellant on appeal: Liceul Tehnologic ‘Anghel Saligny’

Applicant at first instance and respondent on appeal: Sindicatul Învățământ Preuniversitar Tulcea

Questions referred

1. Is 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 ⁽¹⁾ to be interpreted as precluding national legislation, as interpreted by the supreme court of a Member State by means of a decision which is binding on the national courts, which excludes from the calculation of the allowance payable by the employer during the period of annual leave a salary income which is paid on a permanent monthly basis together with the salary and which, although labelled ‘meal allowance’, may be used by the employee in any way, and the granting of that allowance is not conditional on the employee providing proof that those sums have been used for the purchase of food or providing proof of the use to which the sums received have been put?
2. If so, is the principle of the primacy of EU law to be interpreted as precluding national legislation or a national practice pursuant to which ordinary national courts are bound by decisions of the supreme court handing down a decision interpreting the law for the purpose of unifying judicial practice by applying European Union law, where that interpretation is contrary to the case-law of the Court of Justice of the European Union, in circumstances where judges may incur disciplinary liability under national rules if they fail to comply with that category of decisions, or does it preclude the disciplinary liability of judges from being triggered in such cases?

⁽¹⁾ OJ 2003 L 299, p. 9.