

Question referred

What (procedural and substantive) requirements must be imposed on the performance of the obligation to inform referred to in Article 5(1)(c) of Regulation No 261/2004⁽¹⁾ in the case where the contract for carriage has been entered into via a travel agent or the booking has been made via a website?

⁽¹⁾ Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ 2004 L 46, p. 1).

Request for a preliminary ruling from the Tribunal da Relação do Porto (Portugal) lodged on 30 May 2016 — António Fernando Maio Marques da Rosa v Varzim Sol — Turismo, Jogo e Animação, S

(Case C-306/16)

(2016/C 326/19)

Language of the case: Portuguese

Referring court

Tribunal da Relação do Porto

Parties to the main proceedings

Appellant: António Fernando Maio Marques da Rosa

Respondent: Varzim Sol — Turismo, Jogo e Animação, S

Question(s) referred

1. In the light of Article 5 of Directive 93/104/EC⁽¹⁾ of 23 November 1993, and Directive 2003/88/EC⁽²⁾ of the European Parliament and of the Council of 4 November 2003, as well as Article 31 of the Charter of Fundamental Rights of the European Union, in the case of workers engaged in shift work and rotating rest periods, in an establishment that is open every day of the week but which does not have continuous 24-hour productive periods, must the compulsory day of rest that a worker is entitled to be granted in each period of seven days, that is, at the latest on the seventh day following six consecutive working days?
2. Do those directives and provisions preclude an interpretation to the effect that, in relation to those workers, the employer is free to choose the days on which he grants a worker, for each week, the rest periods to which he is entitled, so that the worker may be required, without overtime pay, to work for up to ten consecutive days (for example, between Wednesday of one week, preceded by a rest period on Monday and Tuesday, until Friday of the following week, followed by a rest period on Saturday and Sunday)?
3. Do those directives and provisions preclude an interpretation to the effect that the uninterrupted rest period of 24 hours may be granted on any of the calendar days in a given period of seven calendar days, and the subsequent uninterrupted rest period of 24 hours (to which are added the 11 hours of daily rest) may also be granted on any of the calendar days in the period of seven calendar days immediately following the period mentioned above?
4. Do those directives and provisions, taking into account also the provision in Article 16(a) of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003, preclude an interpretation to the effect that a worker, instead of taking an uninterrupted rest period of 24 hours (to which are added to 11 hours of daily rest) for each period of seven days, may take two periods, which may or may not be consecutive, of uninterrupted rest of 24 hours in any of the 4 calendar days of a given reference period of 14 calendar days?

⁽¹⁾ Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time (OJ 1993 L 307, p. 18).

⁽²⁾ 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 (OJ 2003 L 299, p. 9).
