

**Request for a preliminary ruling from the Oberverwaltungsgericht Berlin-Brandenburg (Germany)  
lodged on 29 November 2016 — Sebastian W. Kreuziger v Land Berlin**

**(Case C-619/16)**

(2017/C 038/19)

*Language of the case: German*

**Referring court**

Oberverwaltungsgericht Berlin-Brandenburg

**Parties to the main proceedings**

*Appellant:* Sebastian W. Kreuziger

*Respondent:* Land Berlin

**Questions referred**

1. Is Article 7(2) of Directive 2003/88/EC<sup>(1)</sup> to be interpreted as meaning that it precludes national legislation or practice in accordance with which the entitlement to an allowance in lieu on termination of the employment relationship is excluded where the worker did not apply for paid annual leave even though he could have?
2. Is Article 7(2) of Directive 2003/88/EC to be interpreted as meaning that it precludes national legislation or practice in accordance with which the entitlement to an allowance in lieu on termination of the employment relationship presupposes that, for reasons beyond his control, the worker was unable to exercise his right to paid annual leave before the end of the employment relationship?

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<sup>(1)</sup> 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).

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**Action brought on 29 November 2016 — European Commission v Federal Republic of Germany**

**(Case C-620/16)**

(2017/C 038/20)

*Language of the case: German*

**Parties**

*Applicant:* European Commission (represented by: W. Mölls, L. Havas and J. Hottiaux, acting as Agents)

*Defendant:* Federal Republic of Germany

**Form of order sought**

The applicant claims that the Court should:

- declare that the Federal Republic of Germany infringed Council Decision 2014/699/EU<sup>(1)</sup> and Article 4(3) TEU, in so far as, at the 25th meeting of the OTIF Revision Committee, it voted against the common position laid down in that decision and expressed open opposition both to that common position and to the exercise of voting rights by the EU provided for therein.
- order the Federal Republic of Germany to pay the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on the following pleas in law:

The Intergovernmental Organisation for International Carriage by Rail (OTIF), of which the EU alongside 26 Member States is a member, administers the Convention concerning International Carriage by Rail (COTIF).