

2. Orders the Bank for Development and Foreign Economic Affairs (Vnesheconombank) to bear its own costs and to pay those incurred by the Council of the European Union;
3. Orders the European Commission to bear its own costs.

(¹) OJ C 65, 18.2.2019.

Judgment of the Court (First Chamber) of 25 June 2020 (requests for a preliminary ruling from the Rayonen sad Haskovo, Corte suprema di cassazione — Italy, Bulgaria) — QH v Varhoven kasatsionen sad na Republika Bulgaria (C-762/18), CV v Iccrea Banca SpA (C-37/19)

(Joined Cases C-762/18 and C-37/19) (¹)

(References for a preliminary ruling — Social policy — Protection of the safety and health of workers — Directive 2003/88/EC — Article 7 — Worker unlawfully dismissed then reinstated in her employment by decision of a court — Exclusion of any right to paid annual leave not taken for the period between the dismissal and the reinstatement — No right to financial compensation in lieu of annual leave not taken for that period where the employment relationship subsequently ceases)

(2020/C 279/07)

Languages of the case: Bulgarian and Italian

Referring court

Rayonen sad Haskovo, Corte suprema di cassazione

Parties to the main proceedings

Applicants: QH (C-762/18), CV (C-37/19)

Defendants: Varhoven kasatsionen sad na Republika Bulgaria (C-762/18), Iccrea Banca SpA (C-37/19)

Interested party: Prokuratura na Republika Bulgaria (C-762/18)

Operative part of the judgment

1. Article 7(1) 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 precluding national case-law by virtue of which a worker who was unlawfully dismissed then reinstated in her employment, in accordance with national law, following the annulment of the dismissal by a decision of a court, is not entitled to paid annual leave for the period between the date of the dismissal and that of the reinstatement in her employment on the ground that, during that period, that worker did not actually carry out work for the employer;
2. Article 7(2) of Directive 2003/88 must be interpreted as precluding national case-law by virtue of which, in the event of termination of the employment relationship after the worker concerned has been unlawfully dismissed then reinstated in her employment, in accordance with national law, following the annulment of the dismissal by a decision of a court, that worker is not entitled to financial compensation in lieu of paid annual leave not taken during the period between the date of the unlawful dismissal and that of her reinstatement in her employment.

(¹) OJ C 54, 11.2.2019.
OJ C 182, 27.5.2019.