

Judgment of the Court (Grand Chamber) of 9 March 2021 (request for a preliminary ruling from the Verwaltungsgericht Darmstadt — Germany) — RJ v Stadt Offenbach am Main

(Case C-580/19) ⁽¹⁾

(Reference for a preliminary ruling — Protection of the safety and health of workers — Organisation of working time — Directive 2003/88/EC — Article 2 — Concept of ‘working time’ — Period of stand-by time according to a stand-by system — Professional firefighters — Directive 89/391/EEC — Articles 5 and 6 — Psychosocial risks — Obligation to prevent)

(2021/C 182/14)

Language of the case: German

Referring court

Verwaltungsgericht Darmstadt

Parties to the main proceedings

Applicant: RJ

Defendant: Stadt Offenbach am Main

Operative part of the judgment

Article 2(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 meaning that a period of stand-by time according to a stand-by system, during which a worker must be able to reach the town boundary of his or her workplace within a 20 minute response time, in uniform with the service vehicle made available to him or her by his or her employer, using traffic regulations privileges and rights of priority attached to that vehicle, constitutes, in its entirety, ‘working time’, within the meaning of that provision, solely if it follows from an overall assessment of all the circumstances of the case, in particular the consequences of such a response time and, where appropriate, the average frequency of interventions during that period, that the constraints imposed on that worker during that period are of such a nature as to constrain objectively and very significantly the ability that he or she has to freely manage, during the same period, the time during which his or her professional services are not required and to devote that time to his or her own interests.

⁽¹⁾ OJ C 372, 4.11.2019.

Judgment of the Court (Fifth Chamber) of 17 March 2021 (request for a preliminary ruling from the Tribunalul București — Romania) — Academia de Studii Economice din București v Organismul Intermediar pentru Programul Operațional Capital Uman — Ministerul Educației Naționale

(Case C-585/19) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Protection of the safety and health of workers — Organisation of working time — Directive 2003/88/EC — Article 2 — Definition of ‘working time’ — Article 3 — Minimum period of daily rest — Workers having concluded several employment contracts with the same employer — Application by worker)

(2021/C 182/15)

Language of the case: Romanian

Referring court

Tribunalul București

Parties to the main proceedings

Applicant: Academia de Studii Economice din București

Defendant: Organismul Intermediar pentru Programul Operațional Capital Uman — Ministerul Educației Naționale

Operative part of the judgment

Articles 2(1) and 3 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 meaning that, where an employee has concluded several contracts of employment with the same employer, the minimum daily rest period provided for in Article 3 thereof applies to those contracts taken as a whole and not to each of those contracts taken separately.

(¹) OJ C 406, 2.12.2019.

**Judgment of the Court (Grand Chamber) of 16 March 2021 — European Commission v Hungary,
Republic of Poland**

(Case C-596/19 P) (¹)

(Appeal — Article 107(1) TFEU — State aid — Hungarian tax on turnover linked to advertisements — Information used to determine the reference system — Progressivity of tax rates — Transitional measure for the partial deductibility of losses carried forward — Existence of a selective advantage — Burden of proof)

(2021/C 182/16)

Language of the case: Hungarian

Parties

Appellant: European Commission (represented by: V. Bottka, P.-J. Loewenthal and K. Herrmann, acting as Agents)

Other parties to the proceedings: Hungary (represented by: M.Z. Fehér and G. Koós, acting as Agents), Republic of Poland (represented by: B. Majczyna, acting as Agent)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the European Commission to pay the costs, including those incurred by the Republic of Poland.

(¹) OJ C 348, 14.10.2019.