

Judgment of the Court (Second Chamber) of 9 December 2021 (request for a preliminary ruling from the Rechtbank Overijssel — Netherlands) — XXXX v Staatssecretaris van Financiën

(Case C-217/20) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2003/88/EC — Organisation of working time — Protection of the health and safety of workers — Article 7(1) — Right to paid annual leave — Level of remuneration — Reduced remuneration due to incapacity for work)

(2022/C 73/03)

Language of the case: Dutch

Referring court

Rechtbank Overijssel

Parties to the main proceedings

Applicant: XXXX

Defendant: Staatssecretaris van Financiën

Operative part of the judgment

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 provisions and practices under which, where a worker who is incapacitated for work due to illness exercises his or her right to paid annual leave, the reduction, following the incapacity for work, of the amount of remuneration that he or she received during the period of work preceding that during which annual leave is requested, is taken into account to determine the amount of remuneration that will be paid to him or her in respect of his or her paid annual leave.

⁽¹⁾ OJ C 297, 7.9.2020.

Judgment of the Court (Fourth Chamber) of 9 December 2021 (request for a preliminary ruling from the Visoki trgovački sud Republike Hrvatske — Croatia) — HRVATSKE ŠUME d.o.o., Zagreb, successor in title to HRVATSKE ŠUME javno poduzeće za gospodarenje šumama i šumskim zemljištima u Republici Hrvatskoj p.o., Zagreb v BP Europa SE, successor in title to Deutsche BP AG, in turn successor in title to The Burmah Oil (Deutschland) GmbH

(Case C-242/20) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EC) No 44/2001 — Article 5(3) — Concept of ‘matters relating to tort, delict or quasi-delict’ — Judicial enforcement proceedings — Action for recovery of sums unduly paid based on unjust enrichment — Article 22(5) — Enforcement of judgments — Exclusive jurisdiction)

(2022/C 73/04)

Language of the case: Croatian

Referring court

Visoki trgovački sud Republike Hrvatske

Parties to the main proceedings

Applicant and appellant: HRVATSKE ŠUME d.o.o., Zagreb, successor in title to HRVATSKE ŠUME javno poduzeće za gospodarenje šumama i šumskim zemljištima u Republici Hrvatskoj p.o., Zagreb

Defendant and respondent: BP Europa SE, successor in title to Deutsche BP AG, in turn successor in title to The Burmah Oil (Deutschland) GmbH