



## PRESS RELEASE No 39/23

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Judgment of the Court in Case C-477/21 | MÁV-START

### Daily rest is additional to weekly rest even when it directly precedes the latter

*This is also the case when national legislation grants workers a period of weekly rest greater than that required by EU law*

A train driver employed by MÁV-START, the Hungarian national railway company, challenges before the Miskolc Regional Court the decision of his employer not to grant him a daily rest period of at least 11 consecutive hours (which the worker must be granted during each 24-hour period under the Working Time Directive) when that period precedes or follows a weekly rest period or a period of leave. MÁV-START claims before the court that since the collective agreement applicable to the case grants a minimum weekly rest period (of at least 42 hours) that is well in excess of that required by the Directive (24 hours), its employee is not in any way disadvantaged by its decision.

The Miskolc Regional Court asks the Court of Justice in particular whether, under the Directive, a daily rest period granted concurrently with a weekly rest period forms part of that weekly rest period.

By today's judgment, the Court notes that daily and weekly rest periods constitute two autonomous rights, which pursue different objectives. **Daily rest** allows a worker to remove himself or herself from his or her working environment for a specific number of hours, which must not only be consecutive but must also **directly follow a period of work**. **Weekly rest** allows a worker to rest during each **seven-day** period. Consequently, **workers must be guaranteed the actual enjoyment of each of those rights**.

Thus, a situation where daily rest formed part of weekly rest would render meaningless the right to daily rest, by depriving the worker of its actual enjoyment where he or she benefits from his or her right to weekly rest. In that regard, the Court finds that the Directive does not merely lay down, as a whole, a minimum period for the right to weekly rest, but is careful to expressly state that that period is additional to the period relating to the right to daily rest. It follows that **the daily rest period does not form part of the weekly rest period but is additional to it, even if the daily rest period directly precedes the latter**.

The Court also notes that the more favourable provisions laid down in Hungarian law, in comparison with the Directive, in respect of the minimum weekly rest period cannot deprive a worker of other rights which that directive confers on him or her, and in particular of the right to daily rest. Therefore, **daily rest must be granted irrespective of the length of the weekly rest period provided for by the applicable national legislation**.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on

other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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