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Judgment of the Court in Case C-206/22 | Sparkasse Südpfalz

Covid-19 pandemic: EU law does not require that an employee who is placed under quarantine during paid annual leave be able to carry over that leave

Quarantine is not comparable to an illness

An employee arranged with his employer, the Südpfalz savings bank (Germany), to take paid annual leave from 3 to 11 December 2020. Because he had been in contact with a person who had tested positive for Covid-19, the competent German authority placed that employee under quarantine during that same period.

He then requested the savings bank to carry over those days of leave. After the savings bank refused to do so, he brought an action before the labour court having jurisdiction, asserting that that refusal is contrary to EU law, namely the directive on working time ¹. According to that court, national law requires the employer to carry over the days of leave granted only where workers can demonstrate incapacity for work occurring during the period of leave. However, the German courts have ruled that mere quarantine does not amount to incapacity for work.

The labour court has therefore asked the Court of Justice whether EU law requires that the leave days coinciding with the quarantine be carried over.

The Court of Justice rules that EU law **does not require** that the days of paid annual leave during which the worker is not sick but in quarantine on account of having been in contact with a person infected by a virus be carried over.

Paid annual leave is intended to enable workers to rest from carrying out the work they are required to do under their contract of employment and to enjoy a period of relaxation and leisure. Unlike an illness, a period of quarantine does not, in itself, present an obstacle to the attainment of those purposes.

Therefore, the employer is not required to compensate for the disadvantages arising from an unforeseeable event such as quarantine which could prevent its employees from taking full advantage in the manner they wish of their right to paid annual leave.

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.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, the abstract](#) of the judgment are published on the CURIA website on the day of delivery.

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Pictures of the delivery of the judgment are available from '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ [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.