

Case C-282/10 Maribel Dominguez v Centre informatique du Centre Ouest Atlantique and Préfet de la région Centre [2012]

Facts: The Working Time Directive was incompatible with a provision of the French Labour Code which rendered paid leave contingent on a minimum number of completed work days. The applicant brought a claim for days of paid leave not taken as she had suffered an accident during the course of employment.

Held: Directive 2003/88 had to be interpreted as precluding national provisions which made entitlement to paid annual leave contingent on a minimum number of completed work days. Every worker had a right to paid annual leave and this was a particularly important principle of European Union social law from which there could be no derogations. Therefore, the Directive was interpreted as precluding MS from unilaterally limiting the entitlement to paid annual leave by applying a precondition. While a directive itself cannot impose obligations on individuals, the duty of consistent interpretation, the legal status of the respondents as state bodies, and the principle of state liability all the applicant led to that conclusion.