

**Request for a preliminary ruling from the Bundesarbeitsgericht (Germany) lodged on 13 October 2020 –  
DS v Koch Personaldienstleistungen GmbH**

**(Case C-514/20)**

*Language of the case: German*

**Referring court**

Bundesarbeitsgericht

**Parties to the main proceedings**

*Appellant on a point of law: DS*

*Respondent in the appeal on a point of law: Koch Personaldienstleistungen GmbH*

**Question referred**

Do Article 31(2) of the Charter of Fundamental Rights of the European Union and Article 7 of Directive 2003/88/EC <sup>1</sup> preclude a provision in a collective labour agreement which, for the purpose of calculating whether an employee is entitled to overtime pay and for how many hours, takes account only of the hours actually worked and not also of the hours during which the employee takes his paid minimum annual leave?

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<sup>1</sup> 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 (OJ 2003 L 299, p. 9).