Case C-599/26

Request for a preliminary ruling

Date lodged:

2 June 2026

Referring court:

Monomeles Protodikeio Kilkis (Greece)

Date of the decision to refer:

2 March 2026

Applicants:

D.Ch. and Others

Defendant:

Geniko Nosokomeio Kilkis – Organiki Monada Edras Kilkis

Judgment number 138/2026

MONOMELES PROTODIKEIO KILKIS (Court of First Instance (single judge), Kilkis, Greece)

(Special procedure for financial and labour disputes)

[…] [composition of the referring court]

SITTING in open court on 21 January 2026 to adjudicate in the case:

Applicants:

[…]	[…]	[…]	[…]	[…]

[…]. [The referring court provides a table containing initials that correspond to the first name and last name of each of the 46 applicants and their date of appointment]

Defendant: The public-law legal person with the name ‘Geniko Nosokomeio Kilkis-Organiki Monada Edras Kilkis’ (General Hospital of Kilkis, Kilkis Headquarters Unit) based in Kilkis, […].

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The applicants seek the admission of the claim dated 20 July 2025 […]. [proceedings before the referring court]

HAVING EXAMINED THE CASE FILES

THE FOLLOWING JUDGMENT HAS BEEN ISSUED, IN ACCORDANCE WITH THE LAW

1. With the 2001 revision, the principle of the social state governed by the rule of law was expressly enshrined in the Greek Constitution (Article 25), supplementing the expressly guaranteed rights by establishing a general principle of social solidarity, in a manner analogous to the role played by Article 5(1) with regard to individual rights. Article 106(1)(a) of the Constitution provides that 'in order to consolidate social peace and protect the general interest, the State shall plan and coordinate economic activity in the country, seeking to ensure the economic development of all sectors of the national economy'. Article 4(5) of the Constitution provides that 'Greek citizens shall contribute without distinction to public burdens in proportion to their means', whilst Article 22(1) of the Constitution states that 'work constitutes a right and shall enjoy the protection of the State'. Article 2(1) of the Constitution provides that 'respect for, and protection of, human dignity constitute the primary obligation of the State'. It follows from the combination of the above provisions of the Greek Constitution that the legislature may, in principle, impose on citizens, in fulfilment of the duty of social and national solidarity, the burden of addressing a specific urgent need or crisis situation, provided, however, that such a burden is of limited duration, appropriate and necessary to achieve the intended public interest objective and not disproportionate in relation to it, that an adequate statement of reasons is given and that the burden is distributed equally amongst all citizens, including those employed in both the public and private sectors, as well as the self-employed, in accordance with each person's means. Consequently, it is not permissible for the burden of the measures taken to address the adverse and prolonged economic situation to be consistently borne by specific categories of citizens who, as a rule, are diligent in meeting their obligations, whilst other categories are favoured, whose lack of diligence – particularly in the fulfilment of tax obligations – is largely responsible for this adverse situation (Symvoulio tis Epikratias (Council of State), sitting in plenary session, judgment No. 1286/2012, paragraph 9).

2. Moreover, Article 1 of Protocol No 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which was ratified, together with the Convention, by Article 1 of Legislative Decree 53/1974 and therefore has supra-legislative force (pursuant to Article 28(1)(a) of the Constitution), states: 'every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. …'. The concept of 'property', which has an autonomous scope independent of the formal classification of individual property rights under domestic law, encompasses not only rights *in rem* but also

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all rights 'of a proprietary nature', as well as acquired 'economic interests'. Thus, property rights arising under the law of obligations and, in particular, claims arising from legal relationships governed by public or private law, whether recognised by a judicial or an arbitral decision, or simply arising under national law, are covered, provided that they are determined by law or determinable on the basis of law, or constitute an objectively legitimate expectation having a sufficient legal basis in domestic law. That condition is met, in particular, where the claim is based on a legislative or regulatory provision or on settled case-law of the courts of the contracting State. Consequently, a claim for payment provided for by the law of the contracting State also constitutes property, provided that the conditions for such payment are met (judgment of the ECtHR of 8 [November] 2005, *Kechko v. Ukraine*, application No 63134/00, §§ 23 and 26), as well as claims against social security institutions for the grant of welfare benefits provided for by law, provided that the other conditions laid down by national law are also met (judgment of the ECtHR of 18 February 2009, *Andrejeva v. Latvia*, application No 55707/00, § 77, and judgment of the ECtHR of 12 October 2004, *Kjartan Ásmundsson v. Iceland*, application No 60669/00, § 39). As a predominant means of securing a livelihood, such property rights also have a strong social dimension. They constitute, moreover, independent property rights and, for that reason, their abolition constitutes a deprivation of the subject matter of independent property or proprietary rights. Regarding such a deprivation, Article 1 of Protocol No 1 to the ECHR provides that it may be permitted for reasons of public interest and subject to the conditions provided for by law and by the general principles of international law, namely 'subject to fair compensation being paid in good time for their loss'. However, Article 1 of Protocol No 1 does not guarantee a right to a salary or pension of a specific amount (judgment of the ECtHR of 19 April 2007, *Vilho Eskelinen and Others v. Finland*, application No 63235/00, § 94), with the result that, in principle, there is nothing to rule out variations in the amount of the salary or pension depending on the circumstances at the time. However, in order to be compatible with the provisions of Article 1 of Protocol No 1, an interference with property, in the sense described above, must, first, be justified by reasons of general interest, which in principle include reasons connected with addressing a public finance problem that is, in the estimation of the national legislature, particularly serious, or with ensuring the sustainability of social security institutions (judgment of the ECtHR of 21 February 1986, *James and Others v. the United Kingdom*, application No 8793/79, § 46, and judgment of the ECtHR of 18 February 2009, *Andrejeva v. Latvia*, application No 55707/00, § 83), and, second, that interference must be appropriate and necessary to achieve the objective of general interest pursued by the legislature and must not be disproportionate in relation to that objective (judgment of the ECtHR of 21 February 1986, *James and Others v. the United Kingdom*, application No 8793/79, § 50).

3. Provisions of similar content also appear in the Charter of Fundamental Rights of the European Union. Specifically, pursuant to Article 17: 'Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the

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public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest'. Pursuant to Article 20: 'everyone is equal before the law' and, pursuant to Article 31: 'every worker has the right to working conditions which respect his or her health, safety and dignity'.

4. Article 136 of Proedriko Diatagma 80/2022 (Presidential Decree 80/2022), which codified Article 1 of Ypourgiki Apofasi 19040/1981 (Ministerial Decision 19040/1981), provides: '1. All workers who are paid a monthly salary or daily wage are entitled, from their employers of any kind, to: (a) a Christmas bonus equal to one month's salary for those paid a monthly salary and 25 days' wages for those paid a daily wage; and (b) an Easter bonus, equal to half a monthly salary for those paid a monthly salary and 15 days' wages for those paid a daily wage. 2. The above bonuses shall be paid in full provided that the employment relationship between the worker and the employer liable to pay it has lasted for the entire period, in the case of the Easter bonus from 1 January to 30 April and in the case of the Christmas bonus from 1 May to 31 December of each year. 3. Where the above workers' employment relationship with the employer liable to pay the Christmas and Easter bonuses did not last for the entire period mentioned above, they are entitled to: (a) a Christmas bonus equal to 2/25 of the monthly salary or two (2) days' wages, depending on the agreed method of remuneration, for each 19-day period of their employment relationship, and (b) an Easter bonus equal to 1/15 of half the monthly salary or one day's pay, depending on the agreed method of remuneration, for each 8-day period of their employment relationship, within the periods referred to in paragraph 2 of this Article. For a period of less than 19 days or 8 days, respectively, they are entitled to a proportional fraction. … 5. Those employed in public and municipal works, seasonal work, as well as workers on fixed-term contracts or taken on for the performance of a specific project, are entitled to: (a) a Christmas bonus of one (1) day's pay for every eight (8) day's work performed, and (b) as an Easter bonus, two (2) days' pay for every thirteen (13) days worked during the periods referred to in paragraph 2, or a proportional fraction for fewer than eight (8) or thirteen (13) days worked, respectively.'. Identical provisions are included in Article 143 of Proedriko Diatagma 62/2025 (Presidential Decree 62/2025), with effect from 4 July 2025 (Article 588). Additionally, Article 213 of Presidential Decree 80/2022, which codified Article 3(16) [Nomos 4504/1966 (Law 4504/1966)], provides: 'Workers employed under an employment contract governed by private law by any employer are entitled each year to an annual leave bonus equal to the total remuneration for paid annual leave days, as determined by Articles 212 to 213 or by other provisions, to which every worker is entitled, subject to the restriction that such annual leave bonus may not exceed the remuneration for a 15-day period for those paid a monthly salary or a period of 13 working days for those paid a daily wage, or who receive piece work remuneration or are paid by percentage or in any other manner. The above bonus shall be paid together with the worker's annual leave remuneration. …'. Identical provisions are included in Article 223 of Presidential Decree 62/2025, with effect from 4 July 2025 (Article 588). As the

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above Christmas, Easter and leave allowances together amount to approximately two months' salary, they are commonly referred to as the '13th and 14th month's salary'.

5. Article 1(2) of Nomos 3833/2010 (Law 3833/2010) provided that for State officials, public-law legal persons and local government bodies the Christmas, Easter and annual leave bonuses are reduced by 30%. Under Article [3] of Nomos 3845/2010 (Law 3845/2010) and Article 16 of Nomos 4024/2011 (Law 4024/2011), the Christmas, Easter and annual leave bonuses were set henceforth at EUR 500, EUR 250 and EUR 250 respectively. Moreover, those bonuses were paid only if the civil servant's monthly remuneration did not exceed EUR 3 000. In a judgment of the European Court of Human Rights (ECtHR) of 7 May 2013, *Ioanna Koufaki and ADEDY v. Greece*, applications Nos 57665/12 and 57657/12, the ECtHR held that the reduction of Christmas, Easter and annual leave bonuses by Laws No 3833/2010 and 3845/2010 did not constitute an interference with the right to the peaceful enjoyment of possessions within the meaning of Article 1 of Protocol No 1 to the ECHR. In particular, it was held that, due to the signing of the Memorandum of Understanding on 3 May 2010, the reduction was justified by public interest objectives aimed at curbing public expenditure, in view of the obligation of budgetary discipline and the safeguarding of the stability of the euro area established by European Union law (§§ 38 and 41). According to the ECtHR's reasoning, the mere existence of alternative solutions does not in itself render the legislation at issue unjustified (§§ 17 and 48). It was also held that the applicant did not face financial hardship, given that her net salary was reduced from EUR 2 435.83 to EUR 1 885.79 (§§ 45 and 46) and that the total annual bonus of EUR 1 000 is sufficient compensation for the bonuses (§ 47).

6. Under Article 1(C)(C1)(1) of Nomos 4093/2012 (Law 4093/2012) the above bonuses were abolished entirely, while from 1 January 2016 Nomos 4354/2015 (Law 4354/2015) has been in force. Chapter B of that law establishes new pay arrangements for State officials, which do not include festive bonuses or an annual leave bonus. The explanatory memorandum to Law 4093/2012 does not provide any justification for the need to completely abolish the above bonuses, although the report by the General Accounting Office, which accompanied the draft of the abovementioned Law 4093/2012, mentions annual savings of EUR 469 600 000 resulting from the abolition of the bonuses. With regard to remuneration for the years 2013, 2014 and 2015, it was ruled (in judgment 1307/2019 by the Council of State, sitting in plenary session) that the complete abolition of bonuses was not unconstitutional, as the economic recession was continuing and the country continued to face persistent problems with tax compliance, the collection of outstanding debts owed to the State and the promotion of structural reforms (paragraph 19). It was also considered that deficits remained particularly high, as did the need to improve the future fiscal position, and that the measure in question was consistent with the objectives pursued by the European Union, namely to ensure the budgetary discipline of Member States whose currency is the euro and to safeguard the financial stability of the euro area (paragraph 20). Furthermore, it was held that the remuneration of civil servants, even after the abolition of the

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bonuses in question, ensured a decent standard of living, given that the basic salary of a civil servant stood at EUR 780, whilst the minimum basic wage in the private sector stood at EUR 586.08 (paragraph 20). It was held (in judgment 798/2021 by the Council of State, sitting as a full court) that the above also applied to public sector remuneration up to 31 December 2016.

7. However, the situation has already changed as compared to the period to which the above case-law related, since in 2018 Greece left the Third Memorandum of Understanding and in 2022 the loan from the International Monetary Fund was repaid early and Greece left the enhanced surveillance regime. Those developments indicate a clear improvement in the country's fiscal position. As of [1 April] 2023 the statutory minimum wage in the private sector stood at EUR 780, pursuant to Ypourgiki Apofasi 31986/2023 (Ministerial Decision 31986/2023) (FEK B΄ 2003/28.03.2023), and as of 1 April 2025, pursuant to Ypourgiki Apofasi 8233/2025 (Ministerial Decision 8233/2025) (FEK B΄ 1476/27.03.2025), it stood at EUR 880. Furthermore, Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union has entered into force (CELEX number: 32022L2041). According to recital 21 of that directive, workers in both the private and public sectors could fall within the scope of the directive, whilst according to recital 28 of the directive, minimum wages are considered to be adequate if they are fair in relation to the wage distribution in the relevant Member State. Under Article 3 of the Directive 2022/2041, 1. 'minimum wage' means the minimum remuneration set by law or collective agreements that an employer, including in the public sector, is required to pay to workers for the work performed during a given period and 2. 'statutory minimum wage' means a minimum wage set by law or other binding legal provisions, with the exclusion of minimum wages set by collective agreements that have been declared universally applicable without any discretion of the declaring authority as to the content of the applicable provisions. Pursuant to Article 6(1) of the directive: 'Where Member States allow for different rates of statutory minimum wage for specific groups of workers or for deductions that reduce the remuneration paid to a level below that of the relevant statutory minimum wage, they shall ensure that those variations and deductions respect the principles of non-discrimination and proportionality, the latter including the pursuit of a legitimate aim. That provision was transposed into Greek law by Article 134(12) of Presidential Decree 80/2022 and, subsequently, Article 141A(9) of Presidential Decree 62/2025.

8. According to Article 267 TFEU: 'The Court of Justice of the European Union shall have jurisdiction to give preliminary rulings concerning: (a) the interpretation of the Treaties; (b) the validity and interpretation of acts of the institutions, bodies, offices or agencies of the Union; Where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court to give a ruling thereon. …'.

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By the present action, and on a fair assessment thereof, the applicants state: that they are employed at the defendant Hospital (a legal person governed by public law) under an employment relationship governed by private law, with the dates of recruitment, professional specialisations and remuneration indicated in respect of each applicant, and that they do not receive Christmas, Easter or annual leave bonuses, as such bonuses were unlawfully abolished by Law 4093/2012 and have not been reinstated. They request that the defendant be ordered to pay the Easter, Christmas and annual leave bonuses provided for in Articles 136 and 213 of Presidential Decree 80/2022 from 1 January 2023 to 31 December 2025, as specified for each individual, with statutory interest from the day following the service of the claim until full payment. They also request that the sum of EUR 500 be paid to each of them as compensation for non-material damage, that the judgment to be issued be declared provisionally enforceable, and that their legal costs be awarded.

[…] [issue concerning the jurisdiction of the referring court]

[…] [the claim for compensation for non-material damage is definitively dismissed as legally unfounded]

As regards the legal merits of the main claims, relating to the payment of the festive and annual leave bonuses for the years 2023, 2024 and 2025, they depend on whether the abolition and failure to reinstate the bonuses in the public sector is contrary to the abovementioned provisions of EU law, which have supra-legislative force (pursuant to Article 28 of the Constitution), namely Articles 17, 20 and 31 of the Charter of Fundamental Rights of the European Union and Article 3(1) and (2) and Article 6(1) of Directive 2022/2041. In particular, it should be noted that, if those mandatory bonuses payable to all workers are regarded as forming part of the minimum wage within the meaning of Directive 2022/2041, non-payment of those bonuses, for most of the applicants, results in annual remuneration lower than the statutory annual minimum, which, as stated above, rose as of [1 April] 2023 to 780 x 14 = EUR 10 920 and, as of 1 April 2025, to 880 x 14 = EUR 12 320 (for example, for the first applicant, who is in full-time employment, for the year 2023: 902.40 x 12 = EUR 10 828.80 and for the years 2024 and 2025: 1 019.62 x 12 = EUR 12 235.44).

To that end, the delivery of a final judgment must be stayed so that a question may be referred to the Court of Justice of the European Union for a preliminary ruling, in accordance with the operative part. […] [legal costs]

ON THOSE GROUNDS

[…]

REFERS the following questions to the Court of Justice of the European Union for a preliminary ruling: Must Articles 17, 20 and 31 of the Charter of Fundamental Rights of the European Union and Article 3(1) and (2) and Article 6(1) of Directive 2022/2041 be interpreted as precluding the provisions of

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Greek law referred to in the grounds which, whilst providing for the compulsory payment to all workers in an employment relationship of Christmas, Easter and annual leave bonuses equivalent to two months' salary, exclude such payments for workers employed by legal persons governed by public law and, more generally, in the public sector, without any specific justification, having regard in particular to the improvement of the financial situation of Greece and the fact that, as a result, most of the applicants receive annual remuneration below the annual amount corresponding to the statutory minimum wage?

[…] Heard, decided and pronounced in Kilkis on 2 March 2026 […].

[…]

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