

SUMMARY

ECJ 10 February 2022, case C-219/20 (Bezirkshauptmannschaft Hartberg- Fürstenfeld), Posting of Workers and Expatriates

LM – v – Bezirkshauptmannschaft Hartberg-Fürstenfeld, Austrian case

Summary

Member States are allowed to impose sanctions on foreign service providers for breaches of the Posting of Workers Directive (96/71/EC) even after five years.

Question

Must Article 5 of Directive 96/71, read in conjunction with Article 47 of the Charter and in the light of the general principle of EU law relating to the right to good administration, be interpreted as precluding national legislation providing for a five-year limitation period for failure to comply with obligations relating to the remuneration of posted workers?

Ruling

Article 5 of Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, read in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union and in the light of the general principle of EU law relating to the right to good administration, must be interpreted as not precluding national legislation providing for a five-year limitation period for failure to comply with obligations relating to the remuneration of posted workers.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-02-10

Case number: C-219/20