

SUMMARY

ECJ 8 March 2022, case C-205/20 (Bezirkshauptmannschaft Hartberg- Fürstenfeld), Posting of Workers and Expatriates

NE – v – Bezirkshauptmannschaft Hartberg-Fürstenfeld, Austrian case

Summary

National courts must ensure that penalties for non-compliance with administrative obligations are proportionate. The ECJ's summary of the case is available [here](#).

Question

Does Article 20 of Directive 2014/67, in so far as it requires the penalties provided for therein to be proportionate, have direct effect and may it thus be relied on by individuals before national courts against a Member State which has transposed it incorrectly?

Must the principle of primacy of EU law be interpreted as imposing on national authorities the obligation to disapply, in its entirety, national legislation contrary to the requirement of proportionality of penalties laid down in Article 20 of Directive 2014/67 or whether it means that those national authorities are to disapply such legislation only to the extent necessary to enable the imposition of proportionate penalties?

Ruling

Article 20 of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the

framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation'), in so far as it requires the penalties provided for therein to be proportionate, has direct effect and may thus be relied on by individuals before national courts against a Member State which has transposed it incorrectly.

The principle of the primacy of EU law must be interpreted as imposing on national authorities the obligation to disapply national legislation of which a part is contrary to the requirement of proportionality of penalties laid down in Article 20 of Directive 2014/67 only to the extent necessary to enable the imposition of proportionate penalties.

Creator: European Court of Justice (ECJ)

Verdict at: 2022-03-08

Case number: C-205/20