

## SUMMARY

# ECJ 9 July 2026, Case C-768/24 (Hortis GRC SA - v- JA)

## *Hortis GRC SA - v- JA, French case*

### Summary

Article 6(2) of the Rome Convention must be interpreted as meaning that, where an employment contract is more closely connected with the country whose law the parties have chosen, national courts must apply that law even if it provides less protection than the mandatory rules of the law that would otherwise apply. In determining the country with which the contract is most closely connected, courts must carry out an overall assessment of all objective elements of the employment relationship, including connections resulting from the parties' choice of law in the performance of the contract.

### Questions

Must Article 6(2) of the Rome Convention be interpreted as requiring national courts to give effect to the law chosen by the parties where the employment contract is more closely connected with that country, even if this displaces more protective mandatory rules of the law otherwise applicable?

Must Article 6(2) of the Rome Convention be interpreted as requiring national courts, when assessing the contract's closest connection, to take into account objective elements resulting from the parties' choice of the applicable law in the performance of the employment contract?

### Ruling

The last limb of Article 6(2) of the Rome Convention must be interpreted as meaning that national courts must give priority to the law chosen by the parties where the employment contract is more closely connected with that country, even if this requires disregarding more

protective mandatory provisions of the law that would otherwise apply.  
The last limb of Article 6(2) must further be interpreted as requiring national courts to assess all objective elements defining the employment relationship, including those resulting from the parties' choice of law in the performance of the contract, and to weigh those elements in determining the country with which the contract is most closely connected.

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**Creator:** Hof van Justitie van de Europese Unie

**Verdict at:** 2026-07-09

**Case number:** C|768/24