

SUMMARY

Case C-97/16. Working time

Must the definition of ‘mobile worker’ given in Article 3(d) of Directive 2002/15 on working time of persons performing mobile road transport activities be interpreted as precluding domestic legal provisions such as Article 1.3(g) of the Workers’ Statute, which provides that ‘persons providing a transport service by virtue of administrative authorisations of which they are the holders, carried out ... using vehicles ... of which ownership or a direct power of disposal is vested in them cannot be regarded as ‘mobile workers’?

Must the second subparagraph of Article 3(e) of the directive (‘[f]or the purposes of this directive, those drivers who do not satisfy these criteria shall be subject to the same obligations and benefit from the same rights as those provided for mobile workers by this directive’) be interpreted as meaning that, if none or only one of the criteria laid down for a person to be regarded as a ‘self-employed driver’ is fulfilled, the view must be taken that the person concerned is a ‘mobile worker’?

Creator: European Court of Justice (ECJ)

Verdict at: 2016-02-17

Case number: C-97/16