

ECJ Court Watch – Rulings

ECJ 8 December 2020, case C-620/18 (Hungary v Parliament and Council), Posting of Workers and Expatriates

Hungary – v – European Parliament and Council of
the European Union, EU Case

Form of order sought

The applicant claimed that the Court should:

- annul Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services; 1 in the alternative:
- annul the provisions of Article 1(2)(a) of Directive (EU) 2018/957 of the European Parliament and of the Council laying down point (c) and the third subparagraph of the new Article 3(1) of Directive 96/71/EC;
- annul the provisions of Article 1(2)(b) of Directive (EU) 2018/957 of the European Parliament and of the Council inserting paragraph 1a in Article 3 of Directive 96/71/EC;
- annul Article 1(2)(c) of Directive (EU) 2018/957 of the European Parliament and of the Council;
- annul Article 3(3) of Directive (EU) 2018/957 of the European Parliament and of the Council, and in addition;
- order the European Parliament and the Council of the European Union to pay the costs.

Decision

The Court (Grand Chamber):

1. Dismisses the action;
2. Orders Hungary to bear its own costs and to pay the costs incurred by the European Parliament and the Council of the European Union;
3. Orders the Federal Republic of Germany, the French Republic, the Kingdom of the Netherlands,

the Kingdom of Sweden and the European Commission to bear their own costs.

ECJ 8 December 2020, case C-626/18 (Republic of Poland v Parliament and Council), Posting of Workers and Expatriates

Republic of Poland – v – European Parliament and
Council of the European Union, EU Case

Form of order sought

The applicant claimed that the Court should:

- annul Article 1(2)(a), Article 1(2)(b) and Article 3(3) of Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services; 1
- order the European Parliament and the Council of the European Union to pay the costs of the proceedings.

In the alternative, in the event that the Court of Justice considers that the contested provisions of Directive (EU) 2018/957 cannot be separated from the rest of that directive without altering its substance, the Republic of Poland claims that the Court should annul Directive (EU) 2018/957 in its entirety.

Decision

The Court (Grand Chamber):

1. Dismisses the action;
2. Orders the Republic of Poland to pay, in addition to its own costs, the costs incurred by the European Parliament and the Council of the European Union;
3. Orders the Federal Republic of Germany, the French Republic, the Kingdom of the Netherlands, the Kingdom of Sweden and the European Commission to bear their own costs.