

Judgment of the Court (Grand Chamber) of 8 December 2020 — Hungary v European Parliament, Council of the European Union

(Case C-620/18) ⁽¹⁾

(Action for annulment — Directive (EU) 2018/957 — Freedom to provide services — Posting of workers — Terms and conditions of employment — Remuneration — Duration of posting — Determination of the legal basis — Articles 53 and 62 TFEU — Amendment of an existing directive — Article 9 TFEU — Misuse of powers — Principle of non-discrimination — Necessity — Principle of proportionality — Extent of the principle of freedom to provide services — Road transport — Article 58 TFEU — Regulation (EC) No 593/2008 — Scope — Principles of legal certainty and legislative clarity)

(2021/C 44/03)

Language of the case: Hungarian

Parties

Applicant: Hungary (represented by: M.Z. Fehér, G. Tornyai, and M.M Tátrai, acting as Agents)

Defendants: European Parliament (represented by: M. Martínez Iglesias, L. Visaggio and A. Tamás, acting as Agents), Council of the European Union (represented: initially by A. Norberg, M. Bencze and E. Ambrosini, then by A. Norberg, E. Ambrosini, A. Sikora-Kaléda and Zs. Bodnár, acting as Agents)

Interveners in support of the European Parliament: Federal Republic of Germany (represented by: J. Möller and S. Eisenberg, acting as Agents), French Republic (represented by: E. de Moustier, A. L. Desjonquères, C. Mosser and R. Coesme, acting as Agents), Kingdom of the Netherlands (represented by: M.K. Bulterman, C. Schillemans and J. Langer, acting as Agents), European Commission (represented by: L. Havas, M. Kellerbauer, B. R. Killmann and A. Szmytkowska, acting as Agents)

Interveners in support of the Council of the European Union: Federal Republic of Germany (represented by: J. Möller and S. Eisenberg, acting as Agents), French Republic (represented by: E. de Moustier, A. L. Desjonquères, C. Mosser and R. Coesme, acting as Agents), Kingdom of the Netherlands (represented by: M.K. Bulterman, C. Schillemans and J. Langer, acting as Agents), Kingdom of Sweden (represented by: C. Meyer-Seitz, H. Shev and H. Eklinder, acting as Agents), European Commission (represented by: L. Havas, M. Kellerbauer, B. R. Killmann and A. Szmytkowska, acting as Agents)

Operative part of the judgment

The Court:

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.

⁽¹⁾ OJ C 427, 26.11.2018.