

**Request for a preliminary ruling from the Landesverwaltungsgericht Steiermark (Austria) lodged on  
20 February 2019 — EX**

**(Case C-140/19)**

(2019/C 187/40)

*Language of the case: German*

**Referring court**

Landesverwaltungsgericht Steiermark

**Parties to the main proceedings**

*Appellant:* EX

*Respondent authority:* Bezirkshauptmannschaft Hartberg-Fürstenfeld

*Interested party:* Finanzpolizei

**Questions referred**

1. Must Article 56 TFEU, Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services <sup>(1)</sup> and Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC <sup>(2)</sup> be interpreted as precluding a national provision which, for infringements of formal obligations in connection with the cross-border deployment of labour, such as a failure to make available documents relating to pay or a failure to report to the Central Coordination Office (ZKO notifications), provides for very high fines, in particular high minimum penalties, which are imposed cumulatively in respect of each worker concerned?

2. If the answer to Question 1 is in the negative:

Must Article 56 TFEU, Directive 96/71/EC and Directive 2014/67/EU be interpreted as precluding the imposition of cumulative fines for infringements of formal obligations in connection with the cross-border deployment of labour which have no absolute upper limits?

3. Is Article 56 TFEU to be interpreted as precluding national legislation that requires a declaration of amendment to be provided to the Central Coordination Office in the event that the temporary activity in the host country is concluded prematurely and/or interrupted?

4. If the answer to Question 3 is in the negative:

Is Article 56 TFEU to be interpreted as precluding national legislation which does not grant a reasonable period of time for the submission of a declaration of amendment?

5. Are Article 56 TFEU and Article 9 of Directive 2014/67/EU to be interpreted as precluding national legislation that provides that, for the purposes of the requirement to make available certain documents, it is not sufficient subsequently to submit appropriate and relevant documents within a reasonable period of time?
6. Are Article 56 TFEU and Article 9 of Directive 2014/67/EU to be interpreted as precluding national legislation that provides that foreign service providers are to submit documents that go beyond those specified in Article 9 of Directive 2014/67/EU, are neither relevant nor appropriate and are not clearly defined under national law (such as, for example, pay statements, payslips, pay lists, tax statements, registrations and deregistrations, health insurance, schedules of notification and allocation of surcharges, documents relating to pay grades, certificates)?

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(<sup>1</sup>) OJ 1997 L 18, p. 1.

(<sup>2</sup>) 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 (OJ 2014 L 159, p. 11).

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20 February 2019 — EX**

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(2019/C 187/41)

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*Respondent authority:* Bezirkshauptmannschaft Hartberg-Fürstenfeld

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1. Must Article 56 TFEU, Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (<sup>1</sup>) and Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC (<sup>2</sup>) be interpreted as precluding a national provision which, for infringements of formal obligations in connection with the cross-border deployment of labour, such as a failure to make available documents relating to pay or a failure to report to the Central Coordination Office (ZKO notifications), provides for very high fines, in particular high minimum penalties, which are imposed cumulatively in respect of each worker concerned?