

Judgment of the Court (Fifth Chamber) of 14 May 2020 (request for a preliminary ruling from the Cour de cassation — France) — Criminal proceedings against Bouygues travaux publics, Elco construct Bucarest, Welbond armatures

(Case C-17/19) ⁽¹⁾

(Reference for a preliminary ruling — Migrant workers — Social security — Regulation (EEC) No 1408/71 — Legislation applicable — Article 14(1)(a) and (2)(b) — Regulation (EC) No 883/2004 — Article 12(1) — Article 13(1)(a) — Posted workers — Workers employed in two or more Member States — Regulation (EEC) No 574/72 — Article 11(1)(a) — Article 12a(2)(a) and (4)(a) — Regulation (EC) No 987/2009 — Article 19(2) — E 101 and A 1 Certificates — Binding effect — Consequences — Social security — Employment law)

(2020/C 240/21)

Language of the case: French

Referring court

Cour de cassation

Parties in the main criminal proceedings

Bouygues travaux publics, Elco construct Bucarest, Welbond armatures

Operative part of the judgment

Article 11(1)(a), Article 12a(2)(a) and (4)(a) of Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community, in the version amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005, and Article 19(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems, must be interpreted as meaning that an E 101 Certificate, issued by the competent institution of a Member State, under Article 14(1)(a) or Article 14(2)(b) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to their families moving within the Community, in the version amended and updated by Regulation No 118/97, as amended by Council Regulation (EC) No 1606/98 of 29 June 1998, to workers employed in the territory of another Member State, and an A 1 Certificate, issued by that institution, under Article 12(1) or Article 13(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as amended by Regulation (EC) No 465/2012 of the European Parliament and of the Council of 22 May 2012, to such workers, are binding on the courts or tribunals of the latter Member State solely in the area of social security.

⁽¹⁾ OJ C 103, 18.3.2019.

Judgment of the Court (Eighth Chamber) of 7 May 2020 (request for a preliminary ruling from the Landesverwaltungsgericht Niederösterreich — Austria) — VO v Bezirkshauptmannschaft Tulln

(Case C-96/19) ⁽¹⁾

(Reference for a preliminary ruling — Road transport — Working days and rest days — Digital tachographs — Regulation (EU) No 165/2014 — Working days not recorded on a driver card and no record sheets kept — National legislation requiring the driver to present an attestation from his employer in such circumstances — Validity of the form annexed to Decision 2009/959/EU)

(2020/C 240/22)

Language of the case: German

Referring court

Landesverwaltungsgericht Niederösterreich