

Judgment of the Court (First Chamber) of 12 February 2015 (request for a preliminary ruling from the Satakunnan käräjäoikeus — Finland) — Sähköalojen ammattiliitto ry v Elektrobudowa Spółka Akcyjna

(Case C-396/13) ⁽¹⁾

(Reference for a preliminary ruling — Articles 56 TFEU and 57 TFEU — Directive 96/71/EC — Articles 3, 5 and 6 — Workers of a company with its seat in Member State A, posted to carry out works in Member State B — Minimum wage provided for by the collective agreements of Member State B — Locus standi of a trade union with its seat in Member State B — Legislation of Member State A prohibiting the assignment to a third party of claims relating to pay)

(2015/C 118/08)

Language of the case: Finnish

Referring court

Satakunnan käräjäoikeus

Parties to the main proceedings

Applicant: Sähköalojen ammattiliitto ry

Defendant: Elektrobudowa Spółka Akcyjna

Operative part of the judgment

1. In circumstances such as those of the case before the referring court, 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, read in the light of Article 47 of the Charter of Fundamental Rights of the European Union, prevents a rule of the Member State of the seat of the undertaking that has posted workers to the territory of another Member State — under which the assignment of claims arising from employment relationships is prohibited — from barring a trade union, such as the Sähköalojen ammattiliitto, from bringing an action before a court of the second Member State, in which the work is performed, in order to recover for the posted workers, pay claims which relate to the minimum wage, within the meaning of Directive 96/71, and which have been assigned to it, that assignment being in conformity with the law in force in the second Member State.
2. Article 3(1) and (7) of Directive 96/71, read in the light of Articles 56 TFEU and 57 TFEU, must be interpreted as meaning that:
 - it does not preclude a calculation of the minimum wage for hourly work and/or for piecework which is based on the categorisation of employees into pay groups, as provided for by the relevant collective agreements of the host Member State, provided that that calculation and categorisation are carried out in accordance with rules that are binding and transparent, a matter which it is for the national court to verify;
 - a daily allowance such as that at issue in the main proceedings must be regarded as part of the minimum wage on the same conditions as those governing the inclusion of the allowance in the minimum wage paid to local workers when they are posted within the Member State concerned;
 - compensation for daily travelling time, which is paid to the workers on condition that their daily journey to and from their place of work is of more than one hour's duration, must be regarded as part of the minimum wage of posted workers, provided that that condition is fulfilled, a matter which it is for the national court to verify;
 - coverage of the cost of those workers' accommodation is not to be regarded as an element of their minimum wage;

- an allowance taking the form of meal vouchers provided to the posted workers is not to be regarded as part of the latter's minimum salary; and
- the pay which the posted workers must receive for the minimum paid annual holidays corresponds to the minimum wage to which those workers are entitled during the reference period.

⁽¹⁾ OJ C 260, 7.9.2013.

Judgment of the Court (Second Chamber) of 11 February 2015 (request for a preliminary ruling from the Verwaltungsgerichtshof — Austria) — Marktgemeinde Straßwalchen and Others v Bundesminister für Wirtschaft, Familie und Jugend

(Case C-531/13) ⁽¹⁾

(Environment — Directive 85/337/EEC — Assessment of the impact of certain public and private projects on the environment — Projects in respect of which an assessment must or must not be carried out — Exploratory drilling operations — Point 14 of Annex I — Notion of ‘extraction of oil and natural gas for commercial purposes’ — Obligation to carry out an assessment where a certain quantity of gas is extracted — Point 2(d) of Annex II — Notion of ‘deep drilling’ — Point 1 of Annex III — Notion of ‘cumulation with other projects’)

(2015/C 118/09)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicants: Marktgemeinde Straßwalchen, Heinrich Kornhuber, Helga Kornhuber, Karoline Pöckl, Heinze Kornhuber, Marianne Kornhuber, Wolfgang Kornhuber, Andrea Kornhuber, Alois Herzog, Elfriede Herzog, Katrin Herzog, Stefan Asen, Helmut Zopf, Ingrid Zopf, Silvia Zopf, Daniel Zopf, Maria Zopf, Anton Zopf sen., Paula Loibichler, Theresa Baumann, Josep Schindlauer, Christine Schindlauer, Barbara Schindlauer, Bernhard Schindlauer, Alois Mayrhofer, Daniel Mayrhofer, Georg Rindberger, Maria Rindlberger, Georg Rindlberger sen., Max Herzog, Romana Herzog, Michael Herzog, Markus Herzog, Marianne Herzog, Max Herzog sen., Helmut Lettner, Maria Lettner, Anita Lettner, Alois Lettner sen., Christian Lettner, Sandra Lettner, Anton Nagelseder, Amalie Nagelseder, Josef Nagelseder, Gabriele Schachinger, Thomas Schachinger, Andreas Schinagl, Michaela Schinagl, Lukas Schinagl, Michael Schinagl, Maria Schinagl, Josef Schinagl, Johann Mayr, Christine Mayr, Martin Mayr, Christian Mayr, Johann Mayr sen., Gerhard Herzog, Anton Mayrhofer, Siegfried Zieher

Defendant: Bundesminister für Wirtschaft, Familie und Jugend

Appearing before the Court: Rohöl-Aufsuchungs AG

Operative part of the judgment

- 1) Point 14 of Annex I to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009, must be interpreted as meaning that an exploratory drilling operation, such as that at issue in the main proceedings, in which an attempt to extract petroleum and natural gas is to be made to ascertain whether a reservoir is commercially viable is not covered by that provision;