Judgment of the Court (Fifth Chamber) of 30 June 2011 — Commission v Belgium

(Case C-397/10)

(Failure of a Member State to fulfil obligations — Article 56 TFEU — Freedom to provide services — National legislation making the activities of temporary work agencies subject to a set of requirements — Unjustified obstacles)

1. *Actions for failure to fulfil obligations — Examination of the merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 258 TFEU) (Art. 56 TFEU)*

2. *Freedom to provide services — Restrictions — National legislation making the activities of temporary work agencies subject to, first, the obligation to have as their sole company object the provision of workers and, second, the obligation to have a particular legal form — Not permissible — No justification (Art. 56 TFEU) (see para. 13)*

Re:

Failure of a Member State to fulfil its obligations – Infringement of Article 56 TFEU – Restriction of freedom to provide services – National legislation making the activities of temporary work agencies established in other Member States subject to a set of requirements – Unjustified obstacles.

Operative part

1. Declares that, by making the temporary work agencies providing their services in the territory of the Brussels Capital Region subject to the following requirements:

   — that they have as their sole company object that of the provision of workers, and

   — that they have a particular legal form,

   the Kingdom of Belgium has failed to fulfil its obligations under Article 56 TFEU;

2. Orders the Kingdom of Belgium to pay the costs.