

Case C-176/12 Association de médiation sociale v Union locale des syndicats CGT [2014]

Facts: Article 27 of the Charter, laying down information and consultation rights for workers, and the Directive which implements it came into conflict with French law which excluded from count workers with assisted contracts, an exclusion incompatible with the Directive. As companies with fewer than fifty employees could not be protected, the determination of which rule applied was vital.

Held: Art. 27 of the Charter had no horizontal effect. The directive provision had to be interpreted as precluding the French provision excluding workers with assisted contracts from the calculation of staff numbers. Furthermore, Charter rights were applicable in all situations governed by EU law, but Art. 27 did not lay down a specific prohibition on excluding from the calculation certain workers, and this could only be derived from the Directive. Finally, Art. 27 Charter could not be invoked in a dispute between private individuals and the applicants' best recourse was for state liability.