

SUMMARY

ECJ 25 July 2018, C-338/17 (Guigo), Insolvency

***<p>Virginie Marie Gabriel Guigo – v
– ‘Garantirani vzemania na
rabotnitsite i sluzhitelite’ Fund, Bulgarian case</p>***

Question

Must Directive 2008/94 be interpreted as precluding national legislation, such as Article 4(1) of the Law on employees' guaranteed claims, which does not guarantee the wage claims of employees whose employment relationship ended more than three months prior to the entry in the commercial register the judicial decision initiating insolvency proceedings in respect of their employer?

Ruling

Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer must be interpreted as not precluding national legislation, such as Article 4(1) of the Zakon za garantiranite vzemania na rabotnitsite i sluzhitelite pri nesastoyatelnost na rabotodatelia (Law on employees' guaranteed claims in the event of the employer's insolvency), which does not guarantee the wage claims of employees whose employment relationship ended more than three months prior to the entry in the commercial register of the judicial decision initiating insolvency proceedings in respect of their employer.

Creator: European Court of Justice (ECJ)

Verdict at: 2018-07-25

Case number: C-338/17