

SUMMARY

ECJ 22 February 2024, case C-125/23 (Unedic), Insolvency

Association Unedic delegation AGS de Marseille – v – V, W, X, Y, Z, Liquidator of company K, French case

Summary

Employees who make a declaration terminating their contract of employment due to serious breaches on the part of the employer, are in a situation comparable to that of employees whose employment relationships terminate at the initiative of the court-appointed administrator, liquidator or employer concerned. In the event of the employer's insolvency, also these employees are guaranteed a minimum of social protection through payment of outstanding claims resulting from contracts of employment or employment relationships.

Question

Must Directive 2008/94/EC be interpreted as precluding national legislation which provides for employees' outstanding claims resulting from contracts of employment or employment relationships to be covered by the scheme ensuring the payment of employees' claims by a guarantee institution established in accordance with Article 3 of that directive, where the termination of the contract of employment is at the initiative of the court-appointed administrator, liquidator or employer concerned, but excludes the coverage of such claims by that guarantee institution where the employee in question makes a declaration terminating his or her contract of employment due to such serious breaches on the part of his or her employer that continuation of that contract has been rendered impossible and a national court has held that declaration to be justified?

Ruling

Directive 2008/94/EC must be interpreted as precluding national legislation which provides for employees' outstanding claims resulting from contracts of employment or

employment relationships to be covered by the national scheme ensuring the payment of employees' claims by a guarantee institution established in accordance with Article 3 of that directive, where the termination of the contract of employment is at the initiative of the court-appointed administrator, liquidator or employer concerned, but excludes the coverage of such claims by that guarantee institution where the employee in question makes a declaration terminating his or her contract of employment due to such serious breaches on the part of his or her employer that continuation of that contract has been rendered impossible and a national court has held that declaration to be justified.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-02-22

Case number: C-125/23