

SUMMARY

ECJ 11 July 2024, case C-196/23 (Plamaro), collective redundancies

CL, GO, GN, VO, TI, HZ, Dn, DL – v – DB, Fondo de Garantía Salarial (Fogasa), Spanish case

Summary

The collective redundancies directive also applies in the event of the employer's retirement. The ECJ's summary of the case can be found [here](#).

Questions

Must Article 1(1) and Article 2 of Directive 98/59/EC, read together, be interpreted as precluding a national law pursuant to which the termination of the employment contracts of a number of workers greater than that provided for in that Article 1(1), as a result of the retirement of the employer, is not classified as a 'collective redundancy' and does not give rise to the obligation to inform and consult the workers' representatives provided for in that Article 2?

Must EU law be interpreted as requiring a national court, hearing proceedings between private individuals, to disapply a national law, such as that referred to in paragraph 39 of the present judgment, in the event that it is contrary to the provisions of Article 1(1) and Article 2 of Directive 98/59?

Ruling

Article 1(1) and Article 2 of Directive 98/59/EC, read together, must be interpreted as precluding a national law pursuant to which the termination of the employment contracts of a number of workers greater than that provided for in that Article 1(1), as a result of the retirement of the employer, is not classified as a 'collective redundancy' and does not give rise

to the obligation to inform and consult the workers' representatives provided for in that Article 2.

EU law must be interpreted as not requiring a national court, hearing proceedings between individuals, to disapply a national law, such as that referred to in point 1 of the present operative part, in the event that it is contrary to the provisions of Article 1(1) and Article 2 of Directive 98/59.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-07-11

Case number: C-196/23