

SUMMARY

ECJ 26 September 2024, case C-792/22 (Energotehnica), Effective remedy

MG – v – Parchetul de pe lângă Judecătoria Rupea, LV, CRA, LCM and SC Energotehnica SRL Sibiu, Romanian case

Summary

A national court is not required to apply a decision of its constitutional court that infringes EU law. The ECJ's summary of the case can be found [here](#).

Questions

Must Article 1(1) and (2) and Article 5(1) of Directive 89/391, read in conjunction with Article 31 of the Charter and the principle of effectiveness, be interpreted as precluding legislation of a Member State, as interpreted by the constitutional court of that Member State, under which the final judgment of an administrative court concerning the classification of an event as an 'accident at work' has the force of *res judicata* before the criminal court, where that legislation does not allow the successors of the worker who was the victim of that event to be heard in any of the proceedings ruling on the existence of such an accident at work?

Must the principle of primacy of EU law be interpreted as precluding the legislation of a Member State under which the ordinary national courts may not, on pain of disciplinary proceedings incurred by their members, refuse to apply of their own motion decisions of the constitutional court of that Member State, where they consider, in the light of the interpretation given by the Court of Justice, that those decisions infringe the rights that individuals derive from Directive 89/391?

Ruling

Article 1(1) and (2) and Article 5(1) of Directive 89/391, read in conjunction with the principle

of effectiveness and Article 47 of the Charter, must be interpreted as precluding legislation of a Member State, as interpreted by the constitutional court of that Member State, under which the final judgment of an administrative court concerning the classification of an event as an ‘accident at work’ has the force of *res judicata* before the criminal court called on to rule on the civil liability arising from the acts of which the defendant is accused, where that legislation does not allow the successors of the worker who was the victim of that event to be heard in any of the proceedings ruling on the existence of such an accident at work.

The principle of primacy of EU law must be interpreted as precluding the legislation of a Member State under which the ordinary national courts may not, on pain of disciplinary proceedings incurred by their members, refuse to apply of their own motion decisions of the constitutional court of that Member State, where they consider, in the light of the interpretation given by the Court of Justice, that those decisions infringe the rights that individuals derive from Directive 89/391.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-09-26

Case number: C-792/22