

SUMMARY

ECJ 30 October 2025, case C-402/24 (Sewel), collective redundancies

BL - v - Dr A, German case

Summary

The acknowledging receipt of an incorrect or incompetent notification of projected collective redundancies by the competent public authority cannot result that notification being regarded as meeting the requirements of Directive 98/59/EG.

Questions

1. Must Article 3 of Directive 98/59/EC be interpreted as meaning that the objective of the notification of projected collective redundancies to the competent public authority may be regarded as being achieved, first, where that authority raises no objection as to an incorrect or incomplete notification and thus considers that it has sufficient information to seek solutions to the problems raised by the projected collective redundancies within the period laid down in the first subparagraph of Article 4(1) of that directive and, second, where national legislation provides that the employer is to cooperate with that authority in preventing or limiting unemployment and/or that the national employment authority is required to investigate on its own initiative in the context of a collective redundancy procedure?
2. Must Article 3 of Directive 98/59 be interpreted as meaning that the objective of notification to the competent public authority of projected collective redundancies may be regarded as being achieved where an incorrect or missing notification of such projected collective redundancies may be rectified, supplemented or regularised after the worker concerned has been informed of the termination of his or her employment contract?
3. Must Article 6 of Directive 98/59 be interpreted as meaning that, in the event of incorrect or incomplete notification of projected collective redundancies, the fact that the 30-day period laid down in the first subparagraph of Article 4(1) of that directive does not run constitutes a

measure intended for the enforcement, within the meaning of Article 6, of the obligation to notify laid down in the first subparagraph of Article 3(1) of that directive?

Ruling

1. Article 3 of Directive 98/59 must be interpreted as meaning that the objective of the notification of projected collective redundancies to the competent public authority cannot be regarded as being achieved, on the one hand, where that authority raises no objection as to an incorrect or incomplete notification and thus considers that it has sufficient information to seek solutions to the problems raised by the projected collective redundancies within the period laid down in the first subparagraph of Article 4(1) of that directive and, on the other, where national legislation provides that the employer is to cooperate with that authority in preventing or limiting unemployment and/or where the national employment authority is required to investigate on its own initiative in the context of a collective redundancy procedure.

2. Article 6 of Directive 98/59 must be interpreted as meaning that in the event of incorrect or incomplete notification of projected collective redundancies, the fact that the 30-day period laid down in the first subparagraph of Article 4(1) of that directive does not run does not constitute a measure intended for the enforcement, within the meaning of Article 6, of the obligation to notify laid down in the first subparagraph of Article 3(1) of that directive.

Creator: European Court of Justice (ECJ)

Verdict at: 2025-10-30

Case number: C-402/24