

SUMMARY

ECJ 30 October 2025, case C-134/24 (Tomann), collective redundancies

UR - v - DF, German case

Summary

The employer who has terminated an employment contract without notifying the competent public authority of the projected collective redundancies cannot rectify the absence of such notification in such a way that the termination takes effect 30 days after rectification.

Questions

Must the first subparagraph of Article 4(1) of Directive 98/59/EC be interpreted as meaning that the termination of an employment contract, occurring in the context of projected collective redundancies subject to the obligation to notify the competent public authority laid down in the first subparagraph of Article 3(1) of that directive, cannot take effect until expiry of the 30-day period laid down in the first subparagraph of that Article 4(1)?

2. Must the first subparagraph of Article 4(1) of Directive 98/59 be interpreted as meaning that the expiry of the 30-day period referred to in that article implies not only that projected collective redundancies have been notified, but also that the content of such notification meets the requirements set out in the fourth subparagraph of Article 3(1) of that directive?

3. Must the first subparagraph of Article 3(1) and the first subparagraph of Article 4(1) of Directive 98/59 be interpreted as meaning that an employer who has terminated an employment contract without notifying the competent public authority of the projected collective redundancies of which that termination forms part, in breach of that first provision, may rectify the absence of notification in such a way that the termination takes effect 30 days after rectification?

4. Must Article 6 of Directive 98/59 be interpreted as meaning that national law may leave it to the competent public authority to determine, by means of an act which workers cannot

challenge and which is binding on the national courts, when exactly the period laid down in the first subparagraph of Article 4(1) of that directive expires, or as meaning that national law must confer on workers a right to a judicial remedy with a view to having the validity of that determination reviewed by that authority?

Ruling

1. The first subparagraph of Article 4(1) of Directive 98/59/EC must be interpreted as meaning that the termination of an employment contract, occurring in the context of projected collective redundancies subject to the obligation to notify the competent public authority laid down in the first subparagraph of Article 3(1) of that directive, cannot take effect until expiry of the 30-day period laid down in the first subparagraph of that Article 4(1).
2. The first subparagraph of Article 3(1) and the first subparagraph of Article 4(1) of Directive 98/59 must be interpreted as meaning that an employer who has terminated an employment contract without notifying the competent public authority of the projected collective redundancies of which the termination forms part, in breach of that first provision, cannot rectify the absence of notification in such a way that the termination takes effect 30 days after rectification.

Creator: European Court of Justice (ECJ)

Verdict at: 2025-10-30

Case number: C-134/24