

ECJ Court Watch – Pending Cases

Case C-710/21, Insolvency, Social Insurance

IEF Service GmbH – v – HB, reference lodged by the Oberster Gerichtshof (Austria) on 25 November 2021

1. Is Article 9(1) of Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer to be interpreted as meaning that an undertaking within the meaning of that article carries out activities in the territories of at least two Member States where it offers its services in another Member State, employs a freelance sales engineer there for that purpose and an employee employed at the registered office of the undertaking regularly works every second week in his or her home office in the other Member State?
2. If Question 1 is answered in the affirmative: Is Article 9(1) of Directive 2008/94/EC to be interpreted as meaning that an employee of such an undertaking who is resident in the second Member State and is subject to compulsory social insurance there, but alternately works for one week in the Member State in which the employer has its registered office and then the next week in the Member State in which he or she is resident and is subject to compulsory social insurance, ‘habitually’ works in both Member States within the meaning of that article?
3. If Question 2 is answered in the affirmative: Is Article 9(1) of Directive 2008/94/EC to be interpreted as meaning that the guarantee institution responsible for meeting the outstanding claims of an employee who works or habitually works in two Member States is
 - a. the guarantee institution of the Member State to the legislation of which he or she is subject in the context of the coordination of social security (social insurance) systems where the guarantee institutions pursuant to Article 3 of Directive 2008/94/EC in both States are structured in such a way that the employer’s contributions to the financing of the guarantee institution are payable as part of the compulsory social insurance contributions; or

- b. the guarantee institution of the other Member State in which the undertaking which is in a state of insolvency has its registered office; or
- c. the guarantee institutions of both Member States, with the result that the employee can choose which one he or she wants to claim from when submitting his or her application?

Case C-718/21, Miscellaneous

LG – v – Krajowa Rada Sądownictwa, reference lodged by the Sąd Najwyższy (Poland) on 26 November 2021

1. Does the second subparagraph of Article 19(1) of the Treaty on European Union preclude a provision of national law such as the first sentence of Article 69(1b) of the Ustawa z dnia 27 lipca 2001 r. – Prawo o ustroju sądów powszechnych (Law of 27 July 2001 on the System of Ordinary Courts; ... Dz. U. of 2020, item 2072), which makes the effectiveness of a declaration by a judge of his or her intention to continue to hold a judicial office after reaching retirement age subject to the consent of another body?
2. Does the second subparagraph of Article 19(1) of the Treaty on European Union preclude the adoption of an interpretation of a national provision under which a judge’s belated declaration of his or her intention to continue to hold a judicial office after reaching retirement age is ineffective, irrespective of the reason for the failure to observe the time limit and the significance of that failure for the proceedings concerning consent to his or her continuing to hold a judicial office?