



C/2023/732

20.11.2023

Judgment of the Court (Seventh Chamber) of 5 October 2023 (request for a preliminary ruling from the Curtea de Apel Bucureşti — Romania) — EI v SC Brink's Cash Solutions SRL

(Case C-496/22, (1) Brink's Cash Solutions)

(Reference for a preliminary ruling — Social policy — Approximation of the laws of the Member States relating to collective redundancies — Directive 98/59/EC — The first subparagraph of Article 1(1)(b) and Article 6 — Procedure for informing and consulting workers in the event of projected collective redundancies — No workers' representatives appointed — National legislation allowing an employer not to inform and consult the workers concerned individually)

(C/2023/732)

Language of the case: Romanian

Referring court

Curtea de Apel Bucureşti

Parties to the main proceedings

Appellant: EI

Respondent: SC Brink's Cash Solutions SRL

Operative part of the judgment

The first subparagraph of Article 1(1)(b), Article 2(3) and Article 6 of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies, as amended by Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015,

must be interpreted as not precluding national legislation which does not require an employer to consult individually the workers affected by projected collective redundancies, where those workers have not appointed workers' representatives, and which does not require those workers to appoint such representatives, provided that that legislation makes it possible, in circumstances beyond the control of those workers, to guarantee the full effect of those provisions of Directive 98/59, as amended.

(1) OJ C 398, 17.10.2022.