



**Request for a preliminary ruling from the Bundesarbeitsgericht (Germany) lodged on 10 June 2024 –
BL v Dr A, acting as liquidator of Luftfahrtgesellschaft Walter mbH**

(Case C-402/24, Sewel) ⁽¹⁾

(C/2024/5216)

Language of the case: German

Referring court

Bundesarbeitsgericht

Parties to the main proceedings

Applicant, appellant and appellant in the appeal on a point of law: BL

Defendant, respondent and respondent in the appeal on a point of law: Dr A, acting as liquidator of Luftfahrtgesellschaft Walter mbH

Questions referred

1. Is the purpose of the collective redundancy notification fulfilled, and a penalty therefore unnecessary, if the national employment agency does not object to an – objectively incorrect – collective redundancy notification and thus considers itself sufficiently well-informed to be able to perform its tasks within the time limits laid down in Article 4 of Council Directive 98/59/EC ⁽²⁾ of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies?

Does that apply, in any event, where the achievement of the purpose of Article 3 of Directive 98/59/EC is ensured by a national provision of employment promotion law and/or the national employment agency has a duty to investigate on its own initiative?

2. If the answer to Question 1 is in the negative: Can the purpose of Article 3 of Directive 98/59/EC still be fulfilled if a collective redundancy notification that is incorrect or has not been given at all can be corrected, supplemented or given at a later stage after receipt of the notice of dismissal?
3. If, in the event that a collective redundancy notification is incorrect or has not been given, the standstill period in accordance with Article 4(1) of Directive 98/59/EC should be the penalty for errors in the notification, what scope of application still remains for Article 6 of Directive 98/59/EC in that respect?

⁽¹⁾ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

⁽²⁾ Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies (OJ 1998 L 225, p. 16).