

**Judgment of the Court (First Chamber) of 11 November 2015 (request for a preliminary ruling from the Juzgado de lo Social No 33 de Barcelona — Spain) — Cristian Pujante Rivera v Gestora Clubs Dir, SL, Fondo de Garantía Salarial**

(Case C-422/14) <sup>(1)</sup>

*(Reference for a preliminary ruling — Social policy — Collective redundancies — Directive 98/59/EC — Article 1(1)(a), first subparagraph — Concept of workers ‘normally employed’ at the establishment concerned — Article 1(1), second subparagraph — Concepts of ‘redundancy’ and ‘terminations of employment contracts that may be assimilated to redundancies’ — Method of calculating the number of workers made redundant)*

(2016/C 016/13)

Language of the case: Spanish

**Referring court**

Juzgado de lo Social No 33 de Barcelona

**Parties to the main proceedings**

Applicant: Cristian Pujante Rivera

Defendants: Gestora Clubs Dir, SL, Fondo de Garantía Salarial

**Operative part of the judgment**

1. The first subparagraph of Article 1(1)(a) of Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies must be interpreted as meaning that workers employed under a contract concluded for a fixed term or a specific task must be regarded as forming part of the workers ‘normally’ employed, within the meaning of that provision, at the establishment concerned.
2. In order to establish whether there is a ‘collective redundancy’, within the meaning of the first subparagraph of Article 1(1)(a) of Directive 98/59, thus giving rise to the application of the directive, the condition laid down in the second subparagraph of that provision that ‘there [be] at least five redundancies’ must be interpreted as relating not to terminations of employment contracts that may be assimilated to redundancies but only to redundancies *sensu stricto*.
3. Directive 98/59 must be interpreted as meaning that the fact that an employer — unilaterally and to the detriment of the employee — makes significant changes to essential elements of his employment contract for reasons not related to the individual employee concerned falls within the definition of ‘redundancy’ for the purpose of the first subparagraph of Article 1(1)(a) of the directive.

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<sup>(1)</sup> OJ C 421, 24.11.2014.

**Judgment of the Court (Second Chamber) of 11 November 2015 (request for a preliminary ruling from the Landgericht Münster — Germany) — Klausner Holz Niedersachsen GmbH v Land Nordrhein-Westfalen**

(Case C-505/14) <sup>(1)</sup>

*(Reference for a preliminary ruling — Articles 107 TFEU and 108 TFEU — State aid — Aid granted in breach of Article 108(3) TFEU — Decision of a Member State court establishing the validity of the contract granting that aid — Res judicata — Interpretation in conformity with EU law — Principle of effectiveness)*

(2016/C 016/14)

Language of the case: German

**Referring court**

Landgericht Münster

**Parties to the main proceedings**

*Applicant:* Klausner Holz Niedersachsen GmbH

*Defendant:* Land Nordrhein-Westfalen

**Operative part of the judgment**

EU law precludes, in circumstances such as those at issue in the main proceedings, the application of a rule of national law enshrining the principle of *res judicata* from preventing a national court which has held that contracts forming the subject-matter of the dispute before it constitute State aid, within the meaning of Article 107(1) TFEU, implemented in breach of the third sentence of Article 108(3) TFEU, from drawing all the consequences of that breach because of a national judicial decision which has become definitive, which court, without examining whether those contracts constitute State aid, has held that the contracts remain in force.

<sup>(1)</sup> OJ C 65, 23.2.2015.

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**Judgment of the Court (Fourth Chamber) of 19 November 2015 (request for a preliminary ruling from the Varbergs tingsrätt — Sweden) — P v Q**

(Case C-455/15 PPU) <sup>(1)</sup>

*(Reference for a preliminary ruling — Urgent preliminary ruling procedure — Judicial cooperation in civil matters — Jurisdiction, recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility — Regulation (EC) No 2201/2003 — Article 23(a) — Grounds of non-recognition of judgments in matters of parental responsibility — Public policy)*

(2016/C 016/15)

Language of the case: Swedish

**Referring court**

Varbergs tingsrätt

**Parties to the main proceedings**

*Applicant:* P

*Defendant:* Q

**Operative part of the judgment**

Article 23(a) of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, must be interpreted as meaning that, in the absence of a manifest breach, having regard to the best interests of the child, of a rule of law regarded as essential in the legal order of a Member State or of a right recognised as being fundamental within that legal order, that provision does not allow a court of that Member State which considers that it has jurisdiction to rule on the custody of a child to refuse to recognise a judgment of a court of another Member State which has ruled on the custody of that child.

<sup>(1)</sup> OJ C 346, 19.10.2015.