

Judgment of the Court (Grand Chamber) of 24 November 2020 (request for a preliminary ruling from the Hof van beroep te Brussel — Belgium) — Criminal proceedings against AZ

(Case C-510/19) ⁽¹⁾

(Reference for a preliminary ruling — Police and judicial cooperation in criminal matters — European arrest warrant — Framework Decision 2002/584/JHA — Article 6(2) — Concept of ‘executing judicial authority’ — Article 27(2) — Rule of speciality — Article 27(3)(g) and 27(4) — Derogation — Prosecution for an ‘offence other’ than that for which surrendered — Consent of the executing judicial authority — Consent of the Public Prosecutor’s Office of the executing Member State)

(2021/C 35/20)

Language of the case: Dutch

Referring court

Hof van beroep te Brussel

Parties to the main criminal proceedings

AZ

Interveners: Openbaar Ministerie, YU, ZV

Operative part of the judgment

1. The concept of ‘executing judicial authority’ within the meaning of Article 6(2) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, constitutes an autonomous concept of EU law which must be interpreted to the effect that it covers the authorities of a Member State which, without necessarily being judges or courts, participate in the administration of criminal justice in that Member State, acting independently in the exercise of the responsibilities inherent in the execution of a European arrest warrant and which exercise their responsibilities under a procedure which complies with the requirements inherent in effective judicial protection;
2. Article 6(2) and Article 27(3)(g) and 27(4) of Framework Decision 2002/584, as amended by Framework Decision 2009/299, must be interpreted as meaning that the public prosecutor of a Member State who, although he or she participates in the administration of justice, may receive in exercising his or her decision-making power an instruction in a specific case from the executive, does not constitute an ‘executing judicial authority’ within the meaning of those provisions.

⁽¹⁾ OJ C 312, 16.9.2019.

Judgment of the Court (Tenth Chamber) of 3 December 2020 — European Commission v Kingdom of Belgium

(Case C-767/19) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directives 2009/72/EC and 2009/73/EC — Internal market in electricity and natural gas — Effective separation between the operation of electricity and gas transmission networks on the one hand, and supply and production activities on the other — Establishment of independent national regulatory authorities)

(2021/C 35/21)

Language of the case: French

Parties

Applicant: European Commission (represented by: O. Beynet and Y. G. Marinova, acting as Agents)

Defendant: Kingdom of Belgium (represented by: L. Van den Broeck, M. Jacobs and C. Pochet, acting as Agents, and by G. Block, avocat)

Operative part of the judgment

The Court:

1. Declares that the Kingdom of Belgium has failed to fulfil its obligations under Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC, and Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC, by failing to correctly transpose:
 - Article 9(1)(a) of both Directive 2009/72 and Directive 2009/73;
 - Article 37(4)(a) and (b) of Directive 2009/72 and Article 41(4)(a) and (b) of Directive 2009/73, and
 - Article 37(6)(a) to (c) and Article 37(9) of Directive 2009/72 and Article 41(6)(a) to (c) and Article 41(9) of Directive 2009/73.
2. Orders the Kingdom of Belgium to pay the costs.

⁽¹⁾ OJ C 10, 13.1.2020.

Judgment of the Court (Eighth Chamber) of 25 November 2020 (request for a preliminary ruling from the Okresný súd Košice I — Slovakia) — NI, OJ, PK v Sociálna poisťovňa

(Case C-799/19) ⁽¹⁾

(Reference for a preliminary ruling — Social policy — Directive 2008/94/EC — Articles 2 and 3 — Protection of employees in the event of the insolvency of their employer — Concepts of ‘employees’ outstanding claims’ and ‘insolvency of an employer’ — Accident at work — Death of the employee — Compensation for non-material damage — Recovery of the claim against the employer — Impossible — Guarantee institution)

(2021/C 35/22)

Language of the case: Slovak

Referring court

Okresný súd Košice I

Parties to the main proceedings

Applicants: NI, OJ, PK

Defendant: Sociálna poisťovňa

Operative part of the judgment

1. Article 2(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 must be interpreted as meaning that an employer cannot be deemed to be in a ‘state of insolvency’ where an action for enforcement has been brought against that employer in connection with a judicially recognised claim for compensation, but the claim is deemed irrecoverable in the enforcement proceedings on account of that employer’s informal insolvency. It is, however, for the referring court to ascertain whether, in accordance with Article 2(4) of Directive 2008/94, the Member State concerned has decided to extend employee protection as provided for under that directive to such a situation of insolvency, established by proceedings which are different from those mentioned in Article 2(1) and which are provided for under national law;