

**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.

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<sup>(1)</sup> OJ C 10, 13.1.2020.

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**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) <sup>(1)</sup>

*(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;

2. Article 1(1) and Article 3 of Directive 2008/94 must be interpreted as meaning that compensation due from an employer to surviving close relatives for non-material damage suffered as a result of the death of an employee caused by an accident at work may only be regarded as constituting ‘employees’ claims arising from contracts of employment or employment relationships’ within the meaning of Article 1(1) of that directive where it is covered by the concept of ‘pay’ as defined under national law, that being a matter for the national court to determine.

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(<sup>1</sup>) OJ C 19, 20.1.2020.

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**Appeal brought on 12 July 2018 by Oliver Spieker against the order of the General Court (Seventh Chamber) delivered on 8 May 2018 in Case T-92/18, Oliver Spieker v European Union Intellectual Property Office**

**(Case C-455/18 P)**

(2021/C 35/23)

*Language of the case: German*

**Parties**

*Appellant:* Oliver Spieker (represented by: A. Schönfleisch, O. Spieker, M. Alber and N. Willich, Rechtsanwälte)

*Other party to the proceedings:* European Union Intellectual Property Office

**Form of order sought**

The appellant claims that the Court should:

- set aside the order of the General Court of the European Union of 8 May 2018 in Case T-92/18, *Spieker v EUIPO (Science for a better skin)*, by which the General Court dismissed the action for annulment of the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 12 December 2017 (R 1067/2017-4) which had dismissed the appellant’s appeal against the decision of the EUIPO examiner of 20 March 2017;
- annul the decision of the Fourth Board of Appeal of EUIPO of 12 December 2017 (R 1067/2017-4);
- order EUIPO to pay the costs of the proceedings, including those necessarily incurred by the appellant before the Fourth Board of Appeal and the General Court of the European Union.

By order of 8 December 2020, the Court of Justice of the European Union (Eighth Chamber) dismissed the appeal and ordered the unsuccessful party to pay the costs.

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**Appeal brought on 11 June 2020 by João Miguel Barata against the judgment of the General Court (Second Chamber) delivered on 2 April 2020 in Case T-81/18, Barata v Parliament**

**(Case C-259/20 P)**

(2021/C 35/24)

*Language of the case: English*

**Parties**

*Appellant:* João Miguel Barata (represented by: G. Pandey, avocat, D. Rovetta, avocat, V. Villante, avvocato)

*Other party to the proceedings:* European Parliament

By order of 3 December 2020, the Court of Justice (Sixth Chamber) decided that the appeal should be dismissed as being in part manifestly inadmissible and in part manifestly unfounded and ordered the appellant to bear his own costs.

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