

2. If Question 1 is answered in the affirmative:

Is Article 9(1) of Directive 2008/94/EC to be interpreted as meaning that an employee of such an undertaking who is resident in the second Member State and is subject to compulsory social insurance there, but alternately works for one week in the Member State in which the employer has its registered office and then the next week in the Member State in which he or she is resident and is subject to compulsory social insurance, 'habitually' works in both Member States within the meaning of that article?

3. If Question 2 is answered in the affirmative:

Is Article 9(1) of Directive 2008/94/EC to be interpreted as meaning that the guarantee institution responsible for meeting the outstanding claims of an employee who works or habitually works in two Member States is

- a) the guarantee institution of the Member State to the legislation of which he or she is subject in the context of the coordination of social security (social insurance) systems where the guarantee institutions pursuant to Article 3 of Directive 2008/94/EC in both States are structured in such a way that the employer's contributions to the financing of the guarantee institution are payable as part of the compulsory social insurance contributions; or
- b) the guarantee institution of the other Member State in which the undertaking which is in a state of insolvency has its registered office; or
- c) the guarantee institutions of both Member States, with the result that the employee can choose which one he or she wants to claim from when submitting his or her application?

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(<sup>1</sup>) 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 (Codified version) (OJ 2008 L 283, p. 36).

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**Request for a preliminary ruling from the Curtea de Apel București (Romania) lodged on  
21 December 2021 — R.I. v Inspecția Judiciară, N.L.**

(Case C-817/21)

(2022/C 165/32)

*Language of the case: Romanian*

**Referring court**

Curtea de Apel București

**Parties to the main proceedings**

*Appellant:* R.I.

*Respondents:* Inspecția Judiciară, N.L.

**Question referred**

Must Article 2 and the second subparagraph of Article 19(1) of the Treaty on European Union, Decision 2006/928 (establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption), (<sup>1</sup>) and the guarantees of independence and impartiality imposed under EU law, be interpreted as precluding national legislation which allows the chief inspector of the Judicial Inspectorate to issue administrative acts of a normative nature (subordinate to the law) and/or an individual nature by which he or she decides autonomously on the organisation of the institutional framework of the Judicial Inspectorate for the selection of judicial inspectors and the assessment of their activity, the conduct of the inspection activities, and the appointment of the deputy chief inspector, where, under organic law, those persons alone may carry out, approve or reject acts of disciplinary investigation in respect of the chief inspector?

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(<sup>1</sup>) Commission Decision 2006/928 of 13 December 2006 establishing a mechanism for cooperation and verification of progress in Romania to address specific benchmarks in the areas of judicial reform and the fight against corruption (OJ 2006 L 354, p. 56).