



C/2024/6618

11.11.2024

Judgment of the Court (First Chamber) of 26 September 2024 (request for a preliminary ruling from the Curtea de Apel Braşov – Romania) – Criminal proceedings against MG

(Case C-792/22, ⁽¹⁾ Energotehnica)

(Reference for a preliminary ruling – Social policy – Protection of the safety and health of workers – Directive 89/391/EEC – General obligations relating to the protection of safety and health – Parallel national proceedings – Judgment of an administrative court having force of res judicata before the criminal court – Classification of an event as an ‘accident at work’ – Effectiveness of the protection of the rights guaranteed by Directive 89/391 – Article 47 of the Charter of Fundamental Rights of the European Union – Right to be heard – Disciplinary proceedings against a judge of an ordinary court in the event of failure to comply with a decision of a constitutional court that is contrary to EU law – Primacy of EU law)

(C/2024/6618)

Language of the case: Romanian

Referring court

Curtea de Apel Braşov

Parties to the main proceedings

MG

In the presence of: Parchetul de pe lângă Judecătoria Rupea, LV, CRA, LCM, SC Energotehnica SRL Sibiu

Operative part of the judgment

1. Article 1(1) and (2) and Article 5(1) of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, read in conjunction with the principle of effectiveness and Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding legislation of a Member State, as interpreted by the constitutional court of that Member State, under which the final judgment of an administrative court concerning the classification of an event as an ‘accident at work’ has the force of *res judicata* before the criminal court called on to rule on the civil liability arising from the acts of which the defendant is accused, where that legislation does not allow the successors of the worker who was the victim of that event to be heard in any of the proceedings ruling on the existence of such an accident at work.
2. The principle of primacy of EU law must be interpreted as precluding the legislation of a Member State under which the ordinary national courts may not, on pain of disciplinary proceedings incurred by their members, refuse to apply of their own motion decisions of the constitutional court of that Member State, where they consider, in the light of the interpretation given by the Court of Justice, that those decisions infringe the rights that individuals derive from Directive 89/391.

⁽¹⁾ OJ C 164, 8.5.2023.