



C/2024/2400

8.4.2024

Judgment of the Court (Seventh Chamber) of 22 February 2024 (request for a preliminary ruling from the cour d'appel d'Aix-en-Provence — France) — Association Unedic délégation AGS de Marseille v V, W, X, Y, Z, Liquidator of company K

(Case C-125/23, ⁽¹⁾ Unedic)

(Reference for a preliminary ruling — Social policy — Protection of employees in the event of the insolvency of their employer — Directive 2008/94/EC — Employees' outstanding salary claims resulting from contracts of employment or employment relationships taken over by guarantee institutions — Exclusion in the event of a declaration terminating the employment contract by the employee)

(C/2024/2400)

Language of the case: French

Referring court

Cour d'appel d'Aix-En-Provence

Parties to the main proceedings

Appellant: Association Unedic délégation AGS de Marseille

Defendants: V, W, X, Y, Z Liquidator of company K

Operative part of the judgment

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 precluding national legislation which provides for employees' outstanding claims resulting from contracts of employment or employment relationships to be covered by the national scheme ensuring the payment of employees' claims by a guarantee institution established in accordance with Article 3 of that directive, where the termination of the contract of employment is at the initiative of the court-appointed administrator, liquidator or employer concerned, but excludes the coverage of such claims by that guarantee institution where the employee in question makes a declaration terminating his or her contract of employment due to such serious breaches on the part of his or her employer that continuation of that contract has been rendered impossible and a national court has held that declaration to be justified.

⁽¹⁾ OJ C 189, 30.5.2023.