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Judgment of the Court in Case C-792/22 | Energotehnica

Right to an effective remedy: a national court is not required to apply a decision of its constitutional court that infringes EU law

In such a case, the national court may not be penalised

Following the death of an electrician by electrocution during a maintenance operation, an administrative procedure was initiated against his employer. At the same time, criminal proceedings for negligence and manslaughter were initiated against the supervisor. The victim's next of kin also became civil parties to the criminal proceedings.

The administrative court hearing the dispute concluded that the present case did not involve an 'accident at work'. It annulled the administrative penalties imposed on the employer. According to national legislation, as interpreted by the Romanian Constitutional Court, that administrative decision prevents the criminal court from reconsidering whether the accident constitutes an accident at work.

In that context, the Court of Appeal, Braşov (Romania), asks the Court of Justice whether that national law, as interpreted by the Constitutional Court, is compatible with EU law on worker safety ¹.

In its judgment, the Court of Justice holds that **EU law precludes a law of a Member State that, according to its constitutional court, makes the judgment of an administrative court on an 'accident at work' final for the criminal court, where that law prevents the victim's next of kin from being heard.**

EU law ² aims to protect the safety of workers and requires employers to ensure a safe working environment. It is for the national bodies to determine the procedures for holding employers liable in the event of failure to fulfil such obligations. However, those procedures may not hinder the exercise of rights conferred by EU law.

The Court recalls that, in judicial proceedings, the right to an effective remedy includes the right to be heard. Where a court takes a decision on civil liability without allowing the parties concerned to present their arguments, that right is infringed.

In that regard, the Court states that national judges must be able to refuse to follow a decision of their constitutional court if that decision is contrary to EU law. Where that is the case, they cannot incur disciplinary penalties.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ [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.

² Directive 89/391/EEC, in conjunction with Article 31 of the Charter of Fundamental Rights of the European Union and the principle of effectiveness.