

ECJ Ruled on Res Judicata Effects of Administrative Court Decision before Criminal Courts

News

Anna Pinggen

On 26 September 2024, the Court of Justice of the European Union (ECJ) issued a judgment in [Case C-792/22 \("Energotehnica"\)](#) addressing the binding force of administrative court judgements for criminal proceedings and the primacy of EU law over conflicting national court decisions. The case arose from the death of an electrician who was fatally electrocuted at work. The incident raised questions about employer responsibility under [Directive 89/391/EEC](#), which requires employers to ensure worker safety, and about the compatibility of Romanian procedural rules with EU law.

Under Romanian law, as interpreted by the Romanian Constitutional Court, administrative court decisions are binding on criminal courts (*res judicata*). Since, in the case at issue, the administrative court concluded that there was no "accident at work" and annulled the administrative penalties imposed on the employer, the criminal court, before which criminal proceedings for negligence and manslaughter took place in parallel, was prevented from reconsidering whether the accident constituted an accident at work. The referring Court of Appeal, Braşov (Romania), doubted whether the Romanian legal situation, where administrative court decisions have a strong force of *res judicata* before the criminal court and which effectively excludes the successors of a victim being heard in any of the proceedings deciding on liability, is compatible with EU law.

The ECJ ruled that such legislation is incompatible with EU law if it denies the successors of the victim the right to be heard in any of the proceedings determining whether the incident constitutes an accident at work. This contravenes the principle of effectiveness under EU law and the right to an effective remedy enshrined in Art. 47 of the Charter of Fundamental Rights of the European Union.

Furthermore, the Court addressed the broader issue of EU law primacy. It ruled that the principle of EU law precludes national legislation or practices that prevent ordinary courts from disapplying decisions of a national constitutional court that conflict with EU law. Specifically, it held that judges must not be subject to disciplinary proceedings for refusing to apply national constitutional court rulings when they infringe EU rights, such as those under Directive 89/391. National judges must retain the independence to ensure the full application of EU law, even if this requires setting aside conflicting rulings by higher national courts.

The judgment in *Energotehnica* reinforces the importance of ensuring effective remedies for violations of EU law, particularly in the context of worker safety. It bans an absolute *res judicata* effect of administrative court decision over criminal proceedings. The ECJ required that fundamental rights, such as the right to be heard under Art. 47 of the Charter, must be taken into account.

AUTHOR

Anna Pinggen 

Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

Published in
2024, Vol. 19(3) [eucri](#)m
ISSN: 1862-6947



The ECJ's judgment also underscores the primacy of EU law over national legal systems. It affirms the employer's duty to provide safe working conditions and protects the right of individuals to access justice when these obligations are not met. It safeguards judicial independence by affirming that national courts must have the authority to prioritize EU law in cases of conflict.

About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the Union Anti-Fraud Programme (UAF), managed by the European Anti-Fraud Office (OLAF).



**Co-funded by
the European Union**