

SUMMARY

ECJ 16 November 2023, case C-583/21-586/21 (NC (Transfer of a Spanish notary's office), transfer of undertakings, dismissal

NC, JD, TA, FZ – v – BA, DA, DV, CG, Spanish case

Summary

The change in the holder of a notarial practice must be treated in the same way as a change of employer and despite inter alia the fact that the notaries become the holder of a practice by reason of their appointment by the State. The ECJ's summary of the case is available [here](#).

Question

Must Article 1(1) of Directive 2001/23 be interpreted as meaning that that directive is applicable to a situation in which a notary, who is a public official and the private-sector employer of the employees in his or her service, succeeds the previous holder of a notarial practice, takes over his or her records and the staff who were employed by him or her and continues to carry out the same activity on the same premises with the same material resources.

Ruling

Article 1(1) of Directive 2001/23 must be interpreted as meaning that that directive is applicable to a situation in which a notary, who is a public official and the private-sector employer of the employees posted to his or her practice, succeeds the previous holder of such a practice, takes over his or her records and an essential part of the staff who were employed by him or her and continues to carry out the same activity on the same premises with the same material resources, provided that the identity of that practice is retained, which it is for the referring court to determine, taking into consideration all the relevant circumstances.

Creator: European Court of Justice (ECJ)

Verdict at: 2023-11-16

Case number: C-583/21 - 586/21