

SUMMARY

Case C-200/16. Transfer of undertakings

Does the situation in the present case amount to a transfer of an undertaking or business, where the defendant, 'ICTS', has been transferred to the defendant, 'SECURITAS', following a public call for tenders in which the successful bidder, 'SECURITAS', was awarded a contract for the provision of security guard services at the Ponta Delgada port in the island of São Miguel, Azores, and does that situation amount to a transfer of an economic entity for the purposes of Article 1(1)(a) of Council Directive 2001/23/EC?

Is the situation in the present case merely one in which a competing undertaking succeeds another following the award of a service provision contract to the successful undertaking in a public call for tenders, and as such is excluded from the notion of a transfer of an undertaking or business for the purposes of that directive?

Does Clause 13(2) of the Collective Agreement concluded by AES, AESIRF, STAD and other trade union federations contravene Community law on the meaning of a transfer of an undertaking or business arising from Council Directive 2001/23/EC of 12 March 2001 in that it stipulates that: 'the loss of a customer by an operator following an award of a service contract to another operator shall not fall within the notion of a transfer of an undertaking or business'?

Creator: European Court of Justice (ECJ)

Verdict at: 2016-04-12

Case number: C-200/16