European Union

“Modelo Continente Hipermercados”

Decision of the European Court of Justice (Fifth Chamber)

5 March 2015 – Case No. C-343/13

*Modelo Continente Hipermercados SA v. Autoridade
para as Condições de Trabalho – Centro Local do Lis
(ACT)*

Directive 78/855/EEC, Art. 19

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Keywords Mergers of public limited liability companies · Merger by acquisition · Transfer of assets and liabilities · Transfer of liability for administrative offences

1. Article 19(1) of Third Council Directive 78/855/EEC of 9 October 1978 based on Article 54(3)(g) of the Treaty concerning mergers of public limited liability companies, as amended by Directive 2009/109/EC of the European Parliament and of the Council of 16 September 2009, must be interpreted as meaning that a ‘merger by acquisition’ in Article 3(1) of the directive results in the transfer to the acquiring company of the obligation to pay a fine imposed by final decision adopted after the merger by acquisition for infringements of employment law committed by the acquired company prior to that merger.

Official headnotes.

Available at <http://curia.europa.eu>.