

Parties to the main proceedings

Appellant: ISS Facility Services NV

Respondents: Sonia Govaerts, Euroclean NV

Question referred

Must Article 3(1) of Council Directive 2001/23/EC ⁽¹⁾ of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, be interpreted as meaning that, in the case where there is a simultaneous transfer of various parts of an undertaking within the meaning of Article 1(1) of that directive, which parts are transferred to various transferees, the rights and obligations arising from the employment contract, as it existed at the time of the transfer, of a worker who was employed in each of the transferred parts, will be transferred to each of the transferees, albeit in proportion to the extent of the employment of the aforementioned worker in the part of the undertaking acquired by each transferee,

or must that provision be interpreted as meaning that the aforementioned rights and obligations are transferred in their entirety to the transferee of the part of the undertaking in which the aforementioned worker was principally employed,

or as meaning that, if the provisions of the Directive cannot be interpreted in any of the aforementioned ways, there is no transfer to any transferee of the rights and obligations arising from the employment contract of the aforementioned worker, which is also the case if it is not possible to determine separately the extent of the worker's employment in each of the transferred parts of the undertaking?

⁽¹⁾ OJ 2001 L 82, p. 16.

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 29 May 2018 —
Azienda Agricola Barausse Antonio e Gabriele — Società semplice v Agenzia per le Erogazioni in
Agricoltura (AGEA)**

(Case C-348/18)

(2018/C 294/23)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Appellant: Azienda Agricola Barausse Antonio e Gabriele — Società semplice

Respondent: Agenzia per le Erogazioni in Agricoltura (AGEA)

Question referred

Must Article 2(1) of Council Regulation (EEC) No 3950/92 ⁽¹⁾ be interpreted — also in the light of the grounds already set out by the Court of Justice of the European Union in its judgment of 5 May 2011 in Joined Cases C-230/09 and C-231/09 in relation to Article 10(3) of Regulation (EC) No 17[8]8/2003 ⁽²⁾ — as meaning that any unused portion of the national reference quantity allocated to deliveries can be re-allocated according to objective priority criteria determined by the Member States, or must that provision be interpreted as meaning that the equalling-out stage must be governed exclusively by the criterion of proportionality?

⁽¹⁾ Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector (OJ 1992 L 405, p. 1).

⁽²⁾ Council Regulation (EC) No 1788/2003 of 29 September 2003 establishing a levy in the milk and milk products sector (OJ 2003 L 270, p. 123).
