

3. Article 54(6) of Directive 2004/17, as amended by Regulation No 1336/2013, must be interpreted as precluding a clause in tender specifications, such as Clause 4.3 at issue in the main proceedings, which, in a case where a common tender is submitted by several tenderers, requires that the contribution of each of them in order to satisfy the requirements applicable with regard to professional capacities correspond, proportionally, to the share of the works that it will actually perform if that bid is successful.

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<sup>(1)</sup> OJ C 311, 21.9.2015.

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**Judgment of the Court (Tenth Chamber) of 6 April 2017 (request for a preliminary ruling from the Arbetsdomstolen — Sweden) — Unionen v Almega Tjänsteförbunden, ISS Facility Services AB**

(Case C-336/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Social policy — Directive 2001/23/EC — Article 3 — Safeguarding of employees' rights in the event of transfers of undertakings — Collective agreements applicable to the transferee and the transferor — Additional periods of notice granted to dismissed workers — Account to be taken of the length of service with the transferor)*

(2017/C 168/07)

Language of the case: Swedish

**Referring court**

Arbetsdomstolen

**Parties to the main proceedings**

Applicant: Unionen

Defendants: Almega Tjänsteförbunden,

ISS Facility Services AB,

**Operative part of the judgment**

Article 3 of Council Directive 2001/23/EC 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 must be interpreted as meaning that, in circumstances such as those in the case in the main proceedings, the transferee must, when dismissing an employee more than one year after the transfer of the undertaking, include, in the calculation of that employee's length of service, which is relevant for determining the period of notice to which that employee is entitled, the length of service which that employee acquired with the transferor.

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<sup>(1)</sup> OJ C 311, 21.9.2015.