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[2014] EWCA Civ 1130

B3/2013/2808/QBENF

Motif 45 (Lord Justice Aikens) : "(…) the correct interpretation of "central administration" in Article 60(1)(b), when applied to a company, is that it is the place where the company concerned, through its relevant organs according to its own constitutional provisions, takes the decisions that are essential for that company's operations. That is, to my mind, the same thing as saying it is the place where the company, through its relevant organs, conducts its entrepreneurial management; for that management must involve making decisions that are essential for that company's operations. As Andrew Smith J pointed out at [71] of his judgment, that location will be where the company (or other entity) has its "central administration" for the purposes of Article 60 and that will therefore be a jurisdiction where, for the purposes of the Regulation, the company has its domicile and so can be sued under the jurisdictional rule of Article 2. (...)".

Mots-Clefs: Domicile (personnes morales)
Administration centrale (domicile)
Groupe de sociétés

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