

Procedure file

Basic information		
CNS - Consultation procedure Regulation	2002/0824(CNS)	Procedure lapsed or withdrawn
Judgements in civil and commercial matters: contrats of employment		
Subject 7.40.02 Judicial cooperation in civil and commercial matters		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs and Internal Market		20/02/2003
		ELDR WALLIS Diana	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
European Commission	Commission DG Justice and Consumers	Commissioner FRATTINI Franco	

Key events			
19/11/2002	Legislative proposal published	14363/2002	Summary
16/12/2002	Committee referral announced in Parliament		
08/07/2003	Vote in committee		Summary
08/07/2003	Committee report tabled for plenary, 1st reading/single reading	A5-0253/2003	
02/09/2003	Decision by Parliament	T5-0353/2003	Summary

Technical information	
Procedure reference	2002/0824(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 061; EC Treaty (after Amsterdam) EC 067-p1
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway

Legislative proposal		14363/2002 OJ C 311 14.12.2002, p. 0016	19/11/2002	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0253/2003	08/07/2003	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0353/2003 OJ C 076 25.03.2004, p. 0037-0085 E	02/09/2003	EP	Summary

Additional information

European Commission	EUR-Lex
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Judgements in civil and commercial matters: contrats of employment

PURPOSE : to present an initiative of the Kingdom of the Netherlands with a view to the adoption of a Council Regulation amending Regulation 44/2001/EC on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters. **CONTENT** : within the objective of the Community to establish progressively an area of freedom, security and justice in which the free movement of persons is ensured, Regulation 44/2001/EC was adopted on 22 December 2000 and has entered into force on 1 Mmarch 2002. This Regulation provides for rules on jurisdiction in matters relating to individual contracts of employment. In particular, Article 20 of that Regulation provides for a rule jurisdiction for proceedings brought by the employer. Judgements issued in accordance with Article 20 will be recognised and enforced under that Regulation in all Member States. Due to difficulties that have arisen in trans-border labour relationships, it has become necessary to amend Article 20 of Regulation 44/2001/EC. According to the labour law of some Member States, as regards the termination of an employment contract, employers have the option to petition for judicial annulment instead of a dismissal, and in some cases, judicial annulment is mandatory. Judicial annulments offer advantages for both the employee and the employer. This proposal aims to amend regulaiton 44/2001/EC in order to improve the conditions for judicial annulments. It stipulates that the employer is given the option to bring proceedings in the courts for the place where the employee habitually carries out his work. More specifically, it states that proceedings brought by an employer to terminate a contract of employment may also be brought in the courts for the place where the employee habitually carries out his work or, if the employee does not habitually carry out his work in any one country, in the courts for the place where the business which engaged the employee is situated.?

Judgements in civil and commercial matters: contrats of employment

The committee adopted the report by Diana WALLIS (ELDR, UK) rejecting the initiative of the Kingdom of the Netherlands (under the consultation procedure) on the grounds that it was no longer provided for in the Treaty. However, the committee urged the Commission to look into the underlying problem, report back to Parliament and, if necessary, produce a proposal for amending legislation. ?

Judgements in civil and commercial matters: contrats of employment

The European Parliament, adopting a resolution drafted by Diana WALLIS (ELDR, UK) rejected the Dutch proposal. (Please see the summary dated 08/07/03.)?