

Procedure file

Basic information		
INI - Own-initiative procedure	2013/2023(INI)	Procedure completed
Improving private international law: jurisdiction rules applicable to employment		
Subject		
4.15.12 Workers protection and rights, labour law		
7.40.02 Judicial cooperation in civil and commercial matters		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs		20/02/2013
		S&D REGNER Evelyn	
	Committee for opinion	Rapporteur for opinion	Appointed
	EMPL Employment and Social Affairs		17/01/2013
		PPE OOMEN-RUIJTEN Ria	
European Commission	Commission DG	Commissioner	
	Justice and Consumers	REDING Viviane	

Key events			
11/03/2013	Committee referral announced in Parliament		
17/09/2013	Vote in committee		
20/09/2013	Committee report tabled for plenary	A7-0291/2013	Summary
07/10/2013	Debate in Parliament		
08/10/2013	Results of vote in Parliament		
08/10/2013	Decision by Parliament	T7-0396/2013	Summary
08/10/2013	End of procedure in Parliament		

Technical information	
Procedure reference	2013/2023(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative

Legal basis	Rules of Procedure EP 54
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	JURI/7/11935

Documentation gateway

Committee draft report		PE508.078	08/05/2013	EP	
Amendments tabled in committee		PE513.236	17/06/2013	EP	
Committee opinion	EMPL	PE510.701	05/09/2013	EP	
Committee report tabled for plenary, single reading		A7-0291/2013	20/09/2013	EP	Summary
Text adopted by Parliament, single reading		T7-0396/2013	08/10/2013	EP	Summary
Commission response to text adopted in plenary		SP(2014)61	06/03/2014	EC	

Improving private international law: jurisdiction rules applicable to employment

The Committee on Legal Affairs unanimously adopted the own-initiative report by Evelyn REGNER (S&D, AT) on improving private international law: jurisdiction rules applicable to employment.

Members recalled that a number of high-profile European court cases on jurisdiction and applicable law in relation to individual employment contracts and industrial action have led to fears that national provisions on employment law could be undermined by European rules which can lead, in certain cases, to the law of one Member State being applied by the court of another Member State.

It is also a major concern of private international law at European level to prevent forum shopping particularly when this might occur to the detriment of the weaker party, such as employees in particular and to ensure the greatest possible level of predictability as to jurisdiction.

It is therefore important that European law should respect national traditions in this field.

Whilst congratulating the institutions on the successful review of the [Brussels I Regulation](#), Members considered that employment law issues should be further addressed by the Commission with a view to a possible future revision.

Members noted that one of the main principles of private international law relating to jurisdiction is the protection of the weaker party and that the objective of employee protection is spelt out in the current jurisdiction rules.

Employees are generally well protected by jurisdiction rules in employment matters when they are defendants in cases brought by their employers through the exclusive grounds of jurisdiction laid down in the Brussels I Regulation.

The committee urged the Commission to assess whether the current legal framework under the Brussels I Regulation sufficiently takes into account the specificities of actions in the employment sector.

The Commission is also called upon to pay particular attention to the following issues:

- whether, concerning the liability of a worker or an employer or of an organisation representing the professional interests of workers or employers for damages caused by industrial action, any steps need to be taken to clarify that Article 7(2) of the recast Brussels I Regulation refers to the place where the industrial action is to be or has been taken, and whether alignment with Article 9 of the Rome II Regulation is necessary;
- whether, in cases where an employee sues an employer, the fall-back clause which applies where there is no habitual place of work should be reworded so as to refer to the place of business from which the employee receives or received day-to-day instructions rather than to the engaging place of business.

Improving private international law: jurisdiction rules applicable to employment

The European Parliament adopted a resolution on improving private international law: jurisdiction rules applicable to employment.

Parliament recalled that it is a major concern of private international law at European level to prevent forum shopping particularly when this might occur to the detriment of the weaker party, such as employees in particular and to ensure the greatest possible level of predictability as to jurisdiction. It also recalled that a number of high-profile European court cases on jurisdiction and applicable law in relation to individual employment contracts and industrial action have led to fears that national provisions on employment law could be undermined by European rules which can lead, in certain cases, to the law of one Member State being applied by the court of another Member State. In view of the major importance of employment law for the constitutional and political identities of the Member States, it is important that European law should respect national traditions in this field.

It is also in the interest of the proper administration of justice to align the rules on jurisdiction with the rules on applicable law to the extent possible.

In this regard, it seemed appropriate to evaluate whether there is a need for changes to be made to the rules on jurisdiction in the field of employment law. Parliament congratulated the institutions on the successful review of the [Brussels I Regulation](#) and considered that employment law issues should be further addressed by the Commission with a view to a possible future revision.

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