



EUROPEAN PARLIAMENT

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Committee on Employment and Social Affairs

2013/2023(INI)

5.9.2013

OPINION

of the Committee on Employment and Social Affairs

for the Committee on Legal Affairs

on improving private international law: jurisdiction rules applicable to
employment
(2013/2023(INI))

Rapporteur: Ria Oomen-Ruijten

PA_NonLeg

SUGGESTIONS

The Committee on Employment and Social Affairs calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- A. whereas the recasting of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)) did not address jurisdiction rules applicable to employment disputes;
 - B. whereas the Interinstitutional Agreement of 28 November 2001¹ provides that the recasting technique is to be used for acts that are frequently amended, which was not the case for Council Regulation (EC) No 44/2001 of 22 December 2000; whereas, in such cases the use of the recasting technique is an unjustified limitation of the Parliament's codecision rights;
 - C. whereas, in principle, the court of the Member State with the closest connection to the case should have jurisdiction; whereas, in the specific case of industrial action, the courts of the Member State where the industrial action is to be or has been taken should have jurisdiction;
1. Notes 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;
 2. Notes that 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;
 3. Calls for steps to be taken to improve the jurisdiction rules applicable to proceedings relating to individual employment contracts;
 4. Calls on the Commission to propose an amendment to the Brussels I Regulation providing for an exclusive forum for disputes concerning industrial action, in the place where the industrial action is to be or has been taken;
 5. Calls on the Commission to propose an amendment to Article 19 of the Brussels I Regulation to ensure that the employee may sue his employer in the courts of the Member State where the employee is domiciled.

¹ Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, OJ C 77, 28.3.2002, p. 1.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	5.9.2013
Result of final vote	+: 30 -: 2 0: 4
Members present for the final vote	Regina Bastos, Edit Bauer, Heinz K. Becker, Jean-Luc Bennahmias, Phil Bennion, Pervenche Berès, Vilija Blinkevičiūtė, David Casa, Alejandro Cercas, Ole Christensen, Minodora Cliveti, Marije Cornelissen, Emer Costello, Frédéric Daerden, Sari Essayah, Richard Falbr, Marian Harkin, Stephen Hughes, Jean Lambert, Verónica Lope Fontagné, Olle Ludvigsson, Thomas Mann, Elisabeth Morin-Chartier, Siiri Oviir, Elisabeth Schroedter, Joanna Katarzyna Skrzydlewska, Jutta Steinruck, Ruža Tomašić, Traian Ungureanu, Inês Cristina Zuber
Substitute(s) present for the final vote	Malika Benarab-Attou, Richard Howitt, Anthea McIntyre, Ria Oomen-Ruijten, Antigoni Papadopoulou, Csaba Sógor