Judgements in civil and commercial matters: contrats of employment

2002/0824(CNS) - 19/11/2002 - Legislative proposal

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.