

## EUROPEAN EMPLOYMENT LAW



# EUROPEAN EMPLOYMENT LAW

A Systematic Exposition

Karl RIESENHUBER

2<sup>nd</sup> edition

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CB1 1HW | United Kingdom  
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## SERIES PREFACE

The role of European law is becoming more and more central in comparative law, in the law of Member States and beyond and as an outstanding model for legal policy. It has been common practice for quite a number of years now that in almost all core areas of law, the important spurs to reform have been coming from Europe and that European law dominates the cornerstones of our legal systems. Therefore, a discussion of European law involves addressing the main problems and guiding principles but, in practical terms, it also increasingly entails raising questions that are challenging national legal traditions and rendering entire libraries obsolete.

Since 2002, the year marking the introduction of the Euro, a new law of obligations has been in place in Germany, with the old codifications in France and Austria following later on. The next years were characterised by unrestricted cross-border mobility of court decisions; the re-writing of core areas of company law such as accounting, cross-border mobility, as well as the promulgation of supranational types of company, with some of the largest German enterprises becoming 'European Companies' (SE); and cross-border crediting of contributions to social security systems becoming a reality. Corporate governance and shareholder rights, alongside corporate social responsibility have developed as core areas of Europeanisation, giving company law an imprint of sustainability and broad representation. The law on competition and subsidies has been primarily European for a long time and its mighty implementing mechanisms – overriding Heads of State – fill title pages. For almost a decade now, the private advocate general can file (follow-on) suits and strengthen a European Competition Union. The same applies to intellectual property law, foreign exchange law, banking and insurance law and environmental law. These have become genuinely European subjects. The European Banking Union (for the Eurozone) and the European Capital Market Union have forged a genuinely European architecture for the whole of capital and finance – on which financing responses to individual crises such as the Covid-19 aid packages could build as well. They strengthened and broadened financial stability schemes at the EU level, from banking law to capital market law and collaboration with respect to systemic risk. The cross-border arrest warrant fundamentally changed European Criminal Law; while anti-discrimination law is all encompassing. Not all endeavours have been successful.

The European Optional Contract Law (Code) – even though interesting and novel as an idea – failed; it was perceived as a cartelising endeavour that only a few actors in the EU partook in. More importantly, initiatives of more general acceptance and more urgent practical need supplanted it. The Lisbon Treaty – though formally not a constitution – installed a new institutional setting strengthening the democratic legitimacy and powers of the European Union. In parallel, fundamental rights have become a focus of European positive law, an overarching set of values – no longer only derived from comparative law. Besides the financial stability scheme and the political awakening, the digitalisation agenda is the broadest general endeavour of the last decade – in company law, capital market law, electronic registers, digital content contracts, platform law, and – in principle human rights law based – a general, directly applicable data protection scheme. The future will show whether Europe will really need an institutionalised economic collaboration for its political economy (‘true economic government’) in some way, reflecting the now global importance of the Euro and the responsibility attached to it! The future will also show how much work will be needed on these values and how much proactive protection of them will be required. There are certain signs of crises, but the overall development in the EU remains considerably dynamic.

European law – in all legal areas – has long since assumed dimensions that make it absolutely necessary to refer to more than a single book. This series, now beginning its second and in part third edition, is structured so as to provide the relevant European complement to a traditional legal area. It offers the internal market package organised in this way, with those areas being chosen for users that have a significant internal market dimension. In comparison with a multi-volume loose-leaf work, it has advantages not only in terms of price, but also in that it puts a greater emphasis on classification and limits the material to the essential, which is important in an overflowing area such as European law, of which only very few people manage to preserve an overview. Structuring the architecture, as opposed to information overkill, is the aim.

The dynamic nature of European law is impressive, as its development hurtles along, gathering momentum. There is a need for direction. A serious application of law can no longer focus solely on national transposition. The original, the European guideline, which in an increasing number of cases already *de jure*, but in almost all other cases at least *de facto* has to be directly applied (even in national legal processes), must be considered. Such direction can best be provided by presenting the contents of European law in context and in the necessary detail – in the present case, up to twelve individual volumes. Some of the volumes have already had considerable success in one national market and are now presented to a pan-European public.

The volumes cover the most important topics in the ‘Europeanisation’ of law. For practitioners – solicitors and barristers, corporate lawyers, judges or lawyers in state authorities or ministries – who do not wish to turn a blind eye to European law, these volumes provide a reliable treatment of the important problems, with sufficiently detailed references. They provide practitioners with all that they need on the EU level and, moreover, give comparative law and legal policy insights. As a series, they give an overview of those areas most affected by European law. Likewise, they provide advanced students with material for excellent examination results. Students must study European law seriously as part of their main subject if they really wish to specialise in this in the future and do more than pass their examination with an average result. Works with comparative law and interdisciplinary aspects also prepare students for a possible period of study abroad, help them to analyse law in terms of function and also support studies in related subjects. Thus, IUS COMMUNITATIS makes European substantive law accessible in the form of the classic systematic textbook and specialist work.

All volumes on the applicable law of the Union begin by presenting the necessary tools: in each case, the EU law and the instruments whereby this law enters into the national legal systems are introduced. In all volumes, a thorough description of the EU law rules forms the core of the discussion. However, economic or other interdisciplinary references of significance to the legislation in question are also explained, i.e. what the rules are intended to achieve and, where there are lacunae, the various models that exist and are discussed throughout Europe. European law is, indeed, still a law in the making – even though it is so dominant already. Each legal area is presented in a logical order, as an organic whole; which implies that the approximated or harmonised law forms only the skeleton or hard nucleus and is supplemented by comparative law explanations where harmonisation is not advanced. In this way, the relationship to national law becomes clearer and the ability of readers to deal with European law will improve, as they are given a coherent picture rather than the fragmentary one often complained of. These are textbooks, discussion books and, above all, practical books – sufficiently condensed to contain all the necessary details and yet clear in their outlines. This is the objective we strive for and the challenge. The authors, editors and the series editor (Stefan.Grundmann@rewi.hu-berlin.de) thank those who have criticised and inspired us and who may do so in the future.

The entire IUS COMMUNITATIS series owes much to the Thyssen Foundation, which considered the European aspect and, in particular, the connection with comparative law so important that it generously supported a good number of the volumes. As the series editor, I would like to express my deepest thanks.

Berlin/Florence, Spring 2021

Stefan Grundmann





## AUTHOR'S PREFACE

The development of European employment law and the book's warm reception made a new edition seem long overdue. Other projects and commitments, however, prevented me from complying with the series editor's gentle encouragement for quite some time.

The delay proved fortunate, however, in that the legislature has been particularly active in recent years. Thus, the new edition can already take into account the 2018 reform of the Posting of Workers Directive (§7), the further development of the Written Statement Directive into the Transparency Directive (§14), the new Whistleblower Directive (§15), and the further developed Parental and Carers' Leave Directive (§24) – all three from 2019. The rules safeguarding employee participation in cross-border mergers have been transferred, largely unchanged, to the 2017 Company Law Directive. We discuss the Company Law Directive as amended by the 2019 Mobility Directive, which has inserted provisions on cross-border conversions (change of legal form) and on divisions (§33). The 2017 European Pillar of Social Rights is taken into account in the chapter on fundamental rights (§2), and I briefly discuss the European Labor Authority (ELA) established in 2019 in an annex to the chapter on fundamental freedoms (§3). At the very last minute, I was able to include (§1) the Commission's proposal for a minimum wage directive of October 28, 2020. Finally, the new edition provided an opportunity to close two gaps. I had left out the Data Protection Directive in the previous edition, but the General Data Protection Regulation now required attention in a separate chapter (§13). I have also added an overview chapter on competition law and labor law (§4).

In addition, the lively activity of the ECJ had to be taken into account. The focus here is on working time and annual leave law, but a wealth of new decisions also had to be taken into account in areas such as anti-discrimination law and the law on the transfer of undertakings. In terms of methodology, the Court of Justice has made a fundamental rights foundation for Union legislation fruitful in very different areas and in different ways – a development that can certainly be viewed critically.

Last but not least, I have endeavoured to take account of developments in scholarship. It has developed considerably in the past ten years, both

quantitatively and qualitatively. New journals, commentaries and handbooks as well as numerous monographs and articles on individual topics bear witness to this.

In all of this, the systematic structure of the book has proven its worth. Thus, the basic structure of the entire work has remained largely unchanged, as has the structure of most of the chapters. Notwithstanding this, I have recounted the margin numbers of all chapters. The sheer size of the book indicates that additions were necessary almost throughout.

The book is up to date as of March 31, 2021.

My assistants at Ruhr-Universität Bochum have supported me in the preparation of this new edition. I would like to thank my research assistants, Ms. Julia Matthäus and Mr. Gereon Walter and, in particular, Mr. Lukas Middeke and Judge Annabelle Nörmann, as well as my student assistants Nikita Kantor, Alex Kirov, Franziska Malfa, Andrei Stefan Morariu, Sozdar Sulaiman, Boris Tcherniaev, and Teresa Weiß for their dedicated support.

Bochum, May 2021

Karl Riesenhuber

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## LIST OF ABBREVIATIONS\*

AC	Appeal Cases (Law Reports)
AcP	Archiv für die civilistische Praxis (volume [year], page)
ADEA	The Age Discrimination in Employment Act of 1967, codified as Chapter 14 of Title 29 of United States Code, §621
AG	1. Advocate General at the European Court of Justice; 2. Die Aktiengesellschaft (year, page); 3. Amtsgericht (German Local Court), see also LG, OLG and BGH
AiB	Arbeitsrecht im Betrieb (year, page)
alt.	alternative
a.m.	ante meridiem
AÖR	Archiv für öffentliches Recht (volume [year], page)
AP	Arbeitsrechtliche Praxis (provision/legal act, number)
Arbeitgeber	Der Arbeitgeber (year, page)
ArbRB	Der Arbeits-Rechtsberater (year, page)
ArbG	Arbeitsgericht (German Labour Court), see also BAG, LAG
arg.	argumentum
Ariz. L. Rev.	Arizona Law Review (volume [year], page)
Art.	Article(s)
AuA	Arbeit und Arbeitsrecht (year, page)
AuR	Arbeit und Recht (year, page)
AWD	Außenwirtschaftsdienst (year, page)
BAG	Bundesarbeitsgericht (German Federal Labour Court), see also ArbG und LAG
BAGE	the official report series of cases before the Bundesarbeitsgericht (volume, page), see also BAG
BArbBl.	Bundesarbeitsblatt (year, page)

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\* For abbreviations of Legal Acts of the European Communities and the European Union used in this book see the table of EU Legislation at page xxxi, for the list of abbreviated literature see page xxv.

BB	Betriebs-Berater (year, page)
BGBL.	Bundesgesetzblatt der Bundesrepublik Deutschland (year part, page)
BGH	Bundesgerichtshof (German Federal Court of Justice), see also AG, LG and OLG
BGHZ	the official report series of civil law cases before the Bundesgerichtshof (volume, page), see also BGH
BJIR	British Journal of Industrial Relations (volume [year], page)
BKR	Zeitschrift für Bank- und Kapitalmarktrecht (year, page)
B.L.I.	Business Law International (volume [year], page)
BMW	Bayerische Motorenwerke
BR-Drs.	Bundesrats-Drucksache (document number/year, page), see also BT-Drs.
BT-Drs.	Bundestags-Drucksache (legislative period/document number, page), see also BR-Drs.
Brussel I Regulation	see Table of EU Legislation EuGVVO
BVerfG	Bundesverfassungsgericht (German Federal Constitutional Court)
BVerfGE	the official report series of cases before the Bundesverfassungsgericht (volume, page), see also BVerfG
Cambrian L.R.	Cambrian Law Review (year, page)
CEEP	European Centre of Employers and Enterprises
CISG	United Nations Convention on Contracts for the International Sale of Goods, BGBL. 1989 II, 588
cf.	confer
CFI	Court of First Instance (see Article 220 EC), see also GC
C.F.L.Q	Child and Family Law Quarterly (volume [year], page)
CFSR	Charter of Fundamental Social Rights of Workers
chap.	chapter
ChFR	Charter of Fundamental Rights of the European Union as proclaimed at Strasbourg on 12 December 2007 by the European Parliament, the Council and the Commission and as replaced with effect from 1 December 2009, the date of entry into force of the Treaty of Lisbon (see Article 6(1)(1) TEU), OJ 2010 C 83/389
C.L.J.	Cambridge Law Journal (volume [year], page)



C.L.P.	Current Legal Problems (volume [year], page)
CMLR	Common Market Law Review (volume [year], page)
Co Lawyer	Company Lawyer (volume [year], page)
Colum. J. Eur. L.	Columbia Journal of European Law (volume [year], page)
COM	COM Documents: proposed legislation and other Commission communications to the Council and/or the other institutions, and their preparatory papers. Commission documents for the other institutions (legislative proposals, communications, reports, etc.) ([year] number, page)
Comp. Lab. L.	Comparative Labour Law (volume [year], page) – until 1986, see also Comp. Lab. L. J.
Comp. Lab. L. J.	Comparative Labour Law Journal (volume [year], page) – since 1986, see also Comp. Lab. L.
Comp. Lab. L. & Pol’y J.	Comparative Labour Law Journal & Policy Journal (volume [year], page)
Comp. Law.	Competition Law (year, page)
CuA	Computer und Arbeit (year, page)
DB	Der Betrieb (year, page)
Der Personalrat	Der Personalrat (year, page)
DGB	Deutscher Gewerkschaftsbund (German Confederation of Trade Unions)
DM	Deutsche Mark (former German currency)
Doc.	Document
DÖV	Die Öffentliche Verwaltung (year, page)
DRdA	Das Recht der Arbeit (year, page)
DStR	Deutsches Steuerrecht (year, page)
DuD	Datenschutz und Datensicherheit (year, page)
DZWIR	Deutsche Zeitschrift für Wirtschafts- und Insolvenz-recht (year, page)
ead.	eadem
eaed.	eaedem
EAEC Treaty	Treaty establishing the European Atomic Energy Community, signed on the 25 March 1957, consolidated version from 1 December 2009, as amended by the Treaty of Lisbon and other preceding treaties, OJ 2010 C 84/1
EAS	Europäisches Arbeits- und Sozialrecht, see the List of Abbreviated Literature
EAT	Employment Appeal Tribunal

EBLR	European Business Law Review (year, page)
EBOR	European Business Organization Law Journal (volume [year], page)
EWC	European Works Council
EC	1. European Community; see also EEC 2. Treaty establishing the European Community, consolidated version, as amended by the Treaties of Amsterdam and Nice, OJ 2002 C 325/33; see also EEC, EC Treaty, TEC and TFEU
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, ECHR) of 4 November 1950
ECJ	European Court of Justice, see also CFI and GC
ECL	European Company Law (volume [year], page)
ECR	European Court Reports (year volume-page), before 1990 all case-law was published in a single volume, now judgments and opinions of the ECJ, together with opinions of the AG are published as volume I and judgments of the CFI or (since amendments by the Treaty of Lisbon) of the GC are published as volume II
ECSA	European Community Shipowners' Associations
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EC Treaty	Treaty establishing the European Community, for different versions see also EC on the one hand and TEC on the other
ed(s).	editor(s)
edn.	edition
EEC	1. European Economic Community, see also EC and EU; 2. see EEC Treaty
EEC Treaty	Treaty establishing the European Economic Community, signed on the 25 March 1957, see also EC Treaty, EC, TEC und TFEU
E.H.R.L.R.	European Human Rights Law Review (volume [year], page)
Einl.	Einleitung (introduction)
ELJ	European Law Journal (volume [year], page)
ELLJ	European Labour Law Journal (volume [year], page)
E.L. Rep.	European Law Reporter (year, page)
E.L. Rev.	European Law Review (volume [year], page)

EP	European Parliament
ERCL	European Review of Contract Law (volume [year], page)
ESC	1. European Social Charter of 18 October 1961, see also RESC; 2. Economic and Social Committee (see Article 300 sqq. TEUF)
esp.	especially
ETF	European Transport Workers' Federation
ETUC	European Trade Union Confederation
EU	1. European Union; 2. Treaty on European Union, consolidated version, as amended by the Treaties of Amsterdam and Nice, OJ 2002 C 325/5; see also TEU, TFEU
ECJ Statute	Statute of the Court of Justice of the European Union, as it results from the amendments introduced by the Treaty of Lisbon, OJ 2010 C 83/210
EuGRZ	Europäische Grundrechte-Zeitschrift (year, page)
EuR	Europarecht (year, page)
EuroAS	Informationsdienst Europäisches Arbeits- und Sozialrecht (year, page)
EU Treaty	see EU and TEU
EuZA	Europäische Zeitschrift für Arbeitsrecht (year, page), see also EJLL for the English title of this journal
EuZW	Europäische Zeitschrift für Wirtschaftsrecht (year, page)
EWiR	Entscheidungen zum Wirtschaftsrecht (year, page)
EWS	Europäisches Wirtschafts- und Steuerrecht (year, page)
EzA	Entscheidungssammlung zum Arbeitsrecht (provision/legal act number)
FAZ	Frankfurter Allgemeine Zeitung
Fordham Int. L. J.	Fordham International Law Journal (volume [year], page)
Fordham JCFL	Fordham Journal of Corporate and Financial Law (volume [year], page)
GBP	Great Britain Pound Sterling
GC	General Court (see Art. 254–256 TEUF), see also CFI
Geo. L. J.	Georgetown Law Journal (volume [year], page)
GmbHR	GmbH Rundschau (year, page)

GPR	Zeitschrift für Gemeinschaftsprivatrecht (year, page)
Harv. L. Rev.	Harvard Law Review (volume [year], page)
Harv. J. L. & Gender	Harvard Journal of Law & Gender (volume [year], page)
Hofstra Lab. & Emp. L. J.	Hofstra Labor & Employment Law Journal (volume [year], page)
I.C.C.L.R.	International Company and Commercial Law Review (volume [year], page)
ICLQ	International & Comparative Law Quarterly (volume [year], page)
id.	idem
iid.	iidem
IJCLLIR	The International Journal of Comparative Labour Law and Industrial Relations (volume [year], page)
ILJ	Industrial Law Journal (volume [year], page)
ILO	International Labour Organization
Ind. & L.R.Rev.	Industrial and Labour Relations Review (volume [year], page)
IntGesR	Internationales Gesellschaftsrecht (International Company Law)
Int'l Rev. L. & Econ.	International Review of Law and Economics (volume [year], page)
IPRax	Praxis des Internationalen Privat- und Verfahrensrecht (year, page) (year, number)
IRJ	Industrial Relations Journal (volume [year], page)
J.B.L.	Journal of Business Law (year, page)
JCLS	Journal of Corporate Law Studies (year, page)
JITE	Journal of institutional and Theoretical Economics (volume [year], page)
JJZ	Jahrbuch Junger Zivilrechtswissenschaftler (year, page)
J.L. & Econ.	Journal of Law and Economics (volume [year], page)
J.M.H.L.	Journal of Mental Health Law (volume [year], page)
J. Pol. Econ.	Journal of Political Economy (volume [year], page)
JR	Juristische Rundschau (year, page)
J. Soc. Wel. & Fam. L.	Journal of Social Welfare and Family Law (volume [year], page)
JURA	Juristische Ausbildung (year, page)
JuS	Juristische Schulung (year, page)
JZ	JuristenZeitung (year, page)

Konzern	Der Konzern (year, page)
KritV	Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft (year, page)
KTS	Konkurs-, Treuhand- und Schiedsgerichtswesen (year, page)
LAG	Landesarbeitsgericht (German Higher Labour Court), see also BAG, ArbG
LG	Landgericht (German Regional Court), see also AG, OLG and BGH
lit.	litera
loc. cit.	loco citato
Mich. L. Rev.	Michigan Law Review (volume [year], page)
MJ	Maastricht Journal (volume [year], page)
MJECL	Maastricht Journal of European and Comparative Law (volume [year], page)
MLR	The Modern Law Review (volume [year], page)
MMR	Multimedia und Recht (year, page)
MuSchG	Mutterschutzgesetz (German Maternity Protection Act)
NIPR	Het tijdschrift Nederlands Internationaal Privaatrecht (year, page)
NJW	Neue Juristische Wochenschrift (year, page)
North Carolina L. Rev.	North Carolina Law Review (volume [year], page)
Nott.L.J.	Nottingham Law Journal (volume [year], page)
No(s).	number(s)
NVwZ	Neue Zeitschrift für Verwaltungsrecht (year, page)
NZA	Neue Zeitschrift für Arbeitsrecht (year, page)
NZA-RR	NZA Rechtsprechungs-Report Arbeitsrecht (year, page)
OGH	Oberster Gerichtshof (Austrian Supreme Court of Justice)
OJ	1. published before 1 February 2003: Official Journal of the European Community (year series document number/page); 2. published since 1 February 2003: Official Journal of the European Union (year series document number/page)
OJLS	Oxford Journal of Legal Studies (volume [year], page)
OLG	Oberlandesgericht (German Higher Regional Court), see also AG, LG and BGH
op. cit.	opus citatum est
p(p).	page(s)

para(s).	paragraph(s)
PersV	Die Personalvertretung (year, page)
p.m.	post meridiem
pt(s).	point(s)
RabelsZ	Rabels Zeitschrift für ausländisches und internationales Privatrecht (volume [year], page)
RdA	Recht der Arbeit (year, page)
RDV	Recht der Datenverarbeitung (year, page)
Rechtswissenschaft	Rechtswissenschaft – Zeitschrift für rechtswissen-schaftliche Forschung (year, page)
Recital	recital to the preamble of a legislative act of the EU
RESC	Revised European Social Charter of 3 May 1996, European Treaty Series – No. 163; see also ESC
RIW	Recht der Internationalen Wirtschaft – Betriebs-Berater International (year, page)
RNotZ	Rheinische Notar-Zeitschrift (year, page)
Rome I Regulation	see Table of EU Legislation
s.	see
s.a.	see also
s(s).	section(s)
SAE	Sammlung arbeitsrechtlicher Entscheidungen (year, page)
sc.	scilicet
SCE	Societas Cooperativa Europaea (European Cooperative Company)
SE	Societas Europaea (European Company)
SEC	SEC documents: European Commission's documents which cannot be classified in COM or any of the other official series
SME	small and medium-sized enterprises
SPE	Societas Privata Europaea (European Private Company)
sq.	et sequente (and the following)
sqq.	et sequentes (and the following, plural)
SVO	Republic of Slovenia
Syracuse J. Int'l L. & Com.	Syracuse Journal of International Law and Commerce (volume [year], page)
TEC	Treaty establishing the European Community, consolidated version, as amended by the Treaty of European Union (Maastricht), OJ 1992 C 224/6; see also EEC, EC Treaty, EC and TFEU

TEU	Treaty on European Union, consolidated version, as it results from the amendments introduced by the Treaty of Lisbon, OJ 2010 C 83/13, see also EU
TFEU	Treaty on the Functioning of the European Union, consolidated version, as it results from the amendments introduced by the Treaty of Lisbon, OJ 2010 C 83/47, see also EEC, EC Treaty, EC and TEC
Tex. L. Rev.	Texas Law Review (volume [year], page)
U. Chi. L. Rev.	University of Chicago Law Review (volume [year], page)
UK	United Kingdom
UN	United Nations
UNICE	Union of Industrial and Employers' Confederations of Europe
U. Pa. L. Rev.	University of Pennsylvania Law Review (volume [year], page)
VSSR	Vierteljahresschrift für Sozialrecht (year, page)
VVW	Verlag Versicherungswirtschaft
wbl	wirtschaftsrechtliche blätter (year, page)
WiB	Wirtschaftsrechtliche Beratung (year, page)
WIRO	Wirtschaft und Recht in Osteuropa (year, page)
WM	Wirtschafts- und Bankrecht (year, page)
WSI-Mitteilungen	Mitteilungen des Wirtschafts- und Sozialwissenschaftlichen Instituts (year, page)
Yale J. Int'l L.	Yale Journal of International Law (volume [year], page)
Yale L.J.	The Yale Law Journal (volume [year], page)
YEL	Yearbook of European Law (volume [year], page)
ZAAR	Zentrum für Arbeitsbeziehungen und Arbeitsrecht
ZD	Zeitschrift für Datenschutz (year, page)
ZESAR	Zeitschrift für europäisches Sozial- und Arbeitsrecht (year, page)
ZEuP	Zeitschrift für Europäisches Privatrecht (year, page)
ZEW	Centre for European Economic Research
ZfA	Zeitschrift für Arbeitsrecht (year, page)
ZfRV	Zeitschrift für Rechtsvergleichung, Internationales Privatrecht und Europarecht (year, page)
ZGR	Zeitschrift für Unternehmens- und Gesellschaftsrecht (year, page)
ZHR	Zeitschrift für das gesamte Handels- und Wirtschaftsrecht (volume [year], page)

ZIAS	Zeitschrift für ausländisches und internationales Arbeits- und Sozialrecht (year, page)
ZIP	Zeitschrift für Wirtschaftsrecht (year, page)
ZRP	Zeitschrift für Rechtspolitik (year, page)
ZSR	Zeitschrift für Schweizerisches Rechts (volume [year], page)
ZTR	Zeitschrift für Tarifrecht (year, page)
ZVglRWiss	Zeitschrift für vergleichende Rechtswissenschaft (volume [year], page)
ZWeR	Zeitschrift für Wettbewerbsrecht (year, page)
ZZPInt	Zeitschrift für Zivilprozess International (volume [year], page)



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## TABLE OF EU LEGISLATION\*

Abbreviation	Short Title	Official Title	Source
	Brussels Ia-Regulation, Jurisdiction and Enforcement Regulation	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	OJ 2012 L 351/1
BoPD	Burden of Proof Directive	Council Directive 97/80/EC of 15 December 1997 on the burden of proof in cases of discrimination based on sex	OJ 1998 L 14/6
CAD	Commercial Agents Directive	Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents	OJ 1986 L 382/17
CBMD	Cross-Border Merger Directive	Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies	OJ 2005 L 310/1
CFSR	Community Charter of Fundamental Social Rights	Community Charter of Fundamental Social Rights of Workers of 9 December 1989	COM(89) 248 final
ChFR	Charter of Fundamental Rights	Charter of Fundamental Rights of the European Union, solemnly proclaimed on 7 December 2000	OJ 2000 C 364/1, OJ 2007 C 303/1
CLD	Company Law Directive	Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 relating to certain aspects of company law	OJ 2017 L 169/46
CMD	Capital Movement Directive	Council Directive 88/361/EEC of 24 June 1988 for the implementation of Article 67 of the Treaty	OJ 1988 L 178/5

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\* The legislative acts are listed in alpha-numerical order of the abbreviations or short titles used in this book.

CRD	Collective Redundancies Directive	Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies	OJ 1998 L 225/16
CRD 1975	Collective Redundancies Directive 1975	Council Directive 75/129/EEC of 17 February 1975 on the approximation of the laws of the Member States relating to collective redundancies	OJ 1975 L 48/29
DPD	Data Protection Directive	Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data	OJ 1995 L 281/31
EAD	Equal Access Directive	Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions	OJ 1976 L 39/40
ELAR	ELA-Regulation	Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344	OJ 2019 L 186/21
EPD	Equal Pay Directive	Council Directive 75/117/EEC of 10 February 1975 on the approximation of the laws of the Member States relating to the application of the principle of equal pay for men and women	OJ 1975 L 45/19
EPSR	European Pillar of Social Rights	European Pillar of Social Rights of 17 November 2017	OJ 2017 C 428/10
ETFD	Equal Treatment Framework Directive	Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation	OJ 2000 L 303/16
EWCD	European Works Council Directive	Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (Recast)	OJ 2009 L 122/28



EWCD 1994	European Works Council Directive 1994	Council Directive 94/45/EC of 22 September 1994 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees	OJ 1994 L 254/64
FMCD	Free Movement of Citizens Directive	Directive 2004/38/EG of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their families to move and reside freely within the territory of the Member States amending regulation 1612/68/EEC and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC	OJ 2004 L 158/77
FMWR	Free Movement of Workers Regulation	Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union Text with EEA relevance	OJ 2011 L 141/1
FTWD	Fixed Term Work Directive	Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP	OJ 1999 L 175/43
FTWEA	Fixed Term Work Framework Agreement	Framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP	OJ 1999 L 175/43 (Annex to FTWD)
GDPR	General Data Protection Regulation	Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)	OJ 2016 L 119/1
ICFD	Information and Consultation Framework Directive	Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community – Joint declaration of the European Parliament, the Council and the Commission on employee representation	OJ 2002 L 80/29
IPD	Insolvency Protection Directive	Directive 2008/94/EC of the European Parliament and of the Council of 22 October 2008 on the protection of employees in the event of the insolvency of their employer (Codified version)	OJ 2008 L 283/36

MPD	Maternity Protection Directive	Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC)	OJ 1992 L 348/1
	Mobility Directive	Directive (EU) 2019/2121 of the European Parliament and of the Council of 27 November 2019 amending Directive (EU) 2017/1132 as regards cross-border conversions, mergers and divisions	OJ 2019 L 321/1
PCLD	Parental and Carers' Leave Directive	Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU	OJ 2019 L 188/79
PLD 1996	Parental Leave Directive 1996	Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC	OJ 1996 L 145/4
PLD 2010	Parental Leave Directive 2010	Council Directive 2010/18/EU of 8 March 2010 implementing the revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC and repealing Directive 96/34/EC	OJ 2010 L 68/13
PLFA	Parental Leave Framework Agreement	Revised Framework Agreement on parental leave concluded by BUSINESSEUROPE, UEAPME, CEEP and ETUC	OJ 2010 L 68/13 (Annex to PLD)
PoWD	Posting of Workers Directive	Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services	OJ 1997 L 18/1
	Posting of Workers Enforcement Directive 2014/67	Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation')	OJ 2014 L 159/11
	Reform Directive 2018	Directive (EU) 2018/957 of the European Parliament and of the Council of 28 June 2018 amending Directive 96/71/EC concerning the posting of workers in the framework of the provision of services	OJ 2018 L 173/16

PTWD	Part-Time Work Directive	Council Directive 97/81/EC of 15 December 1997 concerning the Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC	OJ 1998 L 14/9
PTWFA	Part-Time Work Framework Agreement	Framework Agreement on part-time work concluded by UNICE, CEEP and the ETUC	OJ 1998 L 14/9 (Annex to PTWD)
RDD	Race Discrimination Directive	Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin	OJ 2000 L 180/22
	Rome Convention	Convention 80/934/ECC on the law applicable to contractual obligations opened for signature in Rome on 19 June 1980 (consolidated version)	OJ 1998 C 27/34
	Rome I-Regulation	Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)	OJ 2008 L 177/6
	Rome II-Regulation	Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II)	OJ 2007 L 199/40
SCED	SCE-Directive	Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees	OJ 2003 L 207/25
SCER	SCE-Regulation	Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE)	OJ 2003 L 207/1
SDD	Sex Discrimination Directive	Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)	OJ 2006 L 204/23
SDGS	Sex Discrimination in Access to Goods and Services Directive	Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services	OJ 2004 L 373/37
SED	SE-Employee Involvement Directive	Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees	OJ 2001 L 294/22

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SER	SE-Regulation	Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE)	OJ 2001 L 294/1
SHFD	Safety and Health Framework Directive	Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work	OJ 1989 L 183/1
SIMD	Services in the Internal Market Directive	Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market	OJ 2006 L 376/36
SPER-P2008	SPE-Regulation-Proposal 2008	Proposal for a Council Regulation on the statute for a European private company	COM(2008) 396 final
SPER-P2009	SPE-Regulation-Proposal 2009	Revised Council Presidency compromise of 27 November 2009 for a Council Regulation on a European Private Company	16115/09, ADD1, DRS 71, SOC 711
SPER-P2011	SPE-Regulation-Proposal 2011	Revised Council Presidency compromise of 23 May 2011 for a Council Regulation on a European Private Company	10611/11, DRS 84, SOC 432
TAWD	Temporary Agency Work Directive	Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work	OJ 2008 L 327/9
TESHD	Temporary Employment Safety and Health Directive	Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship	OJ 1991 L 206/19
TOD	Takeover Directive	Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids	OJ 2004 L 142/12
TPD	Transparency Directive	Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union	OJ 2019 L 186/105
TUD	Transfer of Undertakings Directive	Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses	OJ 2001 L 82/16

TUD 1977	Transfer of Undertakings Directive 1977	Council Directive 77/187/EEC of 14 February 1977 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses	OJ 1977 L 61/26
TUD 1998	Transfer of Undertakings Directive 1998	Council Directive 98/50/EC of 29 June 1998 amending Directive 77/187/EEC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of businesses	OJ 1998 L 201/88
WBD	Whistleblower Directive	Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law	OJ 2019 L 305/17
WSD	Written Statement Directive	Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship	OJ 1991 L 288/32
WTD	Working Time Directive	Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time	OJ 2003 L 299/9
YPWD	Young People at Work Directive	Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work	OJ 1994 L 216/12



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