EUROPEAN UNION INTERNAL MARKET AND LABOUR LAW: FRIENDS OR FOES?

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intersentia
Antwerp – Oxford – Portland
European Union Internal Market and Labour Law: Friends or Foes?
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Antwerp – Oxford – Portland
www.intersentia.com

ISBN 978-90-5095-914-8
D/2009/7849/30
NUR 825

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Foes are forever!

Filip Dorssemont

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PREFACE

The process of international economic integration commonly called 'globalisation' has an important labour market dimension. Labour or human capital as a production factor has been one of the key engines of globalisation ever since the fall of communism brought one and a half billion new workers into the global economy. The ability to tap into this phenomenal reservoir on an international scale, through a combination of investment, technology, transport, and migration, has confronted developed economies with new challenges and new forms of competition. Never before in human history was international labour market competition so global and so direct.

However, international economic integration has not coincided with international policy integration. As we have painfully observed during the financial crisis of 2008, economic globalisation has run ahead of regulatory globalisation, effectively generating a global market without a real global market framework. This is particularly true and perhaps inevitable for the labour market, thus both allowing and fuelling labour market competition between the participants in the global economy.

Within the context of the European Union the explosive mixture of economic integration and labour market competition has been further stirred by the enlargement of the EU towards the less economically developed former communist countries of Central and Eastern Europe. The enlargement of 2004, with additions in 2007, has opened the internal market of the European Union to a previously unknown diversity of labour standards. This historic process forms the general backdrop to the legal developments treated in this book.

This book explores the intricate, complex, and sometimes contentious relationship between the European Union’s agenda for a free internal market and the protection of labour standards within the EU. The book cannot offer a definite or comprehensive analysis of an issue that is still largely developing. The immediate focus is on recent legal developments, both in case law and in legislation. But these developments are addressed in a more general approach that seeks to give an overall background and context. The result of a conference held in the aftermath of the instantly famous cases of Laval and Viking, the book also reports on a panel discussion between stakeholders.
May this book offer the reader some learning and inspiration on an issue that is both fundamental and symbolic for the future development of the European Union.

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January 2009
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Dirk Sterckx studied German Filology at the University of Gent. After his studies he taught Dutch, English and German in various secondary schools in the Antwerp region. In 1975 he started his career as a journalist at the former public Belgian broadcasting company BRT where he became the EU correspondent in 1980.

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