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

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Foes are forever!

Filip Dorssemont

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Marc De Vos

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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.
Preface

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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Ghent University
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Philippe de Buck studied Law at the Catholic University of Louvain and Tax Law at ICHEC Brussels Management School. In 1987, after holding various functions within Agoria, a Belgian multisectoral federation for the technology industry, Philippe de Buck became CEO of Agoria. Since 2002 he has been Director General of BusinessEurope, the European employers’ lobbying group.

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Marc De Vos holds a Licentiate and Doctorate in Law (University of Ghent, 1993 and 2000), a Master in Social Law (Université Libre de Bruxelles, 1994), and a Master of Laws (Harvard University, 2000). He is a tenured professor of labour and employment law at the Ghent University Law School (www.law.ugent.be/social) and the University of Brussels (VUB – www.vub.ac.be/SORE/), where he teaches courses on Belgian, European and international employment and labour law. He serves as Director of the LLM programme in European Law at Ghent
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On 13 June 1999 Dirk Sterckx was elected as a Member of the European Parliament and in 2004, he was re-elected. In the European Parliament, he follows the transport dossiers, environment dossiers and he is also the Chairman of the Delegation with China.