Summary Minutes

Meeting of Directors General for Industrial Relations

24 May 2019
Crowne Plaza Hesperia
Helsinki, Finland

1. INTRODUCTION AND ADOPTION OF THE AGENDA.

Mr Stefan OLSSON (Chair, Director for Employment EMPL B) opened the meeting and welcomed all participants.

The Draft Agenda was adopted.

2. MINUTES OF THE MEETING OF DIRECTORS GENERAL HELD ON 23 NOVEMBER IN BUCHAREST, ROMANIA.

The summary minutes were adopted without amendment.

3. PRESENTATION OF THE FINNISH PRESIDENCY'S PRIORITIES IN THE SOCIAL AFFAIRS FIELD.

Ms. Tarja KROGER (Government Counsellor, Ministry of Economic affairs and employment, Finland) introduced her presentation on the forthcoming Finnish Presidency in the field of social affairs by underlining the need to fully articulate it with the outcome of the Romanian Presidency. She also drew the attention of the fact that Finland was about to have a new government, while the results of the European elections and its aftermath (institutional transition phase) would also be important to consider. This would imply in particular the period of hearings of the new Commissioners (September / October 2019) and the establishment of priorities for the new term.

The general priorities of the Presidency should be growth and security as complementary items, with a series of horizontal issues to be considered (Brexit, EMU, migration, Rule of Law, MFF, Clean Planet Strategy). In the area of social affairs, the focus should be on skills and inclusive society.

First of all, Finland will continue to work on the *pending legislative issues*:

- European Globalisation Fund Regulation, in connection with the MFF package,
- Regulation on the Co-ordination of Social Security Systems,
- Women on Boards Directive,
- Directive on Implementing the Principle of Equal Treatment between Persons irrespective of Religion or Belief, Disability, Age or Sexual Orientation.

In addition, the priorities of the Finnish Presidency in the area of social affairs will consist of:

- *Availability of skilled labour force*, with a conference on 2-3 July on skills and smart work organization in the digital era (prior to informal Competitiveness Council on 4-5 July in Helsinki), followed by the 'Skills Week' on 1-18 October;

- *Promoting employment of those difficult to employ / Ensuring full use of the labour force*, with discussions at EMCO in Helsinki on 17 September and Council conclusions foreseen for EPSCO December Council.
- *Future of Work / Promoting decent work (ILO centenary)*, Council conclusions foreseen for EPSCO October Council;
- *Mobility and fair internal market;*
- And, possibly, discussion on the *Commission discussion paper on qualified majority decision-making on social issues.*

This should also comprise Council conclusions on the Economy of Wellbeing and on Gender Equality in the EU.

ESPCO meetings are scheduled as follows: 8 July in Brussels (CSRs, Employment guidelines); 24 October in Luxembourg; 10 December in Brussels, preceded by informal dinner on 9 December to gather EPSCO ministers, the new EMPL Commissioner, new EP EMPL Committee Chair, ILO DG, Eurofound, representatives of the European Social Partners, and discuss future EU priorities on social and employment policies for 2019-2024.

To be noted as well as that the tripartite Social Summit, Brussels, will take place on 16 October.

Other meetings are:

- 9-10 July: High-Level Forum on the Silver Economy
- 2-3 September: High-Level Group on Gender Mainstreaming
- 18-19 September: High-Level Conference on the Economy of Wellbeing
- 19-20 September: Social Protection Committee Meeting hosted by the Presidency
- 30 September- 1 October: Europe for Gender Equality? Taking Stock – Taking Action
- 16-17 October: VET for All – Skills for Life
- 17-18 October: Senior Labour Inspectors' Committee
- 14-15 November: Missoc (Mutual Information System on Social Protection) Network Meeting
- 27-28 November: Roadmap on Carcinogens
- 3-5 December: ESF Committee and Technical Working Group (TWG)
- 12-13 December: 12th Board Meeting of the European Network of Public Employment Services (PES)

Further information can be found on the the Presidency webpages: https://eu2019.fi/en/frontpage

4. OVERALL UPDATE BY THE COMMISSION ON THE SOCIAL PILLAR AND FOLLOW-UP INITIATIVES

Mr Stefan OLSSON (Director "Employment", DG EMPL) introduced the point by reminding the participants of a few important developments. First of all, the contribution by the European Commission to the informal EU27 leaders' meeting in Sibiu (Romania) on 9 May 2019 and in particular the invitation to the leaders to agree to broaden the

scope of qualified majority voting. Ministers in charge of employment and social affairs will hold their first discussion on the "passerelle clause" (move from unanimity to qualified majority voting) at the June EPSCO Council meeting. Secondly, the on-going hearing of the EPSU case (legal challenge by the public service trade union on the Commission decision not to submit the agreement of Central Government Administrations as a legislative proposal). Finally, the Plenary of the Advisory Committee on Safety and Health at Work taking place in Bilbao on 3rd and 4th June. It will commemorate the 25th anniversary of the Agency with an agenda focusing on the draft opinions on "EU Strategic Framework, National Strategies and ACSH Work Programme", and on "Chemicals at the Workplace" (Acrylonitrile, Nickel compounds and Benzene).

Mr REINHOLDT (Legal officer, Unit "Working Conditions, DG EMPL) presented the new Directive on Transparent and Predictable Working Conditions, a direct follow-up to the proclamation of the European Pillar of Social Rights. It establishes new rights for all workers, particularly addressing insufficient protection for workers in more precarious jobs, while limiting burdens on employers and maintaining labour market adaptability.

All workers in the EU will have the right to: more complete information on the essential aspects of the work, to be received early by the worker, in writing; a limit to the length of probationary periods at the beginning of the job; to be able to seek additional employment, with a ban on exclusivity clauses and limits on incompatibility clauses; know a reasonable period in advance when work will take place, for workers with very unpredictable working schedules, as in the case if on-demand work; anti-abuse provisions for zero hour contract work; to receive a written reply to a request to transfer to another more secure job, and to receive cost-free during working time the mandatory training that the employer has a duty to provide.

The directive has a broad personal scope of application. It aims to ensure that these rights cover all workers in all forms of work, including those in the most flexible non-standard and new forms of work such as zero-hour contracts, casual work, domestic work, voucher-based work or platform work. It will be adopted at the June EPSO Council and publication in the OJEU is expected in July 2019, the new rights will therefore be applicable to workers in the EU as from July 2022.

Mr Adam POKORNY (Head of Unit Working Conditions", DG EMPL) highlighted that this Directive aims to cover new forms of employment and to be future proof. It refers to concepts that such us on-demand work and predictability that are not limited to a specific form of work. To help with the transposition process the Commission will set up after the summer a group of Member State experts, with the involvement of social partners. He stressed the fact that the Commission entered a statement to the Council's minutes committing itself to carefully look at the implementation by Member States of Article 14 on collective agreements and Article 1 on scope.

Ms VOLPE (Policy officer, Unit "Working Conditions", DG EMPL) presented the new Directive on Work-Life Balance for Parents and Carers, another deliverable of the European Pillar of Social Rights, which addresses the work-life balance challenges faced by working parents and carers. This initiative takes into account the developments in society over the past decade in order to enable parents and people with caring responsibilities to better balance their work and family lives and to encourage a better sharing of caring responsibilities between women and men. It aims at modernizing the existing EU legal framework in the area of family-related leaves and flexible working

arrangements. It foresees the introduction of a right to paternity leave (fathers/equivalent second parents will be able to take at least 10 working days of paternity leave around the time of birth of the child, compensated at least at the level of sick pay) and the strengthening of the existing right to 4 months of parental leave (by making 2 out of the 4 months non-transferable from a parent to another, and compensated at a level to be set by Member States). Parents will also have the right to request to take the leave in a flexible way (e.g. part-time or in a piecemeal way). It also foresees the introduction of carers' leave for workers providing personal care or support to a relative or person living in the same household (working carers will be able to take 5 days per year) and the extension of the existing right to request flexible working arrangements (reduced working hours, flexible working hours and flexibility in place of work) to all working parents of children up to at least 8 years old, and all carers. The directive is expected to be adopted at the June EPSCO Council.

Ms Salla SAASTAMOINEN (Director "Civil and Commercial Justice", DG JUST) stressed that the Work-Life Balance Directive is a key piece of legislation within the equality agenda. Furthermore, the Commission provides financial means to support the equality policy.

The Netherlands highlighted the challenge of implementation of this directive pointing out that currently there is no paid parental leave in the NL. They expressed interest in the establishment of an expert group.

Ms Salla SAASTAMOINEN (Director "Civil and Commercial Justice", DG JUST) took note of the NL intervention and confirmed that it would be reported back to colleagues in charge of this directive.

Mr PANCALDI (Legal officer, Unit "Free movement of workers, EURES", DG EMPL) recalled that the European Labour Authority is part of the rollout of the European Pillar of Social Rights and was first announced by President Juncker in his 2017 State of the Union address. With over 17 million Europeans living or working in another EU Member State, the European Labour Authority will help individuals, businesses and national administrations to get the most out of the opportunities offered by free movement and be a crucial instrument for ensuring fair labour mobility. Its field of activities includes free movement of workers; EURES; posting of workers; social security coordination, undeclared work and international road transport. The ELA's tasks will be: to facilitate access to information by individuals and employers on rights and obligations and to relevant services in cross-border labour mobility situations; to facilitate cooperation and exchange of information between national authorities; and to mediate in disputes between Member States on the application of EU law concerning labour mobility.

On 13 June 2019, the Council is expected to adopt the ELA Regulation and to decide on the seat of the new authority. There are four applicants: Bratislava, Nicosia, Riga and Sofia. In this start-up phase, the Commission will host the ELA in its premises in Brussels, until the definitive premises are ready. The Authority is expected to be established on 31 July and the activities will start in mid-October with the first meeting of the ELA Management Board and the presentation of the work programme. The authority is expected to reach its full operational capacity by 2024 with approximately 140 staff members, some of them seconded by the Member States and acting as National Liaison Officers.

Ms RIONDINO (Policy assistant to the Director "Employment", DG EMPL) presented the amendments to the Carcinogens and Mutagens Directive (CMD). She recalled that principle 10 of the European Pillar of Social Rights provides that workers have the right to a high level of protection of their health and safety at work. She stressed that cancer is the biggest killer on the work floor causing 53% of work-related deaths and the highest share of work-related life years lost or years lived with disability in the EU. Reducing exposure to carcinogens and mutagens at the workplace helps prevent cancer and other non-cancer health problems caused by these hazardous substances. It increases the length and quality the lives of European workers, boosts productivity, and improves the level playing field for businesses. In the 2017 Commission Communication on OSH Modernization, stepping up the fight against occupational cancer through legislative proposals accompanied by increased guidance and awareness-raising was considered as a key priority. The Commission proposed three amendments to the CMD during this mandate. These cover 26 cancer-causing chemicals at the workplace, improve protection for 40 millions of workers, and are expected to save more than 100,000 lives over the next 50 years. Whereas the second amendment to the CMD was adopted by the Council in January 2019, the third amendment is expected to be adopted at the June EPSCO Council. Moreover, the Commission is currently analyzing the possibility of limiting values for a number of chemicals and carcinogenic substances, namely acrylonitrile, benzene and nickel.

Mr Stefan OLSSON (Director "Employment", DG EMPL) stressed that the European Parliament would like to see more substances included in the CMD. The social partners do also put pressure on the Commission to up-date the current list of substances. However, the interaction between CMD and REACH is challenging, given that there is no clear demarcation between these two instruments.

Germany congratulated the Commission for the work done during the current mandate and hoped that the next College would keep stepping up the fight against occupational cancer.

5. COMPANY LAW PACKAGE

Ms Salla SAASTAMOINEN (Director "Civil and Commercial Justice", DG JUST) presented the Company Law Package, composed of two Directives on the use of digital tools and processes in company law, and cross-border operation of companies. Following recently successful negotiations between Council and Parliament, new rules on digitalization, conversions and divisions, as well as amended rules on cross-border mergers, are now being finalised. The provisions on cross-border operation of companies have as objective to make it possible to carry out cross-border operations through the introduction of harmonised procedures for cross-border divisions and cross-border conversions and thus to make the freedom of establishment work in practice. This clarifies case-law, with the aim to provide transparency.

Concerning the specific rights of workers to information and consultation, she underlined some key elements. Employees' information and consultation rights must be respected, and there is a specific timeframe for the information/consultation (at least before the draft terms of the cross-border conversion or the report are decided, whichever is earlier). Additionally, there is a right to receive a reasoned response.

Concerning participation rights, for all operations now (divisions, mergers and conversions), once 4/5 of the threshold over which employee participation is due in the

national legal framework, there is the obligation to maintain existing participation rights for 4 years in the new entity in the country of destination, as well as a duty to negotiate on the matter in this new entity. This prevents risks that companies move just before reaching the threshold with the intention to circumvent participation rights in the country of departure.

Questions were posed by Netherlands and Austria, in reply to which Ms Saastamoinen indicated that the situation of letterbox or shell companies was an important point of discussion. It is up to Member States to define what companies they accept and which kind of activities they accept. Anti-abuse measures including a list of indicators are included indeed for assessing whether the operation is genuine. In practice the country of departure looks at a series of aspects to avoid fraudulent or criminal purposes. Then, the country of arrival also performs checks in view of its own law. Unions asked for the harmonisation of establishment criteria, but that was not possible under the Commission legal assessment, and not all Member States would be on board, so negotiators agreed on having rather an anti-abuse control.

6. DIRECTIVE ON THE PROTECTION OF PERSONS REPORTING ON BREACHES OF UNION LAW ('WHISTLEBLOWING')

Ms Salla SAASTAMOINEN (Director "Civil and Commercial Justice", DG JUST) introduced the Whistleblowing Directive, on which the co-legislators had reached agreement in trilogue on 11 March 2019. The Directive applies to breaches or abuses of EU law in specific areas, on breaches harming the EU's financial interests, relating to EU competition rules, or to corporate tax rules. The persons covered by protection are those, in the private or public sector, who have acquired information on breaches in a work-related context including, at least, workers, service providers, volunteers and trainees, and job applicants.

The new text will establish new obligations: (i) to set up, in the public and the private sector, internal and external reporting channels, ensuring confidentiality; (ii) to make available information on procedures for reporting, protection and remedies available, and access to advice, free of charge; (iii) for those receiving the reports to diligently follow up and give feedback to the whistleblower within reasonable timeframe (not more than 3 months if internal reporting, up to 6 months max, if external reporting); (iv) prohibition and sanctioning of retaliation (v) adequate remedies in case of retaliation, including reversal of burden of proof and interim relief.

Ms SAASTAMOINEN presented as well the important role of social partners in the directive. Following questions, she indicated as well that the Commission will support with guidance and expert groups Member States in its implementation.

7. PRESENTATIONS AND INFORMATION BY DELEGATIONS ON THE RECENT DEVELOPMENTS REGARDING LABOUR LAW AND INDUSTRIAL RELATIONS IN THE MEMBER STATES

Presentation on the new law on the monitoring of working time in Spain

Ms RODRIGUEZ ALBA (Ministry of Labour, Migrations and Social Security, Spain) presented the new legal provision on the obligation to record working time (Article 34(9) of the Workers' Statute added by Royal Decree-law 8/2019 *"de medidas urgentes de*

protección social y de lucha contra la precariedad laboral en la jornada de trabajo"), explaining that previously, only work carried out under special work contracts needed to be recorded under Spanish law. The Ministry was of the view that it is necessary to have a register of the days and hours workers have actually worked, referring inter alia to the fact that many hours of overtime are unpaid, the impact on pensions and the right to rest. However, the Spanish Supreme Court had rejected this argumentation.

Despite this judgment the Ministry continued to believe that legal provisions needed to be put in place, and a reform entered into force on 12 May 2019. With the new law, there is an obligation to record all working days, including the starting and end time.

The size of the undertakings is taken into account, in the sense that the undertakings may decide the details of the monitoring, as long as the objective is achieved. Finally, the ES delegation conveyed that the new law allows for balance, flexibility and transparency, thereby ensuring workers' rights.

After the presentation, PT suggested that the issue of monitoring of working time could be an issue of further reflection, also referring to "the right to disconnect".

Presentation: reform on fixed-term contracts in Italy

Mr DE CAMILLIS, Director General for working relationships and industrial relations, Ministry of labour and social policies, Italy, presented the national reform on fixed term contracts (*Law-decree* n. 87/2018 on new provisions governing fixed-term work contracts), and informed that the objective is to reduce the excessive use of successive fixed-term contracts, as well as achieving a better balance between flexibility and job security. He explained that the reform aims at establishing a maximum number of fixed term contracts, as well as reducing the possibility to extend such contracts.

Under the new reform, the standard duration of a fixed term contract is 12 months, which may be extended to 24 months if certain criteria are fulfilled. Moreover, the social partners can agree on a longer duration. Workers and employers can also sign an additional contract for a maximum of 12 months – at the local labour inspectorate office. Contracts can be renewed four times, compared to five previously. The maximum total duration includes, for the same worker, work provided by a temporary work agency.

In addition, employers must pay an additional social contribution each time a contract is renewed, in a progressive manner. As part of the sanctions scheme, a fixed term contract can be transformed into an open-ended contract if the work relationship exceeds the legal duration, if a contract longer than 12 months does not meet the preconditions, or if a fixed term employment relationship exceeding 12 days does not meet the condition of having its fixed term nature specified in writing in the contract.

Presentation: legislation addressing the gender pay gap in France

Mr Régis BAC, Director for Work relationships, working conditions and general affairs, Ministry of Labour, France, explained that 70 years after the implementation of the principle of "*equal pay for equal work*", there is still a considerable wage gap between men and women. The average wage gap is 24 %, and when compensated for differences such as part time work, employment status and sectoral activity, a gap of 9 % still remains unexplained. Against this backdrop, in 2018 the French authorities declared "*tackling the unjustified pay gap*" as a government priority and adopted new legislation in September 2018 to that end **(**i.e. in the context of Law n°2018-771 **"***pour la liberté de*

choisir son avenir professionnel"). A main point with this reform is moving from a "means obligation" to a "result obligation". The legislation is aimed at reducing wage inequalities over a maximum of three years, and introduces measures such as:

- an obligation for undertakings to measure and publish their gender pay gap online
- implementing a wage equality index with five key indicators
- new provisions against sexist behaviour and sexual harassment
- enhancing effectiveness of the legislation by reinforcing sanctions

Such sanctions can include financial penalties up to 1% of the total wage cost of a company. Mr BAC also explained that there are adapted measures for companies with less than 50 employees.

He conveyed that transparency can be difficult to implement, as so far only half of the companies had published their results on time. Among these companies a large majority were in compliance with the principle of equal pay for equal work, however, progress is still expected on a number of indicators.

Presentation: reformed labour dispute resolution in Estonia

Ms Kreet KURVITS, Adviser, Work development Department, Ministry of Social Affairs, Estonia presented the reform on labour dispute resolution in Estonia, which entered into force on 1st of January 2018 (i.e. Labour Dispute Resolution Act, replacing the Individual Labour Dispute Resolution Act). She explained that the previous system had been in place since 1996, and that the goal of the reform was to improve the system by making it more reliable and faster. In the Estonian system, labour disputes can be brought before either a Labour Dispute Committee or the County Court. Some of the advantage of the Labour Dispute Committee is that it is free from state charges and that the procedural rules a simpler compared to court proceedings. In 2018 the Labour Dispute Committees received 2716 petitions, and 8% of the decisions were appealed to the court. Approximately 60% of the claims relate to wages, holiday pay and compensations.

Some of the most important changes are that the monetary limit of 10 000 EUR for taking the case to the Labour Dispute Committee has been abolished, and that the possibility of a written procedure has been added. In addition, it is now possible to make a settlement enforceable by ruling. Lastly, a conciliation procedure has been introduced, with the aim of reaching a mutually acceptable solution under the direction of the chair of the Committee.

After the presentation, LV and DE enquired what the numbers are on the distribution of cases between the Labour Dispute Committees and courts, and what the required qualification of the chairperson is. Ms KURVITS explained that the number is approximately 80/20 respectively and that the chairperson, amongst others, must have a law degree. She went on to explain that the Committees, in addition to individual cases also are competent to decide on cases related to collective agreements, but not cases involving occupational injury or decease.

8. PRESENTATION BY THE COMMISSION ON EU ACTIVITIES IN THE FIELDS OF SOCIAL DIALOGUE (INTER-PROFESSIONAL AND SECTORAL) AND LABOUR LAW (INCLUDING RECENT RULINGS OF THE EU COURT OF JUSTICE)

Ms. Andrea GRGIĆ, (Legal officer - Unit B.2 Working Conditions) started by presenting developments in case-law as regards the Working Time Directive. She presented recent judgment of the EU Court of Justice. In C-385/17 Hein (13/12/2018) the Court ruled that during their minimum period of annual leave guaranteed by EU law, workers are entitled to their normal remuneration, in spite of prior periods of short-time working. In C-254/18 SCSI (11/04/2019) the Court ruled that both fixed and rolling reference periods for the calculation of weekly working time comply, in themselves, with the objective of the Directive. However, the use of fixed reference periods must be accompanied by mechanisms making it possible to ensure that the maximum average weekly working time of 48 hours is respected during each six-month period straddling two consecutive fixed reference periods. In C-55/18 CCOO the Court ruled that in order to ensure the effectiveness of the rights provided for in the Directive and the Charter, the Member States must require employers to set up an objective, reliable and accessible system enabling the duration of time worked each day by each worker to be measured. It is for the Member States to define the specific arrangements for implementing such a system, in particular the form that it must take, having regard, as necessary, to the particular characteristics of each sector of activity concerned, or the specific characteristics of certain undertakings concerning, their size. Such systems should also take account of the possibility to derogate from working time limits when working time is not measurable or predetermined or can be determined by workers themselves.

Ms Grgić drew attention to the pending cases C-609/17 and 610/17 (joined cases) TSN (carry-over of the annual leave that exceeds the minimum of 4 weeks), C-588/18 FETICO (overlap of weekly rest and annual leave with different kinds special leave), C-762/18 QH and C-37/19 Iccrea Banca (accrual of paid annual leave in the period between unjust dismissal and subsequent reinstatement), C-107/19 XR (interpretation of rest break) and C-211/19 UO (applicability of the Working Time Directive to rapid intervention police).

Following that Ms Grgić turned to the next DGIR Subgroup meeting which will take place in autumn 2019. The following topics were proposed to the Member States:

- Recent and upcoming case-law at EU level
- Monitoring and recording of working time (case CCOO)
- The burden of proof and obligations of employers and workers thereof (cases Max Planck and Kreuziger)
- Reference periods regulated by the WTD
- Derogating from the rules on rest time in the care sector when there is a need of continuity (cases Isere, Hälvä and Sindicatul Familia Constanta)

The participants were informed that shortly after the meeting they would be asked to reflect on topics for the sub-group meeting an on which they would be willing to present its reflections or the national situation.

Austria mentioned that the judgment in case C-254/18 SCSI seems contradictory in the sense that it allows fixed reference periods under the condition that they are at the same time rolling. It pointed at paragraph 44 of the judgment by stating that is furthermore not clear whether the fixed reference periods of six months or longer would be allowed if provided for by collective agreements. Finally, it is not clear if the judgment in this case applies mutatis mutandis to reference periods of four months.

With regard to judgment in case C-55/18 CCOO Germany mentioned that it would be useful to explore if Article 17(1) of the Working Time Directive could be in any way expanded to include other groups of people who are not explicitly mentioned in this provision.

Mr Adam POKORNY (Head of Unit B.2 Working Conditions) and Marie LAGARRIGUE (Deputy Head of Unit B.2 Working conditions) presented other key developments, i.e.

- The latest ESDE report (see: https://europa.eu/rapid/press-release_IP-19-3412_en.htm?locale=EN), and in particular parts devoted to social dialogue and its contribution to sustainability and green transition,
- The state of play as far as cross-industry social dialogue is concerned:
  - The latest Tripartite Social Summit was held on 20 March 2019 with general theme *"For a stronger, united and forward-looking Europe"*, specific discussions on the future of Europe also took place on 6 May in view of Sibiu Summit.
  - The 6th joint work programme 2019-2021 was signed on 6 February, with the following priorities: digitalization (negotiation of an autonomous agreement on digitalization starting in June, for 9 months), improving the performance of labour markets and social systems (dedicated working group), skills (fact-finding seminar and joint project), addressing psycho-social aspects and risks at work (fact-finding seminar), capacity-building for a stronger social dialogue (subgroup of the Social Dialogue Committee) and circular economy (joint project).
  - Social partners' involvement in the Semester process, in particular with reference to upcoming CSRs to be released on 5 June.
- The state of play as far as sectoral social dialogue is concerned, in particular progress with regard to the agreement on health and safety in Personal Services/Hairdressing, with discussions on an autonomous implementation, which could be supported by jointly agreed activities between the social partners and the Commission. Regarding the agreement on workers' information and consultation in Central Government Administration, following the Commission decision not to propose the agreement to the Council, EPSU submitted an application for annulment to the General Court (hearing on 23 May);
- An update on developments in the aviation sector, with the presentation by the Commission of its report 'Aviation Strategy for Europe: Maintaining and promoting high social standards' on 1 March (COM(2019)120 final), in which it commits to fair labour mobility via legal clarity and enforcement. Concretely, this involves inter alia the creation of a specific expert group on labour and transport (next meeting in Autumn).
- Further recent case law in the field of labour law:

  Fixed-term work (Dir. 1999/70/EC)

  - Case C-494/17 Rossato (judgment 08.05.2019); concerning the question of conversion of contract but also compensation in case of abusive use of consecutive fixed term contracts. This is an area in which jurisprudence is developing.

- C-293/18 - CCOO (Order 19.03.2019), confirms that the directive does not require payment of an indemnity to fixed-term workers when their contracts reach their foreseen end.

- C-44/18 - Cobra Servicios Auxiliares (judgment 11.04.2019), states that the directive does not require fixed-term workers, whose employment contracts come to an end because of the termination of a service contract with a client of their employer, to receive the same compensation as permanent workers, who in this case were subject to a collective redundancy procedure.

Upcoming: Case C-72/18 Ustariz Aróstegui (AG conclusions on 12.03.2019); Joint cases C-103/18 Sanchez Ruiz and C-429/18 Fernandez Alvarez (hearing on 15.05.2019); Case C-177/18 Baldonedo Martín (hearing on 28.02.2019); Case C-618/18 Di Girolamo.

Part-Time Work (Dir. 97/81/EC)

Upcoming: Case C-274/18, Schuch-Ghannadan (hearing on 07.03.2019)

Employer insolvency (Dir. 2008/94/EC)

Upcoming: Case C-168/18 pensions-Sicherungs-Verein, about article 8 of the Directive, and following last year Hampshire rule.

Transfer of undertakings (Dir. 2001/23/EC)

- Case C-194/18 Dodic (ruling 08.05.2019), on the notion of 'transfer', with in this case confirmation of a specific asset-based transfer;

- Case C-509/17 Plessers (ruling 16.05.2019), about the prohibition of dismissals on ground of transfer while dismissals possibly allowed for economic, technical or organisational reasons. It notably confirmed the Court's narrow reading of 'economic, technical or organisational reasons' .

Upcoming: Case C-664/17 Ellinika Nafpigiea (AG opinion 07.02.2019); Case C-344/18 ISS facility services (hearing on 08.05.2019)

9. INVITATION BY THE CROATIAN DELEGATION TO THE NEXT MEETING IN ZAGREB

The Croatian delegation invited the members of the DGIR Group to the next DGIR meeting which shall take place on 29 November in Zagreb.

10. ANY OTHER BUSINESS

Mr Adam POKORNY (Head of Unit B.2 Working Conditions) invited participants to share any suggestions for the agenda of the upcoming meeting in Croatia.

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