



Newsletter No.4

March 1998

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Edited by Alan C. Neal

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Update on Forthcoming Activities

Following the various decisions reached at the Seville meeting of the European Association in May 1997, the Officers have been in discussions with DG/V of the Commission of the European Communities, with the Court of Justice of the European Communities in Luxembourg, and with a number of national sections and individuals.

Those discussions have been concerned with establishing a timetable for future meetings, seeking financial support for the organisation of those events, and looking to build upon the progress achieved to date by the European Association.

This *Newsletter No. 4* sets out the position to date, and the proposed arrangements for a meeting of the Executive Committee of the European Association in Autumn 1998, followed by a technical seminar in conjunction with the Court of Justice of the European Communities during 1999.

Employee Rights in the “Information Society”

Over a number of months at the end of 1997 and early in 1998, the Officers were in discussions with the European Commission over the possibility of organising a meeting in Italy, during May 1998. The purpose of that meeting would have been to prepare a contribution to the Commission’s work relating to employee rights in what has come to be described as “the information society”, including matters involving access to confidential records, electronic surveillance of workers at work, and a variety of associated issues which have given rise to concern in this area.

Unfortunately, in the face of a significant reduction in the potential budget available through DG/V of the European Commission, and given continuing uncertainty over the logistics of arranging such a meeting, it was decided in February not to proceed with this initiative but, instead, to organise a meeting of the Executive Committee later in 1998.

The European Association is extremely grateful to our Italian colleagues — and, in particular, Giovanni Mammone — for the tremendous efforts which went into preparation of a draft programme and outline travel and accommodation arrangements in the hope of holding this event in May 1998.

1998 Executive Committee Meeting

Given the decision not to proceed with a meeting during May 1998, the Officers have consulted with various national sections over a timetable for a meeting of the Executive Committee of the European Association in the Autumn of 1998. In particular, they have been assisted by our German colleagues in the Bundesarbeitsgericht, who kindly facilitated a number of informal meetings during the course of a European Seminar held in Kassel on 5th and 6th March 1998.

As a result of those discussions, it is proposed that efforts be made to organise a meeting of the Executive Committee in mid-Autumn 1998, with suggested dates of Friday 30th and Saturday 31st October. Further consultations will be held with our Italian colleagues, to discover whether it might be possible to hold this meeting in Rome.

In addition to the business agenda for the European Association, the purpose of the meeting will be *(i)* to finalise work on the Handbook of European Labour Courts, which was commenced in Bath; *(ii)* to review the results of the Seville conference; and *(iii)* to finalise arrangements for the activities of the European Association over the years 1999 and 2000. The Secretary-General will be attending a meeting with DG/V of the European Commission in the first week of April 1998, at which time it is hoped to discover whether any financial support might be forthcoming from that quarter.

In this context, members of the Executive Committee are kindly requested to communicate to the Convenor (Professor Neal) preliminary information concerning *(a)* if they are likely to be available to attend a meeting in Rome on the dates indicated at the end of October 1998, and *(b)* if there is a possibility of contributing towards the costs of attending that meeting out of national funds. At this stage, the primary concern is to check the suitability of the dates and the availability of Executive Committee members and/or their alternates.

Technical Meeting of the Association During 1999

As discussed and agreed at the Seville meeting of the European Association, the Convenor has visited Luxembourg in order to speak with judges and officials of the Court of Justice of the European Communities concerning the next technical meeting of the Association in 1999. The proposal has been to organise a technical seminar dealing with matters of concern for Labour Courts and Tribunals in the context of Article 177 references to the European Court of Justice, and, more generally, in relation to the application of European Law norms at the national level.

The response of the European Court of Justice has been very favourable to this initiative, and, following discussion as to the most appropriate way forward, it has been agreed to enter into discussions with the Academy of European Law, in Trier, Germany, with a view to joint organisation of a meeting to deal with the topics agreed. Our German colleagues have kindly undertaken to hold preliminary discussions with the Trier Academy, and, if the idea proves feasible in principle, a full meeting with the Officers will be arranged. Given that Trier is situated very close to Luxembourg, the seminar would include a day spent at the premises of the European Court of Justice, during which judges and officials of the Court would lead the technical sessions, and there would be participation at a case hearing before the Court.

Further details about progress in organising this event for 1999 will be circulated as available.

Fundamental Social Rights: Follow-up to Seville

Work on writing-up the results of the technical seminar held in Seville during May 1997 has now been completed, and a Final Report in fulfilment of the formal requirements of that project has been delivered to the European Commission as required on 24th March 1998.

Attention has now turned to finalising a version of that report, together with a variety of supplementary material, for publication during the Summer of 1998. A transcription of the address given by Professor Eduardo García de Enterría has been prepared, and an introductory chapter has been written. In addition, the texts of the major international instruments dealing with the topics under consideration have been collected into an Appendix.

In order to confirm that the General Report accurately reflects the current positions in the various Member States, a draft of the version delivered to the European Commission has been

sent separately to each member of the Executive Committee of the European Association, with a request to check the technical detail relating to their own national system. The Convenor (Professor Neal) would be grateful if colleagues could communicate any proposed amendments to the draft version of the General Report as soon as possible, or, alternatively, if he could receive confirmation that no amendment is considered necessary in respect of each national presentation.

It is hoped to be able to deliver the final manuscripts to the printers by the end of April, with a view to having the work published in book form before the end of the Summer 1998. The eventual book will then be available for distribution to each of the participants at the Seville conference, as well as being available for sale on a commercial basis through the publishing house.

Labour Courts Handbook: Follow-up to Bath

The Convenor has recently had discussions with various colleagues concerning the final versions of national section contributions to the *Labour Courts Handbook*, work on which commenced at the Bath seminar in 1996.

With a view to completing the draft versions of the *Handbook* in time to consider the work in detail at the meeting of the Executive Committee of the European Association planned for Autumn 1998, it would be greatly appreciated if any colleague who wishes to indicate amendments to the current version of the report relating to his national system could communicate these to the Convenor as soon as convenient

Could any colleagues who intend to complete or re-write their national reports during the early Summer of 1998 please also contact the Convenor, with a view to discussing final timetables for delivery of the relevant

manuscripts.

Discussions with the printers indicate that it will be realistic to plan for delivery of the final work in mid-Autumn 1998, with the intention of publishing the work in book form in early 1999. At the same time, it is hoped to be able to place each of the sections of the *Handbook* onto a re-structured Internet site for the European Association, and discussions have also been taking place with a view to establishing the technical requirements for this aspect of our activities.

By way of reminder, the present Internet site has not been updated since the beginning of the year, but can still be accessed at:

<http://www.MerlinFalcon.co.uk/pg/leicester-labour.html>

Officers of the European Association

At a meeting of the Executive Committee of the European Association, held in Seville on Sunday 18th May 1997, the following were approved to act as Officers for the periods indicated:

President (1997-1998) Judge Alfonso Martinez Escribano (*Spain*)

Immediate Past-President (1997-1998) Mr. Christopher Tickle (*United Kingdom*)

Secretary-General (1997-2000) Mr. Colin Sara

Treasurer (1997-2000) Mr. Douglas Crump

Convenor (1997-2000) Professor Alan C. Neal

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Newsletter Editor: Professor Alan C. Neal

Editorial Address: High Trees House, Hallaton, LE16 8UH, United Kingdom

FAX: (+44) - 1858 - 55.53.97

eMail: acn6@le.ac.uk