

Posted workers

IN EUROPE

LEGAL AND ECONOMIC ASPECTS

November 23, 2018, Lyon

Report from the conference



The conference

Purpose

The European Association of Lawyers (AEA-EAL) has received several information from its members on growing issues regarding posting of workers in the European Union. On one side sending countries were on the opinion that any further limitation of temporary work in another member states, according to 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 will be contrary to the freedom of services and may limit the economic benefits for the EU as a whole. On the other side receiving countries underlined the need of protection their internal markets and social welfare of employees. This year a major step of changes in the EU system of posting workers has been made by adopting a new 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. Taking into account different views and opinions as well as ongoing legislative process, the AEA-EAL has decided to organize a conference in Lyon (France) in the premises of the Lyon Bar to gather interested parties and to discuss the issue.

Program and speakers

The main goal for the organizers was to bring together stakeholders: representatives of member States, EU institutions, sending and receiving companies, organizations of employers and employees as well as lawyers dealing with this issue. Program of the conference was set up to show the participants policy and legal environment of the existing system, changes introduced this year by the EU as well as ongoing deliberations and specificity of certain sectors like transport. The whole seminar was finished with the presentation of the EU jurisprudence and summary of conference debates.

Results

We gathered top-level speakers and experts from seven EU countries including high representatives of the French government, judge of the EU Court of Justice, prominent lawyers, entrepreneurs, representatives of trade unions and unions of industry and service's sectors. The participants coming from eight EU Member States actively participated in a very live discussions and question sessions. High interests expressed during the conference should result in organizing similar events in the future. Participants received CPD credits in the framework of continuing legal education.



Conference participants' discussions during a coffee break



Sabine Perquy-Forke
AEA-EAL Treasurer

Organizers and speakers

Organizational Committee

- Monique Stengel** (chair), advocate of the Paris Bar, AEA-EAL immediate past President, member of the AEA-EAL Board of Directors and its Management Committee, Treasurer of the FBE;
- Christian Colombier**, advocate of the Lyon Bar, BCF & ASSOCIÉS, Foreign Trade Advisor, member of the AEA-EAL;
- Jean-Pierre van Cutsem**, advocate of the Brussels Bar, van Cutsem Wittamer Marnef & Partners law firm, Past President of the AEA-EAL, member of the Board of Directors;
- Sabine Perquy - Forke**, advocate of the Brussels, Paris and Berlin Bars, responsible for the German Desk at Van Lan-duyt & Partners law firm, AEA-EAL Treasurer, member of the Board of Directors and its Management Committee;
- Louis Labbez**, Des Entreprises et des Hommes (DEDH), social relations counsel

Speakers

- Maria Ślęzak**, President of the European Association of Lawyers (AEA-EAL), Past President of the Council of Bars and Law Societies of Europe (CCBE),
- Laurence Junod-Fanget**, former Dean of the Lyon Bar,
- Dominique Attias**, Vice-President of the Federation of the European Bars (FBE)
- Elisa Fiona Freund**, advocate of the Nürnberg Bar, specialist in European, French and German law, Schultze & Braun GmbH law firm
- Iwona Kasprzyk - Sowa**, adviser to the MEP Danuta Jazłowiecka
- Jean-Henri Pyronnet**, Director General, Ministry of Labour (France)
- Gabriel Gimenez-Roche**, doctor of economy, NEOMA Business School (France)
- Jean Grosset**, quaestor of the Economic, Social and Environmental Council (CESE), rapporteur on the topic on posted workers (France)
- Mažvydas Michalauskas**, doctor of laws, advocate of the Paris Bar, arbitrator;
- Katarzyna Gospodarowicz**, attorney-at-law, Head of the Global Mobility Department in Sdzlegal Schindhlem law firm (Poland)
- Delphine Rudelli**, Union of Metallurgical and Technical Industries (UIMM) (France)
- Eric Laudien** (HRD), Applied Materials (semiconductors) (France)
- Catherine Baldassare** (HRD) Artelia Group (engineering) (France)
- Barbara Confolant-Suzanne** (HRD) Gatefosse (chemistry industry) (France)
- Jean Charlois** (CEO) Mobilitae (international mobility) (France)
- Joanna Wszolek**, advocate of the Krakow Bar (Poland)
- François Biltgen**, Judge of the Court of Justice of the European Union



Iwona Kasprzyk-Sowa
adviser in the European Parliament



Monique Stengel
AEA-EAL immediate past President



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Maria Ślężak, AEA-EAL President



François Biltgen, Judge of the CJEU