

Improving the Enforcement of Labour Standards in the EU's Free Trade Agreements

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Europa Institute, Leiden Law School



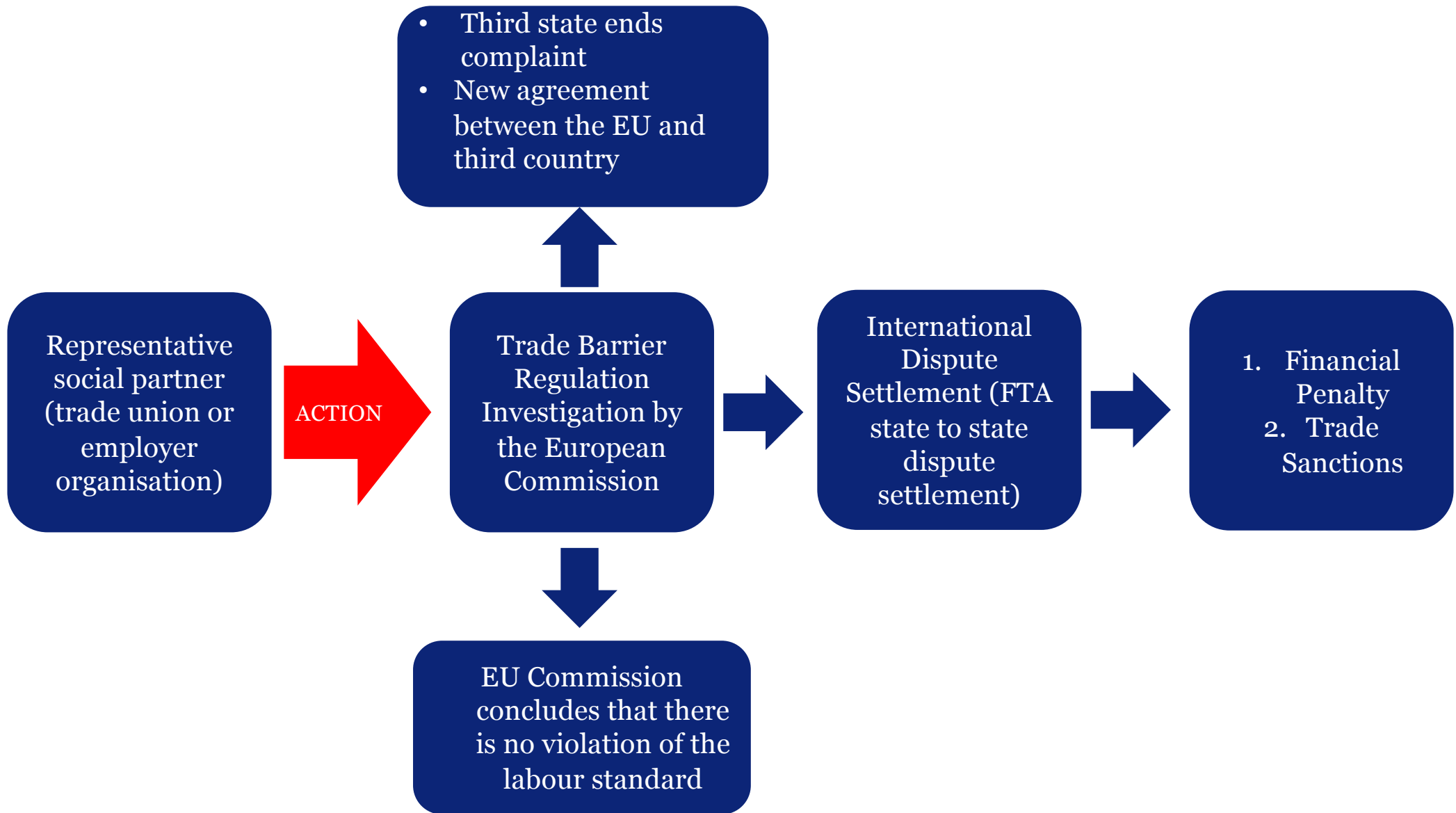
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Context of the research

- Societal pressure
- EU Commission Response
- Pre-existing research
 - ISDS as a model
- How do we place ourselves?
 - Amendment to the Trade Barrier Regulation (TBR)
 - Third party adjudication in the FTA
 - Sanctions (compensation + trade sanctions as last resort)
 - Predictability and transparency





Representative social partners

• List ex Article 154 TFEU

Article 154

1. The Commission shall have the task of promoting the consultation of management and labour at Union level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.
2. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Union action.
3. If, after such consultation, the Commission considers Union action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.
4. On the occasion of such consultations set out in paragraphs 2 and 3, management and labour may inform the Commission of their wish to initiate the process provided for in Article 155. The duration of this process shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

List of European social partners' organisations consulted under Article 154 TFEU

Liste des partenaires sociaux européens consultés au titre de l'article 154 du Traité TFUE

Verzeichnis der europäischen Organisationen der Sozialpartner, die gemäß Artikel 154 AEUV gehört werden

General cross-industry organisations	Organisations interprofessionnelles à vocation générale	Allgemeine branchenübergreifende Arbeitgeber- und Arbeitnehmerorganisationen
BUSINESSEUROPE	BUSINESSEUROPE	BUSINESSEUROPE
European Centre of Employers and Enterprises providing Public Services (CEEP)	Centre européen des entreprises à participation publique et des entreprises d'intérêt économique général (CEEP)	Europäischer Zentralverband der öffentlichen Wirtschaft (CEEP)
European Trade Union Confederation (ETUC)	Confédération européenne des syndicats (CES)	Europäischer Gewerkschaftsbund (EGB)

Cross-industry organisations representing certain categories of workers or undertakings	Organisations interprofessionnelles représentant certaines catégories de travailleurs ou d'entreprises	Branchenübergreifende Arbeitgeber- und Arbeitnehmerorganisationen, die bestimmte Arbeitnehmer- oder Unternehmensgruppen vertreten

Representative social partners

- List ex Article 154 TFEU
- No Domestic Advisory Groups

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Representative social partners

- List ex Article 154 TFEU
- No Domestic Advisory Groups
- Social partners able to start an action independently

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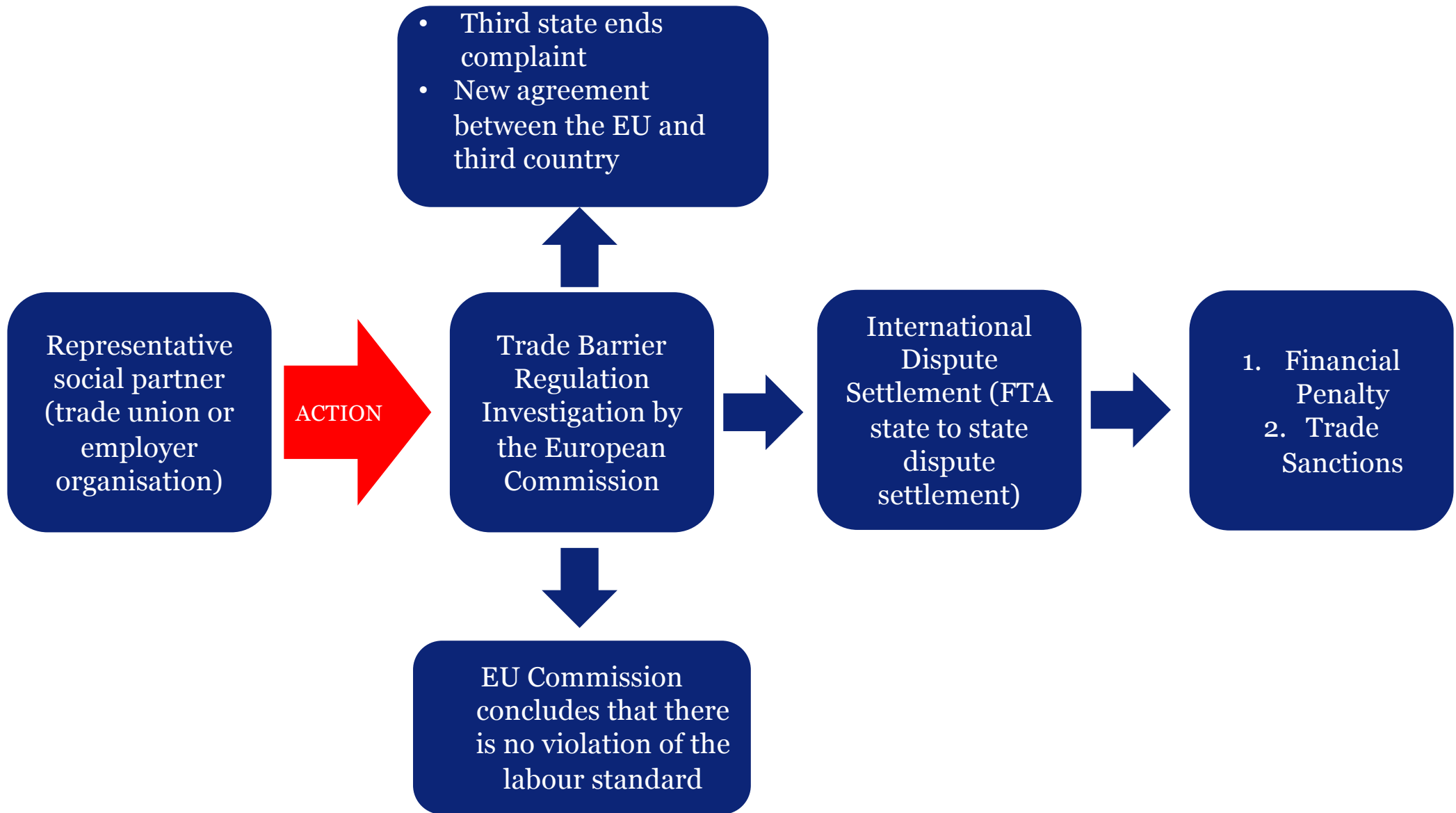
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Filtering out frivolous complaints

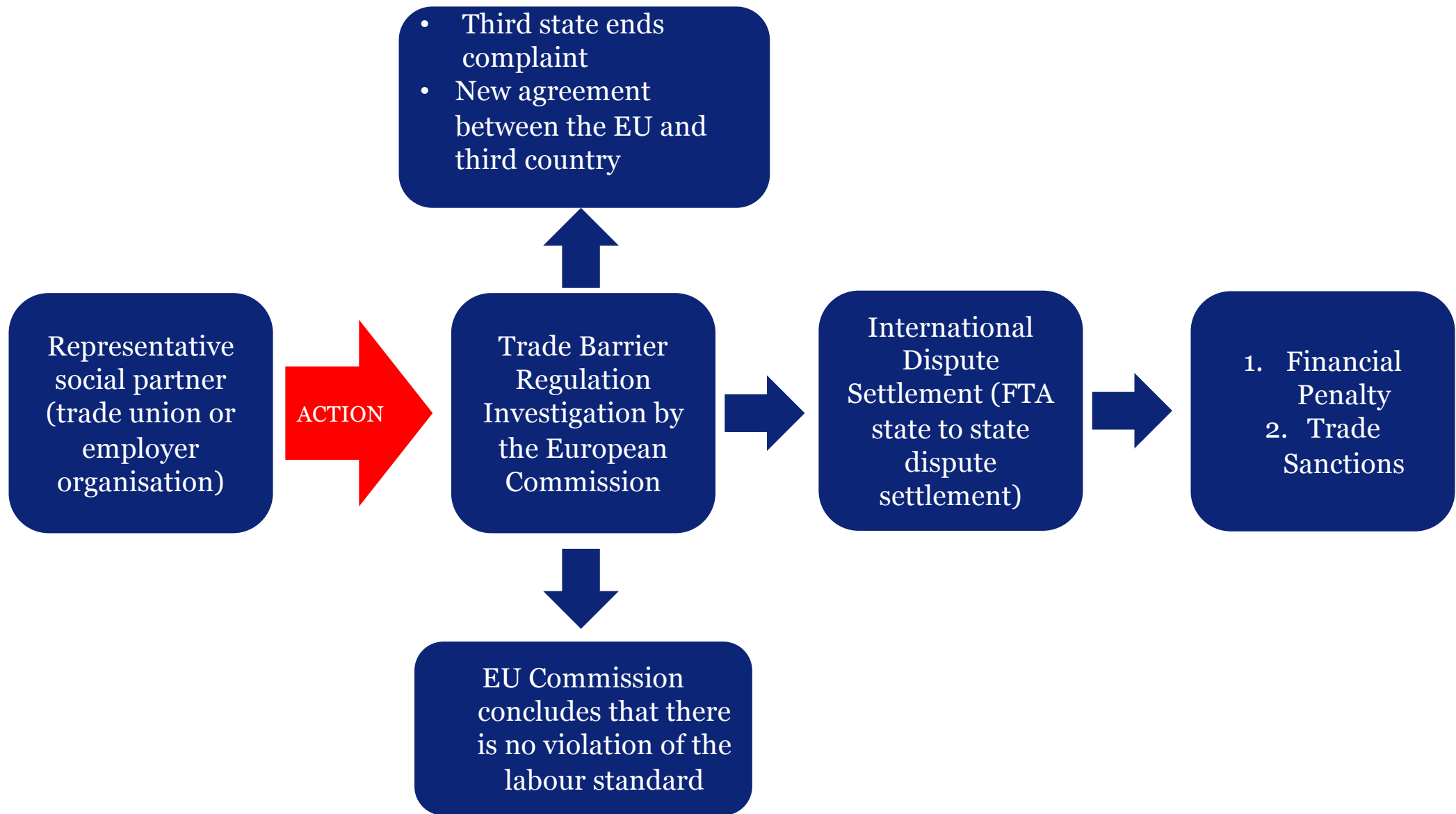
- Need to demonstrate right of action for the EU

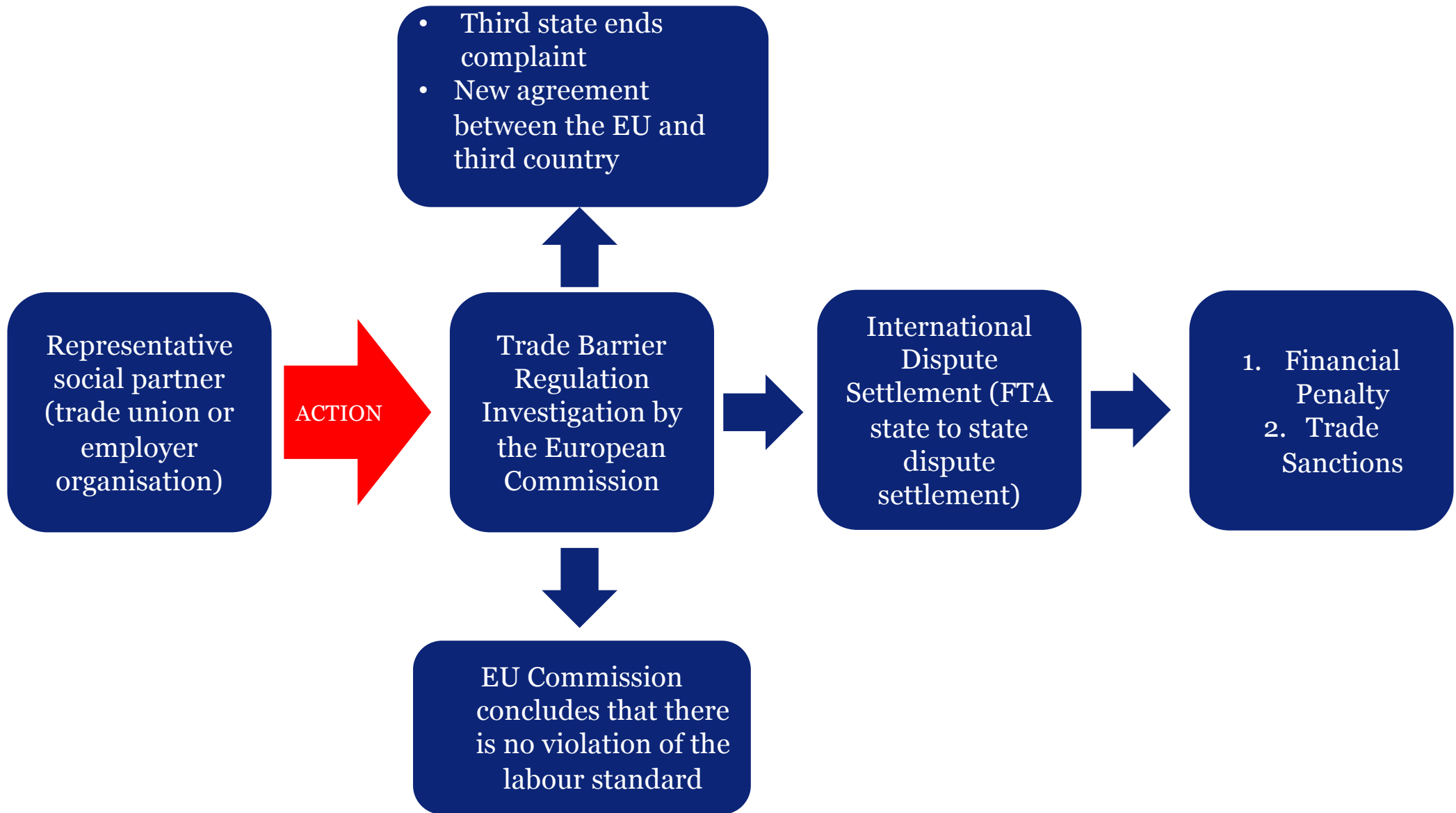
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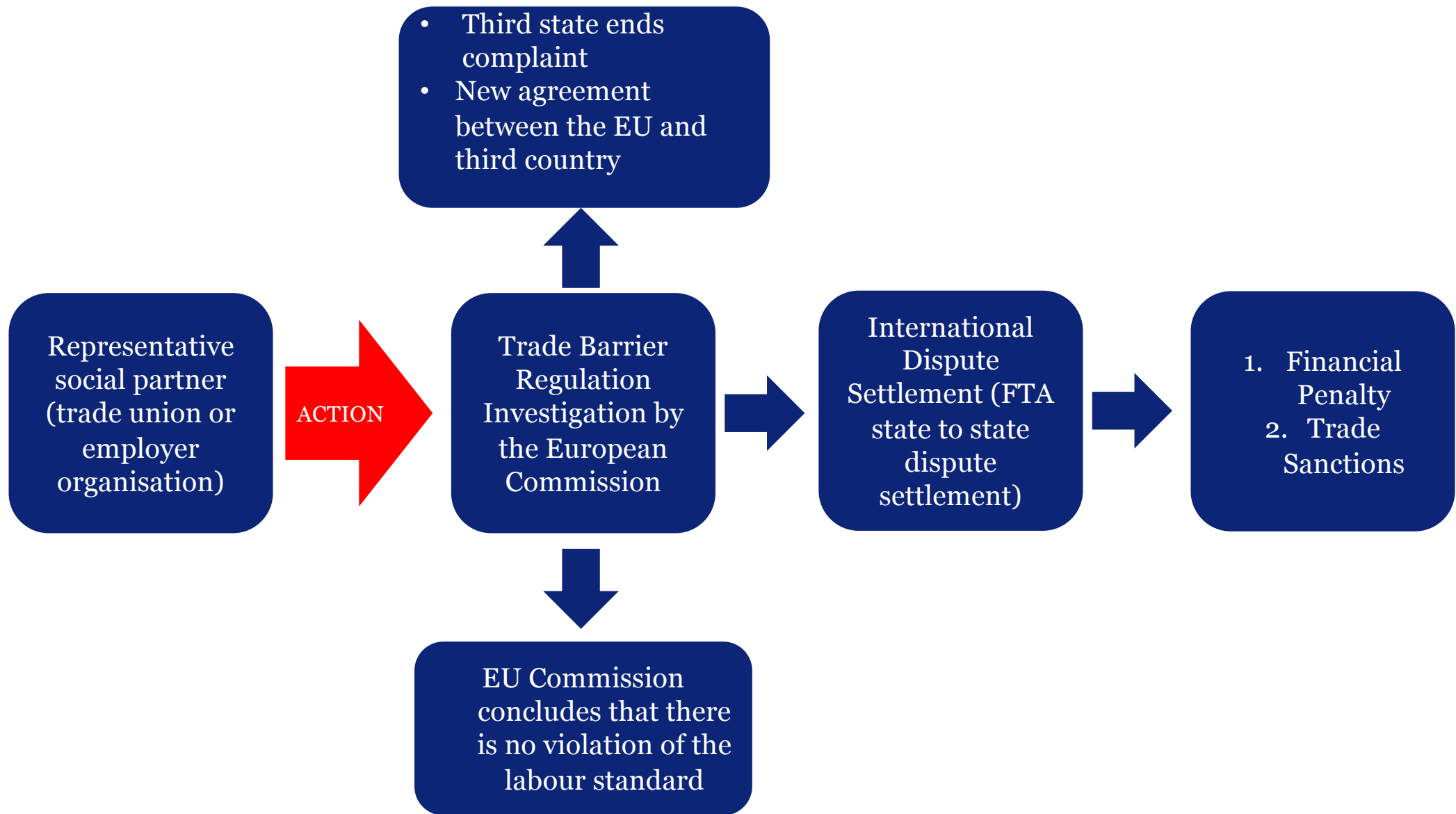
- Need to demonstrate right of action for the EU
- No need to demonstrate effect on or link with trade

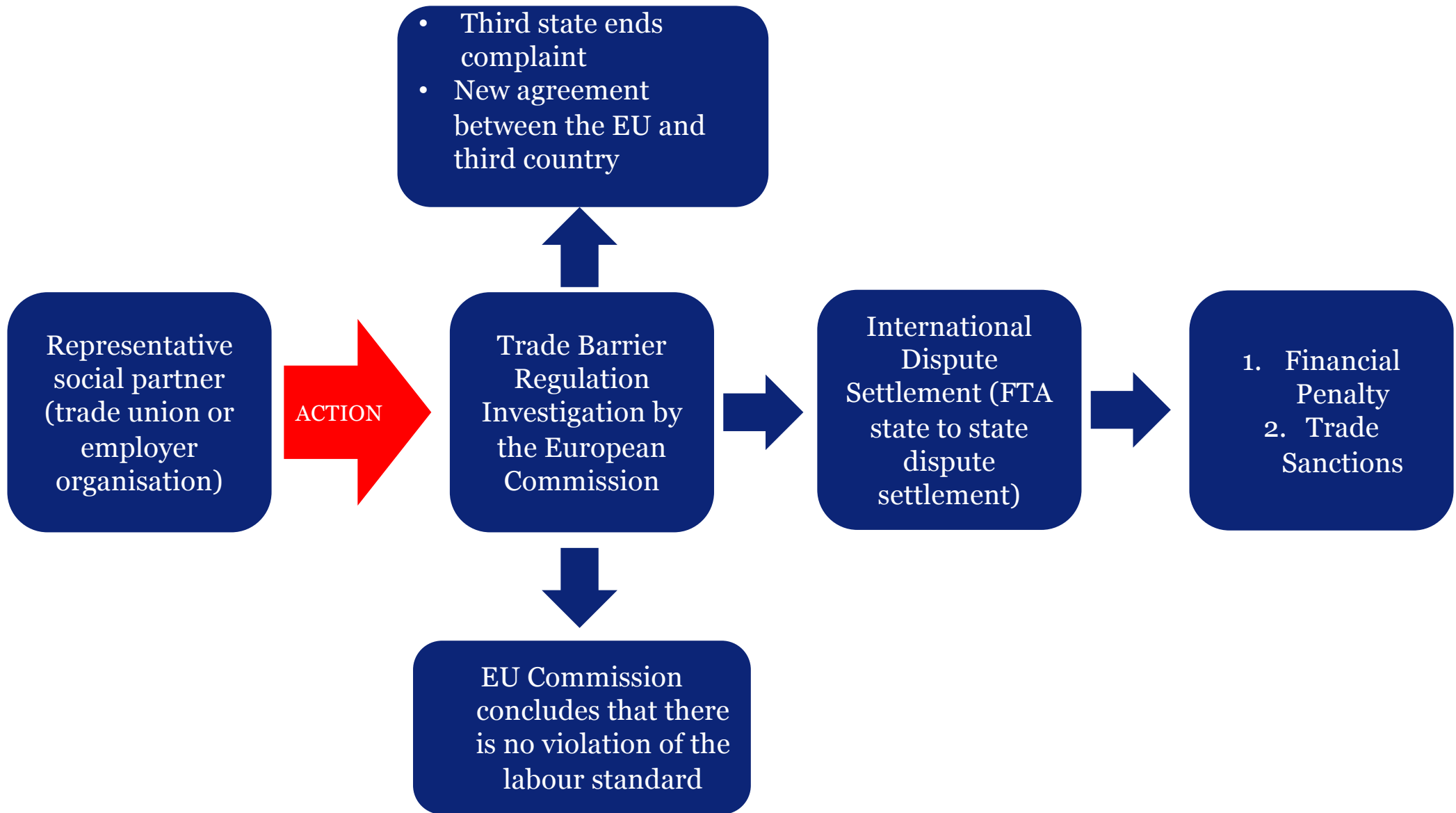
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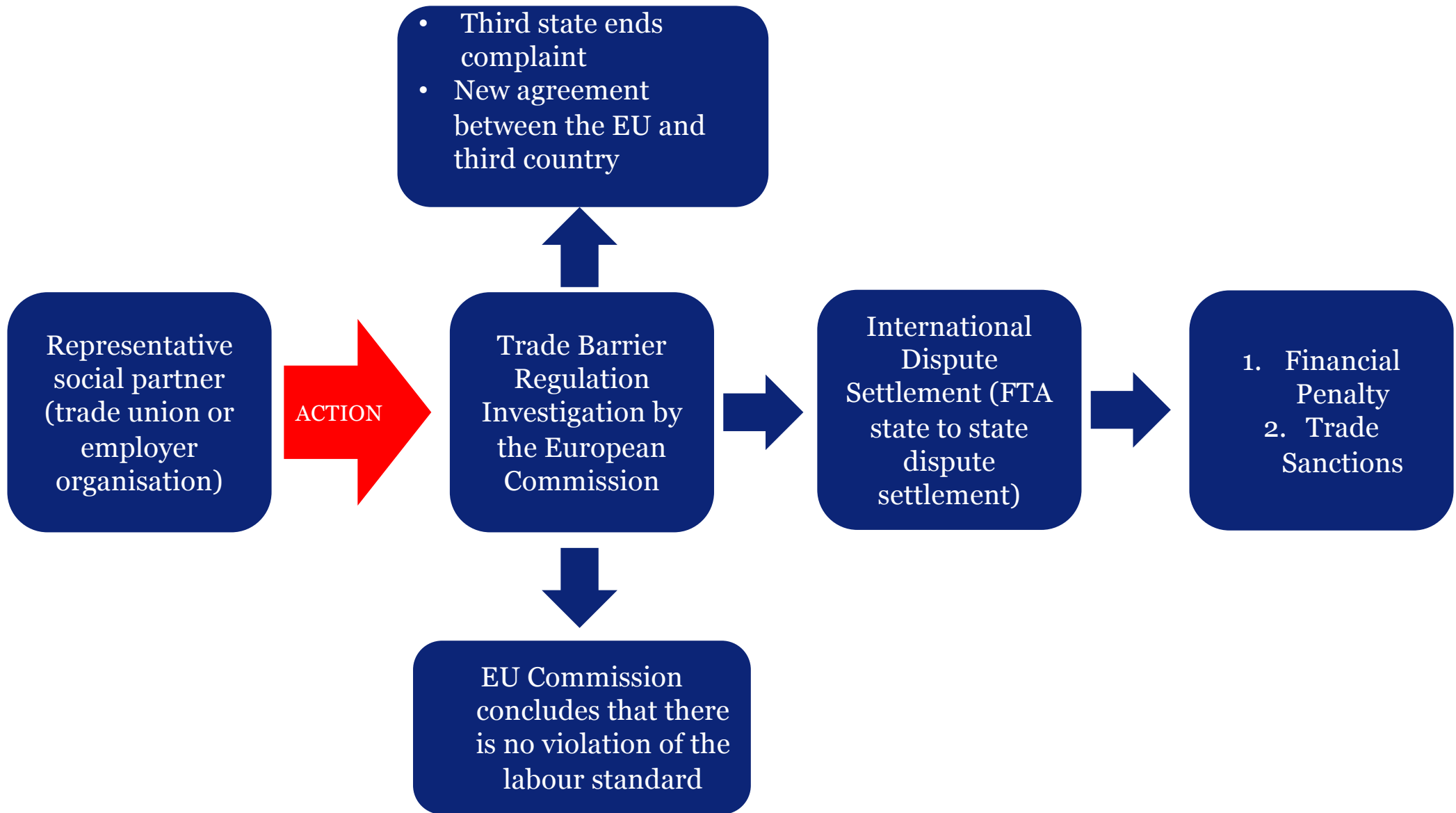
- Need to demonstrate right of action for the EU
- No need to demonstrate effect on or link with trade
- Commission starts investigation only if “if in the interest of the Union”

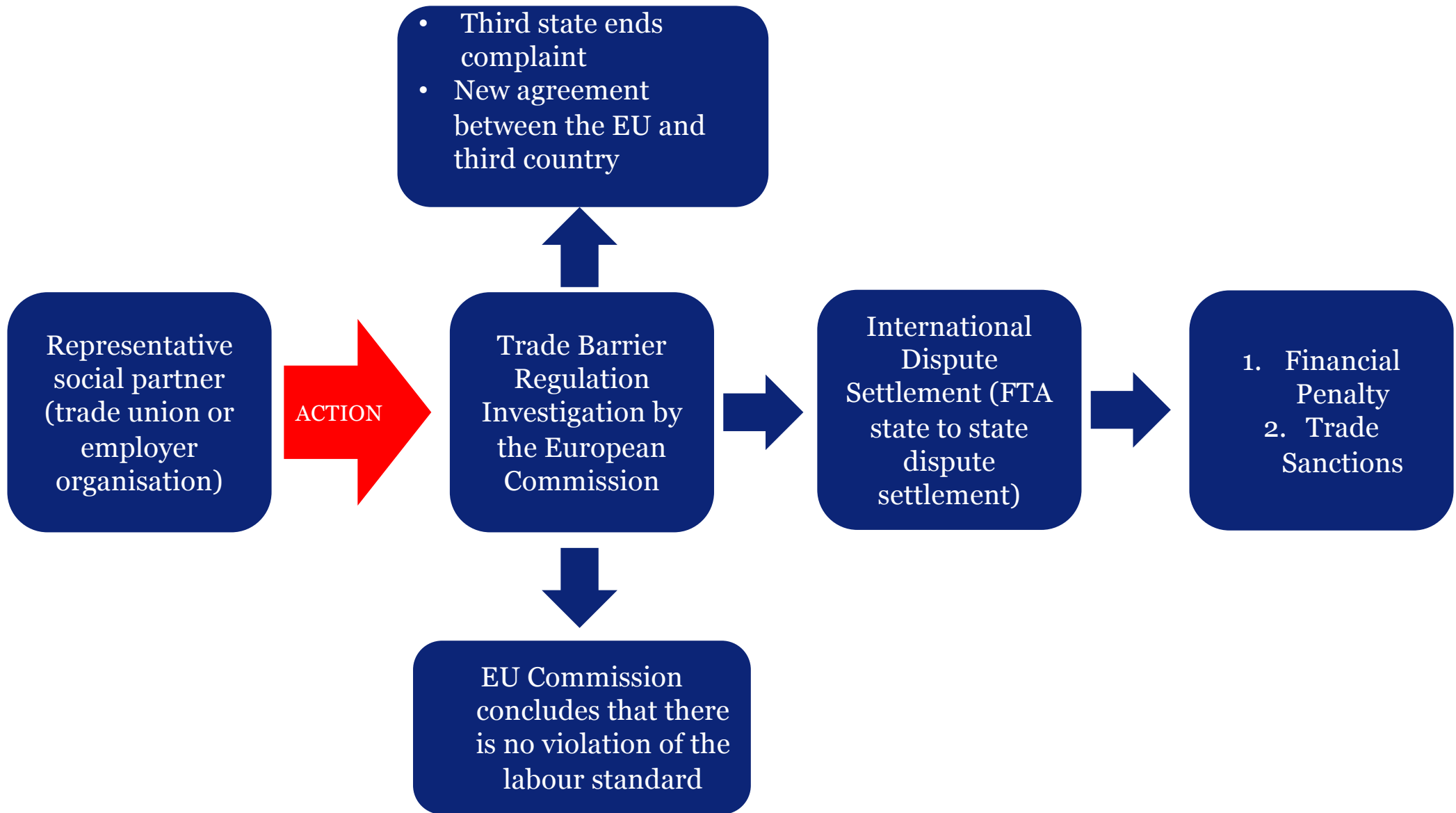












Conclusions

- Better enforcement of labour standards can be achieved:
 - Adapting existing private complaint procedure (TBR)
 - Dispute settlement in the FTA
 - Recurring payment of a financial penalty
 - Trade retaliation to be avoided as much as possible but still available

Thank you!



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