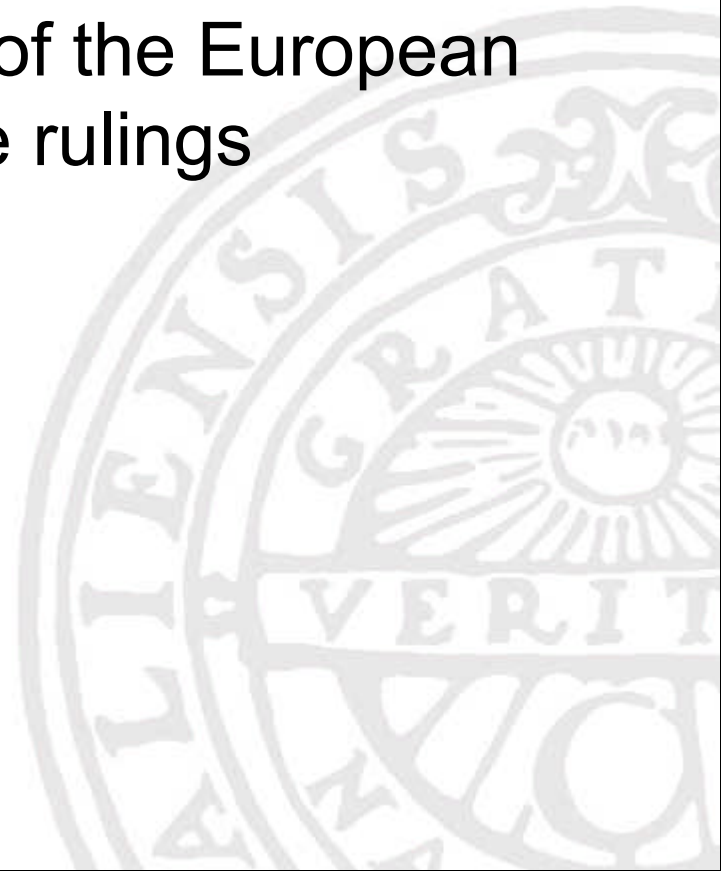




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Collective agreements and collective
bargaining:
analyses of the impact of the European
Court of Justice rulings



Jonas
Malmberg



- The right to collective actions is not excluded from the scope of application of Article 49 EC or Article 43 EC
- Direct horizontal effect



Different aims of trade union activities

- Directly regulate the employment conditions of their members
- Regulating the level of wages and employment conditions more generally for all undertakings operating in the same sector
- Monitoring of application of wages and employment conditions at the workplaces



The collective actions in the Laval case

- (1) to enter into negotiations with the trade union on the rates of pay for posted workers, and
- (2) to sign a collective agreement, containing
 - (a) provisions more favourable conditions than the nucleus of mandatory rules for minimum protection according to Swedish statutes
 - (b) terms relating to matters not covered by the nucleus of mandatory rules.



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The impact of the Laval judgement

- The Directive alters the interpretation of Article 49
- A principle of minimum protection
- Impact on the Nordic autonomous collective agreements model

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