

WRITTEN QUESTION E-3935/03

by Bert Doorn (PPE-DE)

to the Commission

Subject: Court with jurisdiction in international civil and commercial matters under Regulation (EC) No 44/2001

In its report on civil and commercial matters (Wallis report - A5-0253/2003), adopted in plenary on 2 September, the European Parliament urged the Commission to evaluate and, if necessary, propose an amendment to Regulation (EC) No 44/2001¹.

I recently again heard about a problem regarding the application of this regulation. An employee from Germany was working in the Netherlands under a Dutch employment contract. Under German law, an employment contract may be terminated by means of unilateral dismissal, but not under Netherlands law. When an employment dispute arose, the Dutch employer was required by Regulation (EC) No 44/2001 to ask a German court to dissolve the employment contract, a procedure completely unknown to the German court.

Does the Commission agree that the above leads to complicated procedures and places an unnecessary administrative and financial burden on businesses in border regions and their employees?

Will the Commission, as requested by Parliament, take measures to avoid such undesirable situations in future?

¹ OJ L 12, 16.1.2001, p. 1.