



Università degli studi di Cagliari  
Facoltà di Scienze Economiche, Giuridiche e Politiche

<b>Titolo del seminario/Title</b>	<b>LABOUR MOBILITY IN THE EUROPEAN UNION: ECONOMIC AND LEGAL ASPECTS</b>
<b>Settore Scientifico disciplinare di riferimento/Field</b>	SECS-P/01 [ECONOMICS]; IUS/07 [LABOUR LAW]
<b>Docente/Instructor</b>	Prof. Dr. Vivian Carstensen, Professor of Economics, Organization and Management Prof. Dr. Dimitra Tekidou-Kühlke, Professor of Commercial Law, MLE, LL.M.
<b>Semestre nel quale viene impartito/Term</b>	2
<b>Crediti assegnati/ECTS</b>	2: 16 hours (45 min. ea.) of lectures and classes
<b>Giorni, Orari, Aula/Dates, Hours/ Room:</b>	D1: 20 March 2017: (L1) 4pm-5.30pm, (L2) 5.45pm-7.15pm D2: 21 March 2017: (L3) 4pm-5.30pm, (L4) 5.45pm-7.15pm D3: 22 March 2017: (L5) 4pm-5.30pm, (L6) 5.45pm-7.15pm D4: 23 March 2017: (L7) 4pm-5.30pm, (L8) 5.45pm-7.15pm Ex: 24 March (tba)
<b>Prerequisiti obbligatori/Prerequisites</b>	Third-year undergraduate students from Economia e Finanza who have passed the Labour Economics Exam; third-year undergraduate students from Students from Economia e Gestione Aziendale who have passed the Labor Law exam; Master's degree students of the School of Economics, Law and Political Science.
<b>Obiettivi formativi/ Teaching goals</b>	Provide students with a picture of the law and economics of worker mobility in the European Union. Addressing challenges and potentials of an integrated European labour market. Particular attention will be given to cross-border mobility and temporary relocation of workers.
<b>Contenuti/Syllabus</b>	<u>Day 1: Introduction and overview: European labour markets and Intra-EU mobility:</u> (L1) Utilising the freedom of movement for workers and the freedom to provide services, (L2) European Labour Law and the Single Market <u>Day 2: Freedom of movement:</u> (L3) The Labour Mobility Package in general, (L4) Mobility and economic theory <u>Day 3: On the road to an integrated EU labour market:</u> (L5) Permanent versus temporary Intra-EU mobility: cross-border reallocation of labour and services, (L6) The Posting of Workers Directive (PWD) <u>Day 4: Selected topics and concluding discussion:</u> (L7) The idea of harmonising Intra-EU workplace relations, (L8) Selected EU case-law in the context of posting of workers <u>Day 5: Exam</u>
<b>Metodo d'insegnamento/ Type of teaching activity</b>	Seminar
<b>Verifiche dell'apprendimento/ Final assessment</b>	Written assignment based on the reading list.

*Lecture consigliate/ Readings*

See reading lists

*Ulteriori informazioni/Further information*

- Participation will be limited to 30 students
- Contact: [brau@unica.it](mailto:brau@unica.it)

## **Labour Mobility in the European Union**

### **Economic and Legal Aspects**

#### **B. Legal Aspects**

- **Legal und institutional framework of European Labour Law**
- **Free movement of persons**
- **Selected Topics:** Labour Mobiliy Package (Commission Working Programm 2016: e.g. Revision of the Directive on the posting of workers)

#### **Reader**

##### **(a) Books:**

*Barnard, Catherine*, The Substantive Law of the EU, 4<sup>th</sup> Edition

*Blanpain, Roger*, European Labour Law, 12. March 2014.

*Craig, Paul and De Búrca Gráinne*, EU Law, Text, Cases and Materials, 6<sup>th</sup> Edition.

*Davies, A.C.L.*, EU Labour Law (Elgar Europeanl Law), 31. July 2012.

*Hardy, Stephen B.a. and Mark Butler LL.*, European Employment Laws: A Comparative Guide (3<sup>rd</sup> Edition), 3. June 2016.

*Homewood J. Matthew*, Concentrate EU Law, 4<sup>th</sup> Edition.

*Reinisch, August*, Essentials of EU Law, 2<sup>nd</sup> Edition.

*Ruth, Nielsen*, EU Labour Law, 31. May 2013.

*Thüsing, Gregor*, European Labour Law, 1. October 2013.

##### **(b) Articles:**

*Giubboni, S.*, 'Free Movement of Persons and European Solidarity' (2007) 13 *European Law Journal* 360.

*Muller, F.*, 'Cross-Border Mobilty of 'Bogus' Self-Employed Workers: A Lack of Legal Framework Coupled with Protection of Economic Rights', (2014) *European Law Journal* 3.

Prassl, J., 'Future Directions in EU Labour Law, (2016) European Labour Law Journal 3.

### (c) Decisions of the European Court of Justice (ECJ)

⇒ Free Database: [curia.europa.eu](http://curia.europa.eu)

Case C-281/98	<i>Angonese v. Cassa die Riparmio di Bolzano SpA</i>
Case 53/81	<i>Levin v. Staatssecretaris van Justitie</i>
Case 196/87	<i>Steymann v. Staatssecretaris van Justitie</i>
Case C-292/89	<i>R. v. Immigration Appeal Tribunal, ex parte Antonissen</i>
Case 149/79	<i>Commission v. Belgium</i>
Case C-37090	<i>R v. Immigration Appeal Tribunal and Surinder Singh, ex parte Secretary of State for the Home Department</i>
Case 115 and 116/81	<i>Adoui and Cornuaille</i>
Case 67/74	<i>Bonsignore</i>
Case C-482 and 493/01	<i>Orfanopoulos and others v. Land Baden-Württemberg</i>
Case 41/74	<i>Van Duyn v. Home Office</i>
C-319/06	<i>Commission v. Luxembourg (Directive 96/71)</i>
C-341/05	<i>Laval un Partneri Ltd v. Svenska (Directice 96/71)</i>
C-586/13	<i>Martin Meat</i>

### (d) Access to European Law

⇒ Free Database: [eur-lex.europa.eu](http://eur-lex.europa.eu)

- **Directive 96/71/EC** of the European Parliament and of the Council of the 16. December 1996 concerning the posting of workers in the framework of the provision of services
  - *Direttiva 96/71/CE del Parlamento Europeo e del Consiglio del 16 dicembre 1996 relativa als distacco dei lavoratori nell'ambito di una prestazione di servizi*
- **Commission Working Programm 2016** – No time for business as usual (27.10.2015), ANNEX I, Nr. 8 – Labour Mobility Package: **Revision of the Directive on the posting of workers**

- *Programma di lavoro della Commissione per il 2016 – Oltre l'ordinaria amministrazione, ALLEGATO I: Nuove iniziative*

[http://ec.europa.eu/atwork/key-documents/index\\_it.htm](http://ec.europa.eu/atwork/key-documents/index_it.htm)

**(e) Related links:**

- The official EU website  
*europa.eu*
- European Labour Law Network (ELLN)  
<http://www.labourlawnetwork.eu/>
- European Labour Law Journal  
<http://www.ellj.eu/>

**Day 1: Introduction and overview: European labour markets and Intra-EU mobility**

(L1) Utilising the freedom of movement for workers and the freedom to provide services

(Bonin et al. 2008); (Zimmermann 2009); (Barslund et al. 2014); (Barslund and Busse 2016)

(L2) European Labour Law and the Single Market → cf. Reader TK

**Day 2: Freedom of movement**

(L3) The Labour Mobility Package in general → cf. Reader TK

(L4) Mobility and economic theory

(Sjaastad 1962); (Hagen-Zanker 2010), chapter 2; (Borjas 2015)

**Day 3: On the road to an integrated EU labour market**

(L5) Permanent versus temporary Intra-EU mobility: cross-border reallocation of labour and services

(Kurekova Lucia 2010);

(Tacu 2015); (Bertola and Mola 2010);

(Wispelaere and Pacolet 2015); (Kahanec, Pytliková, and Zimmermann 2014)

(L6) The Posting of Workers Directive (PWD) → cf. Reader TK

**Day 4: Selected topics and concluding discussion**

(L7) The idea of harmonising Intra-EU workplace relations

Tba.

(L8) Selected EU case-law in the context of posting of workers; Revising the PWD → cf. Reader TK, tba.

**Day 5: Exam**

Written assignment based on the readings, due 5 pm.

## References

- Barslund, Mikkel, and Matthias Busse. 2016. *Labour mobility in the EU: addressing challenges and ensuring 'fair mobility'*. CEPS special report No. 139. Brussels: CEPS.
- Barslund, Mikkel, Matthias Busse, Carlos Vargas-Silva, Pawel Kaczmarczyk, Timo Baas, Mario I. Peinado, Juan F. Jimeno, Aitor Lacuesta, Béla Galgóczi, and Janine Leschke. 2014. "Labour mobility in the EU: Dynamics, patterns and policies." *Intereconomics* 49 (3): 116–58. doi:10.1007/s10272-014-0495-x.
- Bertola, Giuseppe, and Lorenza Mola. 2010. "Services Provision and Temporary Mobility: Freedoms and Regulation in the EU." *World Economy* 33 (4): 633–53. doi:10.1111/j.1467-9701.2010.01228.x.
- Bonin, Holger, Werner Eichhorst, Christer Florman, Mette O. Hansen, Lena Skiöld, Jan Stuhler, Konstantinos Tatsiramos, Henrik Thomasen, and Klaus F. Zimmermann. 2008. "Geographic Mobility in the European Union: Optimising its Economic and Social Benefits." IZA Research Report No. 19.
- Borjas, George J. 2015. "Immigration and Globalization: A Review Essay." *Journal of Economic Literature* 53 (4): 961–74. doi:10.1257/jel.53.4.961.
- Hagen-Zanker, Jessica. 2010. *Modest expectations: Causes and effects of migration on migrant households in source countries*. Maastricht Graduate School of Governance dissertation series 5. Maastricht: Boekenplan. [https://mpra.ub.uni-muenchen.de/29507/1/MPRA\\_paper\\_29507.pdf](https://mpra.ub.uni-muenchen.de/29507/1/MPRA_paper_29507.pdf).
- Kahanec, Martin, Mariola Pytliková, and Klaus F. Zimmermann. 2014. "The Free Movement of Workers in an Enlarged European Union: Institutional Underpinnings of Economic Adjustment." IZA Discussion Paper No. 8456. <http://ftp.iza.org/dp8456.pdf>.
- Kurekova Lucia. 2010. "Theories of Migration: Critical Review in the Context of the EU East-West Flows." Migration Summer School - Best Participant Essays Series 2010/44. [http://cadmus.eui.eu/bitstream/1814/14049/1/CARIM\\_ASN\\_2010\\_44.pdf](http://cadmus.eui.eu/bitstream/1814/14049/1/CARIM_ASN_2010_44.pdf).
- Sjaastad, Larry A. 1962. "The Costs and Returns of Human Migration." *Journal of Political Economy* 70 (5, Part 2): 80–93. doi:10.1086/258726.
- Tacu, Catalin. 2015. "Posting of Workers: European Model for Mobility of Human Resources." *Procedia Economics and Finance* 20:623–28. doi:10.1016/S2212-5671(15)00116-1.
- Wispelaere, F. de, and Jozef Pacolet. 2015. "Posting of workers as stabilising mechanism: An enlarged notion of labour mobility as a prerequisite for an optimal currency area." HIVA Research Institute for Work and Society Working Papers 2015-02. [https://hiva.kuleuven.be/nl/docs/working-papers/HIVA\\_WP2015\\_02.pdf](https://hiva.kuleuven.be/nl/docs/working-papers/HIVA_WP2015_02.pdf).
- Zimmermann, Klaus F. 2009. "Labor Mobility and the Integration of European Labor Markets." German Institute for Economic Research Discussion Paper No. 862. <http://www.diw.de/documents/publikationen/73/95910/dp862.pdf>.