

A critical evaluation of the General Court's decision in EPSU vs the European Commission



(15 December 2020) The verdict of the General Court in the case of *European Public Service Union (EPSU) v Commission* (T-310/18) is continuing to cause concerns due to its chilling effect on the European social dialogue. ETUI researcher Silvia Rainone highlights some critical aspects of the decision. She concludes that it is surprising to note “the absence of an adequate evaluation of the legitimacy and scope of the Commission’s assessment that led to the rejection of the social partners’ request. “ For her the “Commission’s refusal to submit a proposal for the legislative implementation of the EUPAE and TUNED agreement confirms that the hostility that the Commission showed towards sectoral social dialogue in relation to the hairdressing agreement was not an isolated episode. “ EPSU has appealed the decision. The case now numbered (C-928/19 P), saw a public hearing on 26 October and the Advocate-General opinion is expected for 18 or 19 January 2021. The outcome will be critical for the future of the EU social dialogue and if social partners can use the options foreseen in the Treaty to bring a social partner agreement to the Commission to seek a decision from the Council. Currently there are no longer reliable procedures and criteria for this process and the General Court has allowed the Commission near absolutism to decide to follow up. With already a very limited nr of European level social partner agreements based on this process (only 12 since 1993 of which very few in the last 10 years), the case will determine “the institutional value of social partners’ negotiations at the European level and the role of EU social dialogue, with broader repercussions for the EU social model.”

To underline the importance for the European trade union movement of the case, the [ETUC Executive Committee adopted a statement](#) on the EU level social dialogue which refers to the “harm done by the European Commission refusing to put forward our agreements for adoption in the form of a directive.

For [the ETUI study](#)

Background

[For more legal analysis](#)

[The results of a legal workshop devoted to the EPSU vs Commission case](#)

[A critical analysis of the role of the European Commission regarding the implementation of EU level social partner agreements and how the Commission seeks to hinder this type of agreements.](#)

The employers and trade unions that concluded the agreement [continue to demand the implementation of their agreement](#) to ensure information and consultation rights for workers and civil servants in Central government administrations as part of their 10year anniversary statement

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