

Problem of so-called social dumping in EU law

Abstract

Social dumping in EU law is becoming an increasingly pressing problem. Due to the creation of the EU internal market and the accession of the new Member States, in particular southern and eastern Europe, social dumping is occurring in many forms in the European Union. Is it possible to prevent social dumping, or by what means can it be minimized?

This diploma thesis in its first chapter deals with the definition of social dumping in EU law in general, focusing on social dumping in the form of so-called regulatory arbitrage, both theoretically and practically.

In the second chapter, the author presents the development of social policy in the context of the EU internal market, since the interaction between the economic and social objectives of European integration is crucial for the existence of social dumping.

This chapter is followed by the case law of the Court of Justice of the European Union in *Rush Portuguesa*, *Viking Line*, *Laval*, *Rüffert* and *Commission v. Luxembourg*, which concerns a conflict of fundamental freedoms and fundamental social rights. This chapter discusses how the Court of Justice of the European Union decides in the event of a conflict of these rights.

Furthermore, that case-law has a considerable impact on the interpretation of the Posting of Workers Directive, the amendment of which is dealt with in fourth chapter of the diploma thesis. The aim of the amending directive is to tighten certain rules on the posting of workers, thereby reducing social dumping. The author discusses whether the amendment to the Posting of Workers Directive is capable of meeting the reasons for which it was created, i.e. whether it has the potential to eliminate or alleviate social dumping? The author first introduces Directive 96/71/EC concerning the posting of workers, including its relation to private international law. She also mentions Directive 2014/67/EU which enforces the Directive 96/71/EC and the rest of the chapter deals with the amendment to the Posting of Workers Directive itself.

In the fifth chapter, the author elaborates in more detail the proposals to solve the shortcomings in the field of the Posting of Workers Directive and social dumping in general.

The diploma thesis corresponds to the effective legal regulation on 1. 12. 2019