

REPORT

ON EUROPEAN LABOUR AND SOCIAL SECURITY LAW

HSI

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I. Editorial

HSI-Report 2/2026 provides an overview of the case law of the CJEU, the ECtHR and other internationally relevant judicial bodies, as well as new developments in legal policy in European labour and social security law from April to June 2026.

The **overview of CJEU cases** includes a number of interesting cases. In *NTH Haustechnik* (C-484/24), the CJEU had to determine the extent to which information obtained in breach of data protection law may be used to the detriment of employees in labour court proceedings. Against the background of the German federal government's plans to expand the possibilities for fixed-term employment, the *Obadal* case (C-418/24) also deserves attention. By clarifying the requirements applicable to appropriate measures for penalising the abuse of successive fixed-term contracts, the Court provides clear guidance for the implementation and application of EU law. In the context of a transfer of an undertaking, the CJEU held that the transfer of salary claims may not be made subject to the consent of the employee concerned (*GSP Offshore*, C-216/25). At the same time, it missed the opportunity to clarify the principle of favourability.

Among the **proceedings before the ECtHR**, the case *Trade Union of Social Sector Workers and Others v. Hungary* (No. 33144/21), concerning the right to strike in essential services, is particularly noteworthy. The case arose from disputes concerning minimum-service arrangements. Both the Hungarian Government, in its capacity as employer, and the courts delayed the arbitration proceedings provided for under national law to determine the minimum services to such an extent that the strike lost its relevance. Other proceedings before the ECtHR concern, inter alia, the different treatment of employees and self-employed persons in the granting of health insurance benefits, the levying of a military-service exemption tax on men who do not perform military or alternative civilian service, and judicial protection for judges in cases concerning refusal of appointment and dismissal following mental illness.

The report concludes with an overview of **recent developments in international labour and social security law**. Of particular note is that, after lengthy negotiations, the reform of the EU rules on the coordination of social security systems is now moving forward. In addition, the ILO adopted the world's first international labour standard for the protection of platform workers.

We wish you a stimulating read and look forward to receiving your feedback at hsi@boeckler.de.

The editors

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II. Proceedings before the CJEU

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1. Collective redundancy

Decisions

Judgment of the Court (Tenth Chamber) of 4 June 2026 – C-907/24 – Orefice Generators

Law: Art. 1(1) Collective Redundancies Directive 98/59/EC

Keywords: Collective redundancies – transfer of place of work – concept of ‘redundancies’

Core statement: The concept of ‘redundancies’ includes the termination of an employment contract by an employer following the worker’s refusal to comply with a unilateral decision to transfer the place of work to a site far from the original site. Such a termination must also be considered when calculating the thresholds relevant to the application of the Directive. An employer therefore cannot reduce the number of relevant redundancies by dismissing workers who refuse to accept a significant change to their working conditions – in this case, the transfer of the place of work to a distant site.

Note: In its reasoning, the Court refers several times to *Ineo Infracom*¹ and continues its line of case law based on a broad interpretation of the concept of ‘redundancy’ under the Directive. The decisive factor is whether the termination of the employment relationship is based on reasons related to the individual worker concerned or on a decision by the employer. Whereas *Ineo Infracom* concerned a provision in a collective agreement which permitted a change of the place of work and required an assessment of whether the workers were obliged to accept such a change, the present case concerns a unilateral decision by the employer based on a strategic and economic decision of the company (para. 50).

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2. Data protection

Decisions

Judgment of the Court (Fifth Chamber) of 4 June 2026 – C-312/24 – Darashev

Law: Art. 2(1), Art. 17(3)(b) in conjunction with point (c) of the first subpara. of Arts 6(1) and Art 6(3) GDPR (EU) 2016/679; Art. 1 Employment Equality Framework Directive 2000/78/EC

¹ CJEU of 4 September 2025 – C-249/24 – *Ineo Infracom*, see [HSI-Report 3/2025](#), p. 44.

Keywords: Processing of data collected in the course of investigations against police officers as persons suspected of a criminal offence – Recording of data relating to those investigations in the personnel file

Core statement: 1. The GDPR applies where a directorate of a public authority stores, in the personnel file of one of its officers, data relating to that officer's status as a suspect in a criminal investigation. It is irrelevant in that regard that that directorate obtained those data through another directorate belonging to the same public authority which was empowered to conduct that type of investigation.

2. The storage of those data for the purposes of managing the officer's career and monitoring compliance with the rules inherent in the officer's duties may be regarded as justified for the purposes of compliance with a legal obligation, provided that the legal basis is clear and precise, its application is foreseeable, that obligation meets an objective of public interest and is proportionate to that objective.

3. A person's status as a suspect is not a prohibited ground of discrimination within the meaning of Art. 1 of the Employment Equality Framework Directive.

Judgment of the Court (Fifth Chamber) of 18 June 2026 – C-484/24 – NTH Haustechnik

Law: Point (c) of the first subpara. of Art. 6(1), Art. 17(3)(e) and Art. 5(1)(c) GDPR (EU) 2016/679

Keywords: Data obtained through a breach of the principle of storage limitation – Taking of evidence by a court as data processing within the meaning of the GDPR

Core statement: 1. Point (c) of the first subparagraph of Art. 6(1) GDPR applies to the processing of personal data in the context of a court examining the facts and taking evidence. The legal basis for the processing under Member State law must meet an objective of public interest and be proportionate. However, no particular requirements need to be imposed on the legal provision itself. It is sufficient for national case law to establish clear, precise and foreseeable criteria governing the circumstances and conditions under which the facts stated and evidence adduced by the parties may be used by a court.

2. The principle of 'data minimisation' does not require the court to carry out an additional balancing of all the interests affected in the individual case by data processing undertaken in the context of its judicial activity.

3. A national court may use evidence containing personal data which a party has processed in breach of data protection law, even where that party's legitimate interest consists solely in using those data in the judicial proceedings. Before disclosing the data, however, the court must verify that they are limited to what is necessary for the purposes of that disclosure. Where appropriate, it must take measures to minimise the interference with the right to the protection of personal data which such disclosure is likely to entail.

5. A national court may, when acting in its judicial capacity, use data even where the party concerned has failed to comply with its obligations to provide information under the relevant provision.

6. A court is required, when acting in its judicial capacity, to ensure compliance with the GDPR when it processes personal data relating to persons who are not parties to the proceedings. EU law does not, however, require one of the parties to those proceedings to be able to rely on an infringement of the data protection rights of third parties.

Note: The extent to which information obtained in breach of data protection law may be used against an employee in labour court proceedings is currently the subject of debate in various

respects, not least following a decision of the Federal Labour Court of 29 June 2023.² In that case, the Federal Labour Court did not consider evidence obtained by means of video surveillance carried out in breach of data protection law to be inadmissible. In its view, a prohibition on the use of evidence can arise only where this is strictly required by a position protected by constitutional rights. As a rule, the infringement of fundamental rights must result from the use of the evidence itself and not merely from the preceding infringement.³

The present CJEU judgment, which was delivered following a request for a preliminary ruling from the Higher Labour Court of Lower Saxony, is likely to draw further attention to the requirements of data protection law in judicial proceedings. In short, the CJEU derives from the GDPR a particularly low level of protection when it comes to the question whether employers may use data obtained in breach of data protection law for evidentiary purposes. Thus, no particular requirements need to be imposed on the legal basis, provided that the court is performing its statutory task of administering justice. Moreover, the principle of proportionality, which otherwise plays a prominent role in data processing, is to recede, in the context of judicial proceedings, when the principle of data minimisation is applied.

When assessing the judgment, it should be borne in mind that, although the GDPR seeks to achieve full harmonisation in the field of data protection law, the principle of favourability applies to employee data protection.⁴ National provisions in legislation, collective agreements or work agreements which provide a higher level of protection than the GDPR remain applicable, provided that they are themselves compatible with the GDPR and other EU law. Accordingly, where unlawfully obtained employee data are afforded greater protection against processing in judicial proceedings, e.g. as evidence, that legal position is not affected by the present CJEU judgment. However, as shown above, the level of protection afforded by the German labour courts with regard to prohibitions on the use of evidence is in any event low.

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3. Equal treatment

Decisions

Judgment of the Court (Fifth Chamber) of 18 June 2026 – C-522/24 – *Ministero della difesa*

Law: Arts 1 and 2(2)(a) and (b) Employment Equality Framework Directive 2000/78/EC; Arts 1, 21 and 24 CFREU

Keywords: Concept of ‘belief’ – compulsory vaccination of military personnel in the context of the COVID-19 pandemic – suspension from duties without remuneration – discrimination

Core statement: A national provision which requires military personnel to be vaccinated as a condition for carrying out their professional activity, while civilian personnel performing their duties in the same environment and in a comparable health context are not subject to such a requirement, is not contrary to EU law. The resulting difference in treatment, which is based on membership of a particular professional category, does not come within the scope of Art. 2(2)(a) of the Employment Equality Framework Directive.

² See Federal Labour Court of 29 June 2023 – 2 AZR 296/22.

³ For justified criticism, DKW/Klebe, 20th edn 2025, BetrVG Section 87, para. 6.

⁴ CJEU of 22 June 2022 – C-534/20 – Leistrütz, paras. 32 et seq.

Nor does Art. 2(2)(b) of the Employment Equality Framework Directive preclude such a national provision. The applicant's views concerning public health do not constitute a 'belief' within the meaning of the Directive. There is therefore no indirect discrimination on grounds of belief.

Note: The applicant challenged unequal treatment in relation to a compulsory vaccination requirement. That difference in treatment consisted in the fact that certain persons were required to be vaccinated in order to carry out their professional activity depending on whether they belonged to military or civilian personnel. The difference in treatment was therefore based on the employees' membership of a particular professional category. According to settled case law, the grounds of discrimination listed in Art. 1 of the Employment Equality Framework Directive are exhaustive. The Directive does not cover discrimination on the basis of professional category or place of work.⁵ Since that ground of discrimination is not among those listed, the difference in treatment does not fall within the scope of the Directive.

The CJEU further held that opinions do not constitute 'beliefs'.⁶ According to the relevant case law, the ground of discrimination based on 'religion or belief', as referred to in Art. 21 of the CFREU, must be distinguished from 'political or any other opinion' and covers only religious, philosophical or spiritual beliefs.⁷ In his submissions, the applicant does not rely on beliefs of his own but challenges the choices made by the Italian authorities in the field of public health. The same applies to his criticism of the arrangements governing compulsory vaccination.

New pending cases

Request for a preliminary ruling from the Tribunal Superior de Justicia de la Comunidad Valenciana (Spain), lodged on 6 March 2026 – C-183/26 – Subdirección General de Gestión de Clases Pasivas

Law: Arts 1, 2 and 6 Employment Equality Framework Directive 2000/78/EC; Art. 21 CFREU; Art. 10 TFEU

Keywords: Maternity pension supplement – retirement pension – age discrimination

Note: The CJEU has been asked whether the prohibition of discrimination based on age laid down in Art. 21 CFREU, Art. 10 TFEU and Arts 1, 2 and 6 of the Employment Equality Framework Directive must be interpreted as precluding national legislation under which entitlement to a maternity pension supplement is conditional upon the person concerned having reached the age of 65.

Under that legislation, the maternity pension supplement is not granted to persons who take voluntary early retirement. The conditions for such early retirement are that the person concerned has reached the age of 60 and completed at least 30 years of service to the State. By contrast, persons who take statutory retirement only upon reaching the age of 65 or later are required to have completed only 15 years of service.

The question to be clarified is therefore whether a provision which excludes persons from the maternity pension supplement even though they have completed the same contribution periods as persons who receive their contributory retirement pension at the age of 65 constitutes unlawful age discrimination on the ground that they are younger.

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⁵ CJEU of 17 October 2024 – C-349/23 – *Zetschek*, para. 25; CJEU of 21 May 2015 – C-262/14 – *SCMD*.

⁶ The CJEU follows the Opinion of Advocate General *Capeta*; see *HSI-Report 4/2025*, p. 32.

⁷ CJEU of 13 October 2022 – C-344/20 – *S.C.R.L.*, para. 27.

4. Fixed-term employment

Decisions

Judgment of the Court (Grand Chamber) of 14 April 2026 – C-418/24 – Obada/

Law: Clause 5 Framework Agreement on Fixed-Term Work (implemented by Directive 1999/70/EC)

Keywords: Fixed-term employment contracts in the public sector – measures to prevent and penalise abuse arising from successive fixed-term employment contracts

Core statement: The conversion of successive fixed-term contracts into a ‘non-permanent employment relationship of indefinite duration’ does not constitute an appropriate measure for duly penalising abuse. Such a measure effectively preserves the temporary nature of the employment relationship and thereby perpetuates the insecurity of the workers concerned, even though employment relationships of indefinite duration are an important element of worker protection.

Nor do flat-rate compensation payable upon termination of the employment relationship and subject to a double ceiling, ambiguous rules governing the liability of public administrations, or selection procedures which take previous professional experience into account without specifically favouring workers who have been affected by the abusive use of successive fixed-term contracts satisfy the requirements of EU law.

Note: With this judgment, the CJEU continues its line of case law on fixed-term employment in the public sector.⁸ In *Consejería*, the Court had left open whether the measures provided for under Spanish law satisfied the requirements of Clause 5 of the Framework Agreement. In the present judgment, it clarifies that the measures referred to above are not suitable for preventing and penalising abuse. The judgment is likely to be relevant beyond the individual case for all Member States which, in the public sector, rely on comparable alternative mechanisms rather than effective penalties for the abusive use of successive fixed-term contracts.

Judgment of the Court (Tenth Chamber) of 13 May 2026 – C-155/25 – European Commission v. Italian Republic

Law: Clause 5 Framework Agreement on Fixed-Term Work (implemented by Directive 1999/70/EC)

Keywords: Successive fixed-term contracts – replacement administrative, technical and auxiliary staff in public educational establishments – public service

Core statement: By failing to adopt measures to prevent the misuse of successive fixed-term contracts for replacement administrative, technical and auxiliary staff employed in public educational establishments, the Italian Republic has failed to fulfil its obligations under Clause 5 of the Framework Agreement.

Note: Under Clause 5 of the Framework Agreement, Member States must introduce at least one of the measures listed in that provision, or equivalent legal measures, to prevent abuse arising from the use of successive fixed-term employment contracts. Such measures include objective reasons justifying the renewal of the contracts, a maximum total duration of successive fixed-term employment relationships or a limit on the number of renewals.

The CJEU finds that Italy had provided neither for a maximum total duration of fixed-term employment nor for a limit on the number of renewals in respect of replacement administrative,

⁸ CJEU of 22 February 2024 – C-59/22 – *Consejería*, see [HSI-Report 1/2024](#), p. 10.

technical and auxiliary staff. Nor was the repeated use of fixed-term contracts justified by sufficient objective reasons. The temporary filling of vacant posts pending the completion of competitive selection procedures may, in principle, constitute such an objective reason.⁹ In the Italian system, however, those procedures were not subject to binding time limits and were organised on an ad hoc and unpredictable basis.

Furthermore, the workers concerned first had to complete at least two years of service under fixed-term contracts before becoming eligible to participate in a competitive selection procedure leading to permanent appointment. Fixed-term contracts could therefore be renewed for years without any requirement to establish that the need for renewal was temporary rather than fixed and permanent.

The CJEU was also not persuaded by Italy's argument that the public education sector required particular flexibility because of fluctuations in pupil numbers. The posts concerned were established posts intended to meet fixed and permanent staffing needs rather than merely temporary requirements.

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5. General matters

Decisions

Judgment of the Court (Second Chamber) of 16 April 2026 – C-343/23 P – *Colombani v. EEAS*

Law: Arts 12a(3) and 24 Staff Regulations of Officials of the European Union

Keywords: Concept of psychological harassment – appeal – request for assistance

Core statement: The appeal seeking to have the judgment of the General Court¹⁰ set aside was dismissed. The appellant failed to adduce sufficient prima facie evidence either of coordinated conduct by several persons or of intentional passive conduct by the superiors concerned amounting to psychological harassment.

Note: The underlying case concerns an official of the European External Action Service (EEAS) who, in a request for assistance under Art. 24 of the Staff Regulations, claimed that he had been subjected to collective psychological harassment by several superiors. After the EEAS rejected the request in respect of two superiors for lack of sufficient prima facie evidence, the CJEU was called upon in particular to clarify the evidential requirements applicable to allegations of psychological harassment.

The Court uses the case to broaden the concept of psychological harassment under EU law. According to established case-law, the administration is required to open an administrative inquiry only where the person making the request has adduced sufficient prima facie evidence of the alleged psychological harassment.¹¹ A mere allegation of harassment is insufficient. The CJEU clarifies that 'psychological harassment' within the meaning of Art. 12a(3) of the Staff Regulations is not confined to active conduct. Conscious and intentional inaction – such as systematically ignoring, isolating or excluding a person – may also constitute psychological harassment. Such passive conduct must, however, take place over a period of time and adversely affect the dignity or physical or psychological integrity of the person concerned.

⁹ See already CJEU of 26 November 2014 – C-22/13 – *Mascolo*.

¹⁰ General Court of 22 March 2023 – T-113/22 – *Colombani v. EEAS*.

¹¹ CJEU of 7 December 2023 – C-615/22 P – *HV and HW v. ECDC*.

Collective psychological harassment by several persons is also possible where their conduct is coordinated and each person contributes through their own conduct. A successful request for assistance therefore requires prima facie evidence both of the individual conduct of each person concerned and of coordination between them. Only then is the administration required to open an administrative inquiry or consider protective measures.

Judgment of the Court (Third Chamber) of 30 April 2026 – C-30/25 – EESC and Others

Law: Art. 10 of Protocol (No 7) on the privileges and immunities of the European Union; Art. 343 TFEU

Keywords: European Economic and Social Committee (EESC) – waiver of immunity – new term of office

Core statement: The waiver of the immunity of a member of the EESC in respect of specific criminal offences continues to have effect after that member is reappointed for a new term of office. A further waiver is required only if the subject matter of the criminal proceedings is subsequently extended.

Judgment of the Court (Grand Chamber) of 19 May 2026 – C-350/24 – *Crédit agricole Corporate & Investment Bank*

Law: Art. 50(3) TEU; Art. 288 TFEU; Art. 19 Equal Treatment Directive 2006/54/EC

Keywords: Brexit – facts arising in the United Kingdom before Brexit but adjudicated by a court of a Member State after the end of the transition period

Core statement: Art. 50(3) TEU, read in conjunction with Arts 126 and 127 of the Withdrawal Agreement, must be interpreted as meaning that the Withdrawal Agreement does not preclude the continued application of Art. 19 of the Equal Treatment Directive where proceedings were brought before the end of the transition period and concern alleged discrimination occurring before the end of that period in the context of an employment relationship governed by United Kingdom law. Furthermore, pursuant to Art. 288 TFEU, when applying the law of another Member State by which an EU directive has been transposed, a court of a Member State is obliged to interpret that law in conformity with the directive in the same way as it would interpret its own national law.

New pending cases

Request for a preliminary ruling from the Tribunalul Cluj (Romania), lodged on 30 April 2026 – C-423/26 – *Autoritatea Electorală Permanentă*

Law: Arts 9(3) and (4) Display Screen Equipment Directive 90/270/EEC

Keywords: Reimbursement of the cost of special corrective appliances required for work with display screen equipment – fixed maximum reimbursement amount

Note: 1. Do Arts 9(3) and (4) of the Display Screen Equipment Directive preclude national legislation which limits the reimbursement of the cost of special corrective appliances required for work with display screen equipment to a fixed maximum amount, irrespective of the actual cost of the appliance, with the worker having to bear the difference?

2. Does Art. 9 of the Display Screen Equipment Directive permit a Member State to make the provision of, or reimbursement of the cost of, such special corrective appliances conditional upon a prior recommendation by an occupational physician, even where the need for the

corrective appliance has already been established by a specialist ophthalmological examination?

Appeal brought on 6 May 2025 by Carlos Bowles and Others against the judgment of the General Court (Tenth Chamber) delivered on 26 February 2025 in Case T-1076/23, *Bowles and Others v. ECB*,¹² – C-314/25 P

Law: Art. 13 of the Conditions of Employment for Staff of the European Central Bank

Keywords: ECB staff – annual salary adjustment – incorrect application of the calculation method – breach of the obligation to state reasons

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6. Posting of workers

New pending cases

Request for a preliminary ruling from the Högsta förvaltningsdomstolen (Sweden), lodged on 6 March 2026 – C-177/26 – *Gripholt*

Law: Art. 12(1) Coordination Regulation (EC) No. 883/2004

Keywords: Fixed-term employment – posting – non-replacement condition

Note: In order to prevent permanent tasks from being performed through the use of posted workers, Art. 12(1) of the Coordination Regulation provides that a posted worker may not be sent to replace another posted person. The question arising in the present proceedings is whether that condition also covers a situation in which an employee is posted under a fixed-term contract to perform the same tasks as those performed by another person during the corresponding period in the previous season.

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7. Professional law

Decisions

Judgment of the Court (Fifth Chamber) of 30 April 2026 – C-133/24 – *CD Tondela and Others*

Law: Art. 101(1) TFEU

Keywords: Professional football – no-poach-of-players agreement – restriction of competition by object

Core statement: An agreement by which professional football clubs, in collaboration with the national sporting association concerned, undertake not to recruit players who have unilaterally terminated their employment contracts citing difficulties caused by the COVID-19 pandemic or

¹² See [HSI-Report 1/2025](#), p. 8.

by exceptional decisions adopted in that context must, in principle, be categorised as an agreement having as its object the restriction of competition.

Order of the Court (Eighth Chamber) of 11 June 2026 – C-860/24 – Brambandi

Law: Arts 45 and 49 TFEU; Art. 13 Professional Qualifications Directive 2005/36/EC

Keywords: Recognition of professional qualifications

Core statement: Arts 45 and 49 TFEU do not require the host Member State, when examining an application for recognition of professional qualifications, to take into consideration evidence of formal qualifications obtained in another Member State where that evidence is not legally recognised in that Member State and does not entitle its holder to practise the profession concerned there.

Judgment of the Court (Eighth Chamber) of 25 June 2026 – C-343/25 – CPAM de la Gironde

Law: Professional Qualifications Directive 2005/36/EC; Art. 49 TFEU

Keywords: Access for doctors to the non-standard-fee sector – recognition of professional experience – freedom of establishment

Core statement: The Professional Qualifications Directive does not apply to legislation of a Member State which makes access to a fee sector conditional upon a specific professional experience. The relevant hospital experience does not constitute a specific professional qualification within the meaning of the Directive, but merely a condition for access to a particular fee scheme.

Art. 49 TFEU (freedom of establishment) precludes national legislation which denies doctors access to the sector with variable fee structures solely on the grounds that they have practised as self-employed doctors in another Member State. If the practical experience of self-employed doctors is comparable to that of hospital doctors in employment, the Member State must recognise that experience and may not deny them access.

Note: The applicant sought authorisation to practise in the non-standard-fee sector of the French statutory health insurance system. Under French law, access to that sector requires two years of full-time service in a public hospital. The applicant had acquired the relevant experience not in France, but as a self-employed non-permanent practitioner in a public hospital in Italy. The competent French authority refused to recognise that activity as relevant professional experience because she had not worked under an employment contract.¹³

The CJEU first held that the Professional Qualifications Directive does not apply. The Directive applies to regulated professions access to or pursuit of which is conditional upon possession of specific professional qualifications. The qualification of hospital doctor (*assistant des hôpitaux*), however, is not a specific professional qualification within the meaning of Art. 3(1)(a) of the Professional Qualifications Directive. The required period of hospital practice is not specifically designed to prepare the doctor to pursue a particular profession, but merely allows access to a particular fee scheme.¹⁴

Nevertheless, the requirement constitutes a restriction on the freedom of establishment under Art. 49 TFEU. Making recognition of equivalent hospital experience acquired in another Member State conditional upon the existence of an employment contract is liable to hinder access to the non-standard-fee sector by doctors who have pursued their activities in another

¹³ See the request for a preliminary ruling in *HSI Report 3/2025*, p. 33.

¹⁴ See CJEU of 6 October 2015 – C-298/14 – *Brouillard*, Rn. 39.

Member State. The nature of contractual relationships is a formal criterion which may differ between Member States and thereby impede cross-border mobility.

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8. Social security

Decisions

Judgment of the Court (Sixth Chamber) of 16 April 2026 – C-642/24 – *Commission v. Germany*

Law: Arts 4, 7 and 67 Coordination Regulation (EC) No. 883/2004; Art. 45 TFEU

Keywords: Bavarian family allowance – indexation of family benefits – freedom of movement for workers – adjustment of family benefits according to the children’s Member State of residence

Core statement: The Federal Republic of Germany failed to fulfil its obligations under Art. 45 TFEU and Arts 4, 7 and 67 of the Coordination Regulation by establishing and maintaining in the Free State of Bavaria a residence-based indexation mechanism for the family allowance. Under that mechanism, recipients of family allowance whose children reside in certain Member States receive a lower amount than recipients whose children reside in Germany or in other Member States.

Note: The CJEU found¹⁵ that the Bavarian family allowance is a flat-rate family benefit and not a benefit whose amount is linked to specific living costs or actual expenditure on the maintenance of the child. Moreover, the indexation operated only downwards; there was no corresponding adjustment where the cost of living was higher in other Member States. The CJEU therefore considered the scheme to be neither objectively justified nor coherent. Since the reduction in the family allowance on account of the children’s place of residence primarily affects migrant workers, whose family members frequently live in other Member States, the CJEU regarded the scheme as indirect discrimination on grounds of nationality. In its judgment, the Court follows its previous case law.¹⁶

Judgment of the Court (Sixth Chamber) of 23 April 2026 – C-116/25 – *NOI - Blagoevgrad*

Law: Arts 62(1), (2) and (3) Coordination Regulation (EC) No. 883/2004

Keywords: Unemployment benefits – calculation on the basis of the salary received during the last period of employment – longer insurance reference period required under national law – non-consideration of other periods of employment – unequal treatment

Core statement: Art. 62(3), read in conjunction with Arts 65(2) and (5)(a) of the Coordination Regulation, does not require the amount of unemployment benefit for unemployed persons who return to their Member State of residence after having been employed in another Member State to be calculated exclusively on the basis of the salary or professional income received during their last employment in the Member State of employment. The Member State of residence may also take into account other income received during the national reference period and apply its own calculation rules.

¹⁵ On the Commission’s action, see [HSI-Report 4/2024](#), pp. 15 et seq.

¹⁶ CJEU of 16 June 2022 – C-328/20 – [Commission v. Austria](#); see also [HSI-Report 2/2022](#), p. 16.

The calculation of unemployment benefits may therefore differ depending on whether the reference period was completed entirely in the Member State concerned or partly or entirely in another Member State.

Note: The Bulgarian claimant worked seasonally in Spain and, after returning to Bulgaria, applied for unemployment benefit. The authority granted the benefit and calculated it on the basis of all her income during the preceding 24 months. Under a new national rule, the calculation was therefore no longer based exclusively on the last salary she had received in Spain, as had previously been the case. The claimant challenged this new method of calculation.¹⁷

The CJEU subsequently addressed two questions. First, it considered whether the departure from the previous method of calculation, which had been based on Art. 62(1) and (2) of the Coordination Regulation, was contrary to EU law. The Court found no infringement of EU law. Art. 62 of the Coordination Regulation permits the Member State of residence, where periods of insurance have been completed in different Member States, to use a mixed calculation and not to base the benefit solely on the last salary received abroad. Migrant workers are not thereby placed at a disadvantage, since their foreign income continues to be taken into account.

Second, the CJEU considered whether different calculation rules are permissible depending on whether the reference period was completed entirely in the Member State concerned or partly abroad. The national rule respects the objective expressed in recitals 1 and 45 of the Coordination Regulation of ensuring that the right to freedom of movement can be exercised effectively. It also ensures, in accordance with Art. 62(3) of the Regulation, that the salary or professional income received in the last Member State of employment is taken into account. The judgment confirms the broad discretion enjoyed by the Member States when calculating unemployment benefits where periods of employment have been completed in several Member States.

Judgment of the Court (First Chamber) of 23 April 2026 – C-882/24 P – AL v. Kommission

Law: Arts 85 and 91 of the Staff Regulations of Officials of the European Union

Keywords: Civil service – dependent child allowances

Core statement: The case concerns the recovery of various family allowances which the European Commission had granted to the appellant, an official in the General Secretariat of the Council of the European Union. Insofar as the recovery concerned family allowances paid in respect of two foster children, the appeal was successful and the judgment of the General Court¹⁸ was set aside to that extent. The appeal was dismissed as to the remainder.

Note: As regards the family allowances for the foster children, the General Court had proceeded on the basis that a decision of a Romanian authority terminating their foster placement was valid. That decision was subsequently annulled with retroactive (*ex tunc*) effect by a Romanian court. Although the legality of an administrative decision must, in principle, be assessed on the basis of the factual and legal situation existing at the time when it was adopted, the Court of Justice clarified that a subsequent judgment having *ex tunc* effect does not create a new legal situation but determines with binding effect what the legal situation already was at the relevant time. The General Court should therefore have taken account of the retroactive annulment of the national decision. By nevertheless proceeding on the assumption that the administrative decision had produced legal effects, it misrepresented the relevant legal position and erred in law.

¹⁷ On the request for a preliminary ruling, see [HSI-Report 1/2025](#), pp. 13 et seq.

¹⁸ General Court of 10 April 2024 – T-50/22 – [AL v. Kommission](#).

Judgment of the Court (Grand Chamber) of 7 May 2026 – C-747/22 – INPS

Law: Arts 26 and 29 Qualification Directive 2011/95/EU

Keywords: Social assistance – access to employment – residence requirement of at least ten years, the final two years of which must have been continuous – indirect discrimination against third-country nationals with subsidiary protection status

Core statement: A rule which makes access to an anti-poverty measure and an integration measure conditional upon the persons concerned having resided in the Member State for at least ten years, the final two years of which must have been continuous, constitutes indirect discrimination against third-country nationals with subsidiary protection status. In practice, they are excluded from those benefits. This infringes Art. 26 and 29 of the Qualification Directive.

Note: The dispute concerned Italian legislation which made access to a measure aimed at combating poverty and supporting access to employment and social integration conditional upon third-country nationals with subsidiary protection status – like Italian nationals – having resided in the Member State for at least ten years, the final two years of which must have been continuous.

The CJEU had to clarify two central questions. First, it had to determine whether the Italian basic social protection measure fell within the benefits covered by Arts 26 and 29 of the Qualification Directive. The Court answered this in the affirmative, since the Directive does not contain an exhaustive list and the measure was a mixed measure comprising elements both of social welfare and of labour-market integration.

Second, the CJEU examined whether the Italian rule was compatible with Art. 26 and 29 of the Qualification Directive. It held that it was not, since the rule typically excludes beneficiaries of subsidiary protection and therefore constitutes indirect discrimination. Nor can that discrimination be justified by reference to high costs or administrative complexity and the resulting argument that it is appropriate for the national legislature to restrict the measure to persons who are well and permanently integrated into the national community. Such considerations do not justify a distinction between nationals and beneficiaries of protection and would moreover amount to an exception from Arts 26 and 29 of the Qualification Directive which the EU legislature did not provide for.

Judgment of the Court (First Chamber) of 21 May 2026 – C-717/24 – Sociálna poisťovňa

Law: Art. 51 Coordination Regulation (EC) No. 883/2004

Keywords: Old-age pension – social security benefits requiring periods of insurance under a special scheme – taking account of periods of insurance completed in another EU Member State

Core statement: The specific mechanism for aggregating periods of insurance laid down in Art. 51 of the Coordination Regulation applies where the Member State responsible for granting the pension has established a special social security scheme which is formally distinct from the general social security scheme. It also applies where, without having established such a special scheme, that Member State reserves certain advantages to a category of persons who have completed periods of insurance in the exercise of a specific occupation or activity.

Judgment of the Court (Fifth Chamber) of 4 June 2026 – C-621/24 – Landkreis Schweinfurt

Law: Arts 2(g) and 17(2) Reception Conditions Directive 2013/33/EU; Art. 2(q) Asylum Procedures Directive 2013/32/EU

Keywords: Adequate standard of living – restriction of material reception conditions – scope of benefits

Core statement: The CJEU holds that the German provision in Section 1a(7) AsylbLG, in the version applicable at the material time, is contrary to EU law insofar as Dublin asylum applicants are deprived of certain subsistence benefits. In particular, applicants who remain in Germany pending their transfer to the Member State responsible under the Dublin III Regulation may not be deprived of material reception conditions covering clothing, everyday items and consumables and of the financial allowance intended to cover basic personal needs. Such a rule infringes Art. 17(2), read in conjunction with Art. 2(g), of the Reception Conditions Directive.

Applicants whose applications have been rejected as inadmissible because another Dublin State is responsible do not make a ‘subsequent application’ within the meaning of Art. 2(q) of the Asylum Procedures Directive.

Note: The claimant is an Afghan national. His application for asylum was rejected as inadmissible under the Dublin III Regulation and the German authorities ordered his transfer to Romania, where he had previously submitted an application for asylum. On the basis of the AsylbLG, he subsequently received only restricted benefits. He continued to receive food, heated accommodation and benefits ensuring hygiene and healthcare. However, he no longer received cash benefits for clothing and household needs.

The CJEU had to determine whether Germany could deprive asylum seekers whose applications had been rejected as inadmissible because another Member State was responsible under the Dublin III Regulation of essential benefits. The Court answered that question in the negative. In its view, the Member States remain obliged, including in Dublin cases, to guarantee the minimum standards laid down in the Reception Conditions Directive until the actual transfer takes place.

New pending cases

Request for a preliminary ruling from the Cour du travail de Mons (Belgium), lodged on 25 February 2026 – C-132/26 – Camille

Law: Art. 4 Coordination Regulation (EC) No. 883/2004; Art. 24 Free Movement Directive 2004/38/EC; Art. 7 Freedom of Movement Regulation (EU) No. 492/2011

Keywords: Family allowances – residence permit – equal treatment of Union citizens

Note: The questions referred concern a Belgian rule under which Union citizens who actually reside and work in the host Member State are denied family benefits solely because they do not hold a formal residence permit. Such a rule means that a parent who is a Union citizen and does not, or no longer, hold a residence permit is excluded from the benefit despite actually residing and working in the Member State. The first question referred is therefore whether that national rule constitutes discrimination on grounds of nationality. The questions concern the equal treatment of Union citizens under EU law. Art. 4 of the Coordination Regulation, Art. 24 of the Free Movement Directive and Art. 7 of the Freedom of Movement Regulation prohibit discrimination on grounds of nationality.

If the first question is answered in the affirmative, the CJEU is asked to determine whether the unequal treatment is adequately offset by another provision exempting the child concerned from the requirement to hold a residence permit. As a result, the same parent could receive family allowance for a maximum period of six months following the child’s entry into the territory of the Member State.

Request for a preliminary ruling from the Bundessozialgericht (Germany), lodged on 13 March 2026 – C-216/26 – Deutsche Rentenversicherung Bund

Law: Arts 5 and 7 Coordination Regulation (EC) No. 883/2004

Keywords: Supplement to an old-age pension – statutory sickness insurance – statutory pension insurance

Note: The Federal Social Court has referred several questions to the CJEU concerning the coordination of the different social security systems of the Member States. A pensioner who had been insured under the German statutory pension insurance scheme but lived in the Netherlands paid sickness insurance contributions under the compulsory Netherlands sickness insurance scheme. Those contributions were partly income-related and partly flat-rate and were accompanied by an additional excess. He received from the German pension insurance institution a lower supplement than persons insured in Germany. Is this compatible with Arts 5 and 7 of the Coordination Regulation? The further questions referred concern the treatment of the different components of the contributions, the legal classification of foreign branches of insurance and the binding effect of notifications issued by foreign social security institutions.

Request for a preliminary ruling from the Tribunal de Instancia de Badajoz (Spain), lodged on 22 April 2026 – C-379/26 – Rogelio

Law: Arts 5 and 9(e) Equal Treatment Directive 2006/54/EC; Arts 1, 2 and 4 Equal Treatment in Social Security Directive 79/7/EEC; Art. 157 TFEU; Art. 23 CFREU

Keywords: Paternity leave and social security benefits for the father in the event of a stillbirth – discrimination on grounds of sex

Note: The CJEU has been asked whether a national rule which, where the child dies before delivery, grants the mother a benefit provided that the foetus was in utero for at least 180 days, while the father is not entitled to a corresponding benefit, is compatible with the principle of equal treatment under EU law. The CJEU must determine whether that difference in treatment between the mother and the father infringes the EU principles of equal treatment and the prohibition of discrimination on grounds of sex. Those principles are laid down in Art. 157 TFEU, Art. 23 CFREU, Arts 5 and 9(e) of the Equal Treatment Directive and Arts 1, 2 and 4 of the Equal Treatment in Social Security Directive. The present case, in which the father was certified unfit for work because of the emotional consequences of the stillbirth, illustrates the difficulty of the legal assessment. It may be justifiable for the legislature to reserve those benefits to mothers in view of the particular physical and emotional burdens they bear. However, the legislature would have to pursue that approach consistently.

Request for a preliminary ruling from the Oberster Gerichtshof (Austria), lodged on 24 February 2026 – C-124/26 – Pensionsversicherungsanstalt

Law: Arts 5(b) and 7 Coordination Regulation (EC) No. 883/2004

Keywords: Conditions for the bonus for relatives – unequal treatment – cross-border care – care allowance

Note: The Austrian Supreme Court has asked the CJEU whether Austria may make entitlement to the bonus for relatives dependent on the residence of the person in need of care. The bonus is available to close relatives who care for a person entitled to Austrian care allowance. Since entitlement to such care allowance generally requires the person in need of

care to be habitually resident in Austria, it must be examined whether that residence requirement is compatible with Art. 5(b) of the Coordination Regulation (equal treatment of facts or events) and Art. 7 of that Regulation (waiving of residence rules).

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9. Transfer of business

Decisions

Judgment of the Court (Tenth Chamber) of 11 June 2026 – C-216/25 – GSP Offshore

Law: Arts 3(1) and 8 Transfer of Undertakings Directive 2001/23/EC

Keywords: Salary claims – transfer of debt

Core statement: In the event of a transfer of an undertaking, the transfer of salary claims may not be made subject to the consent of the employee concerned. A national provision which makes the transfer of an obligation from one debtor to another subject to the creditor's consent is not applicable in such circumstances. Nor does the principle of favourability laid down in Art. 8 of the Transfer of Undertakings Directive lead to a different conclusion.

Note: In the event of a transfer of an undertaking, the transferee assumes *ipso iure* the rights and obligations arising from the employment relationship. Employees may expressly object to the transfer of the employment relationship as a whole and thus decide to continue the employment relationship with the transferor.¹⁹ However, they may not object to the transfer of individual claims arising from the employment relationship, as the Court has already held in the past.²⁰

Nevertheless, Member States may implement the Directive in a manner more favourable to employees than that required by its provisions, pursuant to Art. 8 of the Transfer of Undertakings Directive. In the present judgment, the CJEU leaves open whether a provision is more favourable where, instead of the transfer taking place *ipso iure*, it is for the individual employees to decide whether a specific claim is transferred. According to the Court, the principle of favourability under Art. 8 of the Transfer of Undertakings Directive is subject to two limits: it must not fall below the minimum protection guaranteed by the Directive or impair the coherence of the Directive or the objectives pursued by it. The basic concept of the Directive is to provide for a transfer of claims *ipso iure*. A requirement of employee consent would undermine the coherence of the Directive and the minimum protection which it is intended to provide.

Since the judgments in *Werhof*²¹ and *Alemo-Herron*,²² the question of favourability in the implementation of the Transfer of Undertakings Directive has been a delicate one. What requires clarification in the present proceedings is both how favourability is to be determined in European labour law and whether Art. 8 of the Transfer of Undertakings Directive is to be interpreted in the same way as the principle of favourability in Arts 153(2)(b) and Art. 153(4), second indent, TFEU and in the directives in the field of EU labour and social law adopted on that basis. The latter is not self-evident because the first Transfer of Undertakings Directive

¹⁹ CJEU of 16 December 1992 – C-132/91 – *Katsikas*, paras. 29 et seq.; Hießl/Kullmann, EU Labour Law, 1st edn 2025, Transfer of Undertakings Directive Art. 8, p. 807.

²⁰ CJEU of 25 July 1991 – C-362/89 – *d'Urso*, para. 11; CJEU of 26 May 2005 – C-478/03 – *Celtec*, para. 37.

²¹ CJEU of 9 March 2006 – C-499/04 – *Werhof*.

²² CJEU of 18 July 2013 – C-426/11 – *Alemo-Herron*; subsequently, as regards German law, CJEU of 27 April 2017 – C-680/15 – *Asklepios*.

77/187/EEC was based on the internal market competence before the legal basis for social policy entered into force and could therefore be subject to an autonomous interpretation.²³

The CJEU left both questions open in the present judgment. Its argumentative avoidance strategy, according to which the principle of favourability under the Directive is 'in any event' limited by its 'coherence' and the minimum protection it provides, is unconvincing. Either a national implementation measure is more favourable, in which case it must be permitted, or it is not clearly more favourable, in which case it does not constitute proper implementation of the Directive.

In the present case, employees' rights are extended without being restricted elsewhere.²⁴ Employees have the right to decide whether salary claims are transferred to the transferee. At the first stage of the assessment, this correctly leads to the conclusion that the provision is more favourable. However, employers could put employees under pressure to induce them to object to the transfer of the claims, even though doing so would not be in their interests. Such implementation of the Directive would therefore have the potential to undermine its objective. The referring Romanian court referred to the phenomenon, which can also be observed in Germany,²⁵ of transfers of undertakings being used to undermine the legal position of employees. In this regard, the Court relies on the prohibition of abuse of rights, the existence of which is for the national courts to assess (para. 57).²⁶ It leaves the question of favourability open and thus misses an opportunity to give clearer contours to a key concept of EU labour law.²⁷

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²³ See the opening sentence of Directive 77/187/EEC.

²⁴ On this standard, see already CJEU of 10 February 1988 – C-324/86 – *Tellerup v. Daddy's Dance Hall*, para. 15; Klengel, Kollektivverträge im EU-Betriebsübergangsrecht, 2020, pp. 189 et seqq.; see also *ibid.*, pp. 274 et seqq.; Hießl/Kullmann, EU Labour Law, 1st edn 2025, Transfer of Undertakings Directive Art. 8, p. 807.

²⁵ On the practice of stripping away protection against dismissal in the course of a transfer of an undertaking, Hamann, jurisPR 29/2026, note 2, section D.

²⁶ For a detailed discussion, Klengel, Kollektivverträge im EU-Betriebsübergangsrecht, 2020, pp. 329 et seqq.

²⁷ On the absence of a proper derivation and reasoning in the judgment, see also Hamann, jurisPR 29/2026, note 2.

III. Proceedings before the ECtHR

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1. Prohibition of discrimination

Decisions

Judgement (Fourth Section) of 19 May 2026 – No. 11103/23 – Stanković v. Bosnia and Herzegovina

Law: Art. 1 of Protocol No. 12 (general prohibition of discrimination)

Keywords: Health insurance benefits – distinction between employees and self-employed persons – difference in treatment

Core statement: The difference in treatment between employees and self-employed persons in the granting of benefits under statutory health insurance may be justified by differences in the calculation of contributions and in their respective working conditions.

Note: The case concerns the difference in treatment between employees and self-employed persons in the granting of health insurance benefits.

The applicant is a self-employed lawyer. Under domestic law, she is subject to compulsory health insurance, as are employees, and is insured with the Health Insurance Fund of *Republika Srpska*. In 2019, during her pregnancy, she was temporarily incapable of work for 65 calendar days and claimed compensation for loss of earnings for that period. Her claim was rejected by the Health Insurance Fund on the ground that, under the statutory provisions in force at the relevant time, only employees in an employment relationship were entitled to such compensation.

The decision of the Health Insurance Fund was upheld by the domestic courts. A constitutional complaint alleging a violation of the prohibition of discrimination was dismissed. The Constitutional Court considered that the difference in treatment between employees and self-employed persons under the health insurance scheme was attributable to the different systems for calculating contributions applicable to the two groups.

The applicant considers that, as a self-employed person, she was discriminated against in the granting of benefits under compulsory health insurance as compared with employees, contrary to Art. 1 of Protocol No. 12.

According to the Court's case law, the prohibition of discrimination under Art. 1 of Protocol No. 12, which, notwithstanding its different scope, is subject to the same standards as Art. 14 ECHR,²⁸ also applies to status-related characteristics of comparator groups.²⁹ Where general

²⁸ ECtHR of 20 October 2020 – No. 33139/13 – *Napotnik v. Romania*; ECtHR of 22 December 2009 – Nos. 27996/06 and 34836/06 – *Sejdić und Finci v. Bosnia and Herzegovina*.

²⁹ ECtHR of 18 September 2028 – No. 34952/07 – *Beeckmann and Others v. Belgium*; ECtHR of 5 September 2017 – No. 78117/13 – *Fábián v. Hungary*; ECtHR of 25 October 2011 – Nos. 2033/04, 19125/04, 19475/04, 19490/04, 19495/04,

measures of economic or social strategy are concerned, States are afforded a wide margin of appreciation.³⁰

In the present case, the Court finds that, although the difference in treatment was linked to the applicant's status as a self-employed person, she was not in a relevantly similar situation to employees owing to the different calculation of contributions. Moreover, self-employed persons and employees have different rights and obligations in relation to their working conditions, which are governed by different legislation. Under the health insurance legislation applicable at the relevant time, entitlement to compensation existed only in respect of a salary payable by an employer, whereas self-employed persons do not receive a salary.

For those reasons, the applicant was not in a relevantly similar situation to employees, so that no discrimination and therefore no violation of Art. 1 of Protocol No. 12 could be established.

Judgement (Fifth Section) of 4 June 2026 – No. 50885/16 – Brun v. Switzerland

Law: Art. 14 ECHR (prohibition of discrimination) in conjunction with Art. 4 ECHR (prohibition of slavery and forced labour)

Keywords: Unfitness for military service – military-service exemption tax – discrimination on grounds of sex

Core statement: States are afforded a margin of appreciation as regards the justification of a difference in treatment within the meaning of Art. 14 ECHR, the scope of which also depends on the existence of a European consensus.

Note: The applicant was called up for military service in 2000 under the system of general conscription. Military service is compulsory for all male Swiss nationals. Women may perform military service on a voluntary basis. Men who do not perform military or alternative civilian service must pay a military-service exemption tax. After the applicant had completed three months of military service, a military doctor found him unfit for service on medical grounds and he was discharged from military service. Following his discharge, the military-service exemption tax was assessed, taking into account the service he had actually performed. His appeals against the tax assessments, based in particular on the principle of equality between men and women enshrined in Art. 8 of the Swiss Constitution, were unsuccessful at all levels before the domestic courts.

The applicant argues that the military-service exemption tax places male Swiss nationals at a disadvantage compared with both women and male foreign nationals resident in Switzerland, since neither group is required to pay the tax.

The Court first refers to the principles established in its case law concerning discrimination within the meaning of Art. 14 ECHR. A question of discrimination can arise only where persons who are treated differently are in analogous or relevantly similar situations, although those situations need not be identical. The difference in treatment must be based on an identifiable characteristic, or "status". A difference in treatment is discriminatory if it has no objective and reasonable justification, that is, if it does not pursue a legitimate aim or if there is no reasonable relationship of proportionality between the means employed and the aim sought to be realised. States enjoy a certain margin of appreciation in assessing whether and to what extent

19497/04, 24729/04, 171/05; 2041/05 – *Valkov and Others v. Bulgaria*; ECtHR of 13 July 2010 – No. 7205/07 – *Clift v. the United Kingdom*; ECtHR of 16 March 2010 – No. 42184/05 – *Carson and Others v. the United Kingdom*; ECtHR of 8 June 1976 – Nos. 5100/71, 5101/71, 5102/71, 5354/72, 5370/72 – *Engel and Others v. the Netherlands*.

³⁰ ECtHR of 5 September 2017 – No. 78117/13 – *Fábián v. Hungary*; ECtHR of 22 March 2012 – No. 30078/05 – *Konstantin Markin v. Russia*; ECtHR of 16 March 2010 – No. 42184/05 – *Carson and Others v. the United Kingdom*; ECtHR of 12 April 2006 – Nos. 65731/01 and 65900/01 – *Stec and Others v. the United Kingdom*.

differences in otherwise similar situations justify different treatment.³¹ In matters of national security in general and the armed forces in particular, States are afforded a wide margin of appreciation.³² Where a difference in treatment is based on sex, however, very weighty reasons are required by way of justification, and references to traditions, general assumptions or prevailing social attitudes in a particular country are insufficient.³³

The Court had previously held that the military-service exemption tax levied in Switzerland may, in certain circumstances, amount to discrimination.³⁴ The present case is different, however, in that there were objective and reasonable grounds for the difference in treatment. Compulsory military service is intended to ensure the defence readiness of the State. The tax compensates for exemption from the statutory obligation to perform military service. It thereby establishes equality between Swiss men who perform military service and those who are exempt from it.

Since Switzerland cannot require women to perform military service, they cannot be made liable to pay the military-service exemption tax. A financial burden intended to compensate for exemption from compulsory military service can only be imposed on persons who are subject to that obligation, which women are not under domestic law. This is also consistent with the standards prevailing in European States: with the exception of Norway, compulsory military service for women does not exist. The same applies to male foreign nationals resident in Switzerland, who are likewise not subject to compulsory military service in Switzerland.

The Court therefore found no violation of Art. 14 ECHR.

New pending cases (communicated to the respective government)

No. 21467/25 – Mateos Blanco v. Spain (Fifth Section) – lodged on 10 July 2025 – communicated on 23 April 2026

Law: Art. 14 ECHR (prohibition of discrimination) in conjunction with Art. 1 of Protocol No. 1 (protection of property); Art. 1 of Protocol No. 12 (general prohibition of discrimination); Art. 6 ECHR (right to a fair trial)

Keywords: Payment of an allowance to teachers – difference in treatment between vocational-school teachers and teachers at general-education schools

Note: The applicant is a teacher at a public vocational school and also performs duties as a class teacher (tutor). In 2021, she applied for an allowance for those duties, equivalent to the allowance paid to tutors at public general-education schools. Payment of the allowance was refused on the ground that vocational-school teachers and teachers at general-education schools constitute different occupational groups. Her appeals before the domestic courts were unsuccessful.

The Court will have to examine, in the light of its case law,³⁵ whether the difference in treatment between those occupational groups amounts to unequal treatment and whether it is objectively justified for the purposes of Art. 14 ECHR.

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³¹ ECtHR of 18 June 2020 – No. 20452/14 – *Molla Sali v. Greece*.

³² ECtHR of 22 March 2012 – No. 30078/06 – *Konstantin Markin v. Russia*; ECtHR of 27 September 1999 – Nos. 33985/96 and 33986/96 – *Smith and Grady v. the United Kingdom*; ECtHR of 14 October 1996 – No. 31474/96 – *Portilla v. Spain*; ECtHR of 15 May 1996 – No. 22956/93 – *Spottl v. Austria*; ECtHR of 8 June 1976 – Nos. 5100/71, 5101/71, 5102/71, 5354/72 and 5370/72 – *Engel and Others v. the Netherlands*.

³³ ECtHR of 24 January 2017 – Nos. 60367/08 and 961/11 – *Khamtokhu and Aksenchik v. Russia*.

³⁴ ECtHR of 12 January 2021 – No. 23040/13 – *Ryser v. Switzerland*; ECtHR of 30 April 2009 – No. 13444/04 – *Glor v. Switzerland*.

³⁵ ECtHR of 4 October 2022 – No. 8701/21 – *Pinkas and Others v. Bosnia and Herzegovina*.

2. Freedom of association

Decision

Judgement (Second Section) of 12 May 2026 – No. 33144/21 – Trade Union of Social Sector Workers and Others v. Hungary

Law: Art. 11 ECHR (freedom of assembly and association)

Keywords: Strike action – essential services – maintenance of minimum services – delay in judicial proceedings – undermining the right to strike

Core statement: The State may restrict the right to strike only by measures which do not affect the essential elements of trade-union freedom.

Note:³⁶ The applicants allege that the administrative and judicial delays in the compulsory arbitration proceedings to determine the scope of minimum essential services during strikes in the social sector, pursuant to Sections 4 and 5 of the Hungarian Strike Act (Act VII of 1989), have infringed their freedom of association under Art. 11(1) ECHR.

The Court finds that the right to strike is an intrinsic core element of the freedom of association under Art. 11(1) of the ECHR. A compulsory arbitration procedure to determine minimum essential services in essential public services constitutes a significant obstacle and thus a *de facto* interference with that right. This interference may be justified under Art. 11(2) ECHR on the grounds of protecting essential social services, as the State enjoys a wide margin of appreciation when regulating strikes in critical infrastructure sectors. The Court, in accordance with its previous case law³⁷, examines, as part of a comprehensive assessment, firstly, whether the restrictions were proportionate and whether effective compensation mechanisms were available to the trade unions. Secondly, the Court states that restrictions on the core elements of freedom of association, which constitute the very essence of this right, cannot be justified.³⁸ The Court further points out that the State has a procedural duty to act expeditiously.

In December 2019, the *trade union of social sector workers* initiated arbitration proceedings concerning the eleven strikes planned for the period from February to December 2020. Due to numerous administrative and judicial delays, a final and binding judgment was not delivered until 31 January 2021. As this decision was made only after the planned period had elapsed, the complainants were effectively no longer able to carry out their planned industrial action. In the absence of effective domestic legal remedies for urgent relief, the trade union's means of exerting pressure came to nothing. Such extreme delays rob a strike of its momentum and relevance. Yet it is precisely this momentum that is a core element of freedom of association. Consequently, the Court finds that the significant delays caused by the administrative authority and the courts constituted a disproportionate restriction and a violation of Art. 11 ECHR. Furthermore, the Court orders the respondent Government to pay the trade union of social sector workers €10,000 in compensation, while ruling that the mere finding of a violation was sufficient satisfaction for the other applicants.

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³⁶ Written by *Philipp Spitzlei*, Hugo Sinzheimer Institute for Labour and Social Security Law (HSI), Frankfurt am Main.

³⁷ ECtHR of 5 July 2022 – No. 815/18 – *Association of Civil Servants and Union for Collective Bargaining and Others v. Germany*; ECtHR of 15 May 2018 – No. 2451/16 – *Association of Academics v. Iceland*, para. 23.

³⁸ ECtHR of 12 May 2026 – No. 33144/21 – *Trade Union of Social Workers and Others v. Hungary*, para. 29.

3. Protection of privacy

New pending cases (communicated to the respective government)

No. 998/21 – *Bajrami v. Albania* (Third Section) – lodged on 30 December 2020 – communicated on 9 April 2026

Law: Art. 8 ECHR (right to respect for private and family life)

Keywords: Dismissal of prosecutors – inaccuracies in asset declaration – seriousness of the breach

Note: The case concerns the dismissal from office of the applicant, who had served as a prosecutor since 1991. The competent Independent Qualification Commission (IQC) based the dismissal on the fact that, in his 2017 asset declaration, he had provided inaccurate information concerning the financing of an apartment, thereby raising doubts as to the lawful origin of the assets. The appeal against the dismissal was rejected by a majority of the Special Appeal Chamber (SAC), with two judges taking the view that the applicant's breach did not justify his dismissal.

The applicant alleges a violation of Art. 8 ECHR, having regard to the Court's case law³⁹ concerning the necessity of an interference in a democratic society. In particular, the Court will have to examine under what circumstances a breach may justify dismissal.⁴⁰

No. 9311/22 – *Aqolli v. Albania* (Third Section) – lodged on 4 February 2022 – communicated on 4 May 2026

Law: Art. 8 ECHR (right to respect for private and family life)

Keywords: Dismissal of public prosecutors – unclear financial disclosures – professional mistakes – severity of the breach of duty

Note: The applicant, a prosecutor in *Gjirokastra*, was dismissed from office in 2019. A review by the Independent Qualification Commission (IQC) found that, in the assessment of his assets, he had failed to declare a loan of approximately €30,000. In addition, he was alleged to have committed serious professional failures in the exercise of his office in 2008 and 2013. The dismissal was upheld by the Special Appeal Chamber (SAC).

The question is whether the applicant's dismissal was proportionate and necessary in a democratic society for the purposes of Art. 8 ECHR.⁴¹ Particular importance attaches to the seriousness of the professional failures.⁴²

No. 1093/22 – *Nushi v. Albania* (Third Section) – lodged on 23 December 2021 – communicated on 4 May 2026

Law: Art. 8 ECHR (right to respect for private and family life)

³⁹ ECtHR of 13 December 2022 – No. 40662/19 – *Sevdari v. Albania*; ECtHR of 9 February 2021 – No. 15227/19 – *Xhoxhaj v. Albania*.

⁴⁰ ECtHR of 4 July 2023 – No. 41047/19 – *Thanza v. Albania*; ECtHR of 9 February 2021 – No. 15227/19 – *Xhoxhaj v. Albania*.

⁴¹ ECtHR of 4 July 2023 – No. 41047/19 – *Thanza v. Albania*; ECtHR of 13 December 2022 – No. 40662/19 – *Sevdari v. Albania*; ECtHR of 9 February 2021 – No. 15227/19 – *Xhoxhaj v. Albania*.

⁴² ECtHR of 12 January 2023 – Nos. 27276/15 and 33692/15 – *Ovcharenko and Kolos v. Ukraine*; ECtHR of 6 October 2022 – No. 35599/20 – *Juszczyszyn v. Poland*; ECtHR of 9 February 2021 – No. 15227/19 – *Xhoxhaj v. Albania*.

Keywords: Dismissal of prosecutors – lack of professional competence – subsequent amendment of the law

Note: The applicant was dismissed from her post as a prosecutor in *Kukës* in 2019 after eleven years of service. The Independent Qualification Commission (IQC) cited a lack of professional competence as the reason for terminating her service, since several professional failures had been identified in the applicant's previous work.

The applicant alleges a violation of Art. 8 ECHR and argues, in particular, that some of the allegations concern events which occurred before the entry into force of the statutory provisions relevant to her dismissal.

The Court will also have to examine whether the dismissal was proportionate and necessary in a democratic society.⁴³

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4. Procedural law

Decisions

Judgement (Second Section) of 12 May 2026 – No. 37954/21 – *Skrcheski v. North Macedonia*

Law: Art. 6 ECHR (right to a fair trial)

Keywords: Dismissal of judges – application of previous law – principle of legal certainty

Core statement: The principle of legal certainty, as an essential feature of the rule of law, is a fundamental component of the ECHR and, by ensuring stability in legal situations, contributes to public confidence in the courts.

Note: In 2017, disciplinary proceedings were initiated against the applicant before the State Judicial Council of the Republic of North Macedonia (SJC). On 18 June 2019, the SJC decided to dismiss the applicant from judicial office because, in 2015 and 2016, in more than 240 cases he had failed to draft judgments or had failed to do so within the statutory time limit. In doing so, he had seriously breached his obligation to perform his judicial duties.

Following an appeal by the applicant, the Supreme Court set aside the SJC's decision. It reasoned that the applicable statutory provisions of 2010 had been amended in May 2019. Under the new law, judges could be dismissed only for intentional or grossly negligent breaches of duty. In addition, the new law provided for less severe disciplinary measures in cases of breaches of duty by judges. The Supreme Court remitted the case to the SJC for a fresh decision.

On 24 December 2020, the SJC upheld its previous decision to dismiss the applicant on the grounds that the legal provisions of 2010 continued to apply. However, it stated that, under the new law too, judges could be dismissed where the unprofessional performance of judicial duties was attributable to a lack of professional competence or conscientiousness. The applicant had not disputed those allegations.

The applicant had already retired on 7 May 2020 upon reaching the statutory retirement age.

⁴³ ECtHR of 12 January 2023 – Nos. 27276/15 and 33692/15 – *Ovcharenko and Kolos v. Ukraine*; ECtHR of 6 October 2022 – No. 35599/20 – *Juszczyszyn v. Poland*; ECtHR of 9 February 2021 – No. 15227/19 – *Xhoxhaj v. Albania*.

The applicant alleges a violation of Art. 6 ECHR because, after the case had been remitted, the SJC continued to apply the previous law and did not make use of the possibility of less severe disciplinary measures provided for under the new law.

The Court first emphasises that it is not its task to review decisions of national courts as regards disputed facts or errors of law. Its decisions are concerned exclusively with determining whether domestic measures are compatible with the ECHR.⁴⁴ An essential aspect of the rule of law is the principle of legal certainty, which guarantees stability in legal situations and thereby contributes to public confidence in the courts.⁴⁵

In the applicant's case, the Court observes that, after the Supreme Court had remitted the disciplinary proceedings, the SJC continued to regard the statutory provisions of 2010 as applicable, even though the Supreme Court had referred in its decision to the amended legislation. Even though the SJC stated in its subsequent decision that, under the new law too, the unprofessional performance of judicial duties could constitute professional misconduct, it did not provide reasons showing that its decision was based exclusively on the amended legislation. The principle of the rule of law is violated where instructions imposed on a lower-instance body by an appellate court in connection with the remittal of a case are not complied with.

The Court therefore found a violation of Art. 6 ECHR.

Judgement (First Section) of 21 May 2026 – Nos. 62765/14, 62769/14 and 62772/14 – Sobczyńska and Others v. Poland

Law: Art. 6 ECHR (right to a fair trial); Art. 13 ECHR (right to an effective remedy)

Keywords: Appointment to judicial office – refusal of appointment – lack of judicial review

Core statement: The constitutional principle of equal access to public office gives suitably qualified applicants a right to a fair and transparent procedure for the examination of an application for judicial office and to protection against arbitrary refusal; it does not confer a substantive right to appointment.

Note: After completing their legal training, the applicants were employed as so-called junior judges in a three-year preparatory service. At the end of that period, in 2006 they applied to the National Council of the Judiciary (NCJ) for appointment to judicial office and applied for vacant posts at various district courts. Their applications were approved both by the general assemblies of the courts concerned and by the NCJ and were submitted to the President of the Republic, who, under domestic law, appoints judges upon a motion by the NCJ. The then President *Kaczyński* announced that he would not appoint the applicants. The decision was published in the Official Gazette in January 2008.

The actions brought against that decision before the administrative courts were unsuccessful and were dismissed as inadmissible. Although the President of the Republic formed part of the executive, he was not considered to constitute public administration, with the result that his decisions were not subject to review by the administrative courts. The constitutional complaints lodged by the applicants were also unsuccessful.

The applicants allege a violation of Art. 6 ECHR. In their view, the President of the Republic had wrongly refused to appoint them as judges even though they fulfilled the relevant

⁴⁴ ECtHR of 6 November 2018 – Nos. 55391/13, 57728/13 and 74041/13 – *Ramos Nunes de Carvalho e Sá v. Portugal*; ECtHR of 8 June 2010 – No. 16047/04 – *Alkes v. Turkey* (No. 2).

⁴⁵ ECtHR of 29 November 2016 – No. 76943/11 – *Greek Catholic Parish of Lupeni and Others v. Romania*; ECtHR of 5 July 2005 – No. 38064/97 – *Turczanik v. Poland*.

requirements. As the national courts refused to review that decision, the applicants submit that they were denied access to an independent and impartial tribunal.

The Court finds that at least the second condition of the so-called “*Eskelinen test*”⁴⁶ is not satisfied. Under that condition, access to a court may be denied only on objective grounds in the State’s interest. Referring in particular to its case-law concerning the situation of judges in Poland,⁴⁷ the Court concludes that the refusal to appoint the applicants gave rise to legitimate concerns of arbitrariness.

Although Polish law does not confer a substantive right to appointment as a judge, the constitutional principle of equal access to public office requires decisions concerning access to judicial office to be taken through a transparent procedure offering applicants protection against arbitrary refusal. The applicants were not only sufficiently qualified for judicial office; their appointments had also been approved by the respective courts and by the NCJ. They were therefore entitled to expect the refusal of their appointment to be examined in a transparent procedure by an independent court.⁴⁸ In the applicants’ cases, which concern judicial careers, there were in any event no weighty reasons capable of justifying the denial of judicial review of the decision concerning access to judicial office.⁴⁹

Art. 6 ECHR protects the full range of proceedings before national courts. Art. 13 ECHR, by contrast, concerns the right to an effective remedy in respect of violations of the ECHR resulting from State action. The guarantees under Art. 6 ECHR are therefore stricter, so that there was no need to examine whether Art. 13 ECHR had also been violated in the applicants’ cases.⁵⁰

On account of the violation of Art. 6 ECHR found by the Court, the respondent Government was ordered to pay each applicant €13,000 in compensation.

Judgement (Second Section) of 26 May 2026 – No. 42109/22 – *Samet Kaya v. Türkiye*

Law: Art. 6 ECHR (right to a fair trial); Art. 8 ECHR (right to respect for private and family life)

Keywords: Dismissal of judges – unfitness for judicial service – reviewability of the decision – independence of a tribunal

Core statement: The right of access to a court is a procedural guarantee inherent in Art. 6 ECHR which derives from the rule of law and is intended to prevent the arbitrary exercise of State power.

Note: In 2017, after completing his legal training, the applicant entered the judicial service as a public prosecutor. Following the breakdown of his marriage, he developed depression in 2019. After he had regained his fitness for work, the competent authority ordered an examination to assess his permanent fitness for judicial service. Although no acute psychiatric symptoms were found, a risk of a stress-related recurrence of the condition was identified, making continued outpatient treatment necessary. On the basis of the medical findings, the Council of Judges and Prosecutors (*Hâkimler ve Savcılar Kurulu – HSK*) considered the applicant no longer fit to perform the duties of a judge or prosecutor and ordered his dismissal from service in 2021. A further examination commissioned by the applicant concluded that

⁴⁶ ECtHR of 19 April 2007 – No. 63235/00 – *Vilho Eskelinen and Others v. Finland*.

⁴⁷ ECtHR of 15 January 2026 – No. 13278/20 – *Biliński v. Poland*; ECtHR of 24 October 2023 – No. 25226/18 – *Pajak and Others v. Poland*; ECtHR of 15 March 2022 – No. 43572/18 – *Grzęda v. Poland*; ECtHR of 8 November 2021 – Nos. 49868/19 and 57511/19 – *Dolińska-Ficek and Ozimek v. Poland*.

⁴⁸ ECtHR of 7 October 2025 – No. 38687/22 – *Misiūnas v. Lithuania*; ECtHR of 1 December 2020 – No. 26374/18 – *Guðmundur Andri Ástráðsson v. Iceland*.

⁴⁹ ECtHR of 20 June 2023 – No. 24492/21 – *Oktay Alkan v. Türkiye*; ECtHR of 9 March 2021 – No. 1571/07 – *Bilgen v. Turkey*.

⁵⁰ ECtHR of 26 October 2000 – No. 30210/96 – *Kudła v. Poland*.

there were no symptoms impairing his fitness for service and that he had fully recovered. Nevertheless, the applicant's request for review of the dismissal decision was rejected on the grounds that the renewed assessment could not exclude the risk of a relapse. Under Turkish law, HSK decisions concerning the dismissal of judges are not subject to judicial review.

The applicant submits that the non-reviewability of the HSK's decision violates Art. 6 ECHR because he was denied access to a court. He further argues that his dismissal from service constituted an interference with his private life protected under Art. 8 ECHR.

The right of access to a court is a guarantee inherent in the rule of law which is intended to prevent the arbitrary exercise of State power.⁵¹ This presupposes that the lawfulness of State action can be determined only by independent and impartial tribunals.⁵² In recent similar cases,⁵³ the Court had found that the HSK was not a tribunal within the meaning of Art. 6 ECHR. The fact that, following a renewed examination of his state of health, the applicant was afforded the possibility of a further review of the dismissal decision does not alter the Court's assessment, as this did not constitute an effective remedy. In view of the serious consequences of the dismissal for the applicant, the Court sees no justification for excluding him from access to a court.

The issues raised by the examination under Art. 6 ECHR also concern, in substance, the complaint under Art. 8 ECHR, so that it is unnecessary to determine whether that provision was also violated.⁵⁴

The Court found a violation of Art. 6 ECHR and ordered the respondent Government to pay the applicant €9,000 in compensation.

Judgement (Fifth Section) of 25 June 2026 – No. 474/21 – Shevchuk v. Ukraine

Law: Art. 6 ECHR (right to a fair trial); Art. 8 ECHR (right to respect for private and family life); Art. 10 ECHR (freedom of expression)

Keywords: Dismissal of judges – decision of the Constitutional Court – non-reviewability of the decision – access to a court

Core statement: Where there is an interference with the right to respect for private life under Art. 8 ECHR on the basis of domestic law, the relevant legal provisions must be both accessible and foreseeable.

Note: In 2014, the applicant was appointed by the Parliament of Ukraine as a judge of the Constitutional Court of Ukraine (CCU) and was elected its President in February 2018. On the initiative of three judges, two of whom were members of the Constitutional Court, removal proceedings were initiated against the applicant on the grounds that he had neglected his judicial duties. The applicant was accused of having attempted to extend his powers within the Constitutional Court and of having publicly criticised both individual legislative proposals and the President of Ukraine. In doing so, he had allegedly damaged the reputation of the judiciary.

In May 2019, the Constitutional Court, which under domestic law is competent to dismiss judges of the Constitutional Court, decided, without the applicant's participation, to remove him

⁵¹ ECtHR of 5 April 2018 – No. 40160/12 – *Zubac v. Croatia*; ECtHR of 21 February 1975 – No. 4451/70 – *Golder v. the United Kingdom*.

⁵² ECtHR of 5 April 2018 – No. 40160/12 – *Zubac v. Croatia*; ECtHR of 15 March 2022 – No. 43572/18 – *Grzęda v. Poland*.

⁵³ ECtHR of 20 June 2023 – No. 24492/21 – *Oktay Alkan v. Türkiye* (see *HSI-Report 2/2023*, pp. 26 et seq.); ECtHR of 9 March 2021 – No. 1571/07 – *Bilgen v. Turkey*; ECtHR of 9 March 2021 – No. 76521/12 – *Eminağaoğlu v. Turkey*.

⁵⁴ ECtHR of 11 December 2025 – No. 13186/20 – *Tsaava and Others v. Georgia*; ECtHR of 17 July 2014 – No. 47848/08 – *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania*; ECtHR of 22 June 2006 – No. 7548/04 – *Bianchi v. Switzerland*; ECtHR of 24 April 2003 – Nos. 36812/97 and 40104/98 – *Sylvester v. Austria*.

both from the office of President and from his position as a judge of the Constitutional Court. The initiators of the removal proceedings participated in that decision.

An action brought against that decision before the Administrative Court was initially successful. That court found that there were insufficient grounds to justify the applicant's removal from office.

During the appeal proceedings initiated by the respondent Government, the Constitutional Court adopted, in the context of a 'decision on the interpretation of constitutional law', a ruling according to which decisions of the Constitutional Court, including decisions concerning the dismissal of judges of that court, were not subject to appeal. The Court of Appeal subsequently discontinued the proceedings. An appeal to the Supreme Court was unsuccessful.

The applicant alleges a violation of Art. 6 ECHR on the grounds that he was denied access to a court. He further considers that his dismissal from judicial office constituted an unjustified interference with his private life within the meaning of Art. 8 ECHR.

Contrary to the respondent Government's submissions, the Court emphasises that Art. 6 ECHR applies to judicial proceedings concerning the employment of judges and civil servants.⁵⁵ As regards the impartiality of the tribunal, the Court observes that two of the three judges who had initiated the applicant's removal also participated in the decision to remove him. The double role played by those judges cast doubt on their impartiality.⁵⁶ Those concerns were not addressed by the Constitutional Court.⁵⁷ It would not have been impossible to obtain the two-thirds majority required for the applicant's removal without the judges whose impartiality was in question. In view of its composition, the Constitutional Court therefore did not constitute an impartial tribunal within the meaning of Art. 6 ECHR.

The Court points out that, under Art. 8 ECHR, an interference with the right to respect for private life must be prescribed by law and necessary in a democratic society.⁵⁸ Under domestic law, judges of the Constitutional Court may be dismissed only in the event of a serious disciplinary offence. However, Ukrainian law does not define with sufficient precision what is meant by that concept. The provision therefore does not satisfy the requirements applicable to an interference "prescribed by law" within the meaning of Art. 8 ECHR.

For those reasons, the Court found violations of both Art. 6 ECHR and Art. 8 ECHR. The applicant was awarded €2,000 in compensation.

New pending cases (communicated to the respective government)

No. 25502/25 – *Albani v. San Marino* (Fifth Section) – lodged on 13 August 2025 – communicated on 17 April 2026

Law: Art. 6 ECHR (right to a fair trial); Art. 13 ECHR (right to an effective remedy)

Keywords: Application for judicial office – rejection due to personal interests – independence of the tribunal

Note: See No. 36229/25 – *Simoncini v. San Marino*.

⁵⁵ ECtHR of 15 March 2022 – No. 43572/18 – *Grzęda v. Poland*; ECtHR of 19 April 2007 – No. 63235/00 – *Vilho Eskelinen and Others v. Finland*.

⁵⁶ ECtHR of 30 April 2015 – No. 6899/12 – *Mitrinovski v. the former Yugoslav Republic of Macedonia*; ECtHR of 9 January 2013 – No. 21722/11 – *Oleksandr Volkov v. Ukraine*.

⁵⁷ ECtHR of 23 January 2025 – No. 20140/23 – *Suren Antonyan v. Armenia*; ECtHR of 27 June 2019 – No. 53427/09 – *Cosmos Maritime Trading and Shipping Agency v. Ukraine*.

⁵⁸ ECtHR of 6 July 2023 – Nos. 21181/19 and 51751/20 – *Tuleya v. Poland*.

No. 5150/26 – Filippi v. San Marino (Fifth Section) – lodged on 30 January 2026 – communicated on 17 April 2026

Law: Art. 6 ECHR (right to a fair trial)

Keywords: Application for judicial office – rejection due to personal interests – independence of the tribunal

Note: See No. 36229/25 – Simoncini v. San Marino.

No. 36229/25 – Simoncini v. San Marino (Fifth Section) – lodged on 13 November 2025 – communicated on 20 April 2026

Law: Art. 6 ECHR (right to a fair trial); Art. 13 ECHR (right to an effective remedy)

Keywords: Application for judicial office – rejection due to personal interests – independence of the tribunal

Note: In 2023, the applicant unsuccessfully participated in a selection procedure for appointment as a judge. The successful candidate was appointed on the recommendation of the Chief Justice. The applicant challenged the rejection. The judicial decision dismissing his challenge was taken by a judge who, at that time, had not yet been appointed as a judge for life and whose appointment depended on the decision of the Chief Justice who had recommended the candidate selected instead of the applicant.

In view of these connections, the applicant questions the independence of the tribunal which decided on his application and therefore alleges a violation of Art. 6 ECHR.⁵⁹

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⁵⁹ ECtHR of 6 November 2018 – Nos. 55391/13, 57728/13 and 74041/13 – Ramos Nunes de Carvalho e Sá v. Portugal; ECtHR of 18 October 2018 – No. 80018/12 – Thiam v. France; ECtHR of 25 September 2018 – No. 76639/11 – Denisov v. Ukraine; ECtHR of 22 October 1984 – No. 8790/79 – Sramek v. Austria.

IV. Proceedings before the European Committee of Social Rights (ECSR)

Compiled and commented by Leah Mathiesen, Dipl. iur., and LL.M. (Leiden University)

(In)admissibility decisions

Decision on admissibility of 19 May 2026 – No. 249/2025 – *Unione Italiana del Lavoro (UIL) v. Italy* (see press release of 17 June 2026)⁶⁰

Law: Art. 3 RESC (right to safe and healthy working conditions); Art. 11 § 3 RESC (right to protection of health)

Keywords: Health protection – safe working conditions – occupational diseases – accidents at work – fatalities – inspections – prevention

Decision on admissibility of 19 May 2026 – No. 256/2025 – *The Finnish Trade Union of Education (OAJ) v. Finland* (see press release of 17 June 2026)⁶¹

Law: Art. 6 RESC (right to bargain collectively); Art. G RESC (restrictions)

Keywords: Collective bargaining – collective bargaining autonomy – industrial action – solidarity strike – state interference

Decision on admissibility of 16 March 2026 – No. 247/2025 – *Union nationale des footballeurs professionnels (UNFP) v. France* (see press release of 7 April 2026)⁶²

Law: Art. 2 RESC (right to just conditions of work); Art. 3 RESC (right to safe and healthy working conditions); Art. 6 RESC (right to bargain collectively); Art. 7 RESC (right of children and young persons to protection); Art. 11 RESC (right to protection of health)

Keywords: Professional footballers – minors – employees – just conditions of work – health protection

Decision on admissibility of 16 March 2026 – No. 248/2025 – *Asociación Profesional Justicia Guardia Civil (JUCIL) v. Spain* (see press release 7 April 2026)⁶³

Law: Art. 5 RESC (right to organize); Art. 6 §§ 2 and 4 RESC (right to bargain collectively)

Keywords: Police – trade union – freedom of association – collective bargaining – right to strike – consultation – proportionality

⁶⁰ See [HSI-Report 3/2025](#), p. 64.

⁶¹ See [HSI-Report 1/2026](#), p. 49.

⁶² See [HSI-Report 3/2025](#), p. 65.

⁶³ See [HSI-Report 3/2025](#), p. 64.

Decision on admissibility of 16 March 2026 – No. 252/2025 – European Organisation of Military Associations and Trade Unions (EUROMIL) v. Italy (see press release of 7 April 2026)⁶⁴

Law: Art. 5 RESC (right to organize); Art. 6 §§ 2 and 4 RESC (right to bargain collectively)

Keywords: Military personnel – right to strike – trade union – dispute resolution – collective bargaining – right to organise

Decision on admissibility of 16 March 2026 – No. 253/2025 – European Organisation of Military Associations and Trade Unions (EUROMIL) v. France (see press release of 7 April 2026)⁶⁵

Law: Art. 5 RESC (right to organise); Art. 6 RESC (right to bargain collectively)

Keywords: Military personnel – freedom of association – trade union activity – collective bargaining – right to strike

Decisions on the merits

Decision on the merits of 26 June 2026 – No. 227/2023 – Amnesty International und Médecins du Monde – International v. Sweden (see press release of 26 June 2026)

Law: Art. 11 § 1 RESC (right to protection of health); Art. E RESC (non-discrimination)

Keywords: Health protection – vulnerable EU migrants – Roma – indirect discrimination – regional application of the law – access to healthcare – personal scope of application of the Charter

Core statement: 1. Denying access to healthcare to vulnerable EU migrants who have no health insurance in their country of origin violates Art. 11 § 1 RESC (paras 88–89).

2. The inconsistent interpretation and application of national legislation by the Swedish regions, together with the unequal treatment of these persons compared to undocumented migrants, constitutes a violation of Art. E in conjunction with Art. 11 § 1 RESC (paras 96–97).

3. The disproportionate impact on members of the Roma minority constitutes indirect discrimination on grounds of ethnic origin and likewise amounts to a violation of Art. E in conjunction with Art. 11 § 1 RESC (paras 98–100).

Note: The complainant organisations allege that, in numerous cases, vulnerable EU citizens in Sweden have been denied necessary medical treatment or been charged the full cost of treatment, which deters many of those affected from seeking medical help in the first place. According to the complainants, this predominantly affects members of the Roma minority.

The Committee first examines the personal scope of application of the Charter. It notes that, although the persons concerned are EU nationals, they have neither health insurance in their country of origin nor a secure right of residence in Sweden. As regards their right to life and to health and physical integrity, they are therefore in a situation comparable to that of migrants in an irregular situation. Since excluding them from the Charter's protection would have serious consequences for their right to health and would place them in a situation incompatible with human dignity, the Committee affirms the applicability of Art. 11 § 1 RESC (paras 44–52), while stressing that this is an absolute exception. The complaints under Art. 11 §§ 2–3 and Art. 13

⁶⁴ See [HSI-Report 3/2025](#), p. 65.

⁶⁵ See [HSI-Report 4/2025](#), p. 56.

§§ 1–4 RESC are not examined separately for lack of sufficient substantiation, the corresponding facts are instead assessed under Art. 11 § 1 RESC (paras 57–62, 110).

On the merits, the Committee finds that denying subsidised, or any, healthcare to the group concerned violates Art. 11 § 1 RESC. Numerous individual cases, including terminations of pregnancy, thromboses and bone fractures, document this (paras 83–89). As regards Art. E, the Committee finds, first, that the Swedish regions interpret the relevant legislation in highly divergent ways, so that the persons concerned are in some cases treated less favourably than migrants without a residence permit, without any objective justification being apparent (paras 92–97). Second, the Committee finds that the majority of the persons affected belong to the Roma minority, which constitutes indirect discrimination on grounds of ethnic origin (paras 98–100).

Decision on the merits of 31 July 2026 – No. 228/2023 – Comisiones Obreras de Castilla y León (CCOO CyL) und Unión General de Trabajadores de Castilla y León (UGT CyL) v. Spain (see press release of 18 June 2026)⁶⁶

Law: Art. 5 RESC (right to organise); Art. 6 RESC (right to bargain collectively)

Keywords: Social dialogue – safe and healthy working conditions – occupational risks – collective bargaining – settlement of labour disputes – vocational guidance – integration of migrant workers

Core statement: 1. The temporary withdrawal or reduction of funding for trade unions' institutional participation, and the closure of a tripartite conciliation body by a regional government, do not amount to a violation of Art. 6 § 1 RESC where the measures concerned have in the meantime been overturned by the courts or reversed by a subsequent government, and social dialogue has been fully restored by the time of the decision (paras 49–50).

2. A hypothetical risk of a return to rights-violating measures does not, in itself, amount to a violation of the Charter (para. 49).

Note: The complainant trade unions allege that the regional government that took office in the autonomous community of *Castile and León* in 2022 pursued a deliberate policy of weakening social dialogue. This was said to be reflected, among other things, in the non-compliance with existing social dialogue agreements, the withdrawal of statutory funding for institutional participation, cuts to numerous funding programmes (including occupational safety and vocational training for migrants), and the closure of the tripartite conciliation body *SERLA*. These measures were said to have been accompanied by repeated disparaging public statements by representatives of the regional government about the trade unions (paras 22–27).

The Spanish government already acknowledged in its first submission that the regional government's measures breached national law and the Charter, but pointed to available judicial remedies. In the further proceedings, both parties agreed that a new regional government, which took office in the second half of 2024, had fully resumed social dialogue (paras 30–33, 35).

In its decision, the Committee examined these measures primarily under Art. 6 § 1 RESC. It finds that the violations originally complained of are to be regarded as remedied by the measures taken in the second half of 2024. However, given the complainants' claim of continuing damage to trust, it considers it appropriate nonetheless to examine on the merits whether there has been a substantive violation of Art. 6 § 1 RESC (paras 34–36). It stresses that the State Party remains internationally responsible for the proper discharge of Charter

⁶⁶ See [HSI-Report 1/2024](#), p. 48.

obligations by regional bodies (para. 37). On the merits, the Committee welcomes the fact that Spain has a constitutionally enshrined and statutorily developed framework for social dialogue, and that *Castile and León* has a particularly well-developed system of tripartite concertation (para. 47). Since the contested measures were either overturned by the courts or reversed by the new regional government, social dialogue has been fully restored, and the allegations of a lack of commitment on the part of the regional government were not sufficiently substantiated, the Committee finds no violation of Art. 6 § 1 RESC. A merely hypothetical risk of a future return to rights-violating policy does not suffice (paras 49–50).

Newly lodged complaints

Complaint of 11 June 2026 – No. 264/2026 – Pan-Cyprian Trade Union ISOTITA v. Cyprus (in English)

Law: Art. 5 RESC (right to organise); Art. 6 §§ 1 and 2 RESC (right to bargain collectively); Art. 28 RESC (right of workers’ representatives to protection); Art. E RESC (non-discrimination)

Keywords: Prison officers – trade union rights – workers’ representatives – reprisals – discrimination – interim measures

Note: The complainant trade union alleges that representatives of its prison officers’ section have been placed at a disadvantage because of their trade union activity, including through changes to their working conditions and disciplinary measures. It further alleges that the union is treated less favourably than another union in respect of state funding, participation opportunities and trade union facilities. It considers this to constitute discrimination on grounds of trade union membership and a violation of the trade union rights guaranteed by the RESC. It also requests the granting of interim measures under Rule 36 of the Committee’s Rules of Procedure.

Complaint of 2 June 2026 – No. 263/2026 – Fellesforbundet for Sjøfolk (FFFS) v. Norway (in English)

Law: Art. 5 RESC (right to organise)

Keywords: Trade unions – freedom of association – equal treatment – membership numbers – collective bargaining law

Note: FFFS complains that certain powers and privileges under Norwegian labour law are reserved exclusively for trade unions with more than 10,000 members. It argues that this places smaller trade unions at a structural disadvantage and restricts the free choice of trade union. It further submits that this statutory arrangement, combined with the privileged position of the Norwegian Confederation of Trade Unions (LO), results in an unjustified preference for large trade unions.

Complaint of 28 May 2026 – No. 262/2026 – Fédération SUD Santé Sociaux v. France (in French)

Law: Art. 2 § 1 RESC (right to reasonable working hours); Art. 2 § 5 RESC (right to a weekly rest period); Art. 4 § 2 RESC (right to an increased rate of remuneration for overtime work)

Keywords: Working hours – public hospitals – overtime – rest periods – occupational safety

Note: The complainant alleges that French rules on working time in the public hospital sector give employers too much latitude in scheduling working hours. It submits that the existing safeguards are neither sufficiently precise nor binding, and that there is a lack of effective guarantees ensuring weekly rest periods and adequate compensation for overtime.

Complaint of 18 May 2026 – No. 261/2026 – *Federación Estatal de Trabajadores de la Administración Pública de la CGT (FETAP-CGT) v. Spain* (in *Spanish*)

law: Art. 1 § 1 RESC (right to work); Art. 20 RESC (equal treatment in matters of employment and occupation); Art. 24(b) RESC (protection in cases of termination of employment)

Keywords: Successive fixed-term contracts – public sector – compensation – indirect discrimination – women – equality

Note: The complainant alleges that Spanish law does not adequately protect public-sector employees against the abusive use of successive fixed-term employment relationships. It further submits that there is no adequate system of compensation or legal redress where such employment relationships are terminated. It also argues that women are disproportionately affected by fixed-term employment, giving rise to indirect discrimination on grounds of sex.

Complaint of 13 May 2026 – No. 260/2026 – *European Confederation of Police (EuroCOP), Association of Garda Sergeants and Inspectors (AGSI) und Garda Representative Association (GRA) v. Ireland* (in *English*)

Legal provisions: Art. 5 RESC (right to organize); Art. 6 § 2 RESC (right to bargain collectively); Art. 6 § 4 RESC (right to strike)

Keywords: Police – freedom of association – collective bargaining – legislative reforms

Background: The complainants allege that Ireland has still not adequately remedied the violations found by the European Committee of Social Rights in Complaint No. 83/2012. Members of the Irish police force (*An Garda Síochána*) continue to face restrictions on their freedom of association and on collective bargaining and industrial action. Recent legislative and disciplinary reforms are also said to have further worsened the labour and collective rights of police officers.

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V. Recent developments in International Labour and Social Security Law

Compiled by Leah Mathiesen, Dipl. iur., and LL.M. (Leiden University)

1. European Union

1.1. European Parliament

Coordination of social security systems for mobile workers (see press release of 22 April 2026 and 6 May 2026)

After almost ten years of negotiations, Parliament and the Council reached agreement on a reform of the EU rules on the coordination of social security systems, which was subsequently endorsed by the Employment and Social Affairs Committee. The aim is fairer and clearer access to social benefits for workers who live or work in another EU member state. The new rules clarify in particular responsibility for unemployment, family and long-term care benefits, as well as for posted workers and persons working across borders. For the first time, long-term care benefits are explicitly regulated, including through a definition and a list of the benefits covered by the rules. In addition, workers will have to be covered by social insurance in their home country for at least three months before being posted to another member state. After 24 months of posting, a break of at least two months must occur before a further posting can take place. The agreement introduces a mandatory prior notification system: before a posting, the competent authorities of the sending member state must be notified in advance. Exceptions apply to business trips and short-term activities not exceeding three consecutive days. The construction sector is not covered by this exception. In addition, the exchange of information between member states is to be improved, fraud combated more effectively, and digital procedures expanded.

Support for Belgian workers (see press release of 29 April 2026 and 16 June 2026)

Parliament approved funding on several occasions from the European Globalisation Adjustment Fund (EGF) to support dismissed workers in Belgium. Following the insolvency of steelmaker *Liberty Steel Belgium*, 507 former employees will receive €2 million for career guidance, training, IT courses and support for setting up businesses. A further €2 million will go to 803 former employees of car-glass manufacturer *Soliver* following its insolvency. The funding covers career guidance, job-search support, further training and placement measures.

Promoting equality between women and men in care work (see press release of 21 May 2026)

The European Parliament adopted an own-initiative report promoting equality between women and men in formal and informal care. It stresses that access to care is a fundamental right and calls on member states to reduce gender inequalities in the care sector. Parliament calls for a European Statute for Carers to strengthen the recognition of care work and establish EU-wide minimum standards. It also wants informal carers to be better taken into account in pension and social security systems. To achieve a fairer distribution of caring responsibilities, it calls, among other things, for expanding high-quality care provision, family-friendly working

arrangements, and measures to increase men's involvement in caring tasks. Parliament also welcomes the Commission's announcement that it will present a "European Care Deal" in 2027, which is to contain measures to reduce gender inequalities in care and to support formal and informal carers.

Improved protection for vulnerable adults in cross-border civil proceedings (see press release of 12 May 2026)

Parliament and the Council agreed on new EU rules to protect adults in need of support in cross-border civil proceedings. The rules make it easier to recognize support and representation measures between member states and strengthen the right of the persons concerned to self-determination. A European Certificate of Support and Representation is also envisaged, to prove representative authority throughout the EU. In addition, information services for those affected are to be improved and digital cooperation between the competent authorities expanded.

Simplification of the AI Act and ban on "nudifier" apps " (see press release of 16 June 2026)

The European Parliament approved the amendment of certain provisions of the Artificial Intelligence Act (AI Act) as part of the "digital omnibus package". The obligations for AI systems will henceforth apply from 2 December 2027 for stand-alone high-risk systems, and from 2 August 2028 for AI systems embedded as safety components in products regulated under sectoral rules. The obligation to label AI-generated content by machine-readable means (watermarking) is postponed to 2 December 2026.

The amendments are intended to simplify the application of the regulatory framework and avoid duplicate regulation. On the one hand, it is clarified that AI embedded in machinery products generally only has to comply with the relevant sector-specific safety rules, provided that an equivalent level of health and safety protection is maintained. On the other hand, the concept of "safety component" is clarified: AI functions that merely support users or optimize performance do not automatically count as high-risk AI, provided their failure does not create health or safety risks. Furthermore, the processing of personal data to detect and correct bias is permitted where this is strictly necessary and appropriate data protection safeguards are in place. Finally, existing exemptions are extended to smaller mid-cap companies. Criticism has come from the European Trade Union Confederation (ETUC), which warned that the planned simplifications could exempt safety-relevant AI components in machinery products from the AI Act's core requirements. Before entering into force, the amendment still requires the Council's formal approval.

A new EU-wide ban is being introduced on so-called "nudifier" apps, as well as on AI systems used to generate child sexual abuse material and on images, videos and audio recordings depicting non-consensual intimate content of identifiable persons.

Better protection of workers against dangerous chemicals (see press release of 23 June 2026)

The European Parliament and the Council reached a provisional agreement on stricter EU rules to protect workers from exposure to carcinogenic, mutagenic and reprotoxic substances. New limit values are envisaged for cobalt, polycyclic aromatic hydrocarbons, 1,4-dioxane and isoprene, together with a review of additional limit values for welding fumes. Employers will be required to provide suitable personal protective equipment and to enable regular recovery breaks in unaffected areas. Additional protective measures are planned for firefighters and

rescue workers. Small and medium-sized enterprises are to be supported in implementation. According to Commission estimates, the new rules could prevent around 1,700 cases of lung cancer and 19,000 other occupational illnesses over the next 40 years.

1.2. European Commission

More than 10 million workers trained under the Skills Pact (see press release of 16 April 2026)

According to the Commission, more than 10 million people have taken part in training measures since the launch of the European Pact for Skills in 2020, including 3.9 million in 2025 alone. The Pact supports companies, social partners, education and training providers and public bodies in closing skills gaps and preparing workers for the digital and green transitions. To date, more than €1 billion has been invested in skills development and almost 46,500 education and training programmes have been developed or revised. The aim is for 60% of adults to take part in training every year by 2030, and to up- or reskill a total of 25 million people.

Social package to combat poverty and strengthen the rights of persons with disabilities (see press release of 6 May 2026)

The Commission presented a comprehensive social package comprising an EU Strategy to combat poverty by 2050, a proposal for a Council Recommendation on tackling housing exclusion, a Communication on strengthening the European Child Guarantee, and a Communication on further developing the Strategy for the Rights of Persons with Disabilities up to 2030. The package includes plans for consultations on a new legal instrument for the labour-market integration of disadvantaged persons, measures against child poverty, more affordable housing and the expansion of accessible working and living conditions.

Implementation of the Migration and Asylum Pact (see press release of 8 May 2026)

The Commission reports substantial progress in implementing the Migration and Asylum Pact, which applies from June 2026. Member states are working on introducing joint asylum procedures, new screening and border procedures, and a solidarity mechanism. From an employment and social policy perspective, the Commission is providing a total of €3 billion for the implementation of the new system and for the temporary protection of Ukrainian refugees. Critics of the Migration and Asylum Pact warn that the reform, in particular through mandatory border procedures and extended restrictions on liberty affecting families and minors as well, could lead to disproportionate interference with the fundamental and human rights of persons seeking protection.

Commission's response to the European Citizens' Initiative on banning conversion practices (see press release of 13 May 2026)

The European Commission responded to the successful European Citizens' Initiative "Ban on conversion practices in the European Union" and announced that in 2027 it will present a recommendation to member states calling on them to ban conversion practices directed at LGBTIQ+ persons. The initiative forms part of the LGBTIQ+ Equality Strategy 2026–2030 and is intended to better protect those affected against discrimination, violence and harm to their health. The Commission intends to promote structured dialogue with member states and support them in introducing corresponding bans.

Spring 2026 Forecast: energy shock weighs on the labour market and real wages ([see press release of 21 May 2026](#))

The Commission's [Spring 2026 Forecast](#) projects weaker economic growth and a renewed rise in inflation as a result of the energy shock caused by the conflict in the Middle East. Employment growth is expected to slow significantly, the long-term decline in unemployment is expected to come to an end, and the unemployment rate is expected to stabilize at around 6% by 2027. At the same time, nominal wages are expected to continue rising to partially offset higher inflation. The Commission points to the importance of public investment, particularly in the energy transition and structural reforms, to secure employment and competitiveness in the long term. Risks cited include persistently weak demand for labour and the possible effects of artificial intelligence on the labor market.

1.3. European Council and Council of the European Union

Expansion of the European Globalisation Adjustment Fund (EGF) ([see press release of 11 May 2026](#))

The Council gave final approval to the regulation expanding the [EGF](#). Until the end of 2027, support can now also be provided to employees who are at imminent risk of losing their jobs. Eligible measures include, in particular, training and retraining, skills certification, career guidance and job-search support. The aim of the expansion is to facilitate career transitions at an earlier stage.

International Day against Homophobia, Biphobia and Transphobia ([see press release of 16 May 2026](#))

On the occasion of the International Day against Homophobia, Biphobia and Transphobia, the EU reaffirmed its commitment to protecting the rights of LGBTIQ persons. It called for the worldwide abolition of discriminatory laws and announced that it would continue to support civil-society organisations and human rights defenders. The forthcoming new EU LGBTIQ+ strategy is intended to strengthen protection against violence and discrimination and promote equality and social participation.

Industrial strategy for the maritime economy ([see press release of 8 June 2026](#))

The Council approved [draft Conclusions](#) on the industrial strategy for the maritime economy, which highlight the strategic importance of the European shipbuilding and shipping sector. In view of the ongoing shortage of labour and skilled workers, member states call for increased investment in initial, further and retraining measures, as well as a European initiative on maritime skills to attract more skilled workers to the sector. In addition, innovation, digitalisation and decarbonisation are to be promoted and fair competitive conditions vis-à-vis third countries ensured. The [Industrial Strategy](#) adopted by the Commission on 4 March 2026 is intended to strengthen Europe's leading position in the maritime sector and help it navigate challenges such as strategic dependencies and intensifying competition.

Digital notification system for posted workers ([see press release of 23 June 2026](#))

The Council and the European Parliament reached a provisional agreement on a regulation introducing a digital EU notification system for posted workers. In future, a single electronic platform will allow posting declarations to be submitted, considerably reducing the administrative burden on companies and authorities. At the same time, monitoring of

compliance with the Posting of Workers Directive is to be improved and the rights of posted workers strengthened. The provisional agreement must still be endorsed by the Council and the European Parliament before being formally adopted.

Update of the EU workplace pension framework ([see press release of 26 June 2026](#))

The Council agreed its [negotiating position](#) on the revision of the rules governing institutions for occupational retirement provision (IORPs). The [IORP II Directive](#) governs the regulation and supervision of such institutions' activities. In particular, extended transparency requirements are envisaged regarding costs, charges and returns achieved, so that employees and members can better understand how their retirement savings are managed. Risk-management requirements are also to be further developed to increase the stability of the institutions and limit risks to the long-term security of occupational pensions. In addition, existing obstacles to cross-border IORPs are to be removed, e.g. through improved cooperation and information exchange between authorities. At the same time, investment is to be made easier and administrative burden reduced, without restricting member states' room for manoeuvre in designing their pension systems.

European cooperation in general and vocational education and training ([see press release of 29 June 2026](#))

At the end of June, the Council approved, by way of a [Resolution](#), a new roadmap for European cooperation in education until 2030. Its priorities are basic skills, digital skills, lifelong learning, vocational education and training, and the attractiveness of teaching professions. Mobility and the competitiveness of European higher education institutions are also to be strengthened. The aim is a future-proof European Education Area that promotes employability, competitiveness and social resilience.

Multiannual Financial Framework (MFF) 2028–2034: Cohesion Fund and European Social Fund ([see press release of 30 June 2026](#))

The Council agreed its partial [negotiating position](#) on the regulations for the European Regional Development Fund (ERDF), the Cohesion Fund, Interreg and the European Social Fund (ESF) under the next MFF. Simpler and more flexible rules are envisaged for programming, together with a single strategic framework for reforms and investment. Employment, skills development and social inclusion remain the central funding objectives for the ESF. In addition, the visibility of cohesion policy is to be strengthened.

1.4. Courts of the European Union

New appointments ([see press release of 6 May 2026](#))

The representatives of the governments of the member states extended the term of office of *Eugène Buttigieg* (Malta) as a judge at the Court of Justice of the European Union. His term runs until 31 August 2030. The appointment forms part of the partial renewal of the Court following the expiry, on 31 August 2025, of the term of office of 26 judges.

1.5. European Foundation for the Improvement of Living and Working Conditions (Eurofound)

Over the past months, the Foundation published various reports and contributions on:

- Annual report: Living and working in Europe 2025
- Consolidated Annual Activity Report 2025
- Working time reduction and its impact on productivity
- Comparative analysis of the reduction in working time and the four-day work week in the EU
- Labour supply and welfare effects of four-day work week scenarios
- Flexible work and the blurring of working time boundaries in Europe
- Representativeness of the European social partner organisations in the inland water transport sector
- Representativeness of the European social partner organisations in the sugar manufacturing sector
- Online platform work and its implications for working conditions and access to information
- Involuntary non-standard employment in the European Union
- Examining temporary employment in EU member states
- Use of technology at work and its relationship with working conditions
- AI, algorithmic management and the transformation of society, work and employment
- Climate change and behavioural approaches to policy making
- European Working Conditions Survey: Overview report 2024

1.6. European Labour Authority (ELA)

ELA report on the enforcement of labour and social security rules in aviation (see press release of 8 July 2026)

The ELA published a report on the enforcement of EU rules on labour mobility and social security in commercial air transport. The report shows that monitoring of the working conditions of pilots and cabin crew is uneven, owing to cross-border activity and complex employment models. The ELA recommends clearer guidance for authorities, more expertise, better cross-border cooperation and improved information for workers and companies.

European Action Week on road transport and joint inspections against breaches (see press release of 8 June 2026 and 26 June 2026)

As part of an ELA-coordinated action week on road transport, 21 EU/EFTA states carried out joint inspections. A total of 556 vehicles and 576 drivers were checked, including 158 posted drivers. Inspections focused in particular on compliance with driving and rest times, tachograph requirements, posting rules and labour and social law requirements. Fines totalling €583,000 were imposed. Targeted inspections in the Netherlands and Belgium also found eight drivers without the required work permit, as well as further breaches of minimum wage, posting and social law rules.

ELA report on labour shortages and surpluses in Europe (see press release of 11 June 2026)

The ELA published the 2025 EURES report on labour shortages and surpluses. The report shows widespread skills shortages in almost all occupations in at least one European country, while surpluses exist in particular in office and low-skilled roles. Causes cited include demographic change, skills gaps, working conditions and limited mobility. The health and care

sector is particularly affected, with significant shortages of doctors, nursing staff and care workers. The ELA stresses that better cross-border matching alone is not enough, and that additional measures such as better working conditions, further training and recognition of qualifications are required.

European inspections to enforce remuneration rules and combat wage violations ([see press release of 10 June 2026](#))

As part of an ELA-supported action week on checking remuneration rules, seven joint inspections took place in Belgium, Cyprus, Lithuania, the Netherlands and Norway. A total of 26 companies and 14 workplaces were inspected and 150 workers interviewed. Suspected cases of undeclared work, wage dumping and social security fraud were identified. The ELA stressed that remuneration violations often point to further irregularities in labour and social law.

Joint inspections in the construction sector and measures against abusive posting ([see press release of 7 May 2026](#) and [20 May 2026](#))

The ELA supported several cross-border inspection campaigns in the construction sector, involving authorities from 14 EU states. At 27 construction sites and 128 companies, 410 workers were interviewed. Suspected cases of bogus self-employment, letterbox companies, wage dumping, breaches of occupational safety rules and illegal employment of third-country nationals were identified. One focus was on irregular postings and companies with only a formal establishment in another member state. In addition, in May 2026 the ELA supported the first joint construction-site inspection in Iceland since it began participating in ELA activities as an EEA state. The inspection in Reykjavík focused on the construction sector and served to strengthen cooperation between authorities and social partners.

New information services and support for free movement bodies ([see press release of 1 May 2026](#))

The ELA launched an information campaign on so-called “Free Movement Bodies”. These national bodies support mobile EU workers and their families through advice, information and assistance in exercising their free movement rights. To mark the tenth anniversary of these bodies, the ELA published new information materials and updated overviews of the competent contact points in EU and EEA states. In [Germany](#), this function is performed by the [EU Equal Treatment Body](#) for EU workers. In addition, the advisory network “[Fair Mobility](#)” supports mobile workers on labour and social law questions.

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2. Council of Europe

2.1 European Court of Human Rights

The Parliamentary Assembly of the Council of Europe (PACE) decided on changes to the procedure for electing judges to the European Court of Human Rights. Among other things, the reform provides for greater account to be taken of well-established national selection procedures, high professional qualifications and gender balance. PACE also called for the extension of the term of office of sitting judges to be limited to a maximum of one year, and for

further strengthening of cooperation with the advisory panel of experts ([see press release of 23 April 2026](#)).

2.2 Committee of Ministers

On 15 May 2026, the foreign ministers of the Council of Europe's 46 member states adopted a [political declaration](#) on the ECHR and migration at the annual meeting of the Committee of Ministers, held this year in *Chişinău* ([see press release of 15 May 2026](#)). The declaration reaffirms states' sovereign right to control the entry and residence of foreign nationals, while emphasising the state duty to protect borders in accordance with the Convention. Particular sections are devoted to the scope of protection of Art. 3 (prohibition of torture and inhuman or degrading treatment) and Art. 8 ECHR (right to respect for private and family life). It also addresses the instrumentalisation of migration by hostile actors, the challenges posed by mass arrivals, and new approaches such as so-called "return hubs" for managing irregular migration.

At its 1561st meeting on 28 May 2026, the Ministers' Deputies took note of the [final report](#) on implementation of the [Action Plan](#) on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021–2025). The report highlights, among other things, strengthened protection of vulnerable persons, access to healthcare and justice, and measures against human trafficking. It also mentions the European Qualifications Passport for Refugees (EQPR), the strengthened role of cities and municipalities via the Intercultural Cities programme, and deepened cooperation with the EU, the UN, the OSCE and the IOM, with particular reference to the consequences of Russia's war of aggression against Ukraine and the resulting internal and external displacement ([see press release of 28 May 2026](#)).

On 17 June 2026, the Committee of Ministers finally adopted [Recommendation CM/Rec\(2026\)8](#) on respect for autonomy in mental healthcare ([see press release of 17 June 2026](#)). It aims to ensure free and informed consent and respect for the will and preferences of the person concerned in all mental healthcare, and requires that any exceptions be subject to strict legal safeguards that uphold human dignity. It also stresses the need for equal and, where possible, early access to mental healthcare. The Recommendation contains, among other things, provisions on involving those affected in shaping policy and practice, informing those affected of their rights (including the right to complain), reducing stigma and discrimination, and training and further education for professionals.

2.3 Parliamentary Assembly

Following the [Chişinău Declaration](#) adopted at the Committee of Ministers' meeting, the Assembly's Migration Committee requested an urgent debate on migration for the summer session. Committee Chair *Sandra Zampa* stressed that the declaration makes clear that **states remain bound by the ECHR at all times when managing migration**, in particular by the prohibition of discrimination and the prohibition of torture, and warned against the stigmatisation of migrants ([see press release of 20 May 2026](#)). The Committee also called for **effective and free access to healthcare**, including mental healthcare, for migrants and refugees from the moment of entry, and for a ban on healthcare providers reporting persons in an irregular situation to immigration authorities. Member states should include migrants in national health insurance systems ([see press release of 13 May 2026](#)).

Rapporteur *Christiana Erotokritou* welcomed the entry into force of the EU Migration and Asylum Pact but called for its implementation to comply with human rights, in particular with regard to detention conditions and the concept of safe third countries ([see press release of 12 June 2026](#)).

On 23 June 2026, the Parliamentary Assembly elected *Tanja Gonggrijp* as the new **Deputy Secretary General of the Council of Europe** by 135 votes to 59 against *Marja Ruotanen-Bourdages*. The Dutch diplomat takes up her five-year mandate on 1 September 2026, succeeding *Bjørn Berge* ([see press release of 23 June 2026](#)).

2.4 European Social Charter (ESC)

The Governmental Committee of the European Social Charter held its 152nd meeting in *Strasbourg* on 18–22 May 2026. The meeting focused on follow-up to the [High-Level Conference of Chişinău](#) in March 2026 (see most recently [HSI-Report 1/2026](#), p. 58), follow-up to the [ECSR's 2025 Conclusions](#) on **workers' rights**, and implementation of the **European Code of Social Security** and its coordination with the ILO's reporting cycles. Work also continued on a draft to raise awareness of the ESC ([see press release of 18 May 2026](#)).

On 28 May 2026, the Council of Europe published the factsheet "[European Social Charter and the Environment](#)", which examines **the link between social rights and environmental protection**. It highlights states' duties regarding environmental regulation, risk prevention and public participation, as well as access to clean water, housing and energy as preconditions for social participation. The report was published in the context of the first [European Forum on Environmental Human Rights Defenders \(EHRDs\)](#) ([see press release of 28 May 2026](#)).

Finally, the European Committee of Social Rights (ECSR) and the Governmental Committee adopted new targeted questions ([1961 Charter](#), [Revised Charter](#)) for States Parties without a collective complaints procedure, for the 2027 reporting cycle. The questions concern health, housing, disability, children, older people, social security, social assistance, poverty and education. Reports are to be submitted by 31.12.2026, and third-party comments are possible until 30 June 2027 ([see press release of 12 June 2026](#)).

2.5 Secretary General

On 15 May 2026, Secretary General *Alain Berset* presented his 2026 annual report, "[The New Democratic Pact for Europe in a Time of Upheaval](#)", to the foreign ministers in *Chişinău*. He warned of the **erosion of the rule of law and of social stability** through information manipulation and declining trust in democratic institutions, and called for human rights protection mechanisms to be adapted to rapid technological change (digitalisation, AI) ([see press release of 15 May 2026](#)).

On the occasion of IDAHOT+, *Berset* called on 16 May 2026 for renewed commitment to the equal enjoyment of rights by LGBTI persons ([see press release of 16 May 2026](#)).

On 4 June 2026, youth ambassadors and Monaco's Minister for Social Affairs *Christophe Robino* discussed social media and children's mental health in *Strasbourg*. *Berset* warned against the "false choice" between protection and children's rights, while *Robino* called for equivalent legal protection in the digital space ([see press release of 4 June 2026](#)).

From 24–26 June 2026, the youth conference "[Youth innovating democracy](#)" took place as part of the [New Democratic Pact for Europe](#). *Berset* pointed to the massive under-representation of young people in parliaments (2.8% worldwide) and **growing social inequality** as causes of political alienation ([see press release of 24 June 2026](#)).

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3. International Labour Organization (ILO)

3.1 Reports and analyses

The ILO published various **reports and analyses** on the following topics:

- Workers' exposure to AI: what the indicators tell us – and what they don't (Policy brief)
- Extending social protection coverage to workers in the agricultural sector and their families (Policy brief)
- The aggregation paradox of AI: why do micro-economic productivity gains from AI disappear at larger scale? (Policy brief)
- Universal basic income and AI in the labour market (Policy brief)
- Growing labour market risks from the Middle East crisis (Report)
- Productivity and decent work (Policy brief)
- Impact of generative AI on employment, productivity and work organisation (Policy brief)
- AI systems at work: changes in the psychosocial work environment (Working paper)
- Informal employment (Working paper)
- The historical development of social justice (Working paper)
- Lifelong learning and skills for the future (Flagship report)
- 840,000 deaths a year from psychosocial risks at work (Report)
- Labour market governance is stagnating, setbacks more frequent than progress (Report)
- Ten years of the Guiding Principles on refugees' access to the labour market (Report)

3.2 General

On 17 April 2026, governments and employers' and workers' representatives from 54 countries agreed for the first time on **Conclusions and Recommendations on AI in the manufacturing industry**, intended to promote decent work, productivity and a just transition (see press release of 21 April 2026).

At the second International Migration Review Forum in *New York* (04–08 May 2026), the ILO called for a **stronger, rights-based labour migration policy**. Participating states also adopted a **Progress Declaration on the Global Compact for Migration** at the Forum (see press release of 14 May 2026).

On 27 May 2026, ILO experts adopted the first **Code of Practice** on occupational safety and health in aquaculture (see press release of 27 May 2026). On the same day, to mark the 50th anniversary of **Convention No. 144** on the promotion of international labour standards, the ILO published a new global **database on national social dialogue institutions**. The database is intended to help governments and employers' and workers' organisations, among others, strengthen evidence-based strategies and institutions for social dialogue (see press release of 27 May 2026).

On 9 June 2026, Germany became the last of the ten ILO fundamental Conventions' ratifiers to ratify the **Occupational Safety and Health Convention, 1981 (No. 155)**, which lays down fundamental international standards for protecting workers' rights and ensuring safe and healthy working conditions (see press release of 9 June 2026). The **Act** on the Convention was already promulgated in the Federal Law Gazette on 11 January 2026 and entered into force on 12 January 2026.

Before the European Parliament, the ILO called on 2 June 2026 for **occupational diseases, psychosocial risks, AI and climate adaptation to be placed at the centre of the EU's**

strategic framework on health and safety at work from 2027 onward ([see press release of 2 June 2026](#)).

On 11 June 2026, the ILO launched the **Just Transition Policy Gateway**, the first global knowledge platform on implementing socially just climate transition policy, with financial support from Germany ([see press release of 11 June 2026](#)).

On 12 June 2026, the 114th International Labour Conference adopted the Convention concerning Decent Work in the Platform Economy, the **first international labour standard for digital platform work**. The Convention guarantees, among other things, freedom of association, protection against discrimination and transparency in algorithmic management, irrespective of formal employment status ([see press release of 16 June 2026](#)). At the opening of the Conference, ILO Director-General *Gilbert F. Houngbo* called for a human-centred approach to AI and presented his report on using AI for decent work ([see press release of 2 June 2026](#)).

The ILO's Governing Body also elected *Matthew Wilson* (Barbados) as its new Chairperson at its 357th session on 13 June 2026. *Catelene Passchier* (Netherlands) and *Matthias Thorns* (Germany) were confirmed as Vice-Chairpersons ([see press release of 18 June 2026](#)).

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4. United Nations

On 21 May 2026, the International Court of Justice (ICJ) delivered its Advisory Opinion on the question of whether the right to strike of workers and their organisations is protected by ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise. The Court first found unanimously that it had jurisdiction to give the opinion and that there were no reasons to decline to do so. On the merits, the ICJ decided by ten votes to four that **the right to strike is protected under the scope of Convention No. 87**. In reaching this conclusion, the Court relied in particular on the interpretation of the relevant provisions of the Convention in accordance with the Vienna Convention on the Law of Treaties, as well as on further international human rights instruments, including the UN Covenant on Economic, Social and Cultural Rights and the UN Covenant on Civil and Political Rights. The absence of any express mention of the right to strike in the text of the Convention did not preclude its protection. The ICJ also referred to the long-standing practice of the ILO's supervisory bodies and to regional human rights instruments. **The Court left open the content, scope and specific conditions for the exercise of the right to strike** ([see press release of 12 May 2026](#)).

Trade union federations, including the *International Trade Union Confederation (ITUC)*, welcomed the Advisory Opinion as **confirmation of their long-held legal position**. The *Swiss Federation of Trade Unions (SGB)* characterised the decision in particular as a correction of the position previously taken by the Swiss government. During the **oral hearings in the advisory proceedings**, a total of 18 states and five international organisations made oral statements ([see press release of 8 October 2025](#)). Prior to that, 15 states had submitted written statements (s. [statement by Germany](#); [statement by Switzerland](#); [see press release of 1 October 2024](#)). The Advisory Opinion traces back to a resolution adopted by the ILO Governing Body on 10 November 2023.

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