PhD Thesis

Nikolett Hős

Title of the Thesis: *Governance and Minimum Harmonisation in the field of European Labour Law and Social Policy*

<u>Summary</u>

The question to what extent and in what kind of constitutional setting the European integration project should have a social dimension has always generated heated discussions both among policy makers and academics. Despite a new rhetoric emerging after the turn of the new Millennium, which presented social policy as an input into economic development, this has been a period with little legislative activity in the employment field. The reasons for the legislative impasse are manifold, but one reason for this has been that EU labour law has been reconceptualised and closely linked to the dominant employment policy agenda of the EU. The regulation of labour law has become part of a complex multi-level system of regulation in the EU, the exact contours of which are still largely unexplored.

The PhD thesis examines two important regulatory issues within the field of European labour law and social policy following the turn of the new Millennium: (1) the increasing use of new governance methods and more open ended, flexible regulatory frameworks, and (2) the discourse about the role of minimum harmonisation. The thesis gives an outline about the concept and the emergence of new modes of governance in the field of European labour law and social policy and it points out how the debate over new governance has pointed to the changing role of 'soft law' within the field of European labour law and social policy and to new modes of complementarity between EU labour law directives and 'soft law' based mechanisms. The second part of the thesis examines the role of minimum harmonisation in the field of European labour law and the impact of the *Laval* judgment on minimum harmonisation. The main issue to be addressed in this part is how the ECJ's new approach after *Laval* on the interpretation of the Posted Workers Directive poses a challenge to the role of labour standards in the EU.