

Denis Martin, Marc Morsa and Philippe Gosseries (Eds.), *Droit du Travail Européen. Questions Spéciales*. Bruxelles: Larcier, 2015. 802 pages. ISBN 978-2-8044-4696-3. EUR 86.

Among several prestigious EU labour and social law handbooks or, with a significantly different meaning, European labour law handbooks, *Droit du Travail Européen. Questions spéciales*, accomplishes the truly difficult task of making an original contribution to the debate. The innovativeness of the contribution first lies in the Editors who are not purely academics, but also key institutional actors, in dialogue with the law of the European Union. This allows the reader to understand the impact of EU labour law on Belgian and, broadly, on Benelux national labour law systems and *vice versa*. The outcome of the analysis of the interlinked judicial and administrative dialogue between EU and national labour law systems is a more comprehensive view of European Labour Law, as it results from the relationship between EU labour law and national labour law systems.

The second innovative character of this book is its structure. The volume's remarkable number of titles and chapters are structured in two main parts. The first part is the most ambitious as it aims to explore the positive and negative economic and social impact of the 2008-2014 economic crisis on the EU single market. This part is divided into three titles. The first takes into account the economic crisis and the measures adopted by the EU Institutions to deal with it. It might be described in terms of analysis of the EU trend towards an "economic rationalization" of EU law, as a consequence of the economic crisis, encompassing the efforts to create common banking and fiscal policies, the establishment of the common standard of 3% of deficit to GDP and 60% of debt to GDP, the increasing incentive to the fundamental economic freedoms of movement of workers and services. These aspects are positively evaluated by the authors whilst they also underline the negative consequences of the austerity and of the so-called structural reforms. Notably, sometimes, structural reforms tend to exacerbate the structural problems they aim to govern, such as unemployment (here the Belgian example, at p. 59, of the reform of unemployment insurance is of great interest). The second title focuses on the EU Charter of fundamental rights regarded as an essential tool of legal humanism, through which it is possible to achieve the "social rationalization" of the global economy and of the single market and to emphasize ethics, human dignity and freedom as essential elements of the law. However, this ambitious and interesting part is little developed, compared to the others. The practical analysis of the different regulatory role played by the

principle of proportionality at EU and national level and in different fields (e.g. administrative or constitutional law) is nonetheless of great interest. The third and last title of this general introductory part is focused on a specific issue, Directive 2011/24/EU on the application of patients' rights in cross-border healthcare. At first, the inclusion of this specific issue in the first part, rather than in the second part (devoted to *questions spéciales*) might be surprising. One explanation is that this Directive is expressly regarded as a powerful example of EU social progress and support to workers free movement.

The second part is devoted to the analysis of a number of specific labour law issues such as the protection of health and safety in the workplace, the posting of workers, the principle of non-discrimination, workers' participation in the decision making process, workers' information and consultation rights. As said above, the focus is on the symbiotic relationship between EU labour law and national labour law. As was famously stressed by Brian Bercusson, "a major premise in understanding EC labour law is . . . the need to avoid taking about it exclusively in terms of EC institutions and legal provisions. Accounts of EC labour law may require an understanding of the institutions and the basic legal framework of the EC. But equally, if not more necessary, is an appreciation of the relationship of EC labour law with national labour law systems". The book understands Bercusson's lesson, by picturing the relationship and the symbiotic process between EU labour law and national labour law systems. Specific problems are first analysed in the national legal context, then in the EU legal context and finally again in the national legal context as moulded by EU legal sources. I truly believe that this is the method to achieve a well-rounded understanding of EU labour law. Furthermore, the method used is very helpful also to practitioners, by providing a complete analysis of specific labour law issues from an EU and transnational law perspective.

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### Book Notices

Ton van den Brink, Michiel Luchtman and Miroslava Scholten, *Sovereignty in the Shared Legal Order of the EU: Core Values of Regulation and Enforcement*. Antwerp: Intersentia 2015. 336 pages. ISBN: 9781780682198. EUR 75.

Thirteen chapters look at various aspects of EU law and governance in the light of sovereignty and values. The editors' conclusion that it is not possible to identify which are the core values in the EU's shared legal order is realistic, though maybe disappointing. Their finding that the list is open-ended may trouble eurosceptici, but may also be inherent in a multi-layered legal order. At all events, the books includes interesting discussions of these themes.

Antoine Vauchez, *Democratizing Europe*. Basingstoke: Palgrave Macmillan, 2015. 112 pages. ISBN978-1-137-54090-4. EUR 63.59.

Vauchez approaches the troubled issues of democracy and legitimacy in the EU, finding that parliamentarization has not proved the solution to the democratic deficit. He tries to identify alternative paths, which could use the "democratic potential" of the independence of the EU's institutions. This is a brief but stimulating exposé, recommended to anyone interested in the development of the Union, without being limited to daily affairs and existing structures

Flora A. N. J. Goudappel and Ernst M. H. Hirsch Ballin (Eds.), *Democracy and Rule of Law in the European Union. Essays in Honour of Jaap W. de Zwaan*. Vienna: Springer, 2016. 232 pages. ISBN: 978-94-6265-065-7. EUR 105.99.

This *liber amicorum* contains 7 chapters on topics relating to "Constitutional Foundations", 3 on "Procedures" and 6 on "Policy Areas". The relevant chapters are classified in the Survey of Literature published in the August 2016 issue.