

SUMMARY

**ECJ 7 March 2013, case C-128/12
(Sindicato dos Bancários do
Norte and others - v - BPN Banco
Português de Negócios
SA), Miscellaneous**

Facts

On 31 December 2010 Portugal adopted legislation (Lei do Orçamento de Estado para 2011) aimed at combatting the economic crisis. Amongst other things, it reduced the salaries of public sector employees. On 21 September 2011 the Constitutional Court ruled that this legislation was not unconstitutional. Pursuant to said legislation, the Banco Português de Negócios (the 'Bank'), which had been nationalised in 2008 and was therefore a public body, decided to reduce the salaries of its staff, thereby breaching the applicable collective agreement. Three unions and one individual employee contested this reduction before the Labour Court of Porto.

National proceedings

The court was of the opinion that the said legislation violated the EU principle of equality. However, it referred six questions to the ECJ. Most of the questions related to Article 31(1) of the Charter of Fundamental Rights of the EU: "Every worker has the right to working conditions which respect his or her health, safety and dignity".

ECJ's findings

The ECJ recalled (i) that Article 51 of the Charter provides that the Charter's provisions "are addressed to [...] the Member States only when they are implementing Union Law" and (ii) that Article 6(1) TEU provides that "the provisions of the Charter shall not

extend in any way the competences of the Union [...]”. Therefore the ECJ has no jurisdiction in this case.

Ruling

The ECJ lacks jurisdiction.

Creator: European Court of Justice (ECJ)

Verdict at: 2013-03-07

Case number: C-128/12