



**EUROPEAN CENTRAL BANK**

**DIRECTORATE GENERAL LEGAL SERVICES**

GENERAL COUNSEL

To the Members of the EFMLG

27 July 2001

Contact person: Mr Stéphane Kerjean

Ext.: 8582

**Questionnaire on strikes and force majeure**

Dear Colleagues,

At the last meeting of EFMLG of 3 July, it was agreed that the ECB would circulate a short questionnaire related to the issue of strikes as a possible event of force majeure in the national legal context of EU Member States.

The purpose of the short questionnaire is notably to examine, according to the respective national laws, case law or market practices, whether strikes or related social conflicts may be considered as a force majeure event, and, if so, under which circumstances these events may exempt a counterparty from its liability in case of failure to perform a service.

It would be appreciated, if you could send back your answers to this questionnaire and any other relevant documentation before 1<sup>st</sup> October 2001 (please send your reply to [stephane.kerjean@ecb.int](mailto:stephane.kerjean@ecb.int) and [klaus.loeber@ecb.int](mailto:klaus.loeber@ecb.int)).

With best regards

[signed]

Antonio Sáinz de Vicuña

*General Counsel*

## **EFMLG QUESTIONNAIRE ON STRIKES AND FORCE MAJEURE**

- 1. Which national rules do apply to strikes (constitutional law, labour law, etc)? Please note both statutory rules and/or case law.**
- 2. Are there any national legal provisions, which expressly provide that a strike or any other related social conflict may be considered under certain circumstances as an event of force majeure? Please comment.**
- 3. If the answer to 2. is affirmative, what are the legal consequences, e.g. in terms of exemption of liability for a service provider?**
- 4. Does national case law or legal doctrine provide orientations in this field, especially with respect to strikes affecting or within financial sector undertakings?**
- 5. Is a distinction made between “internal” and “external” strikes, i.e. external events, which would directly affect/impair the activity of the counterparty?**
- 6. Are you aware of any market conventions or market practices dealing with this issue?**