

## COURT SCRUTINY OF THE ECONOMIC GROUNDS FOR DISMISSAL A COMPARISON BETWEEN FRANCE AND GERMANY\*



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### ABSTRACT

The analysis of case law shows that, in the field of redundancies for economic reasons, French and German law are based on different logic: while the French judge closely controls the economic reasons behind the decision, it is on the organisational consequences that the German judge's control is essentially focused.

**KEYWORDS:** *Reorganisation, Dismissal for Economic Reasons, Franco-German, Judicial Control, Justification.*

### RÉSUMÉ

L'analyse de décisions de justice montre que, en matière de licenciement pour motif économique, une logique différente est à l'œuvre de part et d'autre du Rhin : alors que le juge français contrôle étroitement les raisons économiques à l'origine de la décision, c'est sur les conséquences organisationnelles que se porte essentiellement le contrôle du juge allemand.

**MOTS-CLÉS :** *Réorganisation, licenciement économique, franco-allemand, contrôle du juge, justification.*

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