



Fourth Study Commission  
Public and Social Law

Questionnaire  
2025  
Baku

The Impact of Non-Competition and Loyalty/Confidentiality Rules in a Global  
Economy

**Deadline July 15, 2025**

Please send responses to:

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Professional mobility has become increasingly common in a globalized world, where talent moves between companies and even across borders. In this context, non-competition clauses and loyalty and confidentiality obligations play a crucial role in protecting business interests but also raise challenges for workers and free competition.

This questionnaire aims to understand how different jurisdictions regulate and enforce such restrictions, considering their legality, effectiveness, and compatibility with a globalized labor market. We seek to explore how courts interpret these clauses and how their application impacts both businesses and employees.

Whenever possible, responses should be based on national legislation, relevant case law, and academic or official data.

### Questions:

1. Does your country have legislation regarding non-competition, loyalty, and confidentiality clause? If so, what are the main legal provisions?
2. Are there any relevant judicial precedents or case law regarding the validity and enforcement of these clauses? Are there any divergences among courts? Please provide concrete examples of court decisions and their impact.
3. What criteria are used in your country to determine the validity of these contractual restrictions, considering factors such as territorial scope, duration, and the type of work restricted? Are there specific limitations or requirements for their application?
4. In practice, how do these clauses impact the labor market and competition in your country? Are they effective in protecting businesses, or do they hinder workers' mobility? Does the Internet and/or remote work affect the enforceability of the clauses? Are there specific challenges in the context of the global economy?

### **Proposal for Next Year's Topic**

We invite the national associations to submit suggestions for discussion topics for next year's (2026) meeting, within the scope of our Study Commission on Public and Social Law. Your insights and proposals will be highly valuable in shaping the agenda for future debates on important and emerging legal challenges. Suggestions should be included in the response report to this questionnaire