

**Question for written answer E-001557/2017  
to the Commission**

Rule 130

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Subject: Molière clause in French regions and the freedom to provide services

In 2016, four regions and several French cities introduced a clause in their detailed administrative rules under which all workers in the construction sector must be able to speak French. It is known as the Molière clause and requires workers to understand and speak French so that they can learn the rules on safety at the workplace. Where workers do not speak the language, the employers must hire translators/interpreters.

Furthermore, the clause is accompanied by decisions to protect and promote local employment and even to combat the posting of workers. Tenderers for public construction contracts must submit declarations attesting that they do not hire posted workers, while any intention to hire posted workers requires prior notification. Entrepreneurs are not only liable to financial penalties for non-compliance, but they also face significant delays in the completion of works as a result of these new restrictions.

1. Is the Commission of the opinion that the Molière clause is compatible with the freedom to provide services, as enshrined in the Treaties, and that the restrictions imposed are proportionate and non-discriminatory?
2. Is it possible that such rules create a barrier to entry to the French market and therefore to the single market and public procurement market?
3. Does the Commission plan to take any action to oppose such practices, which are incompatible with both the Treaties and Directive 96/71/EC concerning the posting of workers in the framework of the provision of services?