

**Question for written answer E-005964/2018  
to the Commission**  
Rule 130  
**Tania González Peñas (GUE/NGL)**

Subject: Illegal transfer of workers

In May I submitted a written question<sup>1</sup> requesting information on the follow-up to a complaint made by a citizen concerning an illegal transfer of workers by a 'multi-service' company to a ministry of the Government of Spain<sup>2</sup>.

This case exemplifies the serious deterioration of the labour force, which is the result of the legal ambiguity behind which these multi-service companies hide. Since these companies are not temporary employment agencies, they can circumvent the applicable legislation, such as Directives 2008/104, 1999/70, 2001/23 and 2014/24. Spanish courts avoid highlighting these violations when they invoke Article 42 of the Workers' Statute (Subcontracting works), rather than Article 43 (Cession of workers) and the law on temporary employment agencies<sup>3</sup>, which provide greater protection for workers. Given the seriousness and extent of the damage, is it not necessary for the CJEU to determine whether 'multi-service' companies should be governed by the law on temporary employment agencies to the extent that their activities are as described in Article 3.1 (b) of Directive 2008/104?

In her reply to my written question, Ms Thyssen states that the investigation into EU-PILOT case 8918/16 is ongoing<sup>4</sup>. However, the citizen who made the complaint claims that he has received a letter stating that the file has been closed. Please clarify this contradiction.

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<sup>1</sup> [http://www.europarl.europa.eu/doceo/document/E-8-2018-002658\\_EN.html](http://www.europarl.europa.eu/doceo/document/E-8-2018-002658_EN.html)

<sup>2</sup> EU-PILOT 8918/16.

<sup>3</sup> Law 14/1994 of 1 June regulating temporary employment agencies.

<sup>4</sup> [http://www.europarl.europa.eu/doceo/document/E-8-2018-002658-ASW\\_EN.html](http://www.europarl.europa.eu/doceo/document/E-8-2018-002658-ASW_EN.html)