

# EUROPEAN PARLIAMENT

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*Committee on the Internal Market and Consumer Protection*

**2007/2023(INI)**

6.6.2007

## **OPINION**

of the Committee on the Internal Market and Consumer Protection

for the Committee on Employment and Social Affairs

on Modernising labour law to meet the challenges of the 21st century  
(2007/2023(INI))

Draftswoman: Mia De Vits



## SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Confirms that labour law is primarily the responsibility of the Member States and the social partners and varies substantially from one country to the next; stresses, nevertheless, that although the European Union has limited competence in this field, it should focus its measures on the implementation of the Lisbon Strategy objectives to secure a greater number of jobs and better quality jobs;
2. Stresses that labour law is a social protection legislation with the purpose of protection of workers;
3. Considers the social dialogue to be the appropriate framework at EU and Member-State level (under Article 137 of the EC Treaty) for setting up a regulatory framework for employment relations; accordingly considers that that social dialogue must be formally consulted as part of that discussion process; considers that a general strengthening of the social partners and increased transnational cooperation will greatly contribute to the aim of fulfilling the equality principle;
4. Takes the view that job security must really be the aim, so that when jobs are lost there is a chance of being re-employed rapidly; in this connection underlines the special importance of lifelong learning;
5. Takes the view that excessively protective employment law provisions may result in deterring companies from hiring workers; agrees with the Commission that flexible framework conditions in employment law increase the adaptability of employment markets and promote employment; further takes the view that imposing additional bureaucratic burdens on companies must not be allowed, but that administrative costs should be reduced, particularly where small businesses are concerned; endorses here the European Council statement of 9 March 2007, to the effect that the aim should be to reduce the administrative burden by 25 % by 2012;
6. Draws attention to the posting of workers directive, the regulation on social security systems and other regulations at EU level that provide comprehensive protection for employees' rights; takes the view that there is no point in defining 'employed' and 'self-employed' at European level; supports the implementation of a European labour market and the free movement of service providers in the Union; cases of conflict between national labour law and internal market rules should be resolved through precedence being given to national labour law rules;
7. Considers that the Posting of Workers Directive, by laying down minimum essential rules for the protection of workers, is an indispensable tool for ensuring fair treatment of different workers in the context of a temporary cross-border employment relationship; considers, nevertheless, that effective control instruments are essential in order to combat abuse; notes, however, in this regard, that existing Court of Justice case law recognises that the host Member State should only be authorised to request documents, in accordance

with the principle of proportionality; calls, additionally, on the Commission to work more actively with the Member States on improving cross-border cooperation between inspection bodies;

8. Refers, in this regard, to the Wolff & Müller judgment of the Court of Justice recognising the principle of responsibility for the chain between the contracting undertaking and the subcontracting undertaking; calls on the Commission to encourage and facilitate enhanced cooperation and sharing of best practice between Member State authorities; calls for the main undertaking not to be subjected to any additional bureaucratic or financial burden.

## PROCEDURE

<b>Title</b>	Modernising labour law to meet the challenges of the 21st century		
<b>Procedure number</b>	2007/2023 (INI)		
<b>Committee responsible</b>	EMPL		
<b>Opinion by</b> Date announced in plenary	IMCO 15.2.2007		
<b>Drafts(wo)man</b> Date appointed	Mia De Vits 1.3.2007		
<b>Discussed in committee</b>	12.4.2007	8.5.2007	4.6.2007
<b>Date adopted</b>	5.6.2007		
<b>Result of final vote</b>	+: 18	-: 16	0: 1
<b>Members present for the final vote</b>	Daniela Buruiană-Aprodu, Charlotte Cederschiöld, Gabriela Crețu, Mia De Vits, Rosa Díez González, Janelly Fourtou, Evelyne Gebhardt, Małgorzata Handzlik, Malcolm Harbour, Edit Herczog, Pierre Jonckheer, Alexander Lambsdorff, Kurt Lechner, Lasse Lehtinen, Toine Manders, Arlene McCarthy, Béatrice Patrie, Zita Pleštinská, Guido Podestà, Giovanni Rivera, Zuzana Roithová, Luisa Fernanda Rudi Ubeda, Heide Rühle, Christel Schaldemose, Andreas Schwab, Alexander Stubb, Eva-Britt Svensson, Marianne Thyssen, Horia-Victor Toma, Jacques Toubon, Barbara Weiler		
<b>Substitute(s) present for the final vote</b>	Wolfgang Bulfon, André Brie, Manuel Medina Ortega, Anja Weisgerber		
<b>Substitute(s) under Rule 178(2) present for the final vote</b>	Cristobal Montoro Romero, Paul Rübig		
<b>Comments (available in one language only)</b>	...		