

WRITTEN QUESTION E-3806/00  
by Stephen Hughes (PSE)  
to the Commission

Subject: Safeguarding employees' rights in the event of transfers of undertakings

Is it possible that Directive 77/187/EEC<sup>1</sup>, as amended by Directive 98/50/EC<sup>2</sup>, on safeguarding employees' rights in the event of transfers of undertakings could apply in the case that, following a tender procedure, there was a change of contractor with respect to a contract for the provision of a crèche, on the assumption that the crèche in question fulfilled the criteria for it to be considered an economic entity retaining its own identity?

If it were the case that the Directive were deemed to apply; how would its application be made compatible with the principles of non-discrimination in public procurement procedures set out in Directive 92/50/EEC<sup>3</sup> on public service contracts?

If it were the case that the Directive was applicable but was not in fact applied, what redress would employees of the transferor have, and against which party?

---

<sup>1</sup> OJ L 061, 5.3.1977, p.26.

<sup>2</sup> OJ L 201, 17.07.1998, p.88.

<sup>3</sup> OJ L 209, 24.07.1992, p.1