

WRITTEN QUESTION E-4129/08  
by Sahra Wagenknecht (GUE/NGL)  
to the Council

Subject: Consequences of the 'Rüffert judgement' of the European Court of Justice

1. Does the Council share the fear that the Rüffert judgement may favour the relocation of enterprises to countries with lower wages and social standards and if yes, what do you intend to do against that?
2. What effects will the 'Rüffert' judgement in the opinion of the Council have on equal treatment of home country and foreign firms in the allocation of public contracts? Is it not a case of discrimination of home-country firms if the companies of other EU Member States simply need to abide by the minimal conditions of the posting directive?
3. Does the Council see need for action with a view to the creation of a European legal framework that would allow abidance by home-country collective agreements to be in conformity with European law?
4. How does the Council judge the relationship of the posting directive to the directives on the award of public contracts as far as the validity of abidance to collective agreements is concerned? Does the posting directive enjoy precedence over the directives on the award of public contracts, or isn't it rather so that in the case of abidance by collective agreement clauses, the directives on the award of public contracts as *lex specialis* override the posting directive?
5. Does the Council share the opinion that the 'Rüffert' judgement is in contradiction to the Agreement of the International Labour Organisation on abidance to collective agreements in the framework of public contracts (ILO Convention 94)? Does the German Government after the 'Rüffert' judgment still have the possibility to ratify the ILO Convention 94?