

**Question for written answer E-006753/2011
to the Commission**

Rule 117

Ivo Belet (PPE), Elmar Brok (PPE) and Ria Oomen-Ruijten (PPE)

Subject: Joint and several liability of principal undertakings

Subcontracting has become increasingly important in the European Union, especially in the construction sector. It can add a positive dimension, but it also generates economic and social imbalances among workers; it often fosters a race to the bottom in working conditions, and has a negative effect on the protection of social rights for the construction workers.

As formulated in Parliament's resolution of 26 March 2009 on the social responsibility of subcontracting undertakings in production chains, subcontracting often goes hand in hand with instruments such as false self-employment and so-called letterbox companies.

In most Member States the principal contractor is not held liable for violations by subcontractors.

In the above resolution Parliament calls on the Commission '*to regulate the joint and several liability of the general or principal undertakings, in order to deal with abuses in the subcontracting and outsourcing of cross-border workers, ... while respecting the different legal systems in place in the Member States and the principles of subsidiarity and proportionality*', in order to set up a transparent level playing field for all construction companies in the EU, and thus improve the functioning of the internal market.

When does the Commission plan to launch an impact assessment on the added value of a Community instrument on chain liability as a way of increasing transparency in subcontracting processes?

When does the Commission plan to table a proposal concerning the joint and several liability of the general or principal undertaking?