

**Question for written answer E-000177/2012
to the Commission**

Rule 117

Klaus-Heiner Lehne (PPE)

Subject: Collective Agreement and Public Procurement Act, North Rhine-Westphalia - TVgG - NRW

Article 4 of the law adopted by the Landtag of North Rhein-Westphalia on 21 December 2011 on safeguarding collective agreements, social standards and fair competition in the awarding of public contracts makes provision for an obligation to comply with collective bargaining agreements. Accordingly, public contracts can only be awarded to companies which, on issuing an invitation to tender, undertake in writing, through declaration to the contracting authority, to guarantee to their employees specific minimum working conditions, including a minimum wage, prescribed, amongst other things, by collective agreements.

With regard to the case-law of the Court of Justice on collective agreement regulations (cf. for example, the Ruffert judgement, Rs. C-346/06), it is questionable whether the collective agreement and minimum wage regulation is compatible with the freedom to provide services. In particular there is a danger of direct or indirect discrimination against providers from other EU Member States.

Does the Commission believe that the law on safeguarding collective agreements, social standards and fair competition in the awarding of public contracts (Collective Agreement and Public Procurement Act, North Rhine-Westphalia – TVgG – NRW), and in particular Article 4 of this act, is compatible with EU law?