

**Question for written answer E-008617/2012
to the Commission**
Rule 117
Mitro Repo (S&D)

Subject: Safeguarding the right to industrial action in accordance with international standards

Judgments given by the Court of Justice of the EU (particularly in the Viking and Laval cases) have met with much criticism to the effect that, in the EU, fundamental economic freedoms take precedence over social rights. In March 2012, in order to clarify the situation, the Commission submitted its proposal for a so-called Monti II Regulation, under which freedom to provide services and freedom of establishment would be accorded equal status with the right to industrial action.

The proposal for a regulation was criticised *inter alia* because it did not sufficiently clearly express the intention of altering the prevailing state of the law but, if adopted, would only have confirmed current practice. In addition, the case law of the Court of Justice has been regarded as being contrary to the principles of international labour law, particularly as regards assessments of the proportionality of industrial action.

As the opinions delivered by national parliaments regarding compliance with the subsidiarity principle exceeded the required threshold, the proposal for a regulation was referred back to the Commission for a review. Later, the Commission announced that it was withdrawing its proposal.

1. What measures is the Commission considering with a view to safeguarding the right to industrial action in relation to economic freedoms, now that the Monti II regulation is no longer pending adoption?
2. Will the Commission submit a legislative proposal which complies with the requirements of international labour law, recognising the autonomy and room for manoeuvre of employers and employees and providing for only limited scope for judicial review?
3. What view does the Commission take of guidelines, which would be binding on the EU Institutions, concerning respect for the right to industrial action in accordance with international standards, to be adopted by a qualified majority pursuant to Article 24(3) of the TFEU? Will the Commission consider proposing such guidelines?