**Question for written answer E-010971/2013**
**to the Commission**
Rule 117
**Søren Bo Søndergaard (GUE/NGL)**

Subject:     ILO finding concerning the incompatibility of the Swedish Laval legislation

Further to the Commission's answer P-006104/2013 regarding the ILO's finding concerning the incompatibility of the Swedish Laval legislation with its conventions, could the Commission provide the following information:

1.    In its opinion, the ILO notes that the social partners cannot be required to include and weigh up the interests of the right to free movement of services when assessing the proportionality of otherwise lawfully initiated industrial action. The right to initiate industrial action is a fundamental right. Therefore, can the Commission say where in Community legislation it states that when the law relating to industrial disputes conflicts with the right to free movement of services, it must be assessed whether free movement is being restricted?

2.    Where does it state that, in this case, an assessment of the proportionality of the otherwise lawfully initiated industrial action shall be carried out?

3.    What is the Commission's position with regard to the ILO's criticism of the fact that the EU requires the right to free movement to be included in an assessment of the proportionality of otherwise lawfully initiated industrial action?

4.    What is its view of the ILO's criticism that Article 3 of the Posting of Workers Directive actually prevents trade associations from fully protecting their members' rights and interests? This includes both the negotiation of more favourable rates of pay and working conditions than those specified in the Directive and the legislation implementing the Directive (minimum conditions) and the representation of foreign posted workers (members).

5.    How will the Commission ensure that the Posting of Workers Directive does not prevent trade associations from initiating lawful industrial action in connection with the protection of their members' interests?