

**Question for written answer E-002472/2019**  
**to the Commission**  
Rule 138  
**Marc Botenga (GUE/NGL)**

Subject: Regulation (EC) No 883/2004 on the coordination of social security systems and social dumping

Two articles of Regulation (EC) No 883/2004 on the coordination of social security systems allow employers, in the context of posted workers, to pay social security contributions in the country where the contract was concluded (the country of origin) and at the rate applicable in that country (Articles 12 and 13). This means workers with fewer rights, depending on the country of origin, even though they do the same work and in the same location as their colleagues. However, Belgium has ratified Convention No 97 on Migration for Employment (revised) of the International Labour Organization (ILO), Article 6 of which commits the state to equal treatment for migrant/posted workers with regard to social security contributions.

So by promising to protect workers in the context of free movement, Regulation (EC) No 883/2004 in fact facilitates discrimination and social dumping and is therefore contrary to international law.

- (1) Is the Commission aware of the incompatibility between Convention No 97 and EU rules?
- (2) What amendment of the articles concerned will it propose in order to remove this incompatibility?
- (3) Can the Commission guarantee that the signatory countries to ILO Convention No 97 will not violate the convention when transposing and implementing the directives on the posting of workers?