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Answer given by Executive Vice-President Vestager
on behalf of the European Commission
(24.10.2022)

To strengthen the competitiveness of the internal market and promote more effectiveness in public spending, the Commission has adopted rules for assessing Member States' support measures to companies in difficulty. The Rescue and Restructuring guidelines set out the State aid control framework for less distortive aid measures.

Furthermore, the Commission has specific competence under Article 108(3) TFEU to decide on the existence and compatibility of State aid with the internal market and to intervene in notified restructuring plans when they involve or foresee State aid. Given that the Member State has not notified the referred plan to the Commission, the Commission services are not aware of any State aid measure in that regard. Therefore the respect of the rationalisation agreement in question is not the subject of a State aid assessment and the national courts may be competent to decide on the related disputes.

The EU recognises and promotes the role of social partners at EU level, aiming to facilitate the dialogue between them while fully respecting their autonomy¹. While the Charter of Fundamental Rights of the EU recognises the right of collective bargaining and action,² pursuant to its Article 51(1) this applies to Member States when they implement EU law which is not stated in the question. At the same time, the functioning of national social dialogue, including that of the collective bargaining framework, fall under the responsibility of each Member State. Moreover, Article 93 of Law 4808/2021 is a national law and thus the right to strike does not fall under EU competence³. It is therefore for the competent national authorities, including courts, to ensure that employers and national authorities correctly apply the relevant national provisions.

¹ Article 152 of the Treaty on the Functioning of the European Union.

² Article 28 of the Charter Fundamental Rights of the European Union.

³ Article 153(5) TFEU.