

WRITTEN QUESTION P-4113/08  
by Sahra Wagenknecht (GUE/NGL)  
to the Commission

Subject: Effects of the European Court of Justice judgment in the Ruffert case

1. Does the Commission agree that the Ruffert judgment risks favouring the relocation of undertakings to countries with lower pay and social standards, and if so, what does it propose to do to counteract this?
2. What effects does the Commission consider that the Ruffert judgment will have on the equal treatment of native and foreign firms in the award of public contracts? Does it not constitute discrimination against native undertakings if firms from other EU Member States are only required to comply with the minimum criteria of the Posting of Workers Directive?
3. Does the Commission consider that there is a need to work towards creating a European legal area permitting national laws on compliance with collective labour agreements ('Tariftreuegesetze') to be deemed in accordance with European law?
4. What is the Commission's view of the relationship between the Posting of Workers Directive and the public procurement directives as regards the validity of clauses on compliance with collective labour agreements? Does the Posting of Workers Directive take precedence over the public procurement directives, or is it not rather the case that, when it comes to the validity of such labour clauses, the public procurement directives as 'lex specialis' override the Posting of Workers Directive?
5. Does the Commission agree that the Ruffert judgment conflicts with the ILO Convention concerning Labour Clauses in Public Contracts (ILO Convention 94)? Following the Ruffert judgment, does the German government still have the option of ratifying ILO Convention 94?