

**Question for written answer P-003712/2013  
to the Council**  
Rule 117  
**Frédéric Daerden (S&D)**

Subject: Social dumping between Member States to the detriment of workers

Recent official statements by Belgian ministers have highlighted the steadily growing incidence of social dumping in some Member States, particularly Germany. This is damaging to both workers and small and medium sized-businesses in other Member States, including Belgium.

This problem manifests itself primarily in unlawful practices employed by certain companies in order to take advantage of loopholes in national and European labour law: the lack of a guaranteed minimum wage, the existence of fictitious 'letter-box' companies and the non-enforcement, or disparities in the enforcement, of rules on working conditions, including as regards subcontractors, etc.

Can the Council state whether the draft implementing directive clarifying the application of the 1996 rules on the posting of workers (Directive 96/71/EC), which it is currently considering, is the appropriate legislative instrument to remedy these abuses, which involve workers being relocated from one Member State to another where rules are less strictly enforced, and practices which amount to unfair competition?

Can the Council specify when it plans to complete its consideration of this proposal, in particular the crucial and contentious points on the list of administrative control measures and the gradual and/or voluntary introduction of the principle of joint and several liability, which makes it possible for legal action to be taken against both the subcontractor and the main employer?

Does the Council not take the view that a Member State must not be allowed to maintain competitiveness by means of social dumping, to the detriment of other Member States, with disastrous consequences for workers?