

**Question for written answer P-013623/2013
to the Commission
Rule 117
Agnès Le Brun (PPE)**

Subject: Impact of a decision by the European Committee of Social Rights on the revision of Directive 96/71/EC

The unfair, and in some cases unlawful, competition generated between Member States by the application of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services prompted the Commission to initiate a revision of the directive in March 2012.

At a time when a consensus is proving difficult to achieve in the Council of the European Union, with the Member States split between a free-market approach and one based more on regulation, the decision published by the European Committee of Social Rights (ECSR) on 20 November 2013, ahead of the ESPHCA Council meeting to be held on 9 and 10 December 2013, points to a possible paradigm shift.

The decision concerns the judgment handed down by the Court of Justice of the European Union on 18 December 2007 in Case C-341/05, *Laval un Partneri v Svenska Byggnadsarbetareförbundet and Others*. The decision highlights a number of violations of the European Social Charter and states that, under the Charter, posted workers are not guaranteed the same treatment as local workers, in this case in Sweden.

The European Social Charter is a Council of Europe treaty which has been ratified by all the EU Member States. Cooperation between the EU and the Council of Europe is governed by the 2007 Memorandum of Understanding, and, under the Lisbon Treaty, the EU has pledged to accede to the European Convention on Human Rights.

1. What legal weight does the Commission give to the ECSR decision?
2. Does the Commission intend to take this decision into account in the context of a revision of Directive 96/71/EC which is designed to address the distortions of competition that directive generates, as regards both posted workers and the countries to which workers are posted?