Brussels, 03 April 2008

Press release on the ECJ judgement Dirk Rüffert vs Land Niedersachsen

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Freedom to provide services vs collective bargaining

CEEP has noted with great interest of today’s ECJ judgement that states:

“Where a Member State recognises a system for declaring the rate of pay fixed by a collective agreement to be universally applicable but fails to make such a declaration, a legislative measure of that Member State applicable to public contracts cannot impose a requirement on providers of cross-border services who post workers to that Member State to comply with that rate of pay.”

As predicted, Viking and Laval were not a one off case!

CEEP is concerned because on the one hand, public authorities and public enterprises lose more and more the freedom to integrate social considerations into public procurement and on the other social partners’ autonomy of collective bargaining is increasingly restricted.

Rainer Plassmann, Secretary General of CEEP, fears that “the freedom to provide services, meant to contribute to economic growth, to create more employment and to increase public welfare, becomes a backdoor problem for public authorities and enterprises as contracting entities and social partners aiming exactly at these goals. In many services’ sectors it is of vital importance to work with motivated, well trained and reliable work force. Decent pay according to what autonomous social partners in their national context have agreed for the employees is one of the key factors to get high quality services. Sometimes it is good to remind ourselves of basic rules”.

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