



29 March 2011

Dear Member of the European Parliament,

On 7 April 2011, the European Parliament will vote on three reports regarding the Single Market Act. I would like to recall the importance businesses attach to reaping the full potential of the single market in terms of growth and jobs. Removing remaining barriers to free movement will generate up to about 350 billion euro in additional trade within the single market.

With 23 million unemployed people in Europe, a declining working age population, and weak track record in terms of productivity growth during the last decade, we cannot afford to miss the benefits of further single market integration for companies and workers.

In this context, I am writing to you regarding the report drafted by Mr Correia de Campos on “the Single Market for Europeans”. BUSINESSEUROPE welcomes the decision not to insert a “social clause” in the draft report adopted by the Internal Market and Consumer Protection Committee (IMCO) on 16 March for the following three reasons:

1. The Lisbon Treaty gives binding force to the “right of collective bargaining and action” foreseen in article 28 of the EU fundamental rights charter. There is therefore no need for further EU action to ensure protection of this right.
2. The “social clause” could distort workers’ right to strike beyond the protection provided in the fundamental rights charter. In this respect, it is important to recall that the “right of collective bargaining and action” was not conceived as an absolute right. By contrast, it can be limited where it affects the rights and freedoms of others.
3. The conditions in which the right to strike can be used must be left to the Member States. A “social clause” could interfere with the functioning of national industrial relations systems. It is essential that EU action in this domain remains compatible with article 153.5 of the Treaty which excludes the right to strike from EU competences.



Instead of strengthening the protection of the right to strike, what is needed is to prevent unjustified restrictions to the freedom to provide services resulting from workers' strike action.

In addition, the Posting of Workers Directive aims to encourage enterprises to provide services in another EU Member State in a climate of fair competition. To do so, it sets a delicate balance, acknowledging the temporary nature of posting and the need to ensure an adequate level of protection for posted workers. This balance must be preserved. Like the European Commission and the Council, BUSINESSEUROPE believes that improving the implementation, application and enforcement of the directive is the priority to ensure better compliance.

Finally, BUSINESSEUROPE supports action to ensure that mobile people have access to their pension rights once they retire. Workers moving across borders need to be able to keep track of their rights to ensure that they can easily understand what pensions and savings they will have in retirement. However, we do not support the draft report's call for EU legislation on portability of supplementary pension rights.

I hope that you will be able to take our comments into account ahead of the plenary vote and remain at your disposal to discuss the issues raised in the letter in a meeting at your best convenience.

Yours sincerely,

(original signed by)  
Philippe de Buck