

SUMMARY

of the Opinion on the Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 96/71/EC of The European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services

COM (2016)128

The Chamber of Deputies:

- **Recalls** that at the European level sufficient instruments have been adopted (especially the Directive 2014/67/EU) which, if they were fully applied, could produce the expected effects.
- **Considers** that a convergence of the wages levels can be achieved only by a process of economic development. By the measures which have been presented, the Directive proposal will not succeed “to introduce the remuneration equality”; in exchange it will have the effect to eliminate, from the internal market, several economic agents of the new Member States, producing serious job losses.
- **Notices** that, although Article 3 of the TEU has been correctly invoked, stipulating that the Union has the task to promote a high level of job occupation, the European Commission interprets the significance of these stipulations in a biased way, taking into consideration that the increase of job occupation can also be ensured by hiring some workers who are subsequently detached, therefore not only by hiring local workers. That is why the declared objective in the Directive proposal concerning the development of a deeper and more equitable single market is not achieved.
- **Considers** that the principle of "equal remuneration for equal work" is not compatible with the single market as the differences in salaries are a legitimate element of the competitive advantage of those who provide services.
- **Underlines** that the review of the Directive 96/71/EC is not justified as its added value is not sufficient for justifying the undertakings of the European Commission in this field and considers that it is proper to implement first the Directive 2014/67/EU, followed by an effective evaluation of the legislative framework in the field, which should take place before initiating any other discussions referring to the modification of the rules established by the Directive 96/71/EC.
- **Considers** that the initiative of the European Commission is unnecessary, in the larger context of investment promotion, economic growth and assurance of the welfare for all the European citizens; also it introduces separation lines among the Member States, which is contrary to the European spirit and the treaties of the Union.

- **Draws** the attention upon the fact that, by introducing additional barriers, the initiative of the European Commission can affect the free provision of services and the workers' mobility and implicitly, the good functioning of the internal market.
- **Considers** that the Directive Proposal does not observe the conditions designed to apply the principles of subsidiarity and proportionality. That is why a reasoned Opinion has been adopted, completing the observations and opinions expressed in this decision.