



EFFAT

EUROPEAN FEDERATION OF FOOD, AGRICULTURE AND TOURISM TRADE UNIONS

31 May 2013

- **To all EFFAT Member Organisations**

RE: Trilogue on Public Procurement Directives

Dear Colleagues

The trilogue on the Public Procurement Directives is now approaching its end. Two meetings are still foreseen for 4 June and 13 June. If necessary, a third meeting can be scheduled, but the discussions will be over by 30 June. We were informed that the European Parliament and the Council are close to an agreement on nearly all issues. They have, however, kept the best - i.e. social considerations - for the end.

On 23 May 2013, Bernadette Ségol, ETUC General Secretary, met Commissioner Barnier to stress the fundamental importance of including a mandatory social clause in the revised Directive, according to which public authorities would be obliged to ensure the respect of labour law and collective agreements of the place where the service is to be supplied. The ETUC expressed great concerns about DG MARKT informal contacts with Council and Parliament, seeking in particular to exclude the respect of collective agreements, thereby even further worsening the current interpretation of the Posting of workers Directive.

Commissioner Barnier gave a clear support for a mandatory social clause as long as a formulation could be found which would not rewrite the ECJ case law. He instructed his services to work together with the ETUC on this.

If adopted, such a mandatory clause would improve the current situation where contracting authorities can and do disregard labour law standards. In parallel, the work on posting remains a priority for the ETUC, with a view in particular to reverse ECJ case law.

On 28 May 2013, Belgium and European trade unions demonstrated in front of DG MARKT to demand fairer and more social procurement. A trade union delegation met the head of DG MARKT and some representatives from DG EMPL. On this occasion, DG MARKT finally expressed its formal support for a mandatory social clause, which would not prejudice further discussions on the Posting of Workers Directive. At that meeting, it was stressed that it is now for the Member States to make their final mind up.

Time is now running very fast. **We strongly encourage you to contact your government to ask them to take a clear stance in favour of a mandatory social clause in Art 15.2 of the Directive.** The fact that the Commission is no longer opposing such a clause should help considerably your discussions. **Attached you find a proposal for the wording of such a mandatory social clause.**

Yours sincerely

Harald Wiedenhofer
General Secretary