



EUROPEAN COMMISSION

*Brussels, 20.7.2016
C(2016) 4830 final*

Dear Chair,

The Commission would like to thank the Folketing for its reasoned 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 final}. The Commission welcomes the Folketing's general support for the proposal.

As the Commission received reasoned opinions from fourteen chambers in eleven Member States, it confirmed on 11 May 2016 the triggering of the procedure laid down in Article 7(2) of Protocol No 2 to the Treaties.

The Commission attaches great importance to its relationship with national Parliaments, notably when it comes to the principle of subsidiarity. Forging a new partnership with national Parliaments and ensuring that their voice is strong in the European decision-making process is a priority for this Commission.

In line with this commitment, the Commission carefully analysed the reasoned opinions received, including that submitted by the Folketing. It engaged directly with representatives of the national Parliaments at the COSAC meetings of 13 June 2016 and 11 July 2016 before drawing its conclusions.

The procedure laid down in Article 7(2) of Protocol No 2 is exclusively focused on the principle of subsidiarity. Therefore, the Commission adopted on 20 July 2016 a Communication to the European Parliament, the Council and the national Parliaments on the proposal {COM(2016) 505 final}, in which it addressed the different concerns and arguments raised by the Folketing, as well as by other national Parliaments in their reasoned opinions, on the principle of subsidiarity. The Commission concluded that its proposal complies with the principle of subsidiarity enshrined in Article 5(3) of the Treaty on European Union and decided to maintain its proposal.

*Ms Mette GJERSKOV
Chair of the European Affairs Committee
Folketinget
Christiansborg
DK – 1240 COPENHAGEN*

*cc. Ms. Pia KJÆRSGAARD
Speaker of the Folketing
Folketinget
Christiansborg
DK – 1240 COPENHAGEN*

In this letter the Commission would like to provide some additional elements in reply to the opinion from the Folketing.

The Commission would like to recall that the proposal does not call into question Member States' competence to decide, subject to the existing provisions of EU law and notably Directive 2008/104/EC on temporary agency work, on pay as well as on the terms and conditions for temporary agency workers. Rather, it is the aim of the proposal to oblige Member States to align the basic working and employment conditions applicable to workers hired out by a temporary work agency in a domestic context with those applicable to posted temporary workers.

The points made in this reply and in the Communication are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council in which the Danish government is represented.

The Commission hopes that the clarifications provided in the Communication and in this reply address the issues raised by the Folketing and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Marianne Thyssen
Member of the Commission*