implementation of the ‘Community preference’ established by Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community(1), as recalled in Council Resolution of 20 June 1994 on limitations on admission of third-country nationals to the territory of the Member States for employment (2).

(1) OJ L 60, 1.3.2002.

WRITTEN QUESTION E-2670/02

by Alexandros Alavanos (GUE/NGL) to the Commission

(24 September 2002)

Subject: Human rights and ‘loaned’ workers

Article 15, paragraph 1 of the Charter of Fundamental Rights of the European Union states that ‘everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.’ Furthermore, in a decision of 4 July 2002 on temporary employment and the loaning of workers, the National (Greek) Committee on Human Rights determined that ‘the commercial activity of temporary employment agencies is contrary to the fundamental human rights set out in Article 23 and, possibly, also Article 4 of the Universal Declaration of Human Rights. This form of employment is a gross violation of the loaned workers’ personal dignity and contrary to Articles 2(1) and 22 of the Greek Constitution concerning the protection of personal dignity and work.

However, the guarantees provided by the relevant articles of Law 2956/2001 concerning the labour, insurance and trade union rights of loaned workers are in practice unenforceable owing partly to the failings of official monitoring mechanisms but mainly because of the nature of the form of employment which does not enable loaned workers to claim their legal rights as they are totally dependent on their immediate employer.

In the light of the situation described above, what measures will the Commission take to protect workers?

Answer given by Mrs Diamantopoulou on behalf of the Commission

(23 October 2002)

Since the beginning of the 1980s, temporary work has come to play an important part in the functioning of the labour market in Europe, as companies have sought greater flexibility in job management.

In view of the growth of this new type of employment relationship, the Commission has taken various steps since the beginning of the ‘80s to regulate these practices. The first Directive was adopted in 1991: Council Directive 91/383/EEC of 25 June 1991 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship (1). The second important step was taken on 20 March 2002, when the Commission adopted a proposal for a Directive of the European Parliament and the Council on working conditions for temporary workers (2).

This text was designed primarily to improve the quality of temporary work by providing for a mechanism to increase the safety and protection of temporary workers. The essential clause in the text aimed to ensure that temporary workers had the same working and employment conditions as workers doing the same
work in the client firm. All workers in the same workplace, doing identical or similar work and with equivalent qualifications, must be treated equally, irrespective of which company employs them.

This text is currently being discussed in the Council and Parliament and is to be adopted under the codecision procedure.


WRITTEN QUESTION E-2672/02
by Mary Banotti (PPE-DE) to the Commission
(24 September 2002)

Subject: Care hire in EU for over-70s

It has been brought to my attention that citizens of the European Union over the age of 70 are having difficulty in hiring cars in the European Union. What measures will the Commission take to ensure that such discrimination is brought to an end immediately and what penalties, if any, can be imposed on car hire companies who continue with this discriminatory practice should such a practice be contrary to EU law?

Answer given by Mrs Diamantopoulou on behalf of the Commission
(28 October 2002)

The Commission recalls that on 27 November 2000 the Council adopted Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (1). The Directive prohibits discrimination on grounds of, inter alia, age, including the use of age limits which are not objectively and reasonably justified by a legitimate aim, and if the means of achieving that aim are not appropriate and necessary. The Member States have until 2 December 2003 to transpose the requirements of the Directive into national law.

However, the material scope of this Directive is restricted to the field of employment and does not cover equal treatment in access to goods and services as in the case raised by the Honorable Member. Neither this Directive nor any other instrument of Community law prevents car hire companies from providing differential treatment according to age. Persons who feel they have been discriminated against in such circumstances must therefore seek redress under any national law which may exist.


WRITTEN QUESTION E-2676/02
by Paul Rübig (PPE-DE) to the Commission
(24 September 2002)

Subject: Follow-up to the Green Paper on consumer protection

In June 2002, the Commission published its ‘Follow-up communication to the Green Paper on EU Consumer Protection’ (2) which envisages the development of a framework directive on unfair commercial practices.

The Commission, however, would confine the prospective framework directive to ‘business to consumer’ (B2C). It proposes a general clause consisting of the establishment of the unfairness of a commercial practice and a ‘consumer detriment test’. By confining the directive to B2C, different unfairness criteria will