

**Answer given by Mr Flynn on behalf of the Commission**

(19 April 1999)

The Commission wishes to draw the Honourable Member's attention to the fact that the Commission has on several occasions proposed extending the matters covered by Council Regulation (EEC) 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their family moving within the Community <sup>(1)</sup> to early retirement schemes. The Commission also confirms that its proposal of 1996 failed to receive the Council's unanimous support.

However, the Commission recently adopted a proposal simplifying and reforming Regulation (EEC) 1408/71 <sup>(2)</sup>, in which a new chapter has been introduced with a view to including and coordinating early retirement schemes, in line with the substance of the earlier 1996 proposal. The new proposal is scheduled to be examined by the Council during 1999.

At the same time the Commission is studying, on a case-by-case basis, whether the national legal systems respect the principles enshrined in the EC Treaty in this area as recently interpreted by the Court of Justice <sup>(3)</sup>.

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<sup>(1)</sup> OJ L 149, 15.7.1971; in 1980: OJ C 169, 9.7.1980; in 1996: OJ C 62, 1.3.1996.

<sup>(2)</sup> OJ C 38, 12.2.1999.

<sup>(3)</sup> Meints, C-57/96 27.11.1997, and Commission v. France C-35/97, 24.9.1998.

(1999/C 341/202)

**WRITTEN QUESTION E-0755/99****by Stephen Hughes (PSE) to the Commission**

(29 March 1999)

*Subject:* Union-busting firms

The Sunday Observer of 17 January 1999 revealed that US firms which specialise in busting trade unions are being established in the UK. The European Federation of Public Services Unions has approached the Commissioner on this issue and asked for European measures to be taken on the grounds that preventing workers from obtaining union recognition violates ILO standards and the European Treaty.

1. Is the Commission monitoring the activities of these companies?
2. Will the Commission prepare measures to prohibit the activities of these companies in Europe?

**Answer given by Mr Flynn on behalf of the Commission**

(14 April 1999)

The Commission is aware of the alleged practices of some American firms established in the United Kingdom. However, trade union rights are, in the Community legal framework, matters principally within the competence of the Member States as Article 2(6) of the agreement on social policy (Article 137.6 of the new Treaty) excludes the right of association and the right to strike from the social provisions of the EC Treaty.

As the matter falls within the competence of the Member State concerned, the Commission is not preparing any measures to prohibit the alleged practices of these companies.