



CROATIAN PARLIAMENT
European Affairs Committee

Class: 022-03/16-03/75
Ref No: 6521-31-16-01
Zagreb, 5 May 2016

Reasoned Opinion

on

**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**

In exercise of the powers conferred by the Act on the Co-Operation of the Croatian Parliament and the Government of the Republic of Croatia in European Affairs and the Standing Orders of the Croatian Parliament, on 5 May 2016 the European Affairs Committee held a session to discuss 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.

In accordance with the powers conferred upon national Parliaments of EU Member States by the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular by Protocol (No 2) on the application of the principles of subsidiarity and proportionality, the Committee members discussed the above mentioned Proposal for a Directive from the perspective of respecting the principle of subsidiarity, as defined by Article 5, paragraph 2 of the Treaty on European Union.

Under Article 158, paragraph 5 of the Standing Orders of the Croatian Parliament, after having discussed the matter, the European Affairs Committee adopted the following

REASONED OPINION

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 does not comply with the principle of subsidiarity.

EXPLANATION

The European Affairs Committee has concluded that, contrary to Article 5 of Protocol No 2 on the application of the principles of subsidiarity and proportionality, 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 does not contain a detailed statement making it possible to appraise compliance with the principles of subsidiarity and proportionality. It therefore follows that the European Commission, as the author of this proposal, has not substantiated the need for adopting the draft legislative act at European Union level.

Furthermore, referring to Article 56 of the Treaty on the Functioning of the European Union, the European Affairs Committee considers that the present Proposal for a Directive raises concerns about restrictions on freedom to provide services within the European Union and stresses that labour cost is a legitimate element of companies' competitiveness in the EU internal market.

Consequently, the European Affairs Committee questions the justification for the author's proposal to interfere with the principle of autonomy of employers and trade unions in the process of collective bargaining.

The European Affairs Committee also believes that proposing amendments to Directive 96/71/EC when the deadline for transposition into national law of Directive 2014/67/EU on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ('the IMI Regulation') has not yet expired, leads to overregulation and creates an environment of legal uncertainty for employees and companies, contravening the principles of the internal market.

CHAIRMAN OF THE COMMITTEE

Gordan Jandroković