



Mr. José Manuel Barroso
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Courtesy translation

Danish Parliament
European Affairs Committee
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Reasoned opinion as regards Commission proposal for a Regulation on the exercise of the right to take collective action (Monti II) - COM(2012)130

3 May 2012

Dear Mr President

Ref. 12-000337-3

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On 21 March 2012 the Commission presented a proposal for a Council Regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services (Monti II) – COM(2012)130. The proposal has been subject to scrutiny by the European Affairs Committee of the Danish Parliament.

The Danish Parliament is of the opinion that the proposal is in conflict with the principle of subsidiarity.

The Danish Parliament finds that the proposal does not provide further clarity as regards, on the one hand, the need to ensure free movement and on the other hand, the need to ensure the workers' right to take collective action. On the contrary, there is a risk that the proposal might disturb well-functioning national arrangements in the area of labour law.

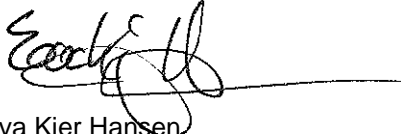
The Danish Parliament does not see the need for the European legislators to intervene in existing national mechanisms on dispute-settlement. Nor does it find it necessary to introduce an obligation for Member States to inform the European Commission of potential labour disputes in the Member States. In that respect, the Danish Parliament recalls that tools for dispute-settlement exist and function well at the national level.

In general, the Danish Parliament attach considerable importance to the fact that the European cooperation in the area of labour law is based on the Members States' different national points of reference. The role of the EU should therefore only be of a supporting and complementary nature.

Finally, the Danish Parliament finds that Article 153 (5) of the TFEU explicitly excludes the right to strike from the range of matters that can be subject to European legislation. Although the proposal does not in itself provide for new

mechanisms for the settlement of conflicts, the Parliament finds that the treaty does not give the EU the power to legislate on existing national arrangements in the area concerned.

Kind regards,

A handwritten signature in black ink, appearing to read 'Eva Kjer Hansen', with a long horizontal line extending to the right.

Eva Kjer Hansen
Chair of the European Affairs Committee