Brussels, 12 June 2017

The Member of the European Parliament, IMCO
The Member of the European Parliament, EMPL

Subject: Competition Law in Need of Change

Dear Member of Parliament,

The European Trade Union Confederation (ETUC) and the European services workers union UNI Europa have taken account of the draft report on a ‘European Agenda for the Collaborative Economy’ by the Committee on the Internal Market and Consumer Protection (2017/2003(INI)).

We, the undersigned, welcome the first steps towards a legal framework for the collaborative economy, which are essential in view of the challenges the digital economy poses on our societal institutions and our rule of law. But it is essential for the workers in the EU to add the perspective of labour relations to the discussion.

From the very beginning of the procedure, the ETUC and UNI Europa have called for the proper respect for freedom of association, the right to organise and the right to collective bargaining and collective action including the right to strike for all workers whatever their status in the platform economy. However, a careful assessment of the report leads us to raise your awareness on the problem by self-employed workers and their right to collective bargaining.

The problem arises due to incorrect interpretation of EU Competition law in some Member States; collective bargaining and the resulting collective agreements have been categorised as concerted practices/cartel agreements.

The right to collective bargaining is a human right, guaranteed in the European Charter of Fundamental Rights. This right needs to be guaranteed and respected for all workers without distinction as well in the platform economy.

In light of the point raised and in view of the plenary vote on 15 June 2017, the ETUC and UNI Europa call for the report to underscore the need for Member States to ensure that the interpretation of the European rules on competition law are not used as an excuse to violate the right to collective bargaining for self-employed workers.

Yours sincerely,

Esther Lynch
ETUC Confederal Secretary

Oliver Röthig
Regional Secretary, UNI Europa