



**DET KONGELIGE  
ARBEIDSDEPARTEMENT**

Nærings- og handelsdepartementet  
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Deres ref  
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201004158-/KRH

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**Svar på høring om Europakommisjonens melding om det indre marked**

Vi viser til brev fra Nærings- og handelsdepartementet av 10. november 2010, vedlagt høring om Europakommisjonens melding om det indre marked - Towards a Single Market Act.

Arbeidsdepartementet har følgende merknader til forslagene i meldingen:

*Proposal 17:*

The Commission's proposal 17 is to "make legislative proposals [...] with a view to simplifying and updating the European rules to make the award of contracts more flexible and to enable public contracts to be put to better use in support of other policies."

The Norwegian Government supports such an initiative, but would like to underline the importance of the need to clarify and emphasize that public procurement should not undermine workers' rights, but should be used as a tool to promote their protection. It must therefore be made clear that important ILO conventions, such as ILO convention no 94, must be considered compatible with EU-law.

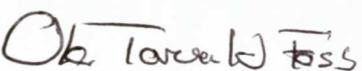
This issue has a direct link to the aim of increasing solidarity in the single market (2.2.), which, in the Norwegian Government's view, is a core element in securing continued support of the single market.

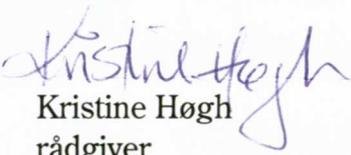
*Proposals 29 and 30:*

In proposal 29 the Commission expresses the aim to ensure that the rights guaranteed in the Charter of Fundamental Rights, including the right to take collective action, are "taken into account". Furthermore, a legislative proposal aimed at improving the Posting of Workers Directive (PWD), is announced to be likely to include or be supplemented by a "clarification of the exercise of fundamental rights within the context of the economic freedoms of the single market" (proposal 30).

The Norwegian Government strongly supports an initiative to better secure the right to take collective action and other fundamental rights guaranteed by the Charter of Fundamental rights and to improve the PWD. The Government is of the opinion that it should be made clear that the right to pursue and defend collective rights is not to be affected by the economic freedoms, and should not be regarded as a restriction in the sense of EU-law. This could be made clear in the PWD. The European Institutions should, however, be prudent attempting to regulate this area in more detail, having due regard to Article 153 TFEU.

Med hilsen

  
for Marianne Ono Njoten (e.f.)  
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rådgiver