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European Union

European parliament adopts Bolkestein directive

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After two years of procedure, and of trade union and social mobilizations, the European Parliament adopted in a first reading, on Thursday 16th February, the Bolkestein directive. The new version of this document still aims to eliminate obstacles to the free circulation of services, by getting round the social rights of workers, which are regulated by national laws. But the battle is not over.

The President of the European Commission, Jose Manuel Barroso, has two reasons to be satisfied, First of all, the project of this poisoned directive on services in the internal market, introduced in January 2004 by his predecessor, Romano Prodi, and his Commissioner Frits Bolkestein, was adopted by the European Parliament by 394 votes for and 215 against (basically, the Belgian, Greek and French Socialists, and also the Greens and the Communist members and those close to them).

[<https://www.internationalviewpoint.org/IMG/jpg/cgt-bolkestein-1.jpg>]

The proposal to purely and simply reject the Bolkestein directive, submitted by the GUE/NGL [European Unitary Left/Northern Green Left], the Greens and the French Socialist delegation, had obtained 153 votes for (486 against), well above the total of the forces that proposed it. So there was nothing [for the Commission] to celebrate. Nevertheless, the European Commissioner for the internal market, Charlie McCreevy, Bolkestein's successor, welcomed the Parliament's "constructive" vote.

The second reason to be satisfied, for the Barroso Commission, is that, by terminological and juridical manoeuvres, it has finally managed to impose a new "consensual" version of the Bolkestein directive, supported by the conservatives of the European People's Party (EPP) and the European Socialists. Ignoring the hostility of the European unions and social movements, the German Social Democrat, Evelyne Gebhardt, reporter on the document in the European Parliament, even expressed satisfaction, just before the vote, at having "completely changed this directive" and of having "given it a social dimension".

So, what does it really come down to, apart from simple cosmetic arrangements? The previous directive was based on the suppression of authorisations and requirements that were considered unnecessary, as well as on the principle of the country of origin (PCO). On this last point, the new document no longer in fact mentions the country of origin, nor the country of destination.

The PCO - which means that a provider of services is subject exclusively to the law of the country where it is domiciled and not to the law of the country where it is providing the service - has been replaced by the principle of free circulation of services. So the spirit has replaced the letter, but the illusion is fooling nobody, except the European Socialists...The new directive will put the member states under an obligation to respect the right of the provider to supply services and to guarantee him "free access to service activities and their free exercise on its territory". This guarantee is reinforced by the prohibition of a series of obstacles to the free circulation of services. The formal disappearance of the PCO does not mean the end of fiscal, social and environmental dumping in the liberalisation of services.

Nevertheless, the adoption of the document by the European Parliament does not mean the promulgation of the directive. In the Eurocratic system, the Parliament does not have the power to pass legislation.

According to the procedure of co-decision, the first reading means that the document of the Commission has been adopted by the European Parliament and that the document that has emerged from this first reading will be

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communicated in the coming weeks to the European Council of Ministers, before a probable second reading and its coming back before the European Parliament.

After the success of the demonstrations on February 11th and 14th in Strasbourg, the battle for the total rejection of the Bolkestein directive and the demand for a harmonisation of working conditions in all the countries of the European Union, on the basis of the legislation that provides the highest degree of protection for workers, can and must continue.