

**Question for written answer E-003921/2021
to the Commission**

Rule 138

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Subject: The precedence of social rights over economic freedoms in the single market

The hierarchy between the freedom of association and the economic freedoms within the single market has been a contentious issue in EU law following the ECJ's judgments in the Viking and Laval cases, as well as Norwegian/EFTA court judgements in the 'Holship' case.

On 10 June, the European Court of Human Rights issued their ruling in the Holship case¹ and for the first time established a clear hierarchy of rights by concluding that freedom of association takes precedence over economic freedoms.

I want to ask:

- 1 What legislative actions are the Commission envisaging to ensure that EU law reflects this new case law and respects the principle that freedom of association takes precedence over economic freedoms in the single market?
- 2 How is the Commission planning to ensure that its monitoring of Member State transposition of EU legislation and adherence to single market rules respects this principle?
- 3 What actions are the Commission taking to progress the EU's accession to the European Convention on Human Rights as set out in the Lisbon Treaty? Is the Commission ready to support the proposal to add a Social Progress Protocol² to the treaties?

¹ <http://hudoc.echr.coe.int/fre?i=001-210332>

² <https://www.etuc.org/en/proposal-social-progress-protocol>