

**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 Court of Justice of the European Union's judgments in the *Viking* and *Laval* cases, as well as the Norwegian Supreme Court judgment and European Free Trade Association Court opinion in the *Holship* case.

On 10 June 2021, the European Court of Human Rights issued its 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 would therefore like to ask the following questions:

1. What legislative actions is the Commission planning to take to ensure that EU law reflects this new case law and respects the principle that the freedom of association takes precedence over economic freedoms in the single market?
2. How is the Commission planning to ensure that the Member States' transposition of EU legislation into national law and their adherence to single market rules respects this principle?
3. What actions is the Commission taking to bring about 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>