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Onderwerp: Troika acts against EU law and human rights, according to senior lawyer

ETUC Press release

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Austerity is illegal: European trade unions demand a change of policy

Troika acts against EU law and human rights, according to senior lawyer

The EU's austerity policy is unlawful, according to Professor Andreas Fischer-Lescano, a professor at the Centre for European Law and Politics (ZERP), University of Bremen, who drew up a paper for the Austrian Trade Union Federation (ÖGB), the Austrian Federal Chamber of Labour, the European Trade Union Confederation (ETUC) and the European Trade Union Institute (ETUI).

The report was adopted on 28 November in Vienna and presented at a conference of lawyers from across Europe.

The European Commission and the European Central Bank are, due to their involvement in the troika, breaching the primary law of the EU, since the Treaty of Lisbon also includes the Charter of Fundamental Rights.

EU countries which approve of the Memoranda of Understanding in the Governing Council of the European Stability Mechanism (ESM) are bound to Fundamental and Human Rights, argues Professor Fischer-Lescano, who says the crisis does not render EU law inoperative.

On a national level this approach was objected to by constitutional courts, Fischer-Lescano says, citing Portugal as an example. The European Parliament has to take action, he says. "The parliament needs to bring this back-room politics to an end."

"Across Europe, trade unions have fought long and hard against austerity, and demand a fundamental political change of course," said Bernhard Achitz, General Secretary of the Austrian Trade Union Federation.

"From drastic cuts in social spending, restrictions on basic trade union rights, such as the actual abolishment of collective agreements, intervention in minimum wages and much more than that, we have enough."

In order to substantiate the trade union's argument, the European Trade Union Confederation (ETUC), ÖGB, and the Austrian Federal Chamber of labour (AK) commissioned a legal opinion.

"The results are very clear. The socially unjust and economic unreasonably austerity of the EU must come to an immediate termination. It is bad for the people, bad for Europe and it is also unlawful," said Achitz.

This report strengthens the claim of European trade unions for a fundamental change of course and a European investment plan, such as the one recently proposed by the ETUC, says Achitz. *"Investment in the welfare state and social services must take the place of short-sighted austerity policies, as well as the Charter of Fundamental Rights must no longer remain a paper tiger, it has to eventually be observed by the EU policy."*

"Since the financial crisis started in 2008, member states have taken a number of measures to cut public spending and reduce budget deficits. These austerity measures have also targeted social rights and have led to a deregulation of national labour laws as well as the dismantling of collective bargaining systems, says Veronica Nilson, Confederal Secretary of the ETUC.

"The situation is the worst in the programme countries where the troika has imposed far-reaching measures. They have imposed cuts in minimum wage, interfered with collective bargaining forcing collective bargaining to take place at company level."

"So-called associations of workers obtain the competence to conclude wages that undercut the collective agreements negotiated by the trade unions. Professor Fischer-Lescano's study strengthens our argument that we have to legally challenge the austerity measures. Trade unions have already had some success through the collective complaints procedure at the Council of Europe."

The European Trade Union Confederation (ETUC) exists to speak with a single voice, on behalf of the common interests of workers, at European level. Founded in 1973, it now represents 85 trade union organisations in 36 European countries, plus 10 industry-based federations. The ETUC is also on [Facebook](#), [Twitter](#), [YouTube](#) and [Flickr](#).

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