

EN

E-001298/2026

Answer given by Executive Vice-President Mînzatu
on behalf of the European Commission
(29.6.2026)

1. The Commission supports social dialogue in line with the provisions of the Treaty on the Functioning of the European Union (TFEU). The Charter of Fundamental Rights of the European Union recognises the freedom of assembly and association and the right of collective bargaining and action¹. However, the right of association does not fall under the EU's legislative competence². The functioning of national social dialogue frameworks falls therefore under the responsibility of each Member State³. At the same time, the Council Recommendation on strengthening social dialogue in the EU recommends to Member States that they ensure 'an enabling environment for bipartite and tripartite social dialogue' in the public and private sectors⁴.

2. As regards the case referred to by the Honourable Member, the Commission recalls that, according to its Article 51(1), the Charter of Fundamental Rights of the European Union applies to Member States only when they are implementing EU law. Where an alleged violation of fundamental rights derives from a national legal measure, it is primarily the responsibility of national courts to safeguard the rights of individuals. The Commission cannot take over a decision-making role in place of national authorities nor review decisions they have made in individual cases.

¹ Article 12 and 28 of the Charter of fundamental Rights of the European Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT&from=EN>.

² Article 153(5) TFEU.

³ The freedom of association and the right for of social partners to organise themselves is enshrined in the Freedom of Association and Protection of the Right to Organise Convention of the International Labour Organisation (ILO), 1948 (No. 87), which all Member States have ratified. The standard supervisory system of the ILO may assess compliance by a Member State with the international labour standards.

⁴ https://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=consil:ST_10542_2023_INIT, based on a proposal from the Commission - COM(2023) 38 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023DC0038>.