



European Trade Union
Confederation (ETUC)
Confédération Européenne
des Syndicats (CES)



Monsieur Xavier Bertrand
President of the Employment,
Social Policy, Health and Consumer
Affairs Council (EPSSCO)
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29 August 2008

Monsieur le Président, Monsieur le Ministre,

Following your request at the informal meeting of Ministers for Labour and Social Policy in Chantilly on 10 July, we have had further discussions on the scope for joint advice by the social partners on the EWC "Recast" Directive.

It has been the express wish of the European Parliament, the European Commission, the French Presidency and trade unions to have a revision of the existing directive passed as soon as possible. In order to realise this objective in 2008 or early in 2009 we have decided to accept the Commission proposal for a directive on EWC (recast) of 2 July as the basis for the revision.

Given the tight time-scale, we have surveyed the restricted number of issues on which either side particularly considers that changes to that proposal should be sought. These are listed in the Annex to this letter, including suggested wording.

We will be calling on the European Parliament and the Council of Ministers to take our common views at annex into account in their consideration of the issues. ETUC and the European employers, BUSINESSEUROPE, CEEP, UEAPME, are prepared to inform their members about the extended possibilities offered by this revised directive.

We would be happy to come to meet you again if you consider that useful. We are sending a copy of this letter and its annex to Commissioner Spidla and to Mr Jan Andersson, Chairman of the Committee on Employment and Social Affairs of the European Parliament.

Yours sincerely,

John Monks
General Secretary

Philippe de Buck
Secretary General

Andrea Benassi
Secretary General

Rainer Plassmann
Secretary General



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JOINT ADVICE BY THE SOCIAL PARTNERS ON THE EUROPEAN WORKS COUNCIL “RECAST” DIRECTIVE

Proposals on the issues considered in the joint advice to European Parliament and Council of Ministers

1. **Art 2 (f):** “Information” means transmission of data by the employer to the employees' representatives in order to enable them to acquaint themselves with the subject matter and to examine it; information shall be given at such time, in such fashion and with such content as are appropriate to enable employees' representatives *to undertake an in-depth assessment of the possible impact and where appropriate prepare consultations with the competent organ of the Community-scale undertaking or Community-scale group of undertakings*;
2. **Art 2 (g):** “Consultation” means the establishment of dialogue and exchange of views between employees' representatives and central management or any more appropriate level of management, at such time, in such fashion and with such content *(as) enables employees' representatives to express an opinion on the basis of the information provided about the proposed measures to which the consultation is related, without prejudice to the responsibilities of the management, and within a reasonable time, which may be taken in to account within the Community-scale undertaking or Community-scale group of undertakings*.
3. **Art 5.4 §3:** For the purpose of the negotiations, the special negotiating body may request assistance with its work from experts of its choice *which can include representatives of competent recognised Community-level trade union organisations*. Such experts *and such trade union representatives* may be present at negotiation meetings in an advisory capacity at the request of the special negotiating body.
4. **Art 10.1:** Without prejudice to the competence of other bodies or organisations in this respect, the members of the European Works Council shall *have the means required to apply the rights stemming from this Directive, to collectively represent the interests of the employees of the Community-scale undertaking or Community-scale group of undertakings*.



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5. **Art 10.4:** In so far as this is necessary for the exercise of their representative duties in an international environment, the members of the special negotiating body and of the European Works Council shall *be provided with training without loss of wages*.
6. **Art 12.3:** Where no such arrangements have been defined by agreement, the Member States shall ensure that the processes of informing and consulting *are conducted in the European Works Council as well as in the national bodies* in cases where decisions likely to lead to substantial changes in work organisation or contractual relations are envisaged.
7. **Art 13.1** Without prejudice to paragraph 3, the obligations arising from this Directive shall not apply to Community-scale undertakings or Community-scale groups of undertakings in which there was already an agreement on 22 September 1996, *or in which an agreement is signed or an existing agreement is revised during the two years following the adoption of the present text*, or in undertakings in which such agreements exist and which are due to negotiate under paragraph 3, covering the entire workforce providing for the transnational information and consultation of employees. When these agreements expire, the parties to those agreements may decide jointly to renew them. Where this is not the case, the provisions of the Directive shall apply".
8. **Art 13.3** last paragraph to be deleted

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