



Brussels, 11 April 2008  
JM/sw/cd

*Via e-mail: [vladimir.spidla@ec.europa.eu](mailto:vladimir.spidla@ec.europa.eu)*

Mr. Vladimír Špidla  
Commissioner for Employment,  
Social Affairs & Equal Opportunities  
European Commission  
Berlaymont  
1049 Brussels

Dear Commissioner,

As we wrote to you on 2 April 2008 in response to the second consultation on the revision of Council Directive 94/45/EC of September 22, 1994 on the establishment of European Works Councils, we have been ready to negotiate but only on a basis which includes a tight timetable and a quick conclusion to the negotiations.

As you are well aware, this Directive was not originally a product of the social dialogue. UNICE were not ready to conclude on this on a substantial basis at that time. So it was prepared by the Commission and approved by the Parliament and the Council.

Until recently, repeated attempts by us to reopen matters with the employers have been rejected and they have not seen the need for a revision of the Directive at all. Only when the Commission produced its proposals did BusinessEurope develop a mandate for talks. I welcome that change of heart, but it causes problems with the timetable necessary to see the revision of the Directive by the end of the year as scheduled in the legal work programme of the Commission.

In our view, the period available is too short for social dialogue talks conducted on the usual basis. We suggested that, exceptionally, we organise a “pre-negotiation” session to seek to identify those areas where we can make progress and those which may be more difficult on the basis of the Commission consultation paper of 20 February 2008.

Unfortunately it was not possible to agree with BusinessEurope on a concluding date for any talks nor reach a robust understanding on substantial amendments to the Directive as outlined in your consultation document. Under these circumstances we are not ready for negotiations within the framework of the social dialogue and we count very much on you that the Commission will present a revised Directive in early June


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2008. I can assure you that we have made serious efforts to allow a social dialogue solution. The ETUC remains highly committed to the European social dialogue and is convinced that we will be able to make progress in other areas, as we did with our joint analysis on European labour markets.

In the annex I send you, as requested, our opinion and recommendations concerning the revision of the Council Directive 94/45/EC. The revision is long overdue and we count on you and the collegium of the Commission to present a revised Directive in view of our concrete proposals.

I am copying this letter to BusinessEurope, CEEP and UEAPME.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Monks', written in a cursive style.

John Monks  
General Secretary

Enc: ETUC opinion and recommendations