



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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2 October 2008

Monsieur le Président, Monsieur le Ministre,

In their joint advice dated 29 August 2008, European social partners accepted the Commission proposal for a directive on European Works Council (recast) of 2 July 2008 as the basis for a revision of the directive. They pointed to a restricted number of issues where changes to the proposal should be sought.

We appreciate the positive reception the joint advice has been given and would like to reiterate and confirm our support to the joint advice. We also support a clarification, as proposed by the Presidency, regarding the changes to article 13 suggested by the social partners. The text proposed by the Presidency however does not include all situations envisaged in the joint advice.

In order to respect the proposal of European social partners, the Presidency compromise wording for a new article 13 bis should therefore be modified as follows:

Article 13bis §1 i): an agreement or agreements covering the entire workforce providing for the transnational information and consultation of employees have been concluded pursuant to article 13(1) of Directive 94/45/EC or article 3(1) of Directive 97/74/EC[.], or where such agreements are adjusted because of changes in the structure of the undertakings or groups of undertakings;

Article 13bis §2: When the agreements referred to in paragraph 1 expire, the parties to those agreements may decide jointly to renew, or revise, them. Where this is not the case, the provisions of the Directive shall apply.

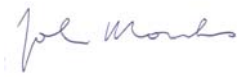
In addition, we would suggest a further point for clarification to be included in the text. The definition of "information" which was agreed by European social partners in their joint advice stipulates that the information provided to employees' representatives should enable them to undertake "an in-depth assessment". In order to clarify the notion of "in-depth assessment", which should not slow down decision-making in companies, recital 22 should read as follows:

“(22) The definition of “information” needs to take into account of the goal of allowing employees’ representatives to undertake an in-depth assessment of the possible impact and where appropriate prepare consultations, which implies that the information be provided at such time, in such fashion and with such content as are appropriate without slowing down the decision-making process in companies”.

We call for these points to be considered in further proceedings in both the Council and the European Parliament. We count on your continuous support in order to achieve the adoption of the proposal for a recast directive on European works councils before the end of 2008.

We are sending a copy of this letter 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