



Mr Michel Servoz
Director General
DG Employment
European Commission

Brussels, 5 March 2014

Dear Mr Servoz,

In the Communications “Regulatory Fitness and Performance (REFIT): Results and Next Steps” and “EU Quality Framework for anticipation of change and restructuring”, the Commission announced the intention to launch social partners’ consultation on the “consolidation” of EU Directives on the information and consultation of workers.

With this letter, BUSINESSEUROPE, CEEP and UEAPME would like to encourage the Commission to reconsider this idea.

In 2011 the Commission established an Expert Group to discuss various studies on the functioning of three directives on information and consultation of workers¹. The aim was to identify excessive burdens, overlaps, gaps or inconsistencies in this legislation, in line with the “smart regulation” agenda. European social partners have contributed actively to this work.

The overarching conclusion of the Expert Group was that the Directives work relatively well and legislative action at the EU level is not necessary. The evaluation report prepared for the Commission confirms this view: “*Given that the directives are considered coherent by all stakeholders in virtually all countries, most high level representative stakeholders in the majority of countries do not see the need or benefits of a consolidation of existing EU legislation*”².

The three directives concern different situations, therefore some differences in their scope, definitions, and requirements are understandable and logical. The Commission³ rightly recognises that “*differences between the three Directives may be explained by the particular scope of each Directive*” and that “*a number of alleged incoherencies should be examined at national rather than at EU level*”.

In this context we do not understand the Commission’s plan to launch a social partners’ consultation. The idea of consolidating the three information and consultation of workers

¹ Directives 98/59/EC on collective redundancies, 2001/23/EC on transfer of undertakings, and 2002/14/EC on national frameworks for informing and consulting employees;

² Final Synthesis Report, Deloitte, May 2012, “Operation and effects of information and consultation directives in the EU/EEA countries”

³ Commission Staff Working Document (SWD(2013) 293)

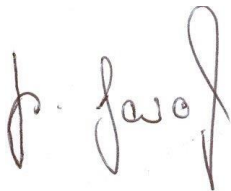
Directives is disconnected from the evidence gathered through technical cooperation between the Commission, Member States and social partners over the last few years.

Moreover, reopening these Directives could create a prolonged situation of legal uncertainty for employers and workers as it is likely to lead to a divisive political debate on the merits of this initiative and its content.

Therefore, we urge the Commission to reconsider this idea and focus its efforts on addressing other, more pressing policy issues.

We would appreciate to discuss this issue with you.

Yours sincerely,



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Peter Faross
Secretary General



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