



European Trade Union Confederation (ETUC)
Confédération européenne des syndicats (CES)

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JM/RH/sw

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European Works Councils

Dear President, dear Commissioner,

Fundamentally, the ETUC is of the opinion that a revision of the EWC directive would have been desirable within the framework of negotiations and could have strengthened the social dialogue.

We have made intensive informal efforts to create a robust basis for negotiation. BusinessEurope could not give any indication that they would be prepared to accept substantial improvements to the EWC Directive. Nor have the employers been able to recognize the Commission's consultation document of 20 February 2008 as the basis for negotiations.

In addition no common understanding could be reached for a short negotiation period. The proposal that social partners should present a progress report by the end of June was impracticable. We were not prepared to start negotiations simply to break them up if there was no agreement by end of June. If we start negotiations, we have to be committed to reach agreement.

Since the revision of the EWC Directive has been overdue for years, it is of clear importance for the ETUC to conclude the revision process successfully – as scheduled by the Commission – before the end of 2008. In order to stick to the timetable the Commission has to put forward a revised Directive by the beginning of June.

It has to be remembered in this context that the Directive was not originally a product of the social dialogue. UNICE were not ready to conclude this on a substantial basis at that time. So it was prepared by the Commission and approved by the European Parliament and the Council.

While the Commission was planning the introduction of the second phase consultation, in autumn 2007 there were also major efforts by BusinessEurope to dissuade the Commission from starting the process. Only after the Commission had published its consultation document on 20 February 2008 did BusinessEurope consider negotiations positively.

As you know, ETUC welcomed the change of heart by BusinessEurope. But since the employers have not been in a position, under admittedly difficult circumstances, to contribute to the creation of a robust basis for negotiation we had to decline the option to negotiate.

For our affiliates it was also very surprising and disturbing, that at the same time important representatives from employer organisation continued to repeat in public, that they don't see the need for a revision of the EWC Directive at all.

In addition, we had to take into consideration the fact that BusinessEurope needs consensual agreement among its affiliates before it can approve the result of negotiations. This had already led to difficulties in the past. Since the early beginning of the social dialogue ETUC needs only a qualified majority to approve an agreement. This is moreover also the case in the Council of Ministers' voting regulations on European information and consultation rights.

Also in its latest letter to the Commission BusinessEurope could commit them only to conduct negotiations according to standard procedures within the framework of the social dialogue without any indication of substantive elements for the revision, as they have been described in the Commissions' consultation document.

Let me underline that Article 138 (4) foresees that the duration of the negotiation procedure shall not exceed nine month. A shorter period is not exceptional in view of the treaty.

Under the present circumstances the ETUC is not in a position to follow your recommendation. Furthermore we expect that the Commission will be able to present a revised Directive beginning of June in which the orientation of its consultation document will be fully taken into consideration as well as our opinion and recommendations presented to the Commission in our letter send to Commissioner Spidla on 11 April 2008.

The Commission as well as the Parliament and the Council must proof that they are able and ready to strengthen workers rights and the social dimension of the European Union.

Yours sincerely



John Monks
General Secretary