



Members of the European Parliament Committee
on Employment and Social Affairs

15 January 2009

Dear Member of the European Parliament,

Re: Employment Committee vote on draft report on implementation of National Information and Consultation directive

On 21 January, the European Parliament Committee on Employment and Social Affairs will vote on the report drafted by Mr Jean Louis Cottigny on "the implementation of directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community".

BUSINESSEUROPE has serious concerns with regard to the main messages of the draft report. European companies oppose a revision of this directive. Under no circumstances should national systems of information and consultation be harmonised. Moreover, possible shortcomings in the transposition laws should be addressed at national level and do not justify a revision of the directive.

The directive has been transposed in a satisfactory way

BUSINESSEUROPE believes that the directive has been transposed in a satisfactory way in most Member States. For more in depth information, please find attached to this letter our response to the Commission 2007 consultation of European social partners on the implementation of the directive at national level.

Although the impact of the directive varies between countries depending on the rules in force at national level prior to its adoption, BUSINESSEUROPE believes that the directive has been useful to establish a general framework setting out minimum requirements for the right to information and consultation of employees in undertakings or establishments within the Community.

Where national implementing measures fail to respect the provisions of the directive, the Commission should take appropriate action, in close cooperation with the national authorities, to ensure full and effective implementation of the provisions of the directive at national level.

Companies oppose a revision of the directive

BUSINESSEUROPE strongly disagrees with the draft report's analysis that particular problems with transposition in some Member States necessitate a revision of the directive. National transposition problems should be solved at national level.

Only two years after the end of the transposition period, BUSINESSEUROPE agrees with the European Commission¹ that national implementing measures should be given some time to bed down in the industrial relations systems of the Member States.

On 21 January, it is essential that the Employment Committee votes against the draft report's call for a revision of the directive. Point 8 in the draft report should therefore be deleted.

The directive should remain a flexible instrument, which does not delay decision-making and implementation in companies

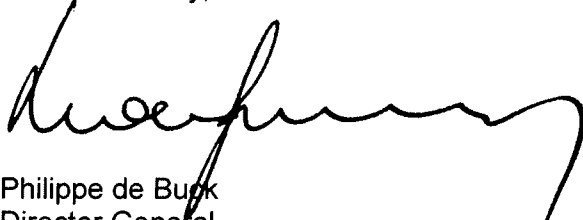
The directive should continue to support and reinforce the possibility for social partners to make tailor-made arrangements that fit the structures and needs of companies. This is key to safeguard companies' capacity to make decisions and therefore to be and remain competitive in rapidly changing global markets.

The European Parliament should refrain from proposing changes to the directive undermining its main feature, which is to provide Member States with a flexible framework respecting national industrial relations systems and traditions. Because it should not be the aim of the directive to harmonise national laws on information and consultation, BUSINESSEUROPE asks for the deletion of the term "harmonisation" from the draft report.

In addition, under no circumstances should the Commission propose coordinated amendments to existing directives in the field of information and consultation as each one of them deals with issues of a different nature. Point 15 in the draft report should therefore be deleted.

Lastly, it does not make sense to deal with European works councils in a report addressing the implementation of another directive. References to the need to revise the European works councils directive should be deleted from the report, in particular as a recast directive on European works councils has been adopted by the Council and the European Parliament shortly after the report was drafted.

Yours sincerely,



Philippe de Burck
Director General

¹ Commission communication "on the review of the application of Directive 2002/14/EC in the EU" of 17 March 2008