

Dr. Sigurt Vitols
Panel discussion "Corporate mobility and European Company Law"

1) i appreciate that the European Commission is taking this opportunity to reflect on the future of company law -- the GOODCORP group of academic and trade union experts is also engaging in a reflection process and has just published a book entitled The Sustainable Company which outlines its vision of a new system of corporate governance reflecting the interests of stakeholders in the long-term sustainability of their companies

2) trade unions are cautious about corporate mobility in Europe because of their experiences that it has been used (in many cases) to try to put downward pressure on employment and social standards and to escape stronger worker participation regimes.

3) so the position of trade unions is that the interests of majority shareholders in corporate mobility have to be balanced with the interests of other stakeholders, including labor -- employment standards and participation rights must not suffer as a result of liberalization in capital mobility. in this sense trade unions share interests with other stakeholders in the strong regulation of capital mobility

4) the evidence presented so far has not really been very convincing that increased capital mobility will be a net positive as opposed to a net negative in terms of overall welfare. we would also like to have a better sense of what we can do to help business in a way which leads to a win-win situation for all stakeholders

5) the SE legislation sets the current standard for trade unions when considering other legislation like the proposed 14th company law directive -- the before-after principle for preserving existing participation rights combined with the possibility for a negotiated solution has been endorsed a number of times by the ETUC. The ETUC has just passed a resolution calling for European minimum standards on information, consultation and participation which underlines these principles