



EUROPEAN COMMISSION
Employment, Social Affairs and Inclusion DG

The Director-General

Brussels, **04 JUL. 2011**
EMPL/B1/BB/fpr (2011)

For the attention of the Social
Partners' organisations consulted
under Article 154 of the Treaty

Subject: First phase consultation of Social Partners under Article 154 TFEU on the possible review of Directive 2001/86/EC supplementing the Statute for a European company with regard to the involvement of employees

Dear Madam, dear Sir,

On 5 July 2011, the Commission approved the attached consultation document C (2011) 4707 "*First phase consultation of Social Partners under Article 154 TFEU on the possible review of Directive 2001/86/EC supplementing the Statute for a European company with regard to the involvement of employees*".

This consultation document identifies three problematic areas concerning the rules on employee involvement contained in the above mentioned Directive, i.e. a) the complexity of the procedure for employee involvement; b) the lack of legal certainty concerning certain aspects of the negotiation procedure; c) the concern that the use of the SE form could have an effect on the rights to employee involvement granted by national or EU law.

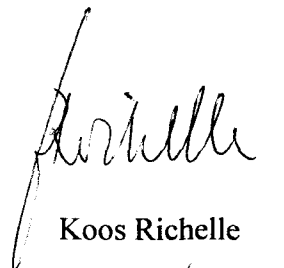
In this first phase, Social partners are consulted on whether a) those are the main issues raised by the operation of the Directive; b) the Directive should be amended; c) other non-legislative measures at EU level would merit consideration and d) they would initiate a negotiation under Article 155 TFUE.

Please find enclosed the English, French and German versions of the consultation paper.

I would be grateful for your views and comments in response to this consultation within six weeks of receipt of this letter – that is, allowing for the summer break, by **30 September 2011**.

Please send your replies to Ms Bianca Busuioc (Bianca.busuioc@ec.europa.eu) and Mr Francisco Pérez Flores (Francisco.perez-flores@ec.europa.eu).

Yours faithfully



Koos Richelle