



Brussels, 3 May 2011
EMPL B2 EP

Fourth meeting of the Expert Group on Transnational company agreements of 26 October 2010

Minutes

1. PRESENCE

In addition to Commission's representatives, the third meeting of the Expert Group on transnational company agreements had 43 Participants: 26 permanent members, 4 permanent observers and 13 speakers and ad-hoc experts in a personal capacity:

- **14 EU and 2 EEA Governmental experts** from AT, DE, DK, EE, ES, FI, FR, HU, IT, LIE, MT, NO, PL, RO, SI, UK
- **12 Social Partners' experts:** 8 experts from the employers' organisations nominated by BusinessEurope (BDA DE, BusinessEurope, CEEMET, CEEP, CEOE ES, UEAPME, VNO-NCW NL), 4 experts of the trade-union organisations nominated by ETUC (DGB DE, ETUC, Nordic In NORD, UNI Europa)
- **2 Institutional experts** from the European Parliament and ILO
- **2 Academics and consultants:** André Sobczak (Director Institute for Global Responsibility, Audencia Nantes); Marie-Noëlle Lopez (Director Planet Labor consortium)
- **11 Company, sectoral and national actors:**
CHEMICAL INDUSTRY sectoral social dialogue committee: Jorma Rusanen EMCEF;
CIVIL AVIATION sectoral social dialogue committee: Ignacio Plaza Sevillano ECA and Vice Chair;
BELGIUM: Geneviève Laforet CSC-ACV;
AIR FRANCE KLM: Henri Coursol Vice President Human Resources AFKLM and Chair of the EWC, Sylca Bakker Human Resources KLM, Paul Gilliam Human Resources AF, Sandrine Basselier-Mulot AFKLM Human Resources;
GDF SUEZ: Bernard Parmantier Director of Group Industrial Relations;
PPR: Philippe Decressac Group Human Resources Director, Christine Le Louarn Group Directorate for social Development
THALES: Ursula Biernert Vice President Human Resources Germany

The **European Commission** was represented by

- Armindo Silva, Director "Social Dialogue, Social Rights, Working Conditions, Adaptation to Change" and Chairman of the expert group
- Fernando Vasquez, Deputy Head of unit "Working conditions, Adaptation to change", Chairman of the morning session
- Elisabeth Aufheimer and Ellen Durst (Social dialogue), Carina Bjurklint, Francisco Perez Flores and Evelyne Pichot (Labour law), all DG EMPL

2. OPENING

Mr Vasquez opened the fourth meeting of the Expert Group. He welcomed the participants, recalled the main objectives of the expert group and the issues under discussion by reference to the previous meetings; particularly he stressed the role of Transnational Company Agreements (TCAs) in anticipating and managing change and informed about forthcoming events as to corporate restructuring in this context. Mr Vasquez presented the draft agenda as which was approved without comments. He presented as well the draft minutes of the third meeting, for which no comments were received during the meeting but may be conveyed to the Commission where necessary after the meeting.

3. LATEST DEVELOPMENTS IN THE FIELD OF TRANSNATIONAL COMPANY AGREEMENTS

Mrs Pichot presented the latest developments in the field of TCAs. Within the last months, new texts have been concluded and made available to the public. These include agreements on restructuring at Schneider-Alstom on the integration of Areva T&D or at Opel, texts on specific issues such as Health & Safety and stress at work at ETEX and PPR or on Fundamental rights at Telekom Indonesia. At EADS, an agreement was concluded with national trade unions from the four countries concerned on a procedure for social negotiation at European level. Some existing agreements were also updated, notably at PSA. (*See presentation*)

Mrs Pichot informed about different initiatives in view of TCAs by employer organisations and trade unions¹. She also drew the audience's attention to the Commission's activities in the field of TCAs, namely she referred to the launch of a study on the effects of company agreements, to the on-going work for a database on TCA-texts, to the active support to projects regarding TCAs and to information efforts in this regard.

Mr Papadakis, from the ILO's Industrial and Employment Relations Department informed about latest activities of ILO in the field of TCAs. ILO (DIALOGUE) is developing a number of research and policy development activities in cooperation with practitioners and academics. Fresh activities in this field include the results of an e-survey on management perceptions on the impact of IFAs and a review of the role of labour-management agreements in socially responsible restructuring practices in times of crisis. ILO is also establishing a database of

¹ Notably funded under the budget line 04.03.03.03 "Information, consultation and participation of representatives of undertakings"

IFAs to be regularly updated with analytical tables available online. Policy dialogue and workshops are also carried out with Global unions, the International Organisation of Employers and businesses. Documents are to be found at <http://www.ilo.org/public/english/dialogue/ifpdial/info/xborder/index.htm>

Mr Papadakis presented selected findings of this on-going work. Some 6 IFAs have been concluded every year since 2006, which represents today 80 IFAs in companies employing some 6,3 million workers (out of 77 million employees working in transnational companies). IFAs go beyond core labour standards by dealing with everyday issues such as restructuring, thus enabling win-win situations during the crisis and avoid downward spiral of wages and jobs. As to the effects, IFAs entail recognition of workers' representatives at global level, increased possibilities for workers to organize at local level and to coordinate, capacity to end the deadlock in longstanding situations and resolve disputes. They also bring about increased level of trust for management. Effective implementation of IFAs however needs improved ownership on both union and management sides through negotiating procedures and increased involvement of local actors. (*See presentation*)

Mr Vasquez thanked for the presentations, stressed that TCAs are not only a European issue and opened the floor for discussion. The employer expert of NL enquired about the research methods and the possibility to distinguish between the effects of an agreement and the ones of the overall company's HR policy. Mr Papadakis answered that a good HR policy is indeed crucial for good economic and social results and that TCAs are to be considered as a part of such policy, which usually go along with other good practices enabling to find win-win solutions, such as timely employee information and consultation or Health & Safety programmes. The trade union expert of NORD observed that agreements in place provoke change in organisations with qualitative jumps and push for more substantive initiatives at European level and as well at global one. Mr Papadakis noted that global unions form alliances and develop organisational change allowing them, not only to negotiate in a structured way, but also to better promote TCAs.

4. LATEST EXAMPLES OF TCAS

Mr Vasquez thanked Mrs Pichot and Mr Papadakis for their presentations and gave the floor to the representatives of Thales, GDF Suez and AirFranceKLM to talk about their experience.

Example of Thalès: Ms Biernert presented the 2009 "idea" (improving professional development through effective anticipation) and 2010 "talk" (transparent annual activity discussion for mutual listening and developing professional knowledge) European collective agreements concluded with EMF. She stressed the need for dynamic HR policy and social dialogue at European level to reinforce the attractiveness of the company for the highly skilled workforce required to its activities in a context of growing international integration. Built on the existing best practices across the group, "Idea" provides for tools to anticipate medium term evolutions by job family and enrich actions to address related training needs and "Talk" aims at guaranteeing transparent and respectful procedures for the annual activity discussion. The negotiating team comprised representatives from both European and local levels on union and management sides. Ms Biernert informed that an identical text is signed in each country to implement the European agreement, which provisions cannot supersede local laws, agreements and practices more favourable to employees, that every employee gets an individual information about the agreements and that a follow-up is done by commissions

both at European and national levels. She noted that both agreements have been also voluntarily implemented in Australia. (*See presentation*)

Upon questions from Mr Vasquez and the employer expert of NL on the categories of employees concerned by the agreements, Ms Biernert answered that training actions cover every employee, who should go into training every three years and that talent management also includes processes for senior personal to use their knowledge as consultants and to transfer it to young personal through twinning systems. The employer expert of NL enquired on the choice of the partners in the negotiation. Ms Biernert stressed that European agreements would have been difficult to conclude in the context of the EWC given its composition and that the EMF helped employee representatives and trade unions communicate with management in a structured way. The employer experts of CEEMET and CEEP as well as the governmental expert of AT enquired about the link to salary reviews and policies as well as to the situation where objectives are not attained and the procedures for dispute resolution. Ms Biernert answered the agreements are not about salaries, which remains in the remit of national actors and adapted to local rules (example of Tarifvertrag in Germany), that differences in descriptions of jobs across countries would prevent having a global salary policy in the company and that benchmark with other companies is also important. Where objectives established at Group, team and individual levels are not fulfilled, this may indeed impact on the level of variable pay. "Talk" agreement is too fresh for disputes to have already occurred, but future ones would be dealt with by the European commission formed as a successor of the negotiating group to follow-up twice a year the implementation of the agreements and settle disputes.

Mr Vasquez thanked for the interesting discussion and referred to the procedure established by the EMF to negotiate and sign TCAs, such as the ones discussed.

Example of GDFSuez: Mr Parmantier described the post-merger context of GDFSuez with the need to address the future of TCAs concluded before that merger, its growing international dimension with 182000 employees in 25 countries, its activities falling within the competence of different European union federations and the challenges for industrial relations herein. While presenting the 2010 European agreement on job and skills planning, he stressed the strategic role of HR policy, the need to address the collective dimension of employability and the importance of social dialogue. He explained the role of the European agreement in triggering new dynamics and facilitating the achievement of concrete results through procedures, joint committees and training at European, national and local levels. As to the 2010 Health & Safety agreement, it was first signed at European level and enlarged worldwide, with the objective to take H&-related risks into account in every decision making, including at the highest levels of the company, and design prevention measures through a participative process. Mr Parmantier explained the negotiating procedure for these agreements between a special negotiating body (same setting as for the negotiation of EWCs + EMCEF and EPSU) and the group management which led to the signature of the agreements in February 2010 except by the Italian representatives and EMCEF. He stressed the challenges of such negotiation in the absence of clear rules, notably the difficulty to deal with six different European trade union organisations claiming their competence which coordination is not yet fully worked out and the need to keep the contact with both national and European level organisations. (*See presentation*)

Mr Vasquez opened the floor for questions and comments. The trade union expert of ETUC enquired for the reasons leading Italian trade unions not to sign the agreements, the employer expert of CEEMET asked the same for EMCEF and whether the closer relationship between

EMF and EMCEF may have any impact in the future. Mr Rusanen from EMCEF explained that negotiations with management went in a good spirit but that EMCEF had to respect its mandating procedures adopted in September and was therefore not in the position to sign the agreement. He stressed that EWCs have no negotiating capacity and that negotiating teams should have union mandates. He added that most European federations have adopted similar negotiating procedures, that EMF, EMCEF and ETUF-TCL are having merger talks and that discussions are on-going between European federations on coordinating rules, which should facilitate negotiations of this kind in the future. The trade union expert of NORD stressed the different national traditions as to how collective agreements are signed, notably as to the role of works councils which do not sign agreements in the Nordic context, which explain the need for strong mandating procedures to enable having an agreement applied everywhere. Mr Parmantier explained that the Italian trade unions disagreed with the negotiation through an SNB which they considered to be of the same nature of the EWC, although it was composed by national union representatives and counted with European union federations. He observed that the question of the actors to take part in the negotiation is still open: European industry federations and if yes, which ones and with which relation to national organisations? National organisations with a link to European federations?

The employer expert of CEEP raised the legal problem faced where substantive agreements are not signed by all competent organisations, problems that are not encountered with framework or procedural agreements which need national implementation to produce effects. The employer expert of CEEMET noted the importance of the levels of responsibilities in H&S and the related challenge for a substantive European agreement in this area. Mr Parmantier explained that the agreements at GDFSuez go beyond procedures but that the issue of legal effects has to be considered in a pragmatic way. He stressed that the agreements design a company policy negotiated between social parties and that there is no reason for such policy to have less binding force than a unilateral policy designed by the sole management. Every manager will therefore have to apply it within the scope initially defined.

Upon questions from the employer expert of CEEMET, Mr Parmantier explained that there was a link between the European agreement on job and skills planning and the French legal requirements in this area, both in background to the negotiation and in the fact that the European agreement is to have direct effect in all French companies. Mr Vasquez thanked for the presentation and exchange of views and noted the interest and growing importance of company policies on anticipation and H&S designed at European level.

Example of AirFranceKLM. Mr Coursol introduced the 2010 framework agreement on the reorganisation of AirFrance KLM airport sales agencies in Europe. For KLM, Ms Bakker explained the origin of the agreement in the need to anticipate the decrease in the use of airport ticket offices and to redeploy related workforce through training, mobility and flexibility measures. The working group established within the EWC suggested establishing a European framework based on best practices identified to cope with these challenges while protecting permanent employment and managing change in a spirit of trust. As a result, the framework agreement identifies the procedures to be followed at different levels, recognizes the authority of local actors and develops the transparency and monitoring role at European level. In addition, Mr Gillian stressed the need for a consistent and transparent approach at European level to set the rules for management at all levels, “keep family together” and provide for quality service to customers with happy staff. He explained that the process and agreement enabled to overcome initial fears of well organised staff as to potential outsourcing plans by Air France. Mr Coursol concluded this presentation by stressing the decisive contribution of the EWC to social dialogue by channelling employees’ expectations,

discussing strategic orientations and enabling to build joint working frameworks. (*See presentation*)

Mr Vasquez noted the importance of Human Resources issues a core of company strategies and opened the floor for discussion. Upon a question from the employer expert of NL on the concrete results of the agreement, Ms Bakker explained that it was key, through the transparency it provided, to overcome the fears of staff as to risk of outsourcing AirFranceKLM sales activities and that it forced everybody to look into the future of airport ticket offices. As a result, some insourcing of activities even occurred. The employer expert of CEEP noted that a framework agreement enables respect of local legislation, practice and cultures, while providing for orientations and incentives. Mr Coursol referred to the flexibility provided by the agreement concluded.

Mr Vasquez thanked for the interesting presentations and enlightening discussions.

5. LINKS BETWEEN TRANSNATIONAL COMPANY AGREEMENTS AND OTHER LEVELS OF SOCIAL DIALOGUE

Introduction: Upon invitation by Mr Silva, Mrs Pichot introduced issues related to “links between transnational company agreements and other levels of social dialogue”. As to the links with European social dialogue, she noted that some transnational agreements aim at implementing outcomes of European social dialogue at cross-industry level (ex on equal opportunities at Areva or on stress at PPR) or at sectoral level (ex on lifelong learning at Unicredit). Transnational agreements are also of interest for European sectoral social dialogue through the negotiating and implementation procedures established by European trade union federations, the role of TCAs in certain sectors such as energy or civil aviation and the discussion about TCAs in certain sectoral social dialogue committees such as chemicals. As to the links with national social dialogue in the company, she referred to the involvement of national trade unions in some TCAs (ex EDF), the transnational scope of some national company agreements (ex on financial participation), the negotiation of a TCA after a national agreement has been concluded (ex skills planning in France/Europe), the implementation of TCAs through national agreements (Ex Ford restructuring) and the effects of transnational agreements on establishment, improvement or reinforcement of local social dialogue (many examples). As to the links with national social dialogue beyond the company, she referred to the objectives of international coordination for national trade unions, the decent work agenda of national social partners, the implementation of national sectoral or cross-industry collective agreements through some TCAs (ex equal opportunities), the effects of transnational agreements on establishment, improvement or reinforcement of national social dialogue (ex of some new Member states or non European countries). As to the links to global social dialogue, she noted that transnational agreements promote global social dialogue in companies, support international cooperation of trade unions and promote ILO Conventions and other international instruments relating to social dialogue. As to contents, she noted that topics such as training, restructuring, mobility, Health and safety or equal opportunities were addressed at different levels of social dialogue. (*See presentation*)

The question is therefore which link between transnational agreements and national, European and global social dialogue at cross-industry, sectoral and company levels already exist and would be useful as well as how to support and develop them.

Study results: Mr Sobczak presented the main results of the study on the interaction between levels of transnational social dialogue he had carried out in 2008-2009 with Evelyne Leonard from Université Catholique de Louvain for the French Ministry of Labour. He first noted that interviewed actors usually claimed they didn't see any such interaction. He then observed that, as to links between different TCAs, informal consultations are held between employers in what can be considered as a process of innovation. On employee side, the same actors are found in different negotiations and standard agreements are developed. As to the relation between TCAs and European sectoral social dialogue committees, little link was found. On employer side, the actors are not the same, except for certain sectors such as electricity. On employee side, the coordination is easier and more developed through the action of industry federations. In relation to the content of the agreements, it was found that certain issues are specific to one level whereas some others are common to both company and sectoral levels. The methods for implementing the agreements and the difficulties faced were also considered as presenting similarities. As a result, the study identifies a potential and a need for interaction between company and sectoral levels of transnational social dialogue. *(See presentation)*

Mr Silva thanked for the presentations and opened the floor for questions. The employer expert of CEEP enquired about the number of agreements concluded at sectoral level. Mr Silva referred to the recent Commission Staff Working Document "on the functioning and potential of European sectoral social dialogue" (SEC(2010)964) which provides an overview of the some 500 texts of different kinds adopted by the sectoral social dialogue committees. Upon a question from the employer expert of ES about examples of links between TCAs and the committees, the electricity sector was referred to: after EDF had concluded a global CSR agreement, the different companies of the sector were invited to look into this issue and share practices.

Views from a company - PPR: Mr Silva gave the floor to the representative of PPR management to talk about his views as to links between the levels of social dialogue with reference to the Charter concluded in 2010 with the EWC on quality of life at work and prevention of work-related stress. Mr Decressac presented the context, bodies (Group works council, EWC) and various topics (equal opportunities, training, diversity, transport, restructuring,..) of social dialogue at PPR group level. He referred to the two charters already concluded in 2008 on the employment of disabled persons and seniors and stressed that these texts go beyond mere declarations, as shown by the fact that their observance is included, together with CSR objectives, in the evaluation and remuneration of managers. He explained the origin of PPR's dialogue on psycho-social risks, stressing the economic, social and legal challenges to address, the need to develop a shared management of these risks in a context of increased pressure of change, the objective to work on concrete areas with a renewed EWC and the will to give a concrete impetus to the implementation of the two European framework agreements on work-related stress and violence and harassment at work. He described the approach taken to negotiate and implement the Charter, building of the exchange of experiences, using external European references, defining and validating core principles (identifying and assessing factors of work-related stress, establishing preventing measures and informing and listening to employees) and working out mechanisms to implement and monitor the application of the Charter before adopting it and making it a true agreement of European scope. In this context, he stressed the importance of using the definitions and provisions of European texts and agreements as references. *(See presentation)*

Mr Silva thanked Mr Decressac for this interesting insight, particularly in the context where the Commission is about to publish its evaluation on the implementation of the European agreement on work-related stress, asked whether the national frameworks had an influence on

the treatment of this issue and opened the floor for further questions. Upon a question from the employer expert of CEEP, Mr Decressac answered that the EWC needs to get all useful information and is also to be consulted in an appropriate timing. Ms Le Louarn noted that French authorities had indeed pressed companies to achieve results on stress-related issues, pushed by public opinion in the context of a series of suicides at work. She considered however that this pressure was more an embarrassment, as social dialogue needs serenity, and did not have much impact on the agreement. She observed that actual interaction with national contexts was rather related to the differences between Member States in the dissemination and implementation of the European agreements on work-related stress and violence and harassment at work, leading to a large variety of practices. She concluded however that the common, clear and simple reference provided by these European agreements allowed to go ahead in the company.

Views from national social dialogue - Belgium: Mr Silva gave the floor to the representative of Belgian social partners to talk about her views as to links between the levels of social dialogue with reference to the Belgian system. Ms Laforêt recalled the historical construction of Belgian social dialogue, based on the 1944 social pact, which provides for a high level of organisation (55 to 70% of trade union membership, 75% for employers) and coverage by collective agreements (around 90%) as well as an active and loyal social dialogue. The traditional levels of social dialogue (cross-industry, sectoral and company) are articulated: there are complementarities and a hierarchy providing for ascendant and descendent solidarity, a framework to implement collective agreements and enough flexibility to integrate new areas or “atypical” workers or sectors. She then compared the national system with the European one, noting that they present similarities but that the company level is missing in the European system and that the relation between information-consultation and negotiation needs to be better worked out. She stressed that the present pragmatic approach as to the “implementation” of transnational company agreements into local binding agreements is not satisfactory because it leads to multiply national negotiations in a non-rational manner and needs to become more simple. To conclude, she quoted the debated text of October 2010 Congress of the CSC trade union pleading for internationalising the conclusion of company agreements with multinational companies, providing a statute for these agreements through a European framework for European agreements and an ILO framework for international agreements as well as mediation mechanisms at European and international levels in case of deadlocks. Mr Silva thanked Ms Laforêt for the in-depth insight and the perspectives offered by the presentation.

Views from sectoral social dialogue – Chemical industry and civil aviation: Mr Silva gave the floor to the representatives of the sectoral social dialogue committees in chemical industry and civil aviation to talk about their views as to links between the levels of social dialogue with reference to sectoral social dialogue.

As to the chemical sector, Mr Rusanen presented the issues dealt with in sectoral social dialogue, such as life-long learning, restructuring or CSR, and the role of the industry trade union federation EMCEF involved in merging talks with EMF and ETUF-TCL. Exploring the different levels of European social dialogue, he referred to the 2006 multisectoral agreement on crystalline Silica and the on-going negotiations on a sectoral binding agreement on life-long learning dealing with job profiles, skills/competence certificates and the establishment of a European sectoral council on employment and skills. As to transnational company agreements, he noted the existence of some agreements, mostly global, in the sector and observed that, in the absence of a European framework, European trade union federations have adopted own mandating procedures. He then described the EMCEF procedure adopted

in 2010: 2/3 majority among affiliates to decide opening negotiations, platform and delegation (with veto rights for country with over 10% of employees), all countries to decide (by 2/3 internal majority) to approve an agreement for it to be binding on affiliates, implementation under responsibility of EMCEF affiliates. He stressed that EWCs have no mandate to negotiate collectively but that EWC members may take part to the negotiating delegation where appointed by trade unions. To conclude, he noted the present need to implement a transnational agreement by national collective agreements to make it binding and effective and stressed the interest of a European legal framework to simplify such mechanism. (*See presentation*)

Commenting on this presentation, the employer expert of NL stressed that the intention of the parties needs to be taken into account to make an agreement binding and that the absence of involvement of the EWC while agreeing company policies with management is not in line with usual practice and may lead to difficult situations. The trade union expert of NORD expressed the need to look more closely at the kind of agreements at stake, notably whether or not it may have material consequences for the workers.

As to civil aviation, Mr Plaza presented main aspects of the sectoral social dialogue committee, including the agreement concluded on working time for mobile staff, the learning culture developed and the working groups established, for example on ATM (controllers). He then went to the reasons for an interest in transnational company agreements in the aviation sector, particularly for crews, to cope with bases opened in different countries and merging of airlines as a result of liberalisation of the sector. He explained that where, before 2000, there was one contract with all pilots and cabin crew, situations occur now where different contracts may apply to pilots and cabin crew within the same crew of succeeding in the same plane because they refer to different national rules. These situations are challenging as to equal pay, working conditions and other social requirements. He referred to the initiatives of the single contract concluded for SAS pilots of NO, SE and DK concluded under Swedish law and registered in all countries and of negotiation of Easyjet pilots association with the company for that purpose. The search for an enabling legal framework for such transnational company agreements for civil aviation was discussed during a 2007 pilots seminar, the 2008-2009 EU-US labour forums in the context of open skies negotiations, where mechanism for transatlantic representation and central negotiations were at stake, and the aircrew working group.

Debate: Mr Silva thanked for the series of presentations on the links between transnational company agreements and other levels of social dialogue. He noted that any interaction should result in beneficial effects, such as in the example on work-related stress. He noted however that reasons for concerns and warning had been expressed, showing that coexistence may not always be peaceful. He recalled the increasing number of transnational company agreements and their interest as well as the dynamism of sectoral social dialogue. The question is how can they develop together and mutually reinforce. Two difficulties are notably to be addressed: the uncertainty as to implementation at national level and the respective roles of trade unions and EWCs in negotiations. Such difficulties, for example if conditions for mandating procedures are too heavy, could be an obstacle for the further development of agreements. Recalling that the discussions on the subject may end in legislative proposals, Mr Silva opened the floor for the debate as to lessons on links between levels of social dialogue.

The employer expert of BusinessEurope thanked for the variety of examples provided and considered the meeting as very useful. He expressed respect for the individual solutions found at the satisfaction of the company actors. The examples, notably on stress, also illustrate the

need to accommodate the diversity in national industrial relations systems. He shared the conclusions of the study as to the absence of structured link and considered that it will take time to build it. In this process, he stressed the need to learn from experience and not to create problems for companies by forgetting that transnational company agreements are mainly a business for companies and their employees themselves. The employer expert of NL shared these conclusions and added that very interesting cases had been presented. She stressed the need the diversity in industrial relations systems and avoid a too legalistic approach, as content is of higher importance. The employer representative of CEEP considered that flexibility is needed so as not to block the development of TCAs in the interest of employees and companies, notably for framework and procedural agreements while understanding EMF and EMCEF approaches to secure mandates. He recognised the challenges in implementing transnational agreements, which might prove more difficult in restructuring matters than on stress, and the need for legal certainty. He stressed the different natures and objectives of the texts which should lead to avoid uniform solutions, distinguishing notably between frameworks and substantive agreements (for example on restructuring).

The trade union expert of NORD considered that the developments showed clear orientations. There is a need for rules and procedures to ensure that transnational agreements can be negotiated with the appropriate negotiating partners and deliver their promises while taking into account the different types of agreements. He called on the Commission to develop appropriate processes to that aim.

Mr Silva closed the meeting by thanking all participants for a very fruitful discussion. He informed that the next meeting, in the first semester of 2011 will deal with the effects of transnational company agreements. In accordance with plans established in 2009, the intention of the Commission is to draw conclusions from the work of the Expert Group in the second semester of 2011, in form of a report to be discussed with the members. To secure dates, these meetings would be held outside the premises of the Commission.