



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion on the proposal for a Directive on transparent and predictable working conditions in the European Union {COM(2017) 797 final}.

On 17 November 2017 the European Parliament, the Council and the Commission jointly proclaimed the European Pillar of Social Rights, setting out a number of key principles and rights to support fair and well-functioning labour markets and welfare systems. The Principles defined in the Pillar explicitly address the challenges related to new forms of employment and adequate working conditions in atypical forms of employment.

The current proposal is a major contribution to implementing the European Pillar of Social Rights, notably its Principles 5 (Secure and adaptable employment) and 7 (Information about employment conditions). The aim is to ensure a set of minimum fair working conditions across the European Union and across all forms of contracts. This will set a framework within which new forms of work could further develop, offering fairer protection to workers and a clearer reference framework for national inspectors, legislators and courts. This new framework will also offer a better level playing field for business within the internal market.

The objective of the proposal is to ensure that all workers can benefit from better working conditions. By codifying a definition of worker based on the case law of the Court of Justice of the European Union, this Directive will ensure that in all Member States the same, broad categories of workers, including domestic workers, are covered. Providing a definition of worker in the proposal means that an additional 2 to 3 million workers will be entitled to transparency about their working conditions and to new substantive rights to improve predictability and security of their working conditions.

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The Commission takes note of the Camera Deputaţilor's comments and would like to clarify that the provision on training covers only obligations which derive directly either from the European or national legislation or from relevant collective agreements. It states that where employers are legally obliged to provide some training, they should not charge workers for its cost. In practice, most employers already provide cost-free mandatory training for their workers, for example in the area of protection of safety and health at work. The Commission considers that the costs of this provision would be very marginal as a result. It will ensure that some workers who so far may have been excluded from the scope of the current Written Statement Directive (casual, working very short hours etc.) will be better covered by the existing training obligations. Providing training to workers is not just an administrative cost, it is first of all an investment that should result in improved quality and productivity.

Part of the workers in non-standard and new forms of work are in this situation involuntarily, which leads to precariousness and segmentation of the labour market. The Commission considers that a possibility to request another more favourable form of employment, where available, after achieving a certain degree of seniority with their employer, and with the corresponding duty on the employer to give a reply in writing, would create space for dialogue between worker and employer on career possibilities in the undertaking and stimulate changes in employment statuses. Such a right might also support social dialogue to ease transitions to more secure and predictable work for workers that have proven their working skills and have developed on-the-job expertise.

The Commission takes note of the Camera Deputaţilor's consideration that some provisions of the proposal need further clarification, namely the provisions on predictability and the notion of conflict of interest. These issues are currently being discussed by the European Parliament and the Council; the Commission hopes that they can be clarified within the on-going interinstitutional discussions.

The Commission takes also note of the Camera Deputaţilor's strong concerns about the proposed provisions on compliance and expects that these concerns will be addressed in the current interinstitutional negotiations.

The Commission remains confident that an agreement on the proposal can be reached before the end of the current term of the European Parliament.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Camera Deputaţilor and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Marianne Thyssen
Member of the Commission*