



**EUROPEAN COMMISSION**  
Employment, Social Affairs and Inclusion DG

**The Director-General**

Brussels,  
DG EMPL/B2/BMS/ynf

For the attention of the Social  
Partners' organisations

**Subject: First-phase consultation of Social Partners under Article 154 TFEU on a consolidation of the EU Directives on information and consultation of workers**

Dear Sir, dear Madam,

On 10 April 2015, the Commission adopted the Consultation Document C(2015) 2303 '*First-phase consultation of Social Partners under Article 154 TFEU on a consolidation of the EU Directives on information and consultation of workers*'.

This Consultation Document constitutes the consultation paper for the first stage in consulting the social partners at EU level, in accordance with Article 154(2) TFEU, on the possible direction of EU action regarding a consolidation of three Directives on information and consultation of workers at national level, namely Directive 98/59/EC<sup>1</sup> on collective redundancies, Directive 2001/23/EC<sup>2</sup> on transfers of undertakings and Directive 2002/14/EC<sup>3</sup> on a general framework for information and consultation of workers.

The initiative follows up to the conclusions of the Commission's 'Fitness check' on EU law in the area of information and consultation of workers<sup>4</sup>. The 'Fitness check', which was based on extensive studies and consultations with all concerned stakeholders, found that the three above-mentioned Directives are broadly fit for purpose in terms of relevance, effectiveness, efficiency and coherence, while bringing to light a number of gaps and shortcomings, including some uncertainties and inconsistencies. A number of stakeholders expressed the view that an effort of simplification and rationalisation might

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<sup>1</sup> Council Directive 98/59/EC of 20 July 1998 on the approximation of the laws of the Member States relating to collective redundancies. OJ L 225 of 12.8.98, p. 16.

<sup>2</sup> Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, OJ L 82 of 22.3.2001, p. 16. Article 7 deals with information and consultation of workers' representatives in cases of transfers of undertakings.

<sup>3</sup> Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community, OJ L 80 of 23.3.2002, p. 29.

<sup>4</sup> The results of the 'Fitness check' have been published in a Commission Staff Working Document, SWD (2013)293 final of 26.7.3013.

be justified. The European Parliament and the European Economic and Social Committee also called for avoidance of incoherencies, a more effective formulation of information and consultation rights in EU law and greater standardisation of the various definitions of the terms 'information and consultation' via a possible coordination/consolidation of EU law on worker information and consultation.

The Commission Work Programme 2015 mentions, among the REFIT actions in the field of Employment, Social Affairs, Skills and Labour Mobility, the 'consolidation of three Directives in the area of information and consultation of workers taking into account the results of a consultation of social partners'<sup>5</sup>. This exercise fits within the Commission's commitment to strengthen social dialogue and to give the European social partners an increased role in the design of social policy at EU level.

Please find enclosed the English, French and German versions of the Consultation Document.

I would be grateful for your views and comments in response to this consultation by **30 June 2015**.

Please send your replies to Ms Muriel Guin (Head of Unit, EMPL.B.2, e-mail: [muriel.guin@ec.europa.eu](mailto:muriel.guin@ec.europa.eu)), Mr Bertrand Muller-Schleiden (Legal Officer, EMPL.B.2, e-mail: [bertrand.muller-schleiden@ec.europa.eu](mailto:bertrand.muller-schleiden@ec.europa.eu)) and to [EMPL-B1-UNIT@ec.europa.eu](mailto:EMPL-B1-UNIT@ec.europa.eu).

Yours faithfully,

  
po Michel Servoz

Annex: Consultation Document on First-phase consultation of Social Partners under Article 154 TFEU on a consolidation of the EU Directives on information and consultation of workers (English, French and German versions)

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<sup>5</sup> Annex 3 to the Commission Communication 'Commission Work Programme 2015: A New Start' (COM(2014) 910 final of 16.12.2014), point 21.