Worker information and consultation

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It is advisable to adopt a separate approach to information and consultation arrangements and participation. The Commission should initiate a review of this subject and, to this end, should carry out a comparative study to establish the degree of legislative convergence or divergence between individual countries and the extent to which Community action is advisable and necessary. The proposals relating to the European Company Statute focus both on worker information and consultation and on the more far-reaching participation of worker representatives at the level of company organs. Adoption of the European Company Statute must not enable enterprises in Member States providing for greater involvement to avoid this wider obligation by adopting the European legal form. There can be no question of transposing the particular participation model of only one or a few Member States to the rest of the Community. At the same time, it must not be possible to circumvent worker participation with the aid of a Community legal instrument. Workers in the countries concerned should not suffer a loss of rights deriving from Europe's inability to provide for involvement at a level beyond that of mere information and consultation. This fact automatically rules out Commission Options 2 and 3 for Member States in which workers already enjoy more comprehensive participation rights. Consequently, a solution must be found which ensures that existing national participation legislation cannot be limited or circumvented by any form of European Company. It would also be advisable to disassociate the European Association, European Cooperative and European Mutual Society from the European Company Statute and provide for separate adoption of the corresponding Regulations. This decision should be taken as quickly as possible in order to establish a level playing field between corporate enterprises and partnerships of people. Representatives of cooperatives, mutual societies and associations must be involved in the drawing up of such a European legal framework.