

Information and consultation of employees: general framework

1998/0315(COD) - 23/05/2001 - Modified legislative proposal

The Commission's amended proposal contains three types of amendment: those resulting automatically from the change in the legal basis, those designed to incorporate into the text a number of European Parliament amendments which the Commission regards as relevant, and finally, those resulting from the debates within the Council to the extent that the Commission agrees with the changes put forward. Firstly, the amendments resulting from the change in the legal basis, these refer to the following: - the various references to Article 2(2) of the Agreement on Social Policy appended to the Protocol on Social policy annexed to the Treaty establishing the European Community. Other changes which follow automatically from this change have been made. Secondly, the Commission accepted the amendments proposed by the European Parliament on 14.04.1999 (please refer to the previous document). On the other hand, the Commission is unable to accept the amendments proposed by the European Parliament which it feels could make it difficult to reach agreement or obtain a sufficient majority within the Council. The following amendments are concerned: - Tendenzschutz; - definition of social partner; - reference to the planning stage in the context of defining "consultation" and to the obligation to seek agreement on all issues which are the subject of information and consultation); - promotion of social dialogue in SMEs; - consultation on the development of the undertaking's economic and financial situation; - limit of the autonomy of parties; - removal of employers's rights to withhold particularly sensitive information; - application of the Directive in the civil service; - obligation on the Member States to consult the social partners in connection with transposition of the Directive. The latest text for examination by the Council contains a number of changes compared with the initial proposal and the Parliament's amendments which the Commission is prepared to accept at the moment. Most of these amendments seem compatible with Parliament's wish to see appropriate and effective information and through this new Community legal instrument. Furthermore, a number of the amendments respond to concerns expressed by Member States with reference to their particular national practice and do not call into question the central objective of the proposed Directive. The Commission therefore has decided to include most of these amendments in its amended proposal. However, there is one important exception to this desire to accommodate the Council: at this stage the Commission is unable to accept that Article 7(3) of its initial proposal (sanctions in the event of a serious breach of information and in consultation obligations) should simply be deleted. It therefore maintains its initial proposal on this matter.