

Basic information	
1998/0315(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Information and consultation of employees: general framework Amended by 2013/0390(COD) See also 2008/2246(INI) Subject 4.15.10 Worker information, participation, trade unions, works councils	

Key players			
European Parliament	Committee responsible		Rapporteur
	DELE EP Delegation to Conciliation Committee		GHILARDOTTI Fiorella (PSE)
	Former committee responsible		Former rapporteur
	EMPL Employment and Social Affairs		GHILARDOTTI Fiorella (PSE)
	Former committee for opinion		Former rapporteur for opinion
	ECON Economic and Monetary Affairs, Industrial Policy		The committee decided not to give an opinion.
	JURI Legal Affairs, Citizens' Rights		ODDY Christine Margaret (PSE)
	Council configuration		Meetings
	Employment, Social Policy, Health and Consumer Affairs		2357
	Employment, Social Policy, Health and Consumer Affairs		2296
Council of the European Union	Employment, Social Policy, Health and Consumer Affairs		2313
	Agriculture and Fisheries		2369
	Agriculture and Fisheries		2410
	Environment		2399
	Commission DG		Commissioner

Commission	Employment, Social Affairs and Inclusion	
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Key events			
Date	Event	Reference	Summary
11/11/1998	Legislative proposal published	COM(1998)0612 	Summary
11/01/1999	Committee referral announced in Parliament, 1st reading		
31/03/1999	Vote in committee, 1st reading		Summary
31/03/1999	Committee report tabled for plenary, 1st reading	A4-0186/1999	
13/04/1999	Debate in Parliament		
01/09/1999	Vote in committee, 1st reading		
01/09/1999	Committee report tabled for plenary confirming Parliament's position	A5-0006/1999	
16/09/1999	Decision by Parliament, 1st reading	T5-0012/1999	
17/10/2000	Debate in Council		
27/11/2000	Debate in Council		Summary
23/05/2001	Modified legislative proposal published	COM(2001)0296 	Summary
23/07/2001	Council position published	09919/1/2001	Summary
05/09/2001	Committee referral announced in Parliament, 2nd reading		
09/10/2001	Vote in committee, 2nd reading		Summary
09/10/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0325/2001	
23/10/2001	Decision by Parliament, 2nd reading	T5-0543/2001	Summary
23/10/2001	Debate in Parliament		
12/12/2001	Parliament's amendments rejected by Council		
17/12/2001	Formal meeting of Conciliation Committee		
17/12/2001	Final decision by Conciliation Committee		Summary
23/01/2002	Joint text approved by Conciliation Committee co-chairs	3677/2001	
24/01/2002	Report tabled for plenary, 3rd reading	A5-0026/2002	
05/02/2002	Decision by Parliament, 3rd reading	T5-0028/2002	Summary
18/02/2002	Decision by Council, 3rd reading		
11/03/2002	Final act signed		
11/03/2002	End of procedure in Parliament		
23/03/2002	Final act published in Official Journal		
04/04/2002	Debate in Parliament		

Technical information

Procedure reference	1998/0315(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amended by 2013/0390(COD) See also 2008/2246(INI)
Legal basis	EC Treaty (after Amsterdam) EC 137-p2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/15411

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0186/1999 OJ C 219 30.07.1999, p. 0008	31/03/1999	
Text adopted by Parliament, 1st reading/single reading		T4-0302/1999 OJ C 219 30.07.1999, p. 0174-0230	14/04/1999	Summary
Committee final report tabled for plenary, 1st reading /single reading		A5-0006/1999 OJ C 054 25.02.2000, p. 0010	01/09/1999	
Text adopted by Parliament confirming position adopted at 1st reading		T5-0012/1999 OJ C 054 25.02.2000, p. 0055-0075	16/09/1999	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0325/2001	09/10/2001	
Text adopted by Parliament, 2nd reading		T5-0543/2001 OJ C 112 09.05.2002, p. 0029-0119 E	23/10/2001	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0026/2002	24/01/2002	
Text adopted by Parliament, 3rd reading		T5-0028/2002 OJ C 284 21.11.2002, p. 0023-0093 E	05/02/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	09919/1/2001 OJ C 307 31.10.2001, p. 0016	23/07/2001	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1998)0612 	11/11/1998	Summary

	OJ C 002 05.01.1999, p. 0003		
Reconsultation	SEC(1999)0581 	28/04/1999	
Modified legislative proposal	COM(2001)0296  OJ C 240 28.08.2001, p. 0133 E	23/05/2001	Summary
Commission communication on Council's position	SEC(2001)1333 	10/08/2001	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2001)0701 	27/11/2001	Summary
Follow-up document	COM(2010)0481 	16/09/2010	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0704/1999 OJ C 258 10.09.1999, p. 0024	07/07/1999	
CofR	Committee of the Regions: opinion	CDR0376/2000 OJ C 144 16.05.2001, p. 0058	13/12/2000	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3677/2001	23/01/2002	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

[Directive 2002/0014](#)
[OJ L 080 23.03.2002, p. 0029](#)

[Summary](#)

Information and consultation of employees: general framework

1998/0315(COD) - 05/02/2002 - Text adopted by Parliament, 3rd reading

The European Parliament adopted the resolution by Mrs Fiorella GHILARDOTTI (PES, I) which approves the joint text of the outcome of the conciliation committee. (Please refer to the summary dated 17/12/01).

Information and consultation of employees: general framework

1998/0315(COD) - 10/08/2001 - Commission communication on Council's position

The Commission notes that the Council common position, which was unanimously adopted, does not include the provision proposed by the Commission and supported by the European Parliament; namely the provision for specific sanctions in the event of a serious breach of employee information and consultation. Other than that the Commission can accept the Council's position in full and is pleased to note that by and large the esprit of the originally proposed Directive has been adhered to.

Information and consultation of employees: general framework

1998/0315(COD) - 11/11/1998 - Legislative proposal

PURPOSE: to establish a general framework for informing and consulting employees in the European Community. CONTENT: the proposal is a result of the unwillingness of the social partners to negotiate an agreement in this area. Its essential elements, based on the Protocol on Social Policy, are as follows: 1) purpose and field of application: the legislative framework should be applied to public and private undertakings carrying out an economic activity, whether or not operating for gain, which are located within the territory of the Member States and have at least 50 employees. The proposal for a directive will not affect other employee information and consultation rights, such as those arising from Council directive 94/45/EEC on the establishment of a European Works Council or information, consultation and participation rights accorded to workers by existing national legislation. Member States may lay down particular provisions applicable to undertakings which pursue directly and essentially political, professional organisation, religious, charitable, educational, scientific or artistic aims, as well as aims involving information and the expression of opinions; 2) provision for informing and consulting workers will cover the following areas: - information on the recent and reasonably foreseeable development of the undertaking's activities and its economic and financial situation; - information and consultation on the situation, structure and reasonably foreseeable developments of employment within the undertaking and, where the employer's evaluation suggests that employment within the undertaking may be under threat, the anticipatory measures envisaged (Member States may exclude undertakings with fewer than 100 employees from these obligations); - information and consultation on decisions likely to lead to substantial changes in work organisations or in contractual relations; 3) confidential information: the proposal authorises Member States to provide that: - the employees' representatives and any experts who assist them are not authorised to disclose any information which has been expressly provided to them in confidence (this obligation shall continue to apply even after the expiry of their term of office; - in certain cases, the employer is not obliged to communicate information or undertake consultation when its nature is such that, according to objective criteria, it would seriously harm the functioning of the undertaking or would be prejudicial to it; 4) protection of employees' representatives: when carrying out their functions, employees' representatives shall enjoy adequate protection and guarantees to enable them to properly perform their duties; 5) sanctions: Member States are required to provide for appropriate measures in the event of non-compliance with this Directive by the employer or the employees' representatives. In the case of serious breach by the employer of the information and consultation obligations with regard to decisions which would have direct and immediate consequences in terms of substantial change or termination of the employment contracts or employment relationships these decisions shall have no legal effect on the employment contracts or employment relationships of the employees affected. Within the meaning of these provisions, the Commission defines serious breaches as the total absence of information and/or consultation of the employees' representatives prior to a decision being taken or the public announcement of that decision, or the withholding of important information or provision of false information rendering ineffective the exercise of the right to information and consultation. It is proposed that the directive enter into force two years after its adoption.

Information and consultation of employees: general framework

1998/0315(COD) - 23/10/2001 - Text adopted by Parliament, 2nd reading

The European Parliament approved the report by Mrs Fiorella GHILARDOTTI (PES, I) on the common position along with the amendments proposed by the committee responsible. (Please refer to the previous summary).

Information and consultation of employees: general framework

1998/0315(COD) - 27/11/2000

At the end of the discussions, while noting the difficulties felt by some delegations, the Presidency noted that the substantial progress made enabled the majority of Member States to record their agreement in principle on the central elements of the proposal for a Directive, and in particular on: 1) the objective of establishing a general framework setting out minimum requirements for the right to information and consultation of employees in undertakings within the European Community; 2) the scope of the Directive, enabling Member States to choose between undertakings or establishments employing at least 50 or 20 employees respectively. 3) the general concept of the framework, in particular as regards: - the affirmation of two principles to be respected in all cases when defining or implementing the arrangements for information and consultation: useful impact of the exercise and spirit of cooperation between the social partners; - the general definition of the arrangements for exercising that right, with the adoption of more detailed provisions on the practical procedures and on the content of information and consultation being delegated to the Member States; - the need for national provisions to protect the confidentiality of sensitive information so that the right to information and consultation may be exercised without compromising the smooth operation of the undertaking, by means of appropriate review procedures based on the formulas adopted in the Directive on the European Works Council; - the affirmation of the principle of adequate protection for employees' representatives and appropriate measures and penalties in the event of infringement of the right to information and consultation, to be laid down at national level; 4) importance of collective bargaining and recognition of the role of the social partners in accordance with national traditions and practices, through: - the possibility of transposition by means of agreement; - the possibility for the social partners to define freely by agreement the practical arrangements for information and consultation, under the conditions laid down by the Member States.

Information and consultation of employees: general framework

At first reading under cooperation procedure, the European Parliament adopted the report by Fiorella Ghilardotti (PSE,IT), which approves the Commission proposal for a Council directive establishing a general framework for informing and consulting employees in the European Community, subject to amendments, notably in the following areas: - proposing that strengthened dialogue and mutual trust within undertakings with a view to promoting employee involvement in the operation and future of the undertaking and increasing its competitiveness can be achieved through the continuing acquisition of qualifications, the employment of workers in innovation and adherence to new forms of work organisation which are more creative and rewarding for both sides; - removing the provision that the minimum employee level for application of the proposed directive can be raised from 50 to 100 employees in the case of the more innovative measures proposed on the information and consultation of employees on developments in the employment situation within the undertaking; - providing that existing provisions at national level in this field may not be altered to the disadvantage of employees; - requiring that protection of undertakings against public disclosure of certain particularly sensitive information must not entail any restriction of the right to information and consultation; - proposing that other Community level employee information and consultation rights must not be affected by the proposed directive, provided that they are more favourable to employees; - providing that the implementation of the provisions of the proposed directive shall under no circumstances constitute sufficient reason to justify a lowering of the general level of protection for employees in the field covered by it; - describing the purpose of the proposed directive as being to establish minimum requirements (rather than a general framework) for the information and consultation of employees in undertakings in the European Community; - adding specifications to the definition of "employer" and "employees' representatives" within the meaning of the proposed directive; - defining "social partners" within the meaning of the proposed directive; - providing that consultation should occur during the planning stage, so as to ensure that influence can be exerted; - deleting the provision which allows Member States to lay down particular provisions applicable to undertakings which pursue directly and essentially political, professional organisation, religious, charitable, educational, scientific or artistic aims, as well as aims involving information and the expression of opinions, provided that, at the date of the proposed directive's adoption, such particular provisions already exist in national legislation; - requiring that the Member States will determine the levels (plant, undertaking or group of undertakings at national level) which, depending on the subject dealt with, guarantee full compliance with the objectives of the proposed directive; - providing that, without prejudice to existing national provisions or practice, Member States shall create mechanisms designed to foster and promote social dialogue also in small and medium-sized enterprises, which do not come within the field of the proposed directive's application, in order to extend to them the achievement of the general objectives contained in it; - seeking to ensure that, in implementing the proposed directive, the minimum standards laid down at national level are upheld, while also allowing the social partners the freedom to conclude agreements which provide for rules and arrangements which are more favourable for employees than those laid down by the proposed directive; - providing that particular attention be given, in promoting information on the recent and reasonably foreseeable future development of the undertaking's activities and its economic and financial situation, to the areas of investment, production, sales and structure; - detailing the kind of decisions likely to lead to substantial changes in work organisation or contractual relations upon which information and consultation will be promoted under the proposed directive; - adding to the scope of the directive information and consultation on training and continuing training, equal opportunities and health and safety at the workplace (in accordance with framework directive 89/391/EEC); - requiring Member States to allow a final decision to be postponed, where it may have considerable adverse consequences for employees, to allow the continuation of consultation to try and avoid such consequences; - providing that employees' representatives may, if they so wish, request the assistance of experts specified by them; - deleting the provisions that Member States can, in certain circumstances, allow employers to be exempted from communicating information or undertaking consultation where it would seriously harm the functioning of the undertaking; - setting out the entitlements of employees' representatives when carrying out their functions; - providing that the proposed directive will also apply to the public sector, including the civil service and public services and requiring Member States to ensure that the social partners introduce the necessary provisions by means of agreements, or that the laws, regulations or administrative provisions needed to comply with application to the public sector are adopted; - requiring Member States to consult with the social partners, in accordance with current legislation and practice in the Member States, before adopting the laws, regulations and administrative provisions necessary to comply with the proposed directive; - requiring the Commission to give particular attention to the validity of the ceilings on staff numbers when reviewing the application of the directive no later than 5 years after its adoption.

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.

Information and consultation of employees: general framework

1998/0315(COD) - 23/07/2001 - Council position

In general the Council common position mirrors the European Commission's stance following the first reading of the proposal in the European Parliament. In other words those Parliamentary amendments accepted by the Commission were likewise accepted by the Council. Similarly those rejected by the Commission were rejected by the Council. (For closer inspection of Parliamentary amendments accepted and rejected by the Commission, please refer to text below.) However, following extensive debates within the Council new elements to the Directive have emerged. The Council sponsored amendments have accordingly been incorporated into its common position. Largely, they seek to meet the concerns expressed by the Member States vis-a-vis their particular national practices. The specific changes include: - the need to ensure the effectiveness of information and consultation procedures irrespective of how these are implemented; - the inclusion of definitions of 'establishment'; 'employer'; an 'employee'. - the introduction of a second threshold of 20 employees in cases where a Member State takes an establishment rather than an undertaking as its benchmark for the purposes of transposing the Directive; - the introduction of a provision whereby Member States may derogate from the Directive by introducing special arrangements applicable to crews of ocean-going ships; - switching round the former Articles 3 and 4 of the Commission's initial proposal, together with a few changes arising from this; - moving part of the definitions of 'information' and 'consultation' to Article 4(3) and (4); - rearrangement of minor amendments to the provisions concerning confidentiality, the withholding of information and the control and use of these arrangements; - the introduction of a provision whereby Member States with no generally applicable and compulsory arrangements for information and consultation or for employee representation may introduce the Directive's requirements on a gradual basis depending on the size of the establishments or undertakings concerned (number of employees). Notably, the Council common position does not include one provision contained in the Commission's initial proposal nor indeed in the amended proposal. Specifically, this refers to Article 7(3) which provides for sanctions in the event of a serious breach of employee information and consultation obligations.

Information and consultation of employees: general framework

1998/0315(COD) - 11/03/2002 - Final act

PURPOSE : minimum requirements for employee information and consultation at Community level. COMMUNITY MEASURE : Directive 14/2002/EC of the European Parliament and of the Council establishing a general framework for informing and consulting employees in the European Community
CONTENT : This general framework directive establishes minimum requirements applicable throughout the Community while not preventing Member States from laying down provisions more favourable to employees. There are several reasons for the need for a directive, inter alia, the fact that existing legal frameworks for employee information and consultation at Community and national level tend to adopt an excessively a posteriori approach to the process of change. They also neglect the economic aspects of decisions taken and do not contribute either to genuine anticipation of employment developments within the undertaking or to risk prevention. In order not to impose unnecessary burden on SME's the scope of the Directive is restricted, according to the choice made by Member States, to undertakings with at least 50 employees or establishments employing at least 20 employees. Member States determine the practical arrangements for exercising the right to information and consultation at the appropriate level. They must ensure, where appropriate, that management and labour have a leading role by allowing them to define freely, by agreement, the arrangements for informing and consulting employees which they consider to be best suited to their needs and wishes. There are provisions ensuring that undertakings and establishments are protected against disclosure of certain particularly sensitive information. The employer is allowed not to inform and consult where this would seriously damage the undertaking or the establishment or where he has to comply immediately with an order issued to him by a regulatory or a supervisory body. Member States have to ensure that there are adequate administrative or judicial procedures available, as well as sanctions, to enable the obligations deriving from the Directive to be enforced. On a transitional basis, Member States in which there is no established statutory system of information and consultation of employees or employee representation may limit the application of the directive to undertakings employing at least 150 employees or establishments employing at least 100 employees until 23/03/07 and undertakings employing at least 100 employees or establishments employing at least 50 employees during the year following that date. DATE FOR TRANSPOSITION : 23/03/05.
ENTRY INTO FORCE : 23/03/02.

Information and consultation of employees: general framework

1998/0315(COD) - 27/11/2001 - Commission opinion on Parliament's position at 2nd reading

The Commission can accept two amendments in full, three in principle and rejects eight of the proposed amendments. Those accepted in full refer to the definition of "social partner" and the "content of consultation". In terms of those accepted in principle, the Commission can accept, subject to the inclusion of a new recital, amendments relating to sanctions, the promotion of social dialogue with SMEs and the application of the principle behind this Directive in Public Administrations. Those rejected by the Commission relate to: - workers' representatives, a definition of information, definition of consultation, content of consultation and the content of agreements between the social partners. In all these cases the Commission is of the opinion that the Council's definitions are more appropriate. - in the case of "content of information" the Commission considers the wording introduced by the Parliament to be excessively detailed. - concerning the transitional provisions, the Commission is of the opinion that changes are inappropriate since Member States will have to make substantial efforts to achieve implementation, given the absence of general rules in this field.

Information and consultation of employees: general framework

1998/0315(COD) - 16/09/1999

The European Parliament confirmed its first reading in the context of the codecision procedure of the text that it adopted on 14.04.1999 concerning this proposal for a directive.