Basic information

2012/2292(INI) INI - Own-initiative procedure	Procedure completed
Cross-border collective bargaining and transnational social dialogue **Subject** 4.15.10 Worker information, participation, trade unions, works councils 4.15.14 Social dialogue, social partners	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
EMPL Employment and Social Affairs	HÄNDEL Thomas (GUE/NGL)	21/11/2012
	Shadow rapporteur ŐRY Csaba (PPE) LUDVIGSSON Olle (S&D) JAAKONSAARI Liisa (S&D) HIRSCH Nadja (ALDE) CREUTZMANN Jürgen (ALDE) CORNELISSEN Marije (Verts/ALE) CABRNOCH Milan (ECR)	

Committee for opinion	Rapporteur for opinion	Appointed
FEMM Women's Rights and Gender Equality	PAPADOPOULOU Antigoni (S&D)	06/11/2012

European Commission

Commission DG	Commissioner
Employment, Social Affairs and Inclusion	ANDOR László

Key events

Date	Event	Reference	Summary
22/11/2012	Committee referral announced in Parliament		

20/06/2013	Vote in committee		
15/07/2013	Committee report tabled for plenary	A7-0258/2013	Summary
12/09/2013	Decision by Parliament	T7-0386/2013	Summary
12/09/2013	Results of vote in Parliament		
12/09/2013	Debate in Parliament		
12/09/2013	End of procedure in Parliament		

Technical information	
Procedure reference	2012/2292(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/7/11229

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE508.017	27/03/2013	
Amendments tabled in committee		PE510.723	13/05/2013	
Committee opinion	FEMM	PE508.172	30/05/2013	
Committee report tabled for plenary, single reading		A7-0258/2013	15/07/2013	Summary
Text adopted by Parliament, single reading		T7-0386/2013	12/09/2013	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2013)816	19/12/2013	

Cross-border collective bargaining and transnational social dialogue

2012/2292(INI) - 15/07/2013 - Committee report tabled for plenary, single reading

The Committee on Employment and Social Affairs adopted the own-initiative report by Thomas HÄNDEL (GUE/NGL, DE) on cross-border collective bargaining and transnational social dialogue.

Members recall that there were 244 European transnational company agreements (TCAs) in 2012, indicating that labour relations in transnational companies in Europe are becoming increasingly integrated.

They note that TCAs are concluded between European trade union federations, on the one hand, and, on the other hand, individual companies and/or employers' federations, generally at sectoral level.

In this context, Members propose that the Commission should consider whether an **optional European legal framework for these European TCAs would be necessary** which could abide by the following rules:

- voluntary use for the social partners and companies and groups of companies concerned;
- that European works councils should be fully involved in the negotiations with European trade union federations where applicable, notably since they are able to detect the need/opportunity for a TCA;
- the inclusion of the **most favourable clause and the non-regression clause** is necessary to avert the danger that a European transnational company agreement that might result in evasion of national collective agreements and national company agreements, or impair them;
- introducing alternative dispute settlement procedures.

Members proposes to the Commission that it recommend the social partners to take account of the following criteria in relation to European TCAs: the mandating procedure, i.e. clarification of the legitimacy and representativeness of the negotiating parties between whom agreements are concluded; the place and date of conclusion of the agreement; its substantive and geographical scope; the most favourable clause and the non-regression clause; the period of validity; the preconditions for denouncing the agreement and the

dispute settlement procedures; the subjects covered by the agreement; and further formal requirements.

The report recalls in this context the positive experiences of cross-border partnerships between social partners, and calls on the Commission and the Member States to ensure **EU support for such partnerships in the future**.

Members encourage the European social partners to make full use of the possibility of EU agreements as provided by Article 155 TFEU, on a basis of full respect for their autonomy. They also call for an enhanced role for the European social partners in shaping European policies.

Lastly, Members stress the need to encourage, support and increase the representation and **participation of women** at the different levels of social dialogue and collective bargaining structures.

Cross-border collective bargaining and transnational social dialogue

2012/2292(INI) - 12/09/2013 - Text adopted by Parliament, single reading

The European Parliament adopted by 393 votes to 84, with 19 abstentions, a resolution on cross-border collective bargaining and transnational social dialogue.

Members recall that there were 244 European transnational company agreements (TCAs) in 2012, indicating that labour relations in transnational companies in Europe are becoming increasingly integrated.

Parliament recalls that each EU Member State has its own system of industrial relations, based on different historical developments and traditions. It considers that European dialogue promotes the preservation and growth of employment, improvements in working conditions and thus greater prosperity for employees of transnational undertakings by innovative means while preserving autonomy in collective bargaining.

In this context, Parliament proposes that the Commission should consider whether an **optional European legal framework for these European TCAs would be necessary** which could abide by the following rules:

- **voluntary use for the social partners and companies and groups of companies concerned**;
- that European works councils should be fully involved in the negotiations with European trade union federations where applicable, notably since they are able to detect the need/opportunity for a TCA;
- the inclusion of the **most favourable clause and the non-regression clause** is necessary to avert the danger that a European transnational company agreement that might result in evasion of national collective agreements and national company agreements, or impair them;
- introducing alternative dispute settlement procedures.

The resolution proposes that the Commission might consider whether an optional European legal framework would be necessary and useful in order to provide greater legal security, greater transparency, and foreseeable and enforceable legal effects for agreements.

In parallel, Parliament proposes to the Commission that it recommend the social partners to take account of the following criteria in relation to European TCAs: (i) the mandating procedure, i.e. clarification of the legitimacy and representativeness of the negotiating parties between whom agreements are concluded; (ii) the place and date of conclusion of the agreement; (iii) its substantive and geographical scope; (iv) the most favourable clause and the non-regression clause; (v) the period of validity; (vi) the preconditions for denouncing the agreement and the dispute settlement procedures; (vii) the subjects covered by the agreement; and further formal requirements.

Parliament stresses that the Commission should base its consideration of an optional legal framework on voluntary use.

The resolution recalls in this context the positive experiences of cross-border partnerships between social partners, and calls on the Commission and the Member States to ensure **EU support for such partnerships in the future**.

Parliament encourages the European social partners to make full use of the possibility of EU agreements as provided by Article 155 TFEU, on a basis of full respect for their autonomy. It also calls for an enhanced role for the European social partners in shaping European policies.

Lastly, Parliament stresses the need to encourage, support and increase the representation and **participation of women** at the different levels of social dialogue and collective bargaining structures.