

**Question for written answer E-3868/2010
to the Commission**
Rule 117
Edward Scicluna (S&D)

Subject: Malta Shipyards

As part of the privatisation of Malta Shipyards and prior to commencement of the process of liquidating the existing company, the Government offered an early-retirement scheme to the 60 remaining workers who had refused a similar offer in August 2008. Fifty-nine workers refused the early-retirement offer.

These remaining workers were subsequently transferred to another parastatal company, Industrial Projects and Services Limited (IPSL). This was done because the new owners of Malta Shipyards, Palumbo Spa, had declared they did not want to retain any of the existing workforce, despite the fact that the company is expected to employ 250 workers.

Can the Commission confirm that to take such a position would be in breach of Article 4(1) of Directive 2001/23/EC¹ on acquired rights, which states that: 'The transfer of the undertaking, business or part of the undertaking or business shall not in itself constitute grounds for dismissal by the transferor or the transferee.'

Furthermore, is the Commission aware that on 5 April 2010, the Government went back on its intention to transfer the undertaking and started a liquidation process at Malta Shipyards?

In this context, Article 5(4) of Directive 2001/23/EC states, however, that: 'Member States shall take appropriate measures with a view to preventing misuse of insolvency proceedings in such a way as to deprive employees of the rights provided for in this Directive.'

Does the Commission agree that the 59 workers at Malta Shipyards should not be transferred simply because of a last-minute decision to initiate insolvency proceedings?

¹ OJ L 82, 22.3.2001, p. 16.