

EN

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Answer given by Mr Schmit
on behalf of the European Commission
(27.3.2020)

1. A transfer of undertaking or business to another employer may fall within the scope of Directive 2001/23/EC¹. In such a case, the previous employer's rights and obligations that arise from an employment relationship are transferred to the new employer. Directive 1999/70/EC² on fixed-term obliges Member States to put in place limits against the abusive use of successive fixed-term contracts between the same employer and employee for the same work. Member States must also lay down penalties and sanctions for breach of national provisions transposing these Directives.

The Commission monitors the correct implementation of EU law in Member States. Greece has transposed Directives 1999/70/EC and 2001/23/EC into national law and the Commission has no evidence that the transposition is defective. It is for the competent national authorities to ensure that the national legislation transposing EU Directives is correctly applied by the employers, having regard to the specific circumstances of each case. Workers' representatives should address the labour inspectorates or the national courts in order to claim their rights under the national law.

2. Directive 2012/18/EU (Seveso) does not contain any provisions on labour law and 'workers rights'. Recital 7 of the directive states: "*The provisions of this Directive should apply without prejudice to the provisions of Union law relating to health and safety at work and the working environment, and, in particular, without prejudice to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work*".

¹ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses.

² Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP.