

EUROPEAN PARLIAMENT

2004



2009

Committee on Economic and Monetary Affairs

2008/2246(INI)

4.12.2008

OPINION

of the Committee on Economic and Monetary Affairs

for the Committee on Employment and Social Affairs

on the implementation of Directive 2002/14/EC establishing a general
framework for informing and consulting employees in the European
Community
(2008/2246(INI))

Rapporteur: Harald Ettl

PA_NonLeg

SUGGESTIONS

The Committee on Economic and Monetary Affairs calls on the Committee on Employment and Social Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Emphasises that employees can influence decisions, and thereby participate in a positive way in achieving the undertakings' profitability targets, only if they are informed and consulted in good time, so that, for example, in connection with restructuring measures, mergers, the purchase and sale of undertakings and takeovers by investors, such as hedge funds, private equity funds and sovereign wealth funds, they must be informed and comprehensively consulted in good time before the corresponding decisions are taken; takes the view, therefore, that when Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community¹ is revised, a clear definition of the right of employees to be informed and consulted should be established;
2. Points out that the right to be informed and consulted is a fundamental right enjoyed by all employees and takes the view that, as business activities become more varied and new funding instruments are developed, that right must be adapted to take account of the circumstances and guaranteed in the context of takeovers by hedge funds, private equity firms and sovereign wealth funds; calls, therefore, on the Commission to submit a corresponding proposal to amend Directive 2002/14/EC;
3. Takes the view that information which could be extremely economically damaging to an undertaking if disclosed, should be kept absolutely confidential until a final decision is taken on substantial economic issues concerning the undertaking (e.g. in the form of a letter of intent);
4. Notes that some Community legislation contains restrictions on the scope of employee participation rights, e.g. in the calculation of thresholds; points out that when calculating thresholds some Member States employ a complex definition of what constitutes an employee; takes the view that the number of registered employees - irrespective of their age or the nature of their employment contracts - must always be taken as the basis for such calculations; calls on the Commission to reconsider those existing restrictions;
5. Calls on the Commission, which is responsible for monitoring mergers and takeovers, to ensure that the rules laid down in national and Community law concerning the informing and consultation of workers are complied with when decisions on mergers and takeovers are taken;
6. Calls on the Commission to guarantee that the crews of vessels operating on the high seas are treated in the same way as other employees and, in its proposal to amend Directive 2002/14/EC, to seek to extend the scope of the directive to include such persons.

¹ OJ L 80, 23.3.2002, p. 29.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	2.12.2008
Result of final vote	+ : 26 - : 0 0 : 0
Members present for the final vote	Mariela Velichkova Baeva, Paolo Bartolozzi, Zsolt László Becsey, Sebastian Valentin Bodu, Sharon Bowles, Udo Bullmann, David Casa, Manuel António dos Santos, Christian Ehler, Jonathan Evans, José Manuel García-Margallo y Marfil, Jean-Paul Gauzès, Robert Goebbels, Donata Gottardi, Louis Grech, Othmar Karas, Wolf Klinz, Astrid Lulling, Gay Mitchell, Sirpa Pietikäinen, John Purvis, Peter Skinner, Margarita Starkevičiūtė, Ivo Strejček, Sahra Wagenknecht
Substitute(s) present for the final vote	Harald Ettl