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Brussels,

— DIB/TM/CC/GA

Dear Mr Scherrer,

Thank you for your letter dated 16 November concerning the revision of the European Works Councils Directive.

The Commission considers that European Works Councils play a key role in the social dimension of European integration and of globalisation, particularly in anticipating and managing change. It considers that it is necessary to ensure timely and effective transnational information and consultation of workers and to promote dialogue at corporate level.

Following its 2005 Communication on "Restructuring and Employment: anticipating and accompanying restructuring in order to develop employment: the role of the European Union", which included a consultation of the social partners on the issues of restructuring and European Works Councils, the Commission noted that the European social partners included the promotion of best practice on European Works Councils in their work programme.

However, based on the evidence available, the Commission considers that some of the problems related to the implementation of the Directive, such as legal uncertainties, the lack of clarity and coherence of Community legislation and the need to ensure effective information and consultation of workers cannot be solved only through the exchange of best practice and that an update of the legal framework governing European Works Councils may be necessary.

In this context, I intend to launch shortly the second-stage consultation of the European social partners on the revision of the European Works Councils Directive. I would like to recall that the social partners may decide, if they so wish, to launch negotiations on the basis of article 138(4) of the EC Treaty. Further to the consultation and should social partners fail to make use of the possibility offered by the Treaty, I intend to submit to the Commission a legislative proposal on the revision of the European Works Councils Directive to address the shortcomings indicated above.

I look forward to the contribution of EMF to this process.

Yours sincerely,



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