

MARIANNE THYSSEN  
MEMBER OF THE EUROPEAN COMMISSION

Brussels 15-02-2018  
Ares(2018)

Dear Ms Rabmer-Koller

Thank you very much for your letter of 15 December 2017 addressed to President Juncker, outlining some key elements of UEAPME's position on the revision of the Written Statement Directive. He has asked me to respond.

The Commission shares your regret that it was not possible for the European Social Partners to launch joint negotiations under Article 155 TFEU with a view to reaching an agreement on a text to replace the Written Statement Directive and to address the challenges set out in the two consultation documents of April and September 2017, and highlighted in the European Pillar of Social Rights proclaimed in November 2017. However, in the absence of a formal negotiation, we warmly welcome an ongoing dialogue with the social partners on the content of the proposal during its consideration in Council and Parliament, and I am grateful for your paper as a contribution to such a dialogue.

You will have seen in the Commission proposal adopted on 21 December 2017 that we do indeed limit the personal scope of the future Directive on Transparent and Predictable Working Conditions to workers in an employment relationship, and do not cover the self-employed. Platform workers and others are covered to the extent they meet the criteria for being considered workers.

We have made great efforts to ensure that the new material rights contained in Articles 7 to 11 of the proposal are adapted to the real needs of employers and workers (such as by not stipulating the length of a reasonable period of notice for on-demand workers), and included an explicit provision in Article 12 for social partners to modify the package of rights through collective agreements, to ensure that it fits the needs of the sectors concerned, while offering workers an appropriate level of protection. Indeed, many of the workers most in need of such protection are outside the collective bargaining system altogether and will rely on EU labour law to protect their basic rights.

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*UEAPME - MAISON DE L'ECONOMIE EUROPEENNE*  
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In drawing up the proposal, we have paid very close attention to the needs of small and medium sized enterprises, both in the definition of the information obligations and in the content of the material rights, with a specific provision in Article 10 on transition to another form of employment, which modulates the obligations in respect of SMEs. The Impact Assessment analyses the impact of the proposal in respect of SMEs, with a specific annex dedicated to the topic, and in Article 22 of the proposed Directive, the Commission undertakes to address specifically such impact in its evaluation of the implementation of the Directive.

I am very grateful for UEAPME's inputs in writing and in discussion with me, my Cabinet and my services, and will be happy to continue this exchange in the coming months.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Thyssen', with a stylized flourish at the end.

Marianne Thyssen