

President Ursula von der Leyen
Executive Vice-President Valdis Dombrovskis
Commissioner Nicolas Schmit
Rue de la Loi 200
1049 Brussels

02 March 2020

Dear President,
Dear Executive Vice President,
Dear Commissioner,

We are writing to you to express our concern about the guidelines on stakeholder consultation according to the 2017 Better Regulation guidelines and related Toolboxes.

The recent incident with the opening of a public consultation on minimum wages on 13 February, in a deeply critical moment of an ongoing social partner consultation ex article 154 and 155 TFEU, is a clear demonstration of how the literal interpretation of the guidelines on stakeholder consultation can heavily disrupt social dialogue processes.

As a matter of principle, we think that the Better Regulation procedures must be applied without prejudice to the role and autonomy the TFEU entrusts upon social partners, with particular reference to social partners' Consultations and Agreements.

Consequently, we ask you to modify the guidelines, namely at page 69 where it is stated that *"the stakeholder consultation does not replace specific frameworks for consultation provided for in the Treaties or in primary legislation, such as*

- *the consultation of social partners, ex art 154 and 155 TFEU.*

We ask you to delete the reference to "consultation of social partners" from the above-mentioned section and instead move that category in the paragraph stating that *"stakeholder consultation does not apply to certain categories such as*

- *Interinstitutional consultation [...];*
- *Opinions provided by expert groups [...];*
- *Stakeholder consultation prepared by any EU agency [...];*

- *ECI [...]*

We would like to add the consultation of social partners ex art 154 and 155 TFEU in that category.

This would guarantee that the social partners' consultations are not disrupted by parallel stakeholder consultations. We thank you in advance for the attention you will give to our request and look forward to your reply.

Yours Sincerely,



ETUC
Luca Visentini
General Secretary



BUSINESSEUROPE
Markus J. Beyrer
Director General



CEEP
Valeria Ronzitti
General Secretary



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