



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 3 December 2007  
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**SOC 520**

**NOTE**

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from : Commission  
to : Employment, Social Policy, Health and Consumer Affairs Council

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**Subject : Outcome of the public consultation on the Commission Green Paper  
"Modernising labour law to meet the challenges of the 21st century"  
(Other business item)  
– Information in writing from the Commission**

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Delegations will find annexed a note on the above subject, submitted by the Commission for the EPSCO Council meeting on 5 and 6 December 2007.

**EPSCO Council meeting on 5 December 2007**

**Item 20(d): Outcome of the public consultation on the Commission Green Paper  
"Modernising labour law to meet the challenges of the 21st century"**  
Information in writing from the Commission

The Commission communication on the outcome of the public consultation on the Green Paper on labour law was approved on 24 October 2007. It presents the results of the public consultation on adaptation of labour law to today's world of work. Over 450 opinions were received from a large range of stakeholders in the 27-member Union and elsewhere, including Member States, national parliaments, social partners, socially-orientated NGOs, businesses, lawyers and private individuals. The responses have already been published on the Commission's Europa website. A Commission report presents a detailed summary of the responses.

The 2006 consultation on the Green Paper had various aims:

- to identify key challenges in adapting labour law to the changing realities of the world of work;
- to engage all stakeholders in an open debate about how labour law and collective agreements can contribute to promoting flexibility and security;
- to stimulate discussion on how flexible contractual relations combined with rights could facilitate job creation and ease labour-market transitions; lastly, to contribute to the better regulation agenda.

Despite major differences in the content of the responses, the results emphasise the essential role of labour law in managing the Union's labour force and giving workers a feeling of security. On the whole, respondents expressed a preference for seeking solutions mainly through action at national level and calling upon various approaches in line with national legal traditions, labour relations and practices. However, a willingness to gain a better knowledge of ongoing experience by means of dialogue and exchange of good practice throughout the Union was also asserted.

The diversity of viewpoints expressed by a number of stakeholders highlighted the relevance and topicality of the major themes of the debate. It also brought out the areas in which labour-law reform has a role to play in Member States' efforts to tackle the implementation of flexicurity-based principles in an integrated way.

The responses provide useful information about national legal systems and issues concerning the new European labour market. The questions raised include challenges in connection with increased cross-border mobility and the expansion of businesses' transnational operations throughout the Union. Although the Commission is not proposing any new legislative initiatives, it identifies a number of areas which, in its opinion, should form the basis for a fresh debate, aimed at better cooperation, greater clarity and more in-depth information and analysis.

The designated consultation topics include:

- preventing and combating undeclared work, in particular in cross-border situations;
- promoting, developing and implementing life-long training and learning, in order to improve life-long job security;
- interaction between labour law and social-protection rules, in order to improve the effectiveness of job transitions and the viability of social-protection systems;
- clarifying the nature of the employment relationship, in order to promote understanding and facilitate cooperation throughout the EU;

- clarifying the rights and obligations of parties involved in sub-contracting chains, in order to ensure that workers are not prevented from actually exercising their rights.

Although the Commission is not proposing any new legislative initiatives, it does draw attention to various areas which, in its view, merit continued examination in order to improve cooperation, ensure greater clarity and improve information and analysis. The Commission has therefore come to the conclusion that the national reform process based on the European employment and growth strategy, along with an integrated approach to drawing up and applying flexicurity-based principles, are the best ways to continue examining the issues raised in the 2006 Green Paper.

