

EN

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Answer given by Mr Schmit
on behalf of the European Commission
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Member States have the primary responsibility for the correct transposition and implementation of EU Directives. Directives 98/59/EC¹ and 2009/38/EC² set out procedural requirements on information and consultation of workers in cases of restructuring. Directive 98/59/EC obliges employers who are contemplating redundancies above some thresholds to consult workers' representatives in good time and notify the competent public authority³. Directive 2009/38/EC requires employers to consult their European Works Council (ECWs) on proposed measures concerning the undertaking as a whole, or at least two undertakings in different Member States⁴.

The Commission promotes socially responsible restructuring. The Commission calls on Member States to promote the implementation of the Quality Framework for restructuring⁵. The European Globalisation Adjustment Fund for Displaced Workers (EGF)⁶ co-finances active policy measures for the reintegration of workers into the labour market. The EGF may intervene if the Member State requests, and the intervention criteria defined in Art. 4 of Regulation (EU) 2021/691 are met.

In addition, the European Social Fund Plus (ESF+) provides support for workers to improve their employability. In Poland, the ESF+ at regional level offers outplacement measures for people made redundant or those at risk of being made redundant.

¹ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A31998L0059>

² <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009L0038>

³ Collective redundancies take effect — at the earliest — 30 days after the notification.

⁴ Transnational character of a matter should be determined by taking account of both the scope of its potential effects, and the level of management and representation that it involves.

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52013DC0882>

⁶ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=urisrv:OJ.L_2021.153.01.0048.01.ENG