

Brussels, 22. 06. 2009 0000896

Dear Ms Lucas,

Thank you for your email of 16 May 2009 drawing my attention to the situation of the workers made redundant by the company Nortel.

Firstly, I would like to recall that several EU directives, which may apply in the event of the closure of a company, provide for information and consultation of workers' representatives, in particular Council Directive 98/59/EC on collective redundancies, Council Directive 94/45/EC on European Works Councils and Directive 2002/14/EC establishing a general framework relating to information and consultation of workers.

Council Directive 98/59/EC stipulates that, when an employer is contemplating collective redundancies, he is required to begin consultations with the workers' representatives in good time with a view to reaching an agreement. These consultations should at least cover ways and means of avoiding collective redundancies or reducing the number of workers affected, and of mitigating the consequences by recourse to accompanying social measures aimed, *inter alia*, at aid for redeploying or retraining.

I would add that Directive 2008/94/EC on the protection of workers in the event of the insolvency of their employer ensures that employees receive payment of outstanding claims and that guarantee institutions guarantee them for a period to be determined by the Member States. The Directive lays down an EU minimum guarantee period covering remuneration for the last three months (within a reference period of at least six months) or eight weeks (within a reference period of at least eighteen months).

However, it is up to the competent national authorities, notably courts, to ensure the correct and effective application of the national transposing rules of these Directives in view of the specific circumstances of each case and to ensure the fulfilment of any employer's duties in this regard. The information provided in your letter does not enable the Commission to assess whether there has been a breach of Community Law in this case at hand. I have, therefore, asked my services to contact the competent UK authorities in order to ask for clarification. On the basis of this enquiry, the Commission will take the necessary steps.

I hope you find this information useful.

Yours sincerely,

Ms Caroline Lucas, MEP
Suite 58
The Hop Exchange
24 Southwark Street
UK - SE1 1TY London

