



Brussels, 16 November 2012

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To:

The EU Heads of State and Government

Copy to:

José Manuel Barroso, President of the European Commission

László Andor, European Commissioner for Employment, Social Affairs and Inclusion

Antonio Tajani, European Commissioner for Industry and Entrepreneurship

Dear Heads of State and Government,

I am writing to you regarding the conclusions of the European Council of 18-19 October 2012. The ETUC regrets that regulations appear to be perceived simply as “burdens” without any consideration of their benefits. The ETUC does not agree that the best way of creating the right regulatory framework for growth is to invite SMEs to identify the 10 most burdensome pieces of legislation.

Moreover, these “burdens” are singled out by one-sidedly asking SMEs to choose the most burdensome pieces of legislation by means of ticking boxes in a preselected list of legislative acts without giving any explanation as to why they are burdensome. The ETUC has serious doubts that this exercise will provide an objective and accurate overview of the regulatory burden for SMEs.

In the list of legislative acts, the Commission has included the European social partners’ Framework Agreement on Parental Leave as well as the Working Time Directive, which is currently an issue for negotiation between the social partners. The ETUC finds it unacceptable that the Commission is undermining the autonomy of the social partners by creating a special channel for SMEs to feed in complaints about social dialogue instruments.


Further to my letter of 1 December 2011 expressing the ETUC’s concerns about the proposal to exclude micro-enterprises from the scope of new legislation unless the necessity and proportionality of their being covered could be demonstrated, I am urging you to reconsider your decision to automatically exempt small companies. It will have far-reaching consequences for the protection of the health and safety and other workers’ rights of those 37 million workers in the EU that are employed by micro-enterprises.

The ETUC insists that it should not be the size of a company that determines the scope of the application of a particular piece of legislation. On the contrary, differentiating between companies on the basis of their size is a breach of the treaty provisions on equality. According to the Charter of Fundamental Rights of the European Union, everyone is equal before the law (article 20). Furthermore, every worker has the right to working conditions which respect his or her health, safety and dignity (article 31.1). Thus workers in micro-enterprises would be

discriminated against if they were not to benefit from the same level of protection as workers in larger companies.

The ETUC expects you to take these concerns into consideration in your further deliberations on these issues.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'B. Ségol', with a long horizontal stroke extending to the right.

Bernadette Ségol
ETUC General Secretary