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From:	Presidency
To:	Working Party on Social Questions
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Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on transparent and predictable working conditions in the European Union

In accordance with the guidance on Impact Assessment (doc. 16024/14), delegations will find attached the Presidency's summary of the delegations' views on the Impact Assessment on the abovementioned proposal.

Summary of the replies to the Impact Assessment (IA) questionnaire

Most delegations considered the **policy context and the legal basis of the initiative** to be clearly explained in the IA. The **problem definition** was positively evaluated, even if for a majority of delegations **gaps in evidence** have partly been acknowledged.

The coherence and the consistency of the **objectives** was acknowledged by a majority of delegations. Some pointed that the correlation between the objectives and the problem as defined in the IA, i.e. how to achieve the objectives and how it would solve the problems identified, as well as the precision of the objectives, could be more clear. As to the link with **measurable monitoring indicators**, it was considered positively, several delegations noting the challenge posed to their measurability due notably to the diversity and availability of data sources.

The **Union's competence** was generally considered clearly established, and the proposal is considered by most delegations in line or to some extent in line with the principles of **proportionality and subsidiarity**. At the same time, several delegations asked for more justification as to the need to introduce some of the proposed measures (mainly the definition of a worker and the set up of material minimum rights). A few delegations also expressed concerns as regards the costs for SMEs and the administrative burden. Some delegations pointed that the different national legislations and practices were not sufficiently considered, or that the IA lacked precision on country level.

Most delegations concurred that the **policy options** and **most affected stakeholders** have been identified. A few delegations pointed at other policy options that could have been considered whereas one delegation highlighted that all policy options could not be presented. The options favoured by stakeholders in open consultations were considered examined or partly examined by delegations. A few delegations referred to the views expressed by the social partners during the consultation phase.

The **impacts** of the proposal were considered by almost all delegations to be clearly or to some extent clearly analysed. Some delegations mentioned that the IA could be more specific as regards the estimated benefits, the flexibility of work and the costs. Two delegations felt the need for additional quantitative analyses. Most delegations thought that the impacts on **competition and competitiveness** were clearly or to some extent clearly presented. Delegations pointed that the **impact on consumers and the environmental impact** were not relevant or not to be found. The **social impacts, the regulatory costs and the impact on fundamental rights** were considered clearly or to some extent clearly analysed. The impact on **third countries** was considered not relevant or not to be found by most delegations.

The **opinion of the Impact Assessment Board (IAB)** of the Commission was generally considered clearly addressed. As to the **measuring**, several delegations highlighted that it might be difficult to determine indicators that can measure the intended effects, but most delegations recognized that monitoring solutions have been presented. The information on the impact of the **transposition** deadline was viewed as limited. The majority of delegations considered the **methodology and methodological choices and uncertainties** generally clear.
