

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE 92/56/EEC

of 24 June 1992

amending Directive 75/129/EEC on the approximation of the laws of the Member States relating to collective redundancies

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the Community Charter of the Fundamental Social Rights of Workers, adopted at the Regulation Council meeting held in Strasbourg on 9 December 1989 by the Heads of State or Government of eleven Member States, states *inter alia* in point 7, first paragraph, first sentence, and second paragraph; in point 17, first paragraph; and in point 18, third indent:

7. The completion of the internal market must lead to an improvement in the living and working conditions of workers in the European Community (. . .).

The improvement must cover, where necessary, the development of certain aspects of employment regulations such as procedures for collective redundancies and those regarding bankruptcies.

17. Information, consultation and participation for workers must be developed along appropriate lines, taking account of the practices in force in the various Member States.

(. . .)

18. Such information, consultation and participation must be implemented in due time, particularly in the following cases:

(— . . .)

(— . . .)

— in cases of collective redundancy procedures;

(— . . .)';

Whereas, in order to calculate the number of redundancies provided for in the definition of collective redundancies within the meaning of Council Directive 75/129/EEC of 17 February 1975 on the approximation of the laws of the Member States relating to collective redundancies ⁽⁴⁾, other forms of termination of employment contracts on the initiative of the employer should be equated to redundancies, provided that there are at least five redundancies;

Whereas it should be stipulated that Directive 75/129/EEC applies in principle also to collective redundancies resulting where the establishment's activities are terminated as a result of a judicial decision;

Whereas the Member States should be given the option of stipulating that workers' representatives may call on experts on grounds of the technical complexity of the matters which are likely to be the subject of the informing and consulting;

⁽¹⁾ OJ No C 310, 30. 11. 1991, p. 5 and OJ No C 117, 8. 5. 1992, p. 10.

⁽²⁾ OJ No C 94, 13. 4. 1992, p. 157.

⁽³⁾ OJ No C 79, 30. 3. 1992, p. 12.

⁽⁴⁾ OJ No L 48, 22. 2. 1975, p. 29.