

European Commission
Berlaymont
Rue de la Loi, 200
1049 Brussels
Belgium

For the attention of:

Mr José Manuel Barroso
President of the European Commission

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

Subject: European framework agreement on the protection of occupational health and
safety in the hairdressing sector - Invitation to act pursuant to Article 265 TFEU

Brussels, 13 December 2013

Dear Mr President,
Dear Mr Commissioner,

We are writing to you on behalf of Coiffure EU and UNI Europa Hair & Beauty (hereinafter "UNI Europa") to request that the European Commission presents a legislative proposal to the Council of the European Union (hereinafter the "Council") on the basis of Article 155 (2) TFEU, in order to allow the Council to adopt a decision, within the meaning of that provision, on the implementation of the "European framework agreement on the protection of occupational health and safety in the hairdressing sector" which was concluded by the social partners on 26 April 2012.

This invitation to act is made pursuant to Article 265 TFEU.

In their letter of 26 April 2009, Coiffure EU and UNI Europa informed the European Commission of their intention to start negotiations on an agreement on risk prevention and workers' health protection in the hairdressing sector on the basis of Article 155 TFEU. On 30 November 2009, Coiffure EU and UNI Europa agreed on a draft agreement and requested the Commission to initiate the decision-making process leading to the implementation of that agreement by way of a Council decision, by virtue of Article 155 (2) TFEU.

The services of the European Commission (Unit for Health and Safety at Work) made detailed comments and provided Coiffure EU and UNI Europa with recommendations in order to ensure that the agreement would be compatible with existing EU law. To that end, the services of the European Commission held several joint technical meetings with Coiffure EU and UNI Europa.

With due consideration of the input received from the services of the European Commission, Coiffure EU and UNI Europa finalised the European framework agreement on the protection of occupational health and safety in the hairdressing sector (hereinafter the "Framework Agreement") on 26 April 2012. In the Framework Agreement, Coiffure EU and UNI Europa restated their formal call on the Commission to present this Framework Agreement to the Council, in order to implement it on the basis of Article 155 (2) TFEU.

Since 26 April 2012, however, the Commission has failed to present a legislative proposal to the Council with a view to implementing the Framework Agreement.

Coiffure EU and UNI Europa stress that Article 155 (2) TFEU imposes on the European Commission the duty to address a legislative proposal to the Council when the signatory parties request the implementation of the agreement by the Council.

Coiffure EU and UNI Europa would like to stress that the Framework Agreement is the result of a close cooperation between the social partners and the services of the European Commission who have commented on the draft agreement. Moreover, on 3 June 2011, GHK submitted a report on social policy effects resulting from the scope of application of the Framework Agreement. The Commission made detailed proposals that were taken on board regarding the text of the Framework Agreement in order to ensure that it was legally sound and that its terminology was consistent.

In view of the foregoing, the Commission has no objective reason to persist in its failure to address a proposal to the Council with a view to ensuring the implementation of the Framework Agreement within European Union law by virtue of Article 155 (2) TFEU.

Coiffure EU and UNI Europa, therefore, formally request the European Commission to present a legislative proposal to the Council on the basis of Article 155 (2) TFEU, in order to allow the Council to adopt a decision, within the meaning of that provision, on the implementation of the European framework agreement on the protection of occupational health and safety in the hairdressing sector which was concluded by the social partners on 26 April 2012.

If the Commission persists in its failure to address such a proposal to the Council, Coiffure EU and UNI Europa reserve the right to lodge an action for failure to act before the General Court of the European Union under Article 265 TFEU.

Yours sincerely,



Richard Koffijberg
President of Coiffure EU
Coiffure EU
(Vereniging met volledige
Rechtsbevoegdheid)

Oliver Roethig
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UNI Europa
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