



29 November 2011

Members of the Committee on Employment  
and Social Affairs  
European Parliament  
60 rue Wiertz  
1047 - Brussels

Dear Member of the Committee on Employment and Social Affairs,

You will vote on December 5 on the draft Intra-Corporate Transfer (ICT) Directive. The undersigned associations are highly concerned that the compromise amendments go against the purpose of the draft Directive.

The draft Directive was designed to facilitate short-term international movements of employees assigned to transfer knowledge and fill temporary skills gaps. The compromise amendments will considerably reduce the benefits of the Directive. At a time of sluggish economic growth, every opportunity to boost the EU's economic competitiveness must be taken advantage of.

We therefore strongly oppose compromise amendments related to:

- **Scope and admission criteria:** The requirement for managers and specialists to have prior employment within the company for 12 months is too restrictive. A large majority of Member States currently do not apply prior employment requirements in their national legislation. Moreover, many companies need to transfer staff with essential knowledge within their first year of employment.
- **Terms and conditions of employment:** The comparison with the Posting of Workers Directive must be maintained. Just like a posted worker within the meaning of the Posting of Workers Directive, an intra-corporate transferee also involves a temporary assignment.
- **Definitions:** The definition for ICTs should be broad enough for companies to allow the transfer of different types of ICTs in order to respond to changes in the business environment. Companies have to transfer specialist staff who often have product and client-specific knowledge not captured by academic credentials. This will no longer be possible on the basis of the amendments proposed. Also, the ICT permit would be restricted to only the highest levels of management within the enterprise.

We urge you to ensure that the proposal serves its initial aim. Doing so will help European companies increase their efficiency and competitiveness, and ultimately enhance the growth and job potential of the local economy.

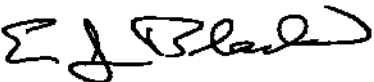
Yours sincerely,



**Hendrik Bourgeois**  
Chair  
American Chamber of Commerce  
to the EU



**Philippe de Buck**  
Director General  
BUSINESSEUROPE



**Ed Black**  
President and CEO  
Computer & Communications  
Industry Association



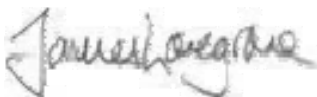
**Michael Maibach**  
President & CEO  
European-American Business  
Council



**Pascal Kerneis**  
Managing Director  
European Services  
Forum



**Som Mittal**  
President  
NASSCOM



**James Lovegrove**  
Managing Director  
TechAmerica Europe