

# European Works Council or procedures for informing and consulting employees in Community-scale undertakings

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**PURPOSE :** to present a report from the Commission on the application of the Directive on the establishment of a European works council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (Council Directive 94/45/EC). **CONTENT :** this report deals only with the status of transposition of Directive 94/45/EC which relates to the establishment of a European works council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees. This Directive applies to all the Member States of the European Community except the United Kingdom of Great Britain and Northern Ireland. This Directive was due to be transposed by the Member States with the exception of these two countries by 22 September 1996. The report states that the vast majority of countries made a major effort not only in meeting the deadline for implementation but also to integrate the Directive faithfully into their national law. Five countries met the deadline for transposition (Denmark, Finland, Sweden, Ireland, and (partly) Belgium), all of which adopted a transposition text which took effect on 22 September 1996. They were closely followed by Austria (17 October 1996), Italy (partial transposition 6 November 1996), France (12 November 1996) and Germany (1 November 1996) and Germany (1 November 1996). Transposition in the Netherlands (5 February 1997), Greece (1 March 1997) and Spain (24 April 1997) came somewhat later. Portugal was very late in adopting a transposing act (it was published on 9 June 1999 and entered into force on 9 July 1999). The Luxembourg text is currently being implemented. Furthermore, this report draws attention to a number of minor discrepancies between the Directive and the transposing acts (method of counting part-time workers, number of representatives in the SNB (Special Negotiating Body) higher than the limit laid down in the Directive) or aspects where there is a lack of detail (preparatory meetings). In any event, these discrepancies must be interpreted as being in the spirit of the Directive. On the other hand, it should be noted that there were no difficulties in integrating the Directive into domestic legal orders, firstly, because the Directive very often refers to internal mechanisms in each Member State, and secondly because it has enshrined the principle of collective autonomy which in many cases is at the basis of employment law in the European Union. In conclusion, clearly it is very difficult to produce a genuine summary of how the Directive has been implemented in practice, as this took place very recently. However, up to now it is clear that the Directive has been smoothly integrated in the industrial relations systems of the different countries. The trade union organisations have been recognised as key players. Therefore, there is every reason why the representation body should fit well with the existing structures of workers representation. It is hoped that the EWC (European Works Council) will give a new impetus to consultation and that a fresh dialogue will begin between the elected bodies, the trade union organisations and the "European" bodies.