











Basic information	
<b>1994/0113(SYN)</b> SYN - Cooperation procedure (historic) European Works Council or procedures for informing and consulting employees in Community-scale undertakings Repealed by <a href="#">2008/0141(COD)</a> <b>Subject</b> 4.15.10 Worker information, participation, trade unions, works councils	Procedure completed

Key players			
Council of the European Union	<b>Council configuration</b>	<b>Meetings</b>	<b>Date</b>
	General Affairs	1778	1994-07-18
	Social Affairs	1784	1994-09-22

Key events			
Date	Event	Reference	Summary
13/04/1994	Legislative proposal published	COM(1994)0134 	<a href="#">Summary</a>
27/04/1994	Vote in committee		<a href="#">Summary</a>
02/05/1994	Committee referral announced in Parliament		
03/05/1994	Debate in Parliament		
03/06/1994	Modified legislative proposal published	COM(1994)0228 	<a href="#">Summary</a>
18/07/1994	Council position published	07584/1/1994	<a href="#">Summary</a>
22/07/1994	Committee referral announced in Parliament, 2nd reading		
06/09/1994	Vote in committee, 2nd reading		<a href="#">Summary</a>
06/09/1994	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0002/1994</a>	
15/09/1994	Debate in Parliament		
20/09/1994	Modified legislative proposal published	COM(1994)0406 	
22/09/1994	Act adopted by Council after consultation of Parliament		
22/09/1994	End of procedure in Parliament		
30/09/1994	Final act published in Official Journal		

Technical information	
Procedure reference	1994/0113(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Repealed by <a href="#">2008/0141(COD)</a>
Legal basis	EC before Amsterdam E 000
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/3/05697

Documentation gateway

European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0330/1994 <a href="#">OJ C 205 25.07.1994, p. 0007</a>	27/04/1994	
Text adopted by Parliament, 1st reading/single reading		T3-0408/1994 <a href="#">OJ C 205 25.07.1994, p. 0148-0173</a>	04/05/1994	
Committee recommendation tabled for plenary, 2nd reading		A4-0002/1994 <a href="#">OJ C 276 03.10.1994, p. 0004</a>	06/09/1994	
Text adopted by Parliament, 2nd reading		T4-0009/1994 <a href="#">OJ C 276 03.10.1994, p. 0010-0014</a>	15/09/1994	<a href="#">Summary</a>
Council of the EU				
Document type		Reference	Date	Summary
Council position		07584/1/1994 <a href="#">OJ C 244 31.08.1994, p. 0037</a>	18/07/1994	<a href="#">Summary</a>
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(1994)0134  <a href="#">OJ C 135 18.05.1994, p. 0008</a>	13/04/1994	<a href="#">Summary</a>
Modified legislative proposal		COM(1994)0228  <a href="#">OJ C 199 21.07.1994, p. 0010</a>	03/06/1994	<a href="#">Summary</a>
Commission communication on Council's position		SEC(1994)1181 	19/07/1994	
Modified legislative proposal		COM(1994)0406 	20/09/1994	
Non-legislative basic document		COM(2000)0188 	04/04/2000	<a href="#">Summary</a>

Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	<a href="#">CES0753/1994</a> <a href="#">OJ C 295 22.10.1994, p. 0064</a>	01/06/1994	<a href="#">Summary</a>

Final act	
<a href="#">Directive 1994/0045</a> <a href="#">OJ L 254 30.09.1994, p. 0064</a>	<a href="#">Summary</a>

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

1994/0113(SYN) - 18/07/1994 - Council position

As well as introducing editorial amendments which were aimed at clarifying and specifying the objectives and content of the proposal, the common position of the Council made a number of basic changes to the text, namely: - Member States would have the option not to apply national rules for the transposition of the Directive to personnel from the merchant fleet; - the second threshold for the number of employed workers, the purpose of which was to define the Community-scale undertaking or group of undertakings, was raised from 100 to 150; - Member States would be able to lay down the budget rules which governed the functioning of the special negotiating group and European Works Council, including restricting the financial responsibility to a single expert; - the time limit for negotiations between the special negotiating group and the central management was extended from 2 to 3 years, in order that an agreement might be reached; - Member States would be able to introduce special measures on behalf of the central management of those undertakings and establishments which directly and essentially pursued an ideological objective with regard to information and opinions; - Member States would be able to adopt regulations designed to safeguard the non-disclosure of information relating to disputes being heard before administrative or judicial authorities; - the time limit for the Commission to re-examine the modalities for the application of the Directive was reduced from 7 to 6 years; - the maximum number of members of the limited council group of the European Works Council was reduced from 5 to 3; - Member States would be able to lay down the rules governing the chairmanship of the information and consultation meetings, thereby allowing the Directive to be adapted to all national systems. Finally, the Council adopted almost all of Parliament's amendments which had been accepted by the Commission in its modified proposal.

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

1994/0113(SYN) - 04/04/2000

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 95/45/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.

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

1994/0113(SYN) - 22/09/1994 - Final act

**OBJECTIVE:** to improve workers' right to information and consultation in Community-scale undertakings and groups of undertakings by establishing a works council or a procedure for informing and consulting workers in this type of undertaking. **COMMUNITY MEASURE:** Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings for the purpose of informing and consulting workers. **CONTENT:** the directive makes the following provisions: . **Definitions:** a Community-scale undertaking is: \* an undertaking which employs at least 1,000 workers in the Community as a whole and, in at least two Member States, at least 150 workers in each state; \* a group of undertakings: - with at least 1,000 workers in the Community; - with at least two undertakings in different Member States and - with at least one undertaking which employs 150 workers in another Member State. . **Establishment of a European Works Council or a procedure for informing and consulting workers in the undertakings or group of undertakings:** this council is set up under the responsibility of the central management of the undertaking in a Member State or, where there is none, by the representative of the central management in the Member State (or even by the management of the undertaking which employs the largest number of workers in a Member State). The council is established either at the initiative of the central management itself or at the request of at least 100 workers employed in at least 2 enterprises in two different Member States. A special negotiating group is set up in order to start negotiations on the establishment of this council. The directive describes the designation and composition of this special negotiating group. . **Content of the agreement:** the agreement should define the procedures for informing and consulting workers and must state in writing: \* the undertakings affected by the agreement, \* the composition of the works council, the distribution of seats and the terms of office, \* the attributions and the procedure for informing and consulting workers, \* the frequency, duration and venue of council meetings, \* the financial resources allocated to the council, \* the term of the agreement. The central management and the special negotiating group may decide to set up one or more procedures for informing workers instead of establishing a works council. These procedures must provide information on transnational issues which seriously affect workers' interests. . **Subsidiary requirements set out in the legislation of the Member State in which the central management is established will apply:** \* if the central management and special negotiating group so decide; \* if the central management refuses to start negotiations within 6 months of the initial request to convene the special negotiating group; \* if, within 3 years of the request, they are unable to conclude an agreement establishing a European Works Council or an information and consultation procedure and if the special negotiating group has not decided not to start or to cancel negotiations. . **Confidentiality clause:** the members of the special negotiating group and of the European Works Council must not divulge confidential information given to them to third parties. Special provision may be made for undertakings which directly or fundamentally pursue an ideological objective regarding information or opinions. . **Protection of workers' representatives:** the workers' representatives and the members of the works council will have the same protection and the same guarantees in the exercise of their duties as workers' representatives acting at national level. . **Sanctions:** provision is made for sanctions in the event of failure to comply with the present directive. - **Transposition by the Member States:** 22 September 1996, except in the United Kingdom, which has opted out of the social chapter of the Maastricht Treaty. - **Review:** the Commission will review the provisions of this directive and propose any amendments needed by 22 September 1999.

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

1994/0113(SYN) - 13/04/1994 - Legislative proposal

The proposal for a directive incorporated, within the context of the social protocol, a proposal put forward in 1990 which sought to establish a European Works Council for Community-scale undertakings or groups of undertakings with a view to informing and consulting the workers. The proposal covered undertakings with more than 1,000 employees, with at least two establishments employing more than 100 persons in two or in several Member States. It was also aimed at undertakings based outside the Community or in the United Kingdom, if they met the above criteria. The establishment of the Works Council would be a matter of negotiation between the company management and the workers' representatives. In the absence of an agreement, a certain number of minimum provisions, which were defined in the proposal, would be applied in respect of the scope of the information and consultation process and the conditions under which the Works Council would operate, thereby ensuring that workers were informed and consulted.

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

1994/0113(SYN) - 03/06/1994 - Modified legislative proposal

The changes made by the Commission follow on from Parliament's amendments, many of which were accepted, in a bid to clarify and strengthen the initial text. They relate mainly to: - the introduction of a reference to "objective criteria" for justifying the withholding of confidential information which might seriously prejudice the undertakings in question, in order to reinforce guarantees against abuse on the part of the central management in the exercise of this right; - the re-examination of the application of the directive after 5 rather than the 7 years initially proposed; - the fact that the right of the members of the European Works Council to notify the local representatives of workers or the workers themselves of the content and results of the information and consultation procedure has been changed to an obligation; - the introduction of the right for the central management of the undertaking to convene the whole European Works Council, not just the local council, in the stated cases.

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

1994/0113(SYN) - 15/09/1994 - Text adopted by Parliament, 2nd reading

The European Parliament approved the Council's common position subject to 11 amendments to the proposed text. It extended the scope of the directive by including undertakings or groups of undertakings with more than 500 workers established in two or more Member States with more than 100 workers in at least two of these Member States. It decided that the members of the works council should be appointed or elected by the workers or the workers' representatives, taking account of the need to represent the various groups of workers employed in the undertaking (no such provision was made in the draft). The representatives of establishments or undertakings belonging to a group located outside the Community may be authorized to join the special negotiating group. As far as the application of the principle of autonomy of the special negotiating group is concerned, the deadline for reaching an agreement (before subsidiary requirements laid down in the legislation of the Member State in which the central management is located applies) has been reduced from three to one and a half years. Parliament also limited the facility to introduce specific provisions for the benefit of the central management of undertakings with an ideological objective regarding information and opinions where such provisions already existed in national legislation, as is the case with German legislation ("Tendenzschutz"). It strengthened the guarantees protecting the activities of workers' representatives within the framework of the council, with a ban on any discrimination and protection from redundancy or any other sanctions as the result of acting and intervening in their official capacity. The Commission is required to submit changes to the application of the directive to the Council and the European Parliament five years after it enters into force.

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

1994/0113(SYN) - 01/06/1994 - Economic and Social Committee: opinion, report