

Basic information	
2024/0006(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Establishment and functioning of European Works Councils - effective enforcement Amending Directive 2009/38 2008/0141(COD) Subject 4.15.10 Worker information, participation, trade unions, works councils	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	 Employment and Social Affairs		RADTKE Dennis (EPP)	24/09/2024
	Former committee responsible		Former rapporteur	Appointed
	 Employment and Social Affairs		RADTKE Dennis (EPP)	25/01/2024
Council of the European Union				
European Commission	Commission DG		Commissioner	
	Employment, Social Affairs and Inclusion		SCHMIT Nicolas	
European Economic and Social Committee				
European Committee of the Regions				

Key events			
Date	Event	Reference	Summary
24/01/2024	Legislative proposal published	COM(2024)0014 	Summary
26/02/2024	Committee referral announced in Parliament, 1st reading		
03/04/2024	Vote in committee, 1st reading		
13/11/2024	Committee referral announced in Parliament, 1st reading		
03/12/2024	Committee decision to open interinstitutional negotiations with report adopted in committee		
06/12/2024	Committee report tabled for plenary, 1st reading	A10-0029/2024	Summary
	Committee decision to enter into interinstitutional negotiations announced in		

16/12/2024	plenary (Rule 71)		
19/12/2024	Results of vote in Parliament		
19/12/2024	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71 - vote)		
05/06/2025	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE774.311 GEDA/A/(2025)002563	
08/10/2025	Debate in Parliament		
09/10/2025	Decision by Parliament, 1st reading	T10-0226/2025	Summary
09/10/2025	Results of vote in Parliament		
27/10/2025	Act adopted by Council after Parliament's 1st reading		
26/11/2025	Final act signed		
11/12/2025	Final act published in Official Journal		

Technical information	
Procedure reference	2024/0006(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2009/38 2008/0141(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 153-p1 Treaty on the Functioning of the European Union TFEU 153-p2
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	EMPL/10/00335

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A10-0029/2024	06/12/2024	Summary
Text agreed during interinstitutional negotiations		PE774.311	28/05/2025	
Text adopted by Parliament, 1st reading/single reading		T10-0226/2025	09/10/2025	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Coreper letter confirming interinstitutional agreement	GEDA/A/(2025)002563	28/05/2025		

Draft final act	00020/2025/LEX	12/11/2025	
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European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2024)0014 	24/01/2024	Summary
Document attached to the procedure	SEC(2024)0035	25/01/2024	
Document attached to the procedure	SWD(2024)0009 	25/01/2024	
Document attached to the procedure	SWD(2024)0010 	25/01/2024	
Document attached to the procedure	SWD(2024)0011 	25/01/2024	
Commission response to text adopted in plenary	SP(2025)11-10	10/11/2025	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	CZ_CHAMBER	COM(2024)0014	20/03/2024	
Contribution	ES_PARLIAMENT	COM(2024)0014	09/04/2024	
Contribution	IT_CHAMBER	COM(2024)0014	18/04/2024	
Contribution	DE_BUNDESRAT	COM(2024)0014	15/05/2024	
Contribution	IT_SENATE	COM(2024)0014	27/05/2024	
Contribution	RO_SENATE	COM(2024)0014	06/06/2024	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0543/2024	30/05/2024	

Additional information

Source	Document	Date
EP Research Service	Briefing	20/03/2024
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	Role	Committee	Date	Interest representatives
BISCHOFF Gabriele	Shadow rapporteur	EMPL	04/07/2025	Unilever
BISCHOFF Gabriele	Shadow rapporteur	EMPL	24/04/2025	European Federation of Food, Agriculture and Tourism Trade Unions
RADTKE Dennis	Shadow rapporteur	EMPL	09/04/2025	BMW
BISCHOFF Gabriele	Shadow rapporteur	EMPL	08/04/2025	BMW Group
RADTKE Dennis	Shadow rapporteur	EMPL	02/04/2025	EUROPEAN TRADE UNION CONFEDERATION
VAN DEN BERG Brigitte	Shadow rapporteur	EMPL	07/03/2025	Fédération Européenne des Cadres de la Chimie et des Industries Annexes
BISCHOFF Gabriele	Shadow rapporteur	EMPL	06/03/2025	European Federation of Managerial Staff in the Chemical and Allied Industries
BISCHOFF Gabriele	Shadow rapporteur	EMPL	06/03/2025	Association Française des Entreprises Privées / French Association of Large Companies Mouvement des Entreprises de France
BISCHOFF Gabriele	Shadow rapporteur	EMPL	31/01/2025	Deutscher Franchiseverband e.V.
BISCHOFF Gabriele	Shadow rapporteur	EMPL	24/01/2025	Bayer AG Brainlab AG DATEV eG DER MITTELSTANDSVERBUND DHL Group DIE PAPIERINDUSTRIE e.V. Deutscher Franchiseverband e.V. EVONIK INDUSTRIES AG Hamburger Hafen und Logistik Aktiengesellschaft Handelsverband Deutschland Uniper Verband Deutscher Maschinen- und Anlagenbau e.V. Von Beust & Coll. Beratungsges. mbH & Co KG Wirtschaftsforum der SPD e.V. RWE Supply & Trading GmbH Brainlab Corporate Services GmbH AMEOS Gruppe AG Dolmetschen und Übersetzungsdienst Eavor GmbH Bundesverband der Systemgastronomie Lieferando Schwarz-Gruppe Deutscher Führungskräfteverband ula Zentralverband des Deutschen Baugewerbes BMW Group
RADTKE Dennis	Rapporteur	EMPL	19/12/2024	EUROPEAN TRADE UNION CONFEDERATION
VAN DEN BERG Brigitte	Shadow rapporteur	EMPL	11/12/2024	BUSINESSEUROPE
VAN DEN BERG Brigitte	Shadow rapporteur	EMPL	04/12/2024	IBM Corporation
LIZZI Elena	Shadow rapporteur	EMPL	19/03/2024	Confindustria

BENIFEI Brando	Shadow rapporteur	EMPL	16/02/2024	Council of European Employers of the Metal, Engineering and Technology-based Industries
BENIFEI Brando	Shadow rapporteur	EMPL	14/02/2024	EUROPEAN TRADE UNION CONFEDERATION etuc

Other Members

Transparency		
Name	Date	Interest representatives
TOOM Jana	15/07/2025	EUROPEAN TRADE UNION CONFEDERATION
STORM Kristoffer	05/12/2024	Confederation of Danish Employers
LEXMANN Miriam	15/02/2024	IBM Corporation
BRUNET Sylvie	13/02/2024	Council of European Employers of the Metal, Engineering and Technology-based Industries

Final act
Directive 2025/2450 OJ OJ L 11.12.2025

Establishment and functioning of European Works Councils - effective enforcement

2024/0006(COD) - 09/10/2025 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 414 votes to 139, with 61 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/38/EC as regards the establishment and functioning of European Works Councils and the effective enforcement of transnational information and consultation rights.

The European Parliament adopted its position at first reading by amending the proposal as follows:

Transnational issues

The amended text stipulated that information and consultation of employees must occur at the relevant level of management and representation, according to the subject under discussion. To achieve that, the competence of the European Works Council and the scope of the information and consultation procedure for employees governed by this Directive will be limited to transnational issues, taking into account the possible effects on the workforce and the level of management involved.

Under the proposed directive, transnational matters are those which may reasonably be considered to concern the Community-scale undertaking or the Community-scale group of undertakings as a whole, or two or more undertakings or establishments of the undertaking or establishment situated in at least two different Member States.

These conditions will be deemed to be met where it may reasonably be expected that the measures envisaged by the management of the Community-scale undertaking or Community-scale group of undertakings will affect the employees of that undertaking or group or of any establishment of that undertaking or group situated in more than one Member State.

Special Negotiating Body

In order to improve the right to information and consultation of workers in Community-scale undertakings, central management will initiate negotiations for the establishment of a European Works Council or an information and consultation procedure on its own initiative or at the joint or separate written request of at least 100 employees or their representatives in at least two undertakings or establishments situated in at least two different Member States.

The members of the special negotiating body will be elected or appointed in a manner that strives to achieve a **gender-balanced representation**, whereby women and men each comprise at least **40 %** of the members of the special negotiating body. If the objective of gender balance is not achieved, the special negotiating body will explain, in writing, the reasons to the workers. Failure to achieve the objective of gender balance shall not prevent the creation of a special negotiating body.

In order to increase legal certainty, the text specified that central management is required to convene a number of meetings with the special negotiating body sufficient for both parties to reach an agreement establishing a European works council.

The **expenses** relating to the negotiations will be borne by central management, so as to enable the special negotiating body to carry out its task in an appropriate manner.

Material and financial resources

The agreement will determine the financial and material resources to be allocated to the European Works Council, which will cover the possible use of experts and their possible participation in meetings, including the possible use of legal experts and representatives of recognised Community-level trade union organisations, to assist the European Works Council in the discharge of its functions.

Provision of information in confidence

Member States will provide that members of special negotiating bodies, members of European Works Councils, or employees' representatives in the framework of an information and consultation procedure, and any experts who assist them, are not authorised to disclose information which central management has expressly provided to them in confidence, in the legitimate interest of the undertaking, in accordance with objective criteria laid down by the Member State.

Compliance with the directive

Member States will have to provide for dissuasive **financial penalties** for non-compliance. In the case of financial penalties, they will also take into account the annual turnover of the undertaking or group concerned, or ensure that the applicable penalties have a similarly dissuasive nature.

With respect to the **rights** conferred by this Directive, Member States will: (i) ensure effective access to judicial proceedings and, (ii) provide for the reasonable costs of legal representation and participation in such proceedings to be borne by central management or will take other, equivalent measures to avoid any de facto restriction of access to such proceedings on the grounds of lack of financial resources.

Member States must transpose the directive no later than **two years** from the entry into force of this amending directive.

Establishment and functioning of European Works Councils - effective enforcement

2024/0006(COD) - 24/01/2024 - Legislative proposal

PURPOSE: to revise the European Works Councils (EWCs) Directive to further improve social dialogue in the EU.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: Principle 8 of the European Pillar of Social Rights reaffirms the right of workers or their representatives to be informed and consulted on matters relevant to them. With respect to **transnational matters**, Directive 2009/38/EC of the European Parliament and of the Council on the establishment of a European Works Council (EWC) or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees seeks to give practical effect to these basic principles by setting minimum requirements for the information and consultation of employees in Community-scale undertakings and Community-scale groups of undertakings.

EWCs therefore complement the work of national employee representative bodies.

While an evaluation of Directive 2009/38/EC published in 2018 confirmed that Directive's added value and relevance in principle, it also identified shortcomings regarding, for instance, the effectiveness of the consultation process, access to justice, sanctions, and the interpretation of certain concepts.

This proposal aims to tackle shortcomings of the Directive, and thereby to improve the effectiveness of the framework for the information and consultation of employees at transnational level. It does not affect the EU and national rules and practices concerning the involvement of employees at national level.

In its own-initiative [resolution](#) of 2 February 2023 containing recommendations to the Commission on the revision of the European Works Councils Directive, the European Parliament called for the role and capacity of EWCs as information and consultation bodies in European-scale undertakings to be strengthened.

CONTENT: the Commission proposes to revise the European Works Councils (EWCs) Directive to further improve social dialogue in the EU.

The current Directive outlines the processes for creating EWCs and for informing and consulting them on transnational matters.

The proposed revision aims to **strengthen the role of EWCs** by facilitating their creation, fostering more meaningful information and consultation, and ensuring they have the necessary capacity to carry out their work. It also aims to strengthen gender balance of EWCs.

The Commission's main proposed changes include:

Clarifying the concept of transnational matters

To ensure that EWCs complement and do not overlap with the work of national information and consultation bodies, it is proposed that a clear definition for determining when EWCs must be consulted and informed be introduced. This targeted clarification aims to address the existing uncertainty and reduce the risk of disputes, while maintaining the distinction from national matters in order to prevent conflicts with national information and consultation procedures.

Giving equal rights to workers of multinational companies operating in the EU/EEA to request the creation of a new EWC

Directive 2009/38/EC does not provide the employees in the exempted undertakings with the possibility to request an establishment of a European Works Council under that Directive. However, for reasons of legal clarity, equal treatment and effectiveness, employees and their representatives in all Community-scale undertakings or Community-scale groups of undertakings should in principle have the right to request the establishment of a European Works Council.

The proposal removes the exemptions from the current Directive, allowing 5.4 million workers in 320 multinational companies with pre-existing agreements to request the establishment of an EWC.

Ensuring that workers in multinational companies are consulted in a timely and meaningful way on issues concerning them

EWC members should receive a reasoned response to their opinion before company management adopts a decision on transnational matters.

Company management must provide justifications whenever confidentiality is given as a reason for restricting the further sharing of information or not disclosing information on transnational matters.

Making sure EWCs have the necessary capacity to do their work

The updated proposed requires parties to EWC agreements to be required to specify the financial and material resources to be allocated to EWCs at least with respect to the use of experts, legal costs, and training. Moreover, they are to also specify the format of EWC meetings, which may include virtual formats if parties so agree. To improve effectiveness of existing EWCs, the new requirements in relation to financial and material resources and the format of EWC meetings apply also with respect to pre-existing EWC agreements, which may hence need to be adapted.

Strengthening gender balance

Whenever an EWC agreement is (re)negotiated, the proposal puts in place provisions to attain, as far as possible, a gender-balanced composition. This includes a requirement to actively pursue gender balance in special negotiating bodies, which are temporary groups of employee representatives negotiating an EWC agreement with the company.

This objective is defined by the target of 40% of seats on the EWC – or select committee – to be allotted to members of either gender.

Improving access to legal remedies

Member States should notify the Commission of how EWCs can bring judicial and, where applicable, administrative proceedings. Member States are also obliged to put in place effective, dissuasive and proportionate sanctions to enforce the Directive.

Establishment and functioning of European Works Councils - effective enforcement

2024/0006(COD) - 06/12/2024 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Employment and Social Affairs adopted the report by Dennis RADTKE (EPP, DE) on the proposal for a directive of the European Parliament and of the Council amending Directive 2009/38/EC as regards the establishment and functioning of European Works Councils and the effective enforcement of transnational information and consultation rights.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Transnational matters

Under the proposed directive, transnational matters are those which can reasonably be considered to concern the Community-scale undertaking or the Community-scale group of undertakings as a whole, or at least two undertakings or establishments of the undertaking or group situated in two different Member States.

These conditions would also be deemed to be met where the measures envisaged by the central management of the Community-scale undertaking can reasonably be expected to affect employees in a Member State other than that in which the measures are being considered.

In order to determine the transnational character of a matter, the scope of its possible effects on the workforce and the level of management and representation involved shall be taken into account.

Definitions

Members wish to clarify the definition of **'information'** to mean transmission of data by the employer to the employees' representatives in order to enable them to acquaint themselves with the subject matter and to examine it and is given at such time, in such fashion and with such content as are appropriate to enable employees' representatives to undertake an in-depth assessment of their possible impact and, where appropriate, prepare for consultations with the competent organ of the Community-scale undertaking.

'Consultation' means the establishment of dialogue and exchange of views between employees' representatives and central management or any more appropriate level of management at such time, in such fashion and with such content as enables employees' representatives to express a prior opinion on the basis of the information provided about the proposed measures to which the consultation is related, without prejudice to the responsibilities of the management, and within a reasonable time, which is to be taken into account within the Community-scale undertaking. Consultation is to take place in such a way as to enable employees' representatives to obtain a reasoned written response in due time from the central management prior to the adoption of the decision provided the employee representatives expressed their opinion within a reasonable time.

Special negotiating body

The members of the special negotiating body must be elected or appointed in proportion to the number of workers employed in each Member State by the Community-scale undertaking, so as to ensure a **gender balanced distribution**. According to Members, women and men must make up at least **40%** of the members of the special negotiating body respectively. If this target is not met, the special negotiating body should explain the reasons in writing.

Information and consultation of employees

Information on transnational matters will be given at such time, in such fashion and with such content as are necessary and sufficient to enable the European Works Council to:

- consult relevant employees' representatives at national and local level;
- undertake an in-depth assessment of their possible impact, and,
- where appropriate, prepare for meaningful consultations with the competent organ of the Community-scale undertaking.

In duly justified and exceptional cases, where the adoption of a decision requires urgency, management and employees' representatives will carry out an effective information and consultation process as quickly as possible.

If there is a **dispute** between the central management and the European Works Council or employees' representatives as to whether an information and consultation procedure is to be carried out, the central management will provide duly substantiated grounds in **writing** for the reasons why the information and consultation requirements under this Directive or under agreements concluded pursuant thereto do not apply, including the reasons that justify the absence of transnational issues.

In so far as it is necessary for the European Works Council to carry out its tasks, the European Works Council or the select committee may request assistance from experts of its choice.

Compliance with the Directive

Member States will ensure that adequate **administrative and judicial procedures** are available and easily accessible to enable the rights and obligations deriving from this Directive to be enforced in a timely and effective manner, to apply for and terminate including the possibility to request a preliminary injunction for the temporary suspension of decisions of the central management where such decisions are challenged on the basis that there has been an infringement of the information and consultation requirements. The effects of the challenged decisions on employment contracts or employment relationships of the affected employees should be suspended accordingly.

Sanctions

These should include:

- **financial penalties** that are proportionate to the nature, gravity and duration of the undertaking's infringement and which shall increase in amount according to the number of affected employees;
- **orders** excluding the undertaking from an entitlement to some or all public benefits, aids or subsidies, including Union funds managed by the relevant Member States, for a period of up to three years;
- orders excluding the undertaking from participating in a public contract.

Member States are encouraged to set up out-of-court mediation procedures enabling both parties to find acceptable solutions.

Monitoring Committee

To ensure the correct application of the Directive and to address and resolve practical problems arising from its implementation, a Monitoring Committee should be set up. The Monitoring Committee would be composed of one representative per Member State, three representatives from each of the European social partners and the European Commission.

Lastly, the information and consultation procedures within the European Works Council should take place without prejudice to those taking place at national level.