





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

| Key players                            |  |                               |                               |            |
|--|--|-------------------------------|-------------------------------|------------|
| European Parliament                    | Committee responsible                    |                               | Rapporteur                    | Appointed  |
|  | EMPL                                     | Employment and Social Affairs | RADTKE Dennis (EPP)           | 24/09/2024 |
|  |  |                               | Shadow rapporteur             |            |
|  |  |                               | BISCHOFF Gabriele (S&D)       |            |
|  |  |                               | DISDIER Mélanie (PfE)         |            |
|  |  |                               | DONAZZAN Elena (ECR)          |            |
| European Parliament                    |  |                               | VAN DEN BERG Brigitte (Renew) |            |
|  |  |                               | RIEHL Nela (Greens/EFA)       |            |
|  |  |                               | KENNES Rudi (The Left)        |            |
|  |  |                               |                               |            |
|  | Former committee responsible             |                               | Former rapporteur             | Appointed  |
|  | EMPL                                     | 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<br> | 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 |
| 16/12/2024 | Committee decision to enter into interinstitutional negotiations announced in 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<br>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 <a href="#">2008/0141(COD)</a>   |
| Legal basis                                  | Treaty on the Functioning of the EU TFEU 153-p2<br>Treaty on the Functioning of the EU TFEU 153-p1          |
| Mandatory consultation of other institutions | <a href="#">European Economic and Social Committee</a><br><a href="#">European Committee of the Regions</a> |
| Stage reached in procedure                   | Procedure completed   |
| Committee dossier                            | EMPL/10/00335   |

#### Documentation gateway

#### European Parliament





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| Document type   | Committee | Reference                     | Date       | Summary                 |
|---|-----------|-------------------------------|------------|-------------------------|
| Committee report tabled for plenary, 1st reading/single reading |           | <a href="#">A10-0029/2024</a> | 06/12/2024 | <a href="#">Summary</a> |
| Text agreed during interinstitutional negotiations              |           | <a href="#">PE774.311</a>     | 28/05/2025 |                         |
| Text adopted by Parliament, 1st reading/single reading          |           | <a href="#">T10-0226/2025</a> | 09/10/2025 | <a href="#">Summary</a> |

#### Council of the EU

| Document type  | Reference                           | Date       | Summary |
|--|-------------------------------------|------------|---------|
| Coreper letter confirming interinstitutional agreement | <a href="#">GEDA/A/(2025)002563</a> | 28/05/2025 |         |
| Draft final act  | 00020/2025/LEX                      | 12/11/2025 |         |

#### European Commission

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

#### National parliaments

| Document type | Parliament /Chamber           | Reference                     | Date       | Summary |
|---------------|-------------------------------|-------------------------------|------------|---------|
| Contribution  | <a href="#">CZ_CHAMBER</a>    | <a href="#">COM(2024)0014</a> | 20/03/2024 |         |
| Contribution  | <a href="#">ES_PARLIAMENT</a> | <a href="#">COM(2024)0014</a> | 09/04/2024 |         |
| Contribution  | <a href="#">IT_CHAMBER</a>    | <a href="#">COM(2024)0014</a> | 18/04/2024 |         |
| Contribution  | <a href="#">DE_BUNDESRAT</a>  | <a href="#">COM(2024)0014</a> | 15/05/2024 |         |
| Contribution  | <a href="#">IT_SENATE</a>     | <a href="#">COM(2024)0014</a> | 27/05/2024 |         |
| Contribution  | <a href="#">RO_SENATE</a>     | <a href="#">COM(2024)0014</a> | 06/06/2024 |         |

#### Other institutions and bodies

| Institution/body | Document type                                  | Reference                    | Date       | Summary |
|------------------|--|------------------------------|------------|---------|
| EESC             | Economic and Social Committee: opinion, report | <a href="#">CES0543/2024</a> | 30/05/2024 |         |

| Additional information |          |            |
|------------------------|----------|------------|
| Source                 | Document | Date       |
| EP Research Service    | Briefing | 20/03/2024 |
|                        |          |            |

## 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<br>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<br>Brainlab AG<br>DATEV eG<br>DER MITTELSTANDSVERBUND<br>DHL Group<br>DIE PAPIERINDUSTRIE e.V.<br>Deutscher Franchiseverband e.V.<br>EVONIK INDUSTRIES AG<br>Hamburger Hafen und Logistik Aktiengesellschaft<br>Handelsverband Deutschland<br>Uniper<br>Verband Deutscher Maschinen- und Anlagenbau e.V.<br>Von Beust & Coll. Beratungsges. mbH & Co KG<br>Wirtschaftsforum der SPD e.V.<br>RWE Supply & Trading GmbH<br>Brainlab Corporate Services GmbH<br>AMEOS Gruppe AG<br>Dolmetschen und Übersetzungsdienst<br>Eavor GmbH<br>Bundesverband der Systemgastronomie<br>Lieferando<br>Schwarz-Gruppe |

|                                       |                   |      |            |  |
|---------------------------------------|-------------------|------|------------|--|
|                                       |                   |      |            | Deutscher Führungskräfteverband ula<br>Zentralverband des Deutschen Baugewerbes<br>BMW Group |
| <a href="#">RADTKE Dennis</a>         | Rapporteur        | EMPL | 19/12/2024 | EUROPEAN TRADE UNION CONFEDERATION   |
| <a href="#">VAN DEN BERG Brigitte</a> | Shadow rapporteur | EMPL | 11/12/2024 | BUSINESSEUROPE   |
| <a href="#">VAN DEN BERG Brigitte</a> | Shadow rapporteur | EMPL | 04/12/2024 | IBM Corporation  |
| <a href="#">LIZZI Elena</a>           | Shadow rapporteur | EMPL | 19/03/2024 | Confindustria  |
| <a href="#">BENIFEI Brando</a>        | Shadow rapporteur | EMPL | 16/02/2024 | Council of European Employers of the Metal, Engineering and Technology-based Industries      |
| <a href="#">BENIFEI Brando</a>        | Shadow rapporteur | EMPL | 14/02/2024 | EUROPEAN TRADE UNION CONFEDERATION<br>etuc   |

**Other Members**

| Transparency  |            |   |
|---|------------|---|
| Name  | Date       | Interest representatives  |
| <a href="#">TOOM Jana</a>   | 15/07/2025 | EUROPEAN TRADE UNION CONFEDERATION  |
| <a href="#">STORM Kristoffer</a>  | 05/12/2024 | Confederation of Danish Employers   |
| <a href="#">LEXMANN Miriam</a>  | 15/02/2024 | IBM Corporation   |
| <a href="#">BRUNET Sylvie</a>   | 13/02/2024 | Council of European Employers of the Metal, Engineering and Technology-based Industries |
| Final act   |            |   |
| <a href="#">Directive 2025/2450</a><br><a href="#">OJ OJ L 11.12.2025</a> |            |   |

**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.