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#### COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	25 January 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2024) 14 final
Subject:	ANNEX to the 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

Delegations will find attached document COM(2024) 14 final ANNEX.

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Encl.: COM(2024) 14 final ANNEX





EUROPEAN  
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Brussels, 24.1.2024  
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ANNEX

ANNEX

to the

**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**

{SEC(2024) 35 final} - {SWD(2024) 9 final} - {SWD(2024) 10 final} -  
{SWD(2024) 11 final}



## ANNEX

Annex I to Directive 2009/38/EC is amended as follows:

- (1) point 1 is amended as follows:
  - (a) the introductory sentence is replaced by the following:

“1. In order to achieve the objective set out in Article 1(1) and in the cases provided for in Article 7(1) and Article 14a, the establishment, composition and competence of a European Works Council shall be governed by the following rules.”;
  - (b) in point (a), the third subparagraph is replaced by the following:

“The consultation shall be conducted in such a way that the employees’ representatives can meet with the central management or any more appropriate level of management. The employees’ representatives shall be entitled to a reasoned written response to any opinion they might express prior to the adoption of the decision on the measures in question, provided their opinion was expressed within a reasonable time.”;
  - (c) the following point (dd) is inserted after point (d):

“(dd) as far as possible, women and men shall each comprise at least 40% of European Works Council members and of select committee members.”;
- (2) point 2 is replaced by the following:

“2. The European Works Council shall have the right to meet with the central management twice a year, to be informed and consulted, on the basis of a report drawn up by the central management, on the progress of the business of the Community-scale undertaking or Community-scale group of undertakings and its prospects. The local managements shall be informed accordingly.”;
- (3) in point 3, the first and second subparagraphs are replaced by the following:

“3 Where there are exceptional circumstances or decisions which are likely to affect the employees’ interests to a considerable extent, and urgency does not allow for information or consultation to take place at the following scheduled European Works Council meeting, particularly in the event of relocations, the closure of establishments or undertakings or collective redundancies, the select committee or, where no such committee exists, the European Works Council, shall have the right to be informed in a timely manner. It shall have the right to meet, at its request, the central management, or any other more appropriate level of management within the Community-scale undertaking or group of undertakings having its own powers of decision, in order to be informed and consulted.

Those members of the European Works Council who have been elected or appointed by the establishments and/or undertakings which are directly concerned or can reasonably be expected to be directly concerned by the circumstances or decisions in question shall also have the right to participate where a meeting is organised with the select committee.”;
- (4) in point 5, the following sentences are added:

“Such experts may include representatives of recognised Union-level trade union organisations. At the request of the European Works Council, such experts shall have a right to be present at meetings of the European Works Council and meetings with



the central management in an advisory capacity. The central management shall be informed in advance.”;

(5) point 6 is amended as follows:

(a) the following subparagraph is inserted between the third and fourth subparagraphs:

“The operating expenses of the European Works Council shall include reasonable costs of legal assistance, representation and proceedings. Operating expenses shall be notified to central management before they are incurred.”;

(b) the fourth subparagraph is replaced by the following:

“In compliance with these principles, the Member States may lay down budgetary rules regarding the operation of the European Works Council.”