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EUROPEAN COMMISSION

Maroš Šefčovič
Vice-President

Brussels, 01/03/2023

Dear President,

The Commission would like to thank the European Parliament for its legislative initiative resolution of 2 February 2023, adopted in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU), with recommendations to the Commission on the revision of the European Works Councils Directive 2009/38/EC ('recast Directive').

The resolution calls on the Commission to put forward by 31 January 2024 a legislative proposal to revise the recast Directive with the aim to strengthen the European Works Councils, to ensure they are able to exercise their information and consultation rights effectively, while taking into account the different industrial relations systems in the Member States. To this end, the resolution puts forward a number of proposals for amendments of the recast Directive, including a proposal for reinforced sanctions for an employer's failure to properly inform and consult European Works Councils, amendments to the key concepts of the Directive, such as extending of the concept of transnational matters on which the European Works Councils should be informed and consulted, amending the definition of consultation, redefining the confidentiality and non-disclosure clauses, and ending the existing exemptions from the scope of the Directive to make all eligible undertakings subject to the revised rules.

Aside from the call to revise the Directive, the resolution calls on the Commission to organise a high-level conference in 2023 to promote European Works Councils; to support European trade unions and to facilitate access of European Works Councils to EU funding; to monitor the transposition of the recast Directive and to launch infringement procedures; to gather data on the undertakings falling under the scope of the recast Directive; and to explore the merits of including franchising or management contracts within the scope of the Directive.

The Commission welcomes this resolution, which was discussed in the College at its meeting of 1 March 2023. The resolution refers to core areas of social dialogue and must be assessed in the light of ensuring legal certainty for workers and employers and safeguarding and promoting employment and industrial activities in Europe.

Ms Roberta Metsola
President of the European Parliament

The recast Directive is part of an overall EU legal framework on workers' involvement and complements information and consultation of workers at national level. The Commission's 2018 evaluation of the implementation of the recast Directive confirmed its EU added value and the improvements introduced by the recast text, but also highlighted persisting issues related to the low creation rates of new European Works Councils, the effectiveness of the consultation process, and weaknesses in the means allowing EWCs to enforce their rights.

In accordance with the political commitment made by President von der Leyen in her Political Guidelines as regards resolutions adopted by the European Parliament under Article 225 TFEU, the Commission is committed to follow up with a legislative proposal, in full respect of proportionality, subsidiarity and better law-making principles.

The Commission has launched an assessment of the Parliament's request, which will include data and evidence collection and a comprehensive evaluation of problems and drivers in relation to existing European Works Councils in the undertakings falling under the scope of the recast Directive, and on the issues highlighted in the Parliament's resolution.

Moreover, in line with Article 154 TFEU according to which the Commission is obliged to consult with EU social partners before presenting any legislative proposal, the Commission will thus launch, in parallel to its assessment of the Parliament's request, a two-stage consultation of EU social partners. The timing of any potential Commission proposal will depend on the outcome of these procedures. Social partners may also decide to act by means of agreements under Article 155 TFEU.

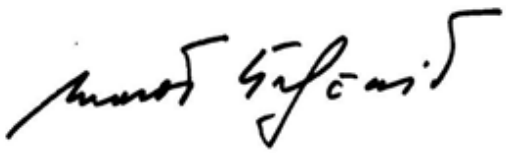
The Commission will continue to support social partners and workers' representatives through dedicated annual grant programmes. The Commission is fully aware of the benefits of awareness-raising in this area and has funded a number of projects on information and consultation in enterprises, including in relation to European Works Councils. This includes support for the 2023 annual conference on European Works Councils organised by the European Trade Union Confederation, which will be an opportunity to discuss the issues facing European Works Councils and undertakings, and to promote the use of this instrument.

The Commission will consider the suitable follow-up to give to the other calls in the resolution for non-legislative action in the light of the results of the social partner consultation and in its assessment of legislative and non-legislative options to achieve the objectives of this initiative.

Finally, the Commission notes that its services monitor enforcement mechanisms in the Member States and assess each complaint on incorrect transposition of the recast Directive, taking action as appropriate through dialogue with the Member States and, if necessary, infringement proceedings.

The Commission looks forward to continuing a close and constructive cooperation with the Parliament on this matter.

Yours sincerely,



Maroš Šefčovič