



Council of the European Union
General Secretariat

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**Interinstitutional files:
2024/0006 (COD)**

WK 7102/2024 INIT

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WORKING DOCUMENT

From: General Secretariat of the Council
To: Delegations

N° Cion doc.: 5837/24 + ADD 1-5

Subject: 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

A. INTRODUCTION

Delegations have received with document ST 9955/24 a third Presidency compromise proposal related to the Directive in subject.

Based on the feedback received from Member States in the Social Questions Working Party of 29 April 2024 and the written contribution received thereafter, the Presidency has made some further limited changes to the text.

B. MAIN CHANGES

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The main changes compared to document ST 9079/24 are the following:

Definition of transnational matter

In Article 1(4) of the amended Directive, in the definition of transnational matters, the word 'substantially' has been deleted in the second subparagraph. In the recital 5 additional elements of explanation of the term "transnational matters" have been added. This change aims to ensure that the amendments made do not result in an unintended limitation of the scope of the existing Directive as concerns the matters on which European Works Councils are to be consulted.

Election and appointment of employees' representatives

In Article 6(2a) of the amended Directive and recital 10 the words "without prejudice to national laws on electing employees' representatives" have been expanded to "without prejudice to national laws **and practices** on electing **and appointing** employees' representatives" in order to take into account that in the national orders of Member States employees' representatives are not always chosen by elections.

Effective access to relevant proceedings

Recital 17 has been reworded in order to clarify that this provision does not intervene in national rules on legal standing.

Clarification of the transitional provisions

Article 14a of the amended Directive was adapted in order to clarify that, even if it is not mandatory to renegotiate existing agreements, Member States have to ensure that the applicable minimum requirements are respected by the parties. In addition, recital (20a) has been brought more in line with the content of Article (14a).

C. CONCLUSION

The Presidency considers that, with these changes made, the text of the proposal is mature for being approved by the Council as the Council's negotiation position in view of the upcoming negotiations with the European Parliament.

In order to be sure that this view is shared by Delegations, the Presidency asks Delegations to inform the Presidency by email [REDACTED] with the General Secretariat in copy (LIFE.social@consilium.europa.eu) whether they are able to support the Presidency compromise text as set out document 9955/24. In absence of a reply by Thursday, 23 May 2024, midnight the Presidency will consider that the Delegation will be able to support this Presidency compromise text in Coreper and in the Council.