



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR EMPLOYMENT, SOCIAL AFFAIRS AND INCLUSION

The Director-General

Brussels
EMPL.C.1/ML/as (2023)3426292

For the attention of the EU level Social
Partner Organisations

Subject: First phase Consultation of the Social Partners under Article 154 TFEU on a possible revision of the recast European Works Council Directive (Directive 2009/38/EC)

Dear Madam, dear Sir,

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

On 1 March 2023, the Commission transmitted its response to the European Parliament on its legislative resolution on revision of the European Works Councils Directive (2019/2183 (INL)). The Commission welcomed the resolution and stated that the Parliament's requests, including the concrete proposals made in the annex to the resolution, would be assessed in the light of ensuring legal certainty for workers and employers and safeguarding and promoting employment and industrial activities in Europe. In its response, the Commission further stated that, in line with Article 154 TFEU, it would launch a two-phase consultation of EU social partners on the possible direction of European Union action and recalled that social partners might also decide to negotiate in view of reaching an agreement under Article 155 TFEU.

Accordingly, and in the light of the Commission's 2018 evaluation of the European Works Council Directive 2009/38/EC ('recast Directive'), the attached consultation paper identifies a number of areas in which measures could be envisaged to address issues that may prevent the recast Directive from fulfilling its objectives. These areas include the notion of transnational matter, the definition of consultation, the use of confidentiality restrictions, the framework for setting up EWCs, access to justice, enforcement (redress and sanctions) and exemptions from the scope of the recast Directive.

The attached consultation also asks if the EU level social partners wish to initiate a dialogue under Article 155 TFEU on any of the issues identified.

I would be grateful to receive your responses to this consultation by 25 May 2023. Please send your replies to: EMPL-SOCIAL-DIALOGUE@ec.europa.eu

Yours sincerely,



Joost KORTE

Enclosure: First phase Consultation Document

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