

EWCDIRECTIVE REVISION '25

Timeline + main changes

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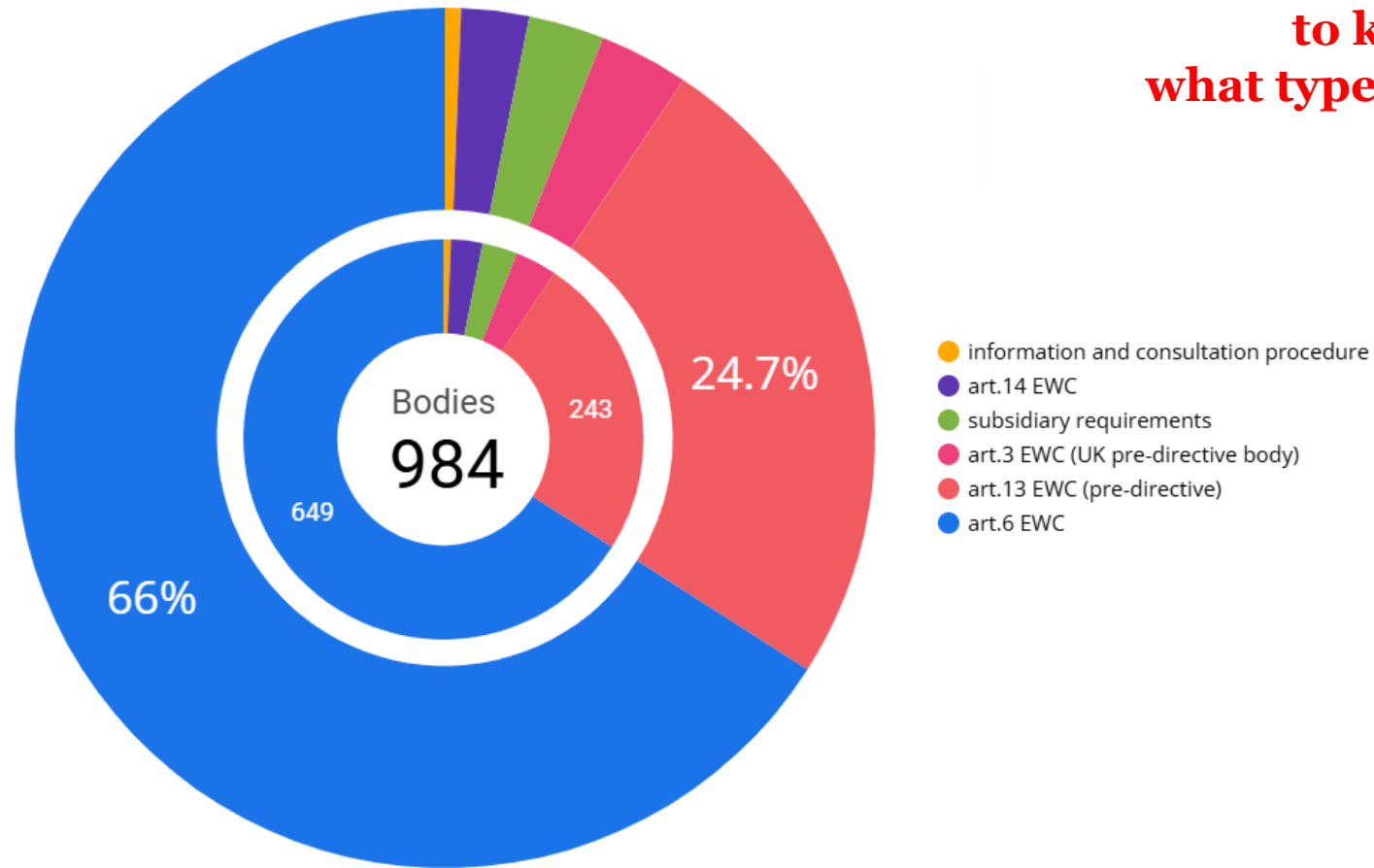
Timeline and current state of play

- On 28 May 2025, the European Parliament, Council, and Commission reached a political agreement on revision of Directive 2009/38/EC (the old/current Directive)
- The revised Directive is not a revolution, but it strengthens few things up for EWCs; whereas it does not change the picture significantly, its positively welcomed given the current political landscape. The main gain will be clear with the transpositions: the enforceability of EWC rights
- Vote in Parliament 9/10/25 was more than positive =>
- 27 Nov the official text was approved, under the number of [Directive - EU - 2025/2450 - EN - EUR-Lex](#)
- Now: Directive is in force, but not transposed yet; Member States are required to transpose the Directive into national law (2028), with employer compliance required 2029 (1 extra year of deterred applicability)
- **Main task for every single EWCs is to assess whether, how and when they need to adapt or even renegotiate their agreements: you can start making new definitions and apply new rights now, it's only a matter of time until you'll get it**



Recap of current status quo

Active EWCs and SEs by Type



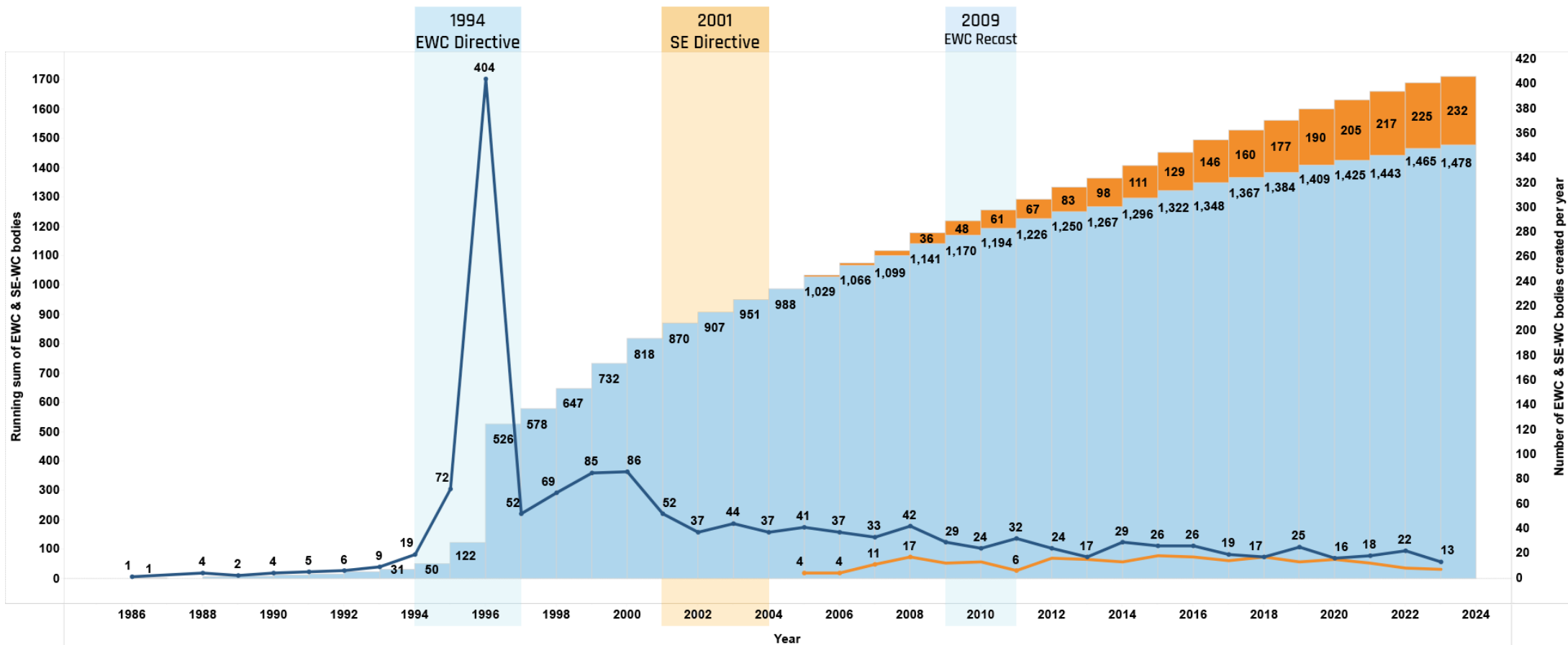
(Re)negotiations: timelines based on transposition roadmap

	Current count	2026	2027	02.01.2028 – 01.01.2029 (deferred application & anticipation year)	02.01.2029 onwards
Art. 6	651	Can amend/re-negotiate but current fallback rules only with provision in agreement or structural change (art. 13)		Right to adaptation under art. 14a(1)-(3) from 02.01.2028 onwards (art. 14(3): 2 instead of 3 years negotiation deadline)	Revised EWCD rights become applicable in national law -- Art. 6 agreements should contain all new art. 6 items (i.e. addressing format, costs/resources, etc.)
Ongoing SNB		Current SR apply until 01.01.2029, then new SR automatically apply from 02.01.2029 onwards			
Interim (2009-11) 14a	25	Can amend/re-negotiate but current fallback rules only with provision in agreement		No longer special regime (i.e. no longer solely subject to 1994 Dir) + must renegotiate to align with 2025	
“Art. 13 pre-Directive” 14b	276	Own agreement + exemption		Company no longer exempt + art. 5/6 trigger upon request with SNB process	
Subsidiary Requirements (SR)	25	Current SR			New Directive SR automatically applicable

Disclaimer: preliminary assessment pending confirmation by Commission

etui.

EWC Database (www.ewcdb.eu)



CHANGES IN EWC SCOPE

No more exemptions for MNCs with “art.13 agreements” → **one framework for all EWCs**
(art. 14 deleted)

‘Controlling undertaking’ definition (art. 3(1))

Gender balance in SNB & EWC composition (art. 5(2)(b))

CHANGES IN I&C PROCESS

Clarification of I&C definitions and ‘**transnational matters**’ (art. 1(3-4))

→ Timing and duties moved from article 2 to article 9 and strengthened:

*“The employees’ representatives shall be entitled to a **reasoned written response** from central management [...] **prior** to the adoption of the decision on the measures in question, provided that the employees’ representatives have expressed their opinion within a reasonable time”*

Confidentiality

Split into confidential information (art. 8) and non-transmission of information “*which would seriously harm the functioning of the undertakings concerned*” (art. 8a)

CHANGES IN ACCESS TO JUSTICE

Requires effective, dissuasive penalties incl. financial penalties for breaches of art. 9;
Timely proceedings & access to courts
Coverage of reasonable legal costs or equivalent measures;
Optional Alternative Dispute Resolution (ADR) mechanisms → cannot block access to justice

CHANGES FOR SNB

A coordinated request to start EWC procedure is no longer required

SNB has the right to legal assist and training

Sufficient number of meetings, gender balance applies

missing deadline triggers standard rules EWC automatically

OTHER CHANGES IN EWC PRACTICE

Stronger wording in operations, resources, funding

2 meetings in person, online only supplementary

Experts (in plural) and TU coordinators with the right to be present at meetings

What matters for EWCs?

- It's clear that the revision **strengthens the role and capacity of EWCs** to ensure that employees in large multinational enterprises are better informed and consulted about decisions with transnational impact
- Key improvements cover **operational upgrade, bigger scope and stronger enforcement** (hopefully, after transposition!)
- Review your existing EWC agreement against Revision **and find upgrade gaps yourself**: good EWC exercise!
- Good time to **discuss the increased budget** for mandatory EWC costs, including legal advice and f2f meetings
- If you are on a pre-Directive agreement, **start discussing the renegotiation strategy** and read good EWC agreements from your sector – management may come to you earlier!
- Mobilize your unions to **keep national transposition process on high level**, especially to produce strong sanctions
- There is strong emphasis on timely consultation in the Revision: this requires EWC being prepared to work in strict time and confidentiality boundaries to ensure meaningful early involvement: **sharpen your procedures!**
- the improvements on transnationality or consultation **will be effective only once EWC agreement will be amended** so (this is not automatic law, as with sanctions; objective criteria for confidentiality should also work automatically after transposition)
- It's not your role, but sometimes you need to **educate leadership and HR on the revised Directive**
- All newly established EWCs will fall under the revision from fall 2027, before that they can (and should) find compliance voluntarily
- We can expect increased focus from the companies on **how trade union experts/ coordinators should participate in meetings or discussions**

Main differences

Scope exemptions

Transnational matters

Consultation

Confidentiality

Access to justice

Enforcement

Gender balance

2009 Directive

Existed (pre-1996 and transitional)

Narrow, direct effects

No obligation for reasoned reply

No clear conditions

Weakly defined

Limited sanctions

Not addressed

Revised Directive

Abolished – universal application

Broader, includes expected indirect effects

Must give written, reasoned response before decisions

Objective criteria required

Improved access and cost coverage

Must be enforceable with penalties in national law

Gender balance objectives introduced

Wrap up: what really changed?

Next steps on our side

- European Commission Transposition Expert Group
 - ETUC, ETUI, ETUFs & national confederations represented
 - Still unclear: Timeline, output, overall composition
 - 1st meeting 12-13 February 2026
- ETUI Research
 - Technical meeting with Commission
 - Complete legal analysis of new Directive
 - Background for TU EWC experts and trainers: advice for EWCs and SNBs
 - Background for TUs at national level:
 - What needs to be transposed from new Directive
 - What else needs to be fixed “while we’re at it”.
- ETUI Education
 - Integrated into open seminars for EWCs, SNBs, ETUFs
 - Train the Trainers
 - Company-specific training
 - Development of training materials

— **THANKS FOR YOUR
ATTENTION**

Wishing you best of luck with your EWC journey!