

A new EWC Directive - What's missing in your agreement?

Joint checklist of the European Trade Union Federations for members and trade union experts in SNBs and EWCs.

as of June 2026

On 11 December 2025, [Directive 2025/2450](#) was published, introducing new working conditions, more resources and greater legal certainty for European Works Councils. The actual entry into force will only take place on 2 January 2029, but a request to renegotiate existing EWC agreements so that all new conditions can be included may be introduced as early as 2 January 2028, when the transposition into national law must be finished.

How to use this checklist?

This checklist is a practical tool to help you get an overview of the new requirements from the 2025/2450 Directive and compare them with the existing provisions in your European Works Council (EWC) agreement.

Please note: This tool focuses only on the new Directive. It does **not** cover:

- Current or future implementation into the national laws which (might) apply to your agreement.
- Existing flaws in your agreement that are unrelated to the new legislation.

Here is how to use it:

- **Spot potential gaps:** Review your EWC agreement and identify what is and is not covered yet.
- **Start the conversation:** Use it to trigger a debate within your EWC and get everyone on the same page.
- **Plan your strategy:** Determine as an EWC your best negotiation goals with the help of a training and expert advice from the EWC coordinator, European trade union federation and/or the national trade unions represented in the EWC. Specific trade union recommendations on what and how to negotiate will follow soon.
- **Prepare for the future:** Use these insights as a solid foundation for any upcoming renegotiations. Do not feel rushed since the actual entry into force is only 2 January 2029.

Type of EWC agreement

As a first step it is important to check when the agreement was originally signed. Any agreement signed before 22 September 1996 that is still in force (even if it has been amended or renegotiated afterwards) will no longer be considered as covered by the Directive. A request for negotiations to conclude an agreement pursuant to the Directive, involving a Special Negotiating Body (SNB), can be initiated as of 2 January 2028. In that case, the whole Directive needs to be taken into consideration and not just the changes compared to the 2009/38 Directive.

	YES	NO	?
Was the agreement on the establishment of your EWC originally signed before 22 September 1996?	☐	☐	☐

YES: Negotiations for a new agreement under Directive 2009/38 as amended by Directive 2025/2450, with an SNB, can be requested as of 2.01.2028.

NO: A renegotiation with an SNB or according to provisions for making amendments already included in the agreement can be requested as of 2.01.2028. These can be limited to those aspects which are not yet included in the agreement. You can use this checklist to identify those missing elements.

?: No clear date is mentioned in the agreement, to be verified.

Content of EWC agreement

YES: This is already covered in your agreement.

NO: This is not mentioned yet and could be a topic for renegotiation.

?: The text of the agreement is not entirely clear. To be verified.

	YES	NO	?
Mandatory topics to be included in the agreement			
Is the format of the meetings specified? (in person, online, otherwise)	☐	☐	☐
Is it possible to invite legal experts to assist you?	☐	☐	☐
Can you ask for more than one paid expert?	☐	☐	☐
Do you have a right to be assisted by a trade union coordinator/expert?	☐	☐	☐
Are experts allowed to participate in all meetings, internal and with management?	☐	☐	☐
Are all costs related to the use of experts covered by management?	☐	☐	☐
Are the financial and material resources needed for training clearly determined?	☐	☐	☐
Do you have any arrangements on achieving the non-binding objective of a 40% women/men gender balance in EWC and Select Committee (SC)?	☐	☐	☐
Do you have the communication tools that allow you to communicate with all workers, for instance on the non-binding gender balance objective?	☐	☐	☐
Definitions of information, consultation and transnational matters			
Does the definition of transnational matters include a reference to the level of management involved?	☐	☐	☐
Does the definition of transnational matters cover decisions which have a direct impact on one country, but also may have an impact on one other country by its consequences?	☐	☐	☐
Is it clearly mentioned that you can express an opinion prior to the decision?	☐	☐	☐
Is it clearly mentioned that management must provide a response to any opinion prior to the adoption of the decision?	☐	☐	☐
Rules concerning confidentiality			
Do the provisions on confidentiality stipulate that management must provide the reasons?	☐	☐	☐
Do the provisions on confidentiality stipulate that management must determine the duration?	☐	☐	☐
Do the provisions on confidentiality stipulate that management must also provide the reasons for non-transmission of information?	☐	☐	☐

Additional resources			
Does the protection of EWC members include retaliatory measures and dismissal?	☐	☐	☐
Do you have the right and means (time, access to sites, communication tools) to inform local colleagues before and after every meeting with management?	☐	☐	☐
Is it specified that management will bear all costs relating to legal representation, participation in judicial and administrative proceedings?	☐	☐	☐
Organisation of the meetings and competences			
Do you have a right to at least two meetings in person per year?	☐	☐	☐
Are there any rules that guarantee the need of your agreement for the possible use of digital means of communication in extraordinary circumstances?	☐	☐	☐
Does the list of competences include	☐	☐	☐
- skills and training policies	☐	☐	☐
- the anticipation of change and the management of restructuring processes including the green and digital transitions	☐	☐	☐
- changes in the working conditions related to work organisation or contractual relations	☐	☐	☐



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