

A large, stylized map of Europe is centered on a globe. The globe has a color gradient from green on the left to yellow on the right. The map is white with a slight shadow, and the text is overlaid on it.

# EUROPEAN WORKS COUNCIL JURISDICTIONAL OVERVIEW



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The European Works Council Directive, established in 1994, aims to facilitate the establishment and effective functioning of European Works Councils (EWCs). It applies to companies operating in at least two EU member states with a minimum of 1,000 employees.

The directive mandates these companies to either establish an EWC or engage in other forms of cross-border consultation and information-sharing with their employees. This concise overview explores the legal frameworks governing EWCs, including the European Works Council Directive itself and its implementation through national legislation. It examines the rights and obligations of employee representatives and management, clarifying the practical implications of the directive's provisions in cross-border settings.

By providing a comprehensive snapshot of EWC jurisdiction, this overview equips employers, employee representatives, legal practitioners, and policymakers with a foundational understanding of the legal landscape surrounding EWCs, fostering compliance with the European Works Council Directive and enabling effective transnational collaboration.



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# AT A GLANCE - KEY POINTS UNDER THE DIRECTIVE



Setting up information and consultation bodies in companies with more than 1,000 employees operating in at least two Member States.



The central management shall be responsible for creating the conditions and means necessary for the setting-up of a European Works Council.



Negotiation procedure between the negotiating body and management.



Information and consultation of employees must occur at the relevant level of management and representation, according to the subject under discussion.



The central management and the special negotiating body must negotiate in a spirit of cooperation with a view to reaching an agreement on the information and consultation of employees.



The central management and the special negotiating can decide to establish one or more information and consultation procedures instead of a European Works Council.



Obligation of confidentiality.



Members of special negotiating bodies, members of European Works Councils and employees' representatives enjoy protection and guarantees.



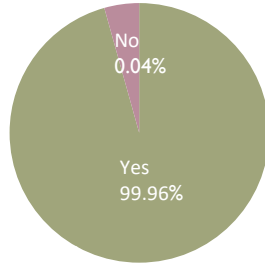
Sanctions in the event of failure to comply with the Directive.



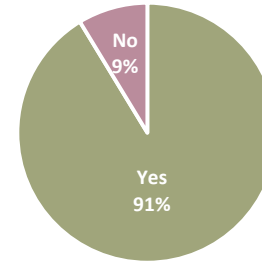
Information and consultation of the European Works Council shall be linked to those of the national employee representation bodies.

# AT A GLANCE - SUMMARY OF KEY FINDINGS

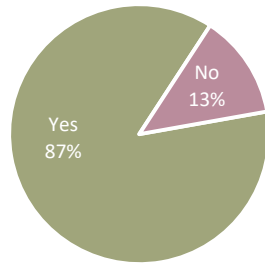
Has the European Works Council Directive been implemented?



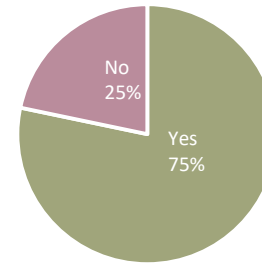
Is there a special regulation on European Works Council's obligation of confidentiality?



Are there any sanctions for violations of the rights of a European Works Council?



Does a European Works Council play an important role in practice?





Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Austria?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	The Austrian Labor Constitution Act (ArbVG) governs the European Works Council in Austria.
<b>What are the requirements to establish a European Works Council in your country?</b>	<p>The provisions on the European Works Council (EWC) and the Special Negotiating Body apply if the below 3 conditions are met: (i) central management of the company in Austria; (ii) at least 1,000 employees in the Member States; (iii) at least 150 employees in 2 Member States.</p> <p>A legally effective request for the establishment of the Special Negotiating Body requires at least 100 employees (or their representatives) from at least two establishments or companies in at least two Member States.</p>
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	After the application has been submitted by the employees or their representatives, the management has six months to start negotiations and three years to reach a joint agreement with the employee representatives on the establishment of an EWC. If these deadlines expire, a "European Works Council by law" must be established immediately.
<b>How long is the term of a European Works Council?</b>	The term of office of the EWC is five years.
<b>How often does a European Works Council meet?</b>	It has the right to meet with the central management at least once a year.
<b>What rights does a European Works Council have?</b>	The EWC has the right to information and consultation on matters concerning the economic, social, health and cultural interests of workers in different Member States. However, this right is conditional to the fact that these matters affect the interests of employees of two establishments of an undertaking or two undertakings of a group of undertakings, each in at least two different member states.



Question	Response
<b>What rights does a European Works Council have? (<i>continues from former page</i>)</b>	The Austrian Labour Constitution Act grants the possibility to establish a select committee having separate rights to information and consultation in the event of exceptional circumstances having significant effects for the interests of the employees.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	How the information and consultation procedures are set up is up to the autonomy of the negotiating parties.
<b>What are the general obligations of a European Works Council?</b>	<ul style="list-style-type: none"><li>• Information of local employee representatives (§ 203 ArbVG)</li><li>• Duty of confidentiality (§ 204 ArbVG)</li></ul>
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes, the EWC shall inform the employees' representatives about their activities. This includes all matters which are the subject of information and consultation rights.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes, this duty of secrecy applies to business and trade secrets learned in the exercise of their duties, in particular to technical equipment, procedures and peculiarities of the business designated as secret.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Fine of up to €20,000, in case of a repeated offence of up to €40,000.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	The EWC shall in principle be financed through the central management. It shall be provided with material requirements and cover the administrative expenses necessary for the proper fulfilment of their tasks.
<b>How important is a European Works Council in practice?</b>	In practice the European Works Council has minor relevance in Austria as hardly ever its constitution is requested. More focus is on the works council under national law.
<b>Who can I contact for more information?</b>	Magdalena Neuner, Senior Associate, Oberhammer Rechtsanwälte GmbH, E-mail: <a href="mailto:m.neuner@oberhammer.co.at">m.neuner@oberhammer.co.at</a>



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Belgium?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	Mainly Collective Bargaining Agreement (C.B.A.) n°101; Additionally, two laws of 23 April 1998 listing the measures to accompany the European Works Council and giving to the representative organizations the ability to apply to the Belgian Court; Incidentally C.B.A. n°62, n°62 <i>quinquies</i> , n°84 and n°88.
<b>What are the requirements to establish a European Works Council in your country?</b>	You need a company with a European dimension. This means that the company must employ (1) at least 1000 workers across the European Member States and (2) at least 150 employees in two Member States. Once these thresholds have been reached, the European Works Council is set up either on the initiative of "central management" or at the request of 100 employees, who may be represented.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	The various laws do not set a time limit once the negotiated procedure has begun. It is simply specified that a new request cannot be made for two years if the parties jointly decide to terminate the negotiation procedure. However, this termination must not be the result of individual or collective obstruction. Should this be the case, Belgian law provides for criminal penalties.
<b>How long is the term of a European Works Council?</b>	Article 35 of C.B.A. n°101 provides that 4 years after its establishment, the European Works Council must decide either on its renewal or initiate a new procedure for the establishment of a new European Works Council.
<b>How often does a European Works Council meet?</b>	The various laws do not lay down any fixed frequency for meetings. However, article 26 of C.B.A. n°101 clearly states that in the agreement establishing the European Works Council, the negotiating body and management must specify " <i>the place, frequency and duration of meetings of the European Works Council</i> ".
<b>What rights does a European Works Council have?</b>	The European Works Council has the power to give its opinion and provide information on transnational issues, i.e. those that concern the whole group or establishments in at least two countries.



Question	Response
<b>Is there a special provision on the process of informing and consulting of an EWC?</b>	No.
<b>What are the general obligations of a European Works Council?</b>	There is a best efforts obligation to work in a spirit of cooperation with central management.
<b>Does a European Works Council need to report to local employee representatives?</b>	The agreement establishing the European Works Council may provide for this. If this option is not implemented, the information and consultation process is carried out at both national and European Works Council level.
<b>Does a European Works Council have an obligation of confidentiality?</b>	No. Article 8 of the Law of 23 April 1998 simply states that management may classify a piece of information disclosed as confidential, but the management bears the burden of proof that disclosure would seriously hinder the company's operations.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Article 192 of the Social Criminal Code punishes the improper communication and disclosure of information provided within the European Works Council. This is a level 2 penalty involving a penalty ranging (in 2023) from EUR 400 to EUR 4,000 per worker concerned as a criminal penalty or from EUR 200 to EUR 2,000 per worker concerned as an administrative penalty.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Article 20 and 23 of C.B.A. n°101 specifies that the costs of negotiations and of one expert relating to the creation of the works council shall be borne by the 'central management' located in Belgium.
<b>How important is a European Works Council in practice?</b>	Most employers underestimate the information they receive through an EWC. We have observed on several occasions that jobs and redeployment of activity became more refined and economically more interesting when the EWC was given the necessary information.
<b>Who can I contact for more information?</b>	DELSOL LAW , David Lohisse, E-mail: <a href="mailto:dlohisse@delsolavocats.com">dlohisse@delsolavocats.com</a>





Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Cyprus?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	Establishment of European Councils of Workers Law of 2011 – Law 106(I)/2011.
<b>What are the requirements to establish a European Works Council in your country?</b>	The central management initiates the negotiations for the establishment of a European Works Council, on its own initiative or, following a written request of at least one hundred (100) employees or their representatives, who belong to at least two enterprises or facilities located in at least two different Member States.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	This will depend on the merits each particular case.
<b>How long is the term of a European Works Council?</b>	The special negotiating body is responsible together with the central management for determining the term of office of the European Works Council, pursuant to a written agreement.
<b>How often does a European Works Council meet?</b>	This is determined in the written agreement between the special negotiating body and the central management. The European Works Council may meet once a year with the central management in order to be informed and to give its opinion.
<b>What rights does a European Works Council have?</b>	To be informed by the central management and provide its opinion, based on a report of the central management, in relation to the development of the activities and prospects of the community-scale enterprise or community-scale enterprise group.
<b>What are the general obligations of a European Works Council?</b>	To implement the updating of the employees and further consultation with them in relation to labor issues in line with the other EU Member States.



Question	Response
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Anyone who violates the provisions of the Establishment of European Councils of Workers Law of 2011 – Law 106(I)/2011, is guilty of an offense and, upon conviction, is subject to imprisonment for up to two years or a fine of up to thirty-four thousand euros (34,000) or both penalties together.
<b>Are there any specific regulations for the costs of a European Works Council’s activities?</b>	Yes.
<b>How important is a European Works Council in practice?</b>	Very important and has to be always closely followed and be kept informed.
<b>Who can I contact for more information?</b>	Demetrios A. Demetriades, Barrister-At-Law, Managing Director, Demetrios A. Demetriades LLC, E-mail: <a href="mailto:dadlaw@dadlaw.com.cy">dadlaw@dadlaw.com.cy</a>



Question	Response
<b>Has the European Works Councils Directive been implemented in the Czech Republic?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	Act No. 262/2006 Coll., the Labour Code.
<b>What are the requirements to establish a European Works Council in your country?</b>	The European Works Council may be established: <ul style="list-style-type: none"><li>(i) as a result of an agreement between headquarters (acting for the employer) and the bargaining committee (acting for employees) or</li><li>(ii) in accordance with Section 296 of the Labour Code (if it is jointly agreed by the headquarters and the bargaining committee, or if the headquarters refuses to start negotiation within 6 months of submitting the request, or if within 3 years of submitting the request the headquarters and the bargaining committee have not reached an agreement).</li></ul>
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	It may take quite a long time. The Labour Code does not set any time limit (about 1 to 3 years).
<b>How long is the term of a European Works Council?</b>	The term of a European Works Council established by agreement is not stipulated by law, but it is the subject of an agreement.  The term of a European Works Council established according to Section 296 of the Labour Code is 4 years.
<b>How often does a European Works Council meet?</b>	In case of a European Works Council established by agreement it is the subject of the agreement.  In case of a European Works Council established under Section 296 of the Labour Code, it is not directly stipulated by law, but once a year the headquarters has to inform and discuss transnational issues with it.



Question	Response
<b>What rights does a European Works Council have?</b>	The right to information and consultation on transnational issues.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	In case of a European Works Council established by agreement it is the subject of the agreement. In case of a European Works Council established under Section 296 of the Labour Code, yes. The headquarters is obliged at least once a year to inform and consult the European Works Council on specified issues.
<b>What are the general obligations of a European Works Council?</b>	The Labour Code sets only that the European Works Council according to 296 of the Labour Code shall appoint a committee of no more than five members, comprising the chairman and deputy chairman. Further, the European Works Council shall lay down its procedural rules.
<b>Does a European Works Council need to report to local employee representatives?</b>	No, it is the obligation of the employer.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes, according to Section 276 of the Labour Code.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Sanctions are not provided. Only the members of the European Works Council have limited competence to be a party to civil proceedings in order to assert their rights.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Yes, the employer or a group of employers shall create, at their own cost, conditions for the setting-up and proper activity of a European Works Council, specifically costs of organizing meetings, travel expenses, accommodation of its members relating to their activity, necessary training and expenses for one expert.
<b>How important is a European Works Council in practice?</b>	Based on our experience a European Works Council is rather less important (then e.g. Trade Unions).
<b>Who can I contact for more information?</b>	Magda Stárková , Senior Lawyer, Vyskočil Krošlák & partneři, s.r.o., E-mail: <a href="mailto:starkova@akvk.cz">starkova@akvk.cz</a>



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Denmark?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	European Work Council Act (lov om europæiske samarbejdsudvalg). Executive Order on the calculation of the number of employees in accordance with the European Works Councils Act (bekendtgørelse nr. 972 af 20. november 1996).
<b>What are the requirements to establish a European Works Council in your country?</b>	It is not a requirement to establish a European Works Council (EWC) but the law provides companies with the opportunity to establish a EWC. The following requirements are to be met in case of establishment of a EWC: 1. The central management takes the initiative to initiate negotiations or at least 100 employees (or their representatives) in at least two companies from different member states request in writing to initiate negotiations. 2. The special negotiating body (SNB) is established and consists of employee representatives (the SNB is a group that has to negotiate a EWC agreement with the management). 3. The management and the SNB negotiate to enter into an agreement.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	Depends on the case.
<b>How long is the term of a European Works Council?</b>	For the parties to decide.
<b>How often does a European Works Council meet?</b>	For the parties to decide. However, the EWC has the right to meet with the management once a year.
<b>What rights does a European Works Council have?</b>	The competence of the EWC concerns transnational issues. The EWC must be consulted by management in particular on the structure of the enterprise or group, its economic and financial situation, the expected development with regard to its activities, production and sales, the employment situation and its probable development, investments, significant changes in the organization...



Question	Response
<b>(continues from last page)</b> <b>What rights does a European Works Council have?</b>	... the introduction of new working methods or production processes, production transfers, mergers, downsizing or closure of companies, holdings or significant parts thereof and collective redundancies.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Management prepares a report that forms the basis for the meeting. The purpose of the meeting is to inform and consult the EWC about the development in the company's or group's activities as well as its future perspectives.
<b>What are the general obligations of a European Works Council?</b>	For the parties to decide, however, the EWC has an overall obligation to jointly represent the interests of the company's employees.
<b>Does a European Works Council need to report to local employee representatives?</b>	The EWC must inform the employee representatives at company or enterprise level - or in the absence of such representatives - all employees about the content and outcome of the information and consultation procedure.
<b>Does a European Works Council have an obligation of confidentiality?</b>	In specific cases, management can impose a duty of confidentiality on the members of the EWC.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Fines.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	No, but it is managements responsibility to make sufficient funds available to the EWC and its members so that they can carry out their tasks.
<b>How important is a European Works Council in practice?</b>	EWCs are important because the EWCs give employees the opportunity to be informed and consulted about decisions that concern the entire group and have an impact on the employees' working life.
<b>Who can I contact for more information?</b>	Julie Flindt Rasmussen, Associate Partner, Attorney-at-Law Lund Elmer Sandager, E-mail: jfr@les.dk



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Estonia?</b>	The European Works Councils Directive (2009/38/EC) has been implemented in Estonia.
<b>Which national law(s) govern the European Works Council in your country?</b>	The national law governing the European Works Council in Estonia is the Community-scale Involvement of Employees Act (in Estonian: Töötajate üleühenduselise kaasamise seadus).
<b>What are the requirements to establish a European Works Council in your country?</b>	<p>The affected employer can either start negotiations for establishing a European Works Council (EWC) on its own initiative or at the written request of at least 100 employees or their representatives in 2 Member States.</p> <p>There is also an option of establishing a “Lawful European Works Council”. The lawful EWC follows minimum standards for EWC functioning as set out in Annex 1 of Directive 2009/38/EC.</p>
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	The timeframe depends on the cooperation of both sides and may vary. Estonian law sets a time limit of 3 years with no agreement or decision concluded before a lawful EWC is established.
<b>How long is the term of a European Works Council?</b>	The term of EWC is agreed upon by the EWC Agreement. The standard term of office of EWC as set in national law is 4 years.
<b>How often does a European Works Council meet?</b>	The frequency of EWC meetings is agreed upon in the EWC Agreement. The lawful EWC meets with the central management at least once a year to obtain information from and consult with the central management.
<b>What rights does a European Works Council have?</b>	The main right of the EWC is to be informed and to consult with the central management on the development and future prospects of a community-scale undertaking or a group of undertakings.



Question	Response
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Under the Involvement of Employees Act there are special provisions regarding the participation of members of crew of ships used for merchant shipping in international informing and consulting.
<b>What are the general obligations of a European Works Council?</b>	The main obligation of the ECW is to cooperate with the central management under mutual trust, proceeding from the interests of both employees and undertakings.
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes, it is regulated by the community-scale Involvement of Employees Act.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes, it is regulated by the community-scale Involvement of Employees Act.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	The sanctions for violating the rights of ECW are fines of up to 1200 euros for a natural person and up to 32,000 euros for a legal person.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Yes, it is regulated by the community-scale Involvement of Employees Act.  The central management is obligated to compensate for reasonable expenses which are related to the operation of the ECW and the steering committee, and which enable them to carry out their tasks in an appropriate and unhindered manner.
<b>How important is a European Works Council in practice?</b>	The importance of ECW is dependant on the terms of the agreement that is concluded between the parties.
<b>Who can I contact for more information?</b>	Kristi Sild, Partner, LEXTAL, E-mail: <a href="mailto:kristi.sild@lextal.ee">kristi.sild@lextal.ee</a>





Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Finland?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	The national law governing the European Work Council in Finland is the Act on Co-operation within Finnish and Community-wide Groups of Undertakings (in Finnish: Laki yhteistoiminnasta suomalaisissa ja yhteisönlaajuisissa yritysryhmissä 335/2007).
<b>What are the requirements to establish a European Works Council in your country?</b>	European Works Council must be established if private or public groups of undertakings and undertakings engaged in economic activity, which have a total minimum of 1,000 employees within the European Economic Area and when: 1. a community-wide group of undertakings has at least two undertakings located in at least two EEA member states and each undertaking has a minimum of 150 employees or 2. a community-wide undertaking has in each of at least two EEA member states a minimum of 150 employees.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	It differs case by case.
<b>How long is the term of a European Works Council?</b>	The term of European Works Council is agreed in the Agreement on European Works Council.
<b>How often does a European Works Council meet?</b>	Primarily the amount of meetings on European Works Council is agreed in the Agreement on European Works Council. Secondly European Works Council is entitled to convene at least once a year with the representatives of the Finnish central management of the community-wide group of undertakings or the undertaking to obtain information and to be consulted with regard to the group of undertakings' or the undertaking's business operations and future prospects. In addition to that European Works Council has to have extraordinary meetings in exceptional circumstances.



Question	Response
<b>What rights does a European Works Council have?</b>	The European Works Council and its working committee are entitled to obtain information and to be consulted in matters relating to the entire community-wide group of undertakings or the undertaking or at least two undertakings within the group of undertakings or an operational unit of the community-wide undertaking, which are located in different EEA member states.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Yes.
<b>What are the general obligations of a European Works Council?</b>	Informing and consulting employees and companies and confidentiality.
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Fines which amount depends of the seriousness of the offence.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Central management is liable for costs incurred by operation of the European Works Council and its working committee which include at least organisational and interpreting costs of the meetings as well as travel and accommodation expenses of the members of the European Works Council and working committee unless otherwise agreed.
<b>How important is a European Works Council in practice?</b>	Depends a great deal of the companies. Not so important in day-to-day business.
<b>Who can I contact for more information?</b>	Jari Määttä, Counsel, E-mail: <a href="mailto:jari.maatta@lexia.fi">jari.maatta@lexia.fi</a>



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Germany?</b>	Yes, since June 6, 2011.
<b>Which national law(s) govern the European Works Council in your country?</b>	German European Works Councils Act
<b>What are the requirements to establish a European Works Council in your country?</b>	The formation of a European Works Council is relevant for European companies with registered office in Germany and with more than 1,000 employees if they employ at least 150 employees in each of two different EU member states.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	It depends, up to three years.
<b>How long is the term of a European Works Council?</b>	The European Works Council does not have a fixed term of office, it is a permanent institution. However, the duration of membership in the European Works Council is four years.
<b>How often does a European Works Council meet?</b>	At least once a year. With the consent of the central management, the European Works Council can hold further meetings.
<b>What rights does a European Works Council have?</b>	Right to cross-border information and consultation.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	According to Sec. 17 German European Works Councils Act, the central management and the special negotiating body shall be free to agree on how the cross-border information and consultation of employees shall be structured. According to Sec. 19 German European Works Councils Act, if a procedure for information and consultation of employees is to be introduced, it must be agreed in writing.
<b>What are the general obligations of a European Works Council?</b>	Information and Consultation, Confidentiality and Non-Disclosure reg. business secrets.



Question	Response
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes, the European Works Council shall report on the information and consultation to the local employee representatives or, if there are none, to the employees of the establishments or companies.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes, the members and substitute members of a European Works Council shall be obligated not to disclose or exploit any trade or business secrets which have become known to them due to their membership in the European Works Council and which have been expressly designated by the central management as requiring secrecy.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Yes, sentence of imprisonment or fines.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Yes, the costs arising from the formation and activities of the European Works Council and the Committee shall be covered by the central management.
<b>How important is a European Works Council in practice?</b>	The European Works Council is of particular importance in cross-border matters, e.g. cross-border transactions, cross-border company cooperations.
<b>Who can I contact for more information?</b>	Jan Tibor Lelley, Partner, BUSE, E-mail: <a href="mailto:lelley@buse.de">lelley@buse.de</a>



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Greece?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	L. 4052/2012 is in force.
<p><b>What are the requirements to establish a European Works Council in your country?</b></p> <p>*‘Community-scale undertaking’ means any undertaking with at least 1 000 employees within the Member States and at least 150 employees in each of at least two Member States.</p> <p>**‘group of undertakings’ means a controlling undertaking and its controlled undertakings;</p> <p>***‘Community-scale group of undertakings’ means a group of undertakings with the following characteristics: at least 1 000 employees within the Member States, at least two group undertakings in different Member States, and at least one group undertaking with at least 150 employees in one Member State and at least one other group undertaking with at least 150 employees in another Member State;</p>	<p>European Works Council (EWC) or a procedure for informing and consulting employees shall be established in every Community-scale undertaking* and every Community-scale group*** of undertakings**.</p> <p>The ‘central management’, is responsible for creating the conditions and means necessary for the setting-up of a European Works Council or an information and consultation procedure, in a Community-scale undertaking and a Community-scale group of undertakings (special cases apply).</p>
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	Depending on the special conditions of each case.
<b>How long is the term of a European Works Council?</b>	The central management and the special negotiating body reach an agreement including details regarding the term of office of members of European Works Council or an alternate procedure (general provisions apply on items of the agreement like term, termination, renewal etc. in case of missing details).
<b>How often does a European Works Council meet?</b>	As per the agreement between the central management and the special negotiating body



Question	Response
<b>What rights does a European Works Council have?</b>	Specific rights as described in the agreement between the central management and the special negotiating body but also directly from the law under certain conditions.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Special provisions related to confidentiality, reporting procedure, protection of persons involved and others. Special provisions for sea-crew members.
<b>What are the general obligations of a European Works Council?</b>	Informing and consulting employees of companies that fall under the scope of relevant laws.
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes, the representatives of employees or in other cases all employees are being informed. The companies operating in Greece falling under the scope of relevant laws, need to report details of the EWC to the Labor Authorities (or special Authorities in cases of sea-crew members).
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Criminal sanctions with up to two (2) years imprisonment as well as administrative sanctions imposed by Labor Authorities.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Operating expenses of EWC are at central management's cost.
<b>How important is a European Works Council in practice?</b>	EWC's importance is increasing.
<b>Who can I contact for more information?</b>	George Tsamouris, Attorney at Law, Corina Fassouli Grafanaki and Associates Law Firm (CFGA LAW), E-mail: <a href="mailto:george.tsamouris@lawofmf.gr">george.tsamouris@lawofmf.gr</a>

Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Ireland?</b>	Yes. The (2009/38/EC) Directive was transposed into Irish law by the Transnational Information and Consultation of Employees Act 1996 (as amended) ('TICEA').
<b>Which national law(s) govern the European Works Council in your country?</b>	TICEA.
<b>What are the requirements to establish a European Works Council in your country?</b>	The EWC Directive applies to undertakings or groups of undertakings with at least 1,000 employees in Member States and at least 150 employees in each of 2 Member States. TICEA will only apply if an employer's central management is situated in Ireland as opposed to another Member State. An employer may choose voluntarily to establish an EWC but is under no obligation to establish one unless it receives a written request made by or on behalf of at least 100 employees from at least two Member States.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	Negotiations with the SNB must commence within 6 months of the commencement of the process. If it is not possible to conclude an EWC agreement within a 3-year period, then an EWC must be established under the subsidiary requirements detailed in the schedule to TICEA.
<b>How long is the term of a European Works Council?</b>	There is no mandatory term to an EWC.
<b>How often does a European Works Council meet?</b>	This is determined by the EWC Agreement. However, the default provisions under the TICEA provide for one annual meeting between the EWC and central management.
<b>What rights does a European Works Council have?</b>	The EWC has the following rights under the TICEA. Meeting with central management at least once a year, costs and expenses covered by central management, the right to be informed and consulted on the progress of the business and its prospects, (to be continued on the next page).

Question	Response
<b>(comes from previous page)</b>	the right to be informed on matters which significantly affecting employee's interests, the members of the EWC have a right to participate in the meeting with the select committee, members of the EWC have the right to have the means required for them to fulfil their duties, training to the extent necessary for the exercise of their duties; and paid time off to perform their duties and receive training.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Provisions for informing and consulting the EWC can be determined within the EWC Agreement or failing agreement, it is determined by the subsidiary requirements detailed in the Second Schedule to the TICEA.
<b>What are the general obligations of a European Works Council?</b>	The EWC agreement sets out the general obligations or alternatively the subsidiary requirements dictate the obligations.
<b>Does a European Works Council need to report to local employee representatives?</b>	The reporting procedure is to be set out in the EWC Agreement. The EWC will report to local management following the EWC's meeting with central management.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes, under section 15 of the TICEA.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	The sanctions are set out in section 13 of the TICEA and include a possible fine and/or imprisonment.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Yes. Under section 6 of the Second Schedule of the TICEA.
<b>How important is a European Works Council in practice?</b>	EWCs in Ireland are rare and have limited power. Employees in Ireland are either represented by a trade union or not at all.
<b>Who can I contact for more information?</b>	Cómhnall Tuohy, E-mail: <a href="mailto:ctuohy@kanetuohy.ie">ctuohy@kanetuohy.ie</a>



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Italy?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	Legislative Decree No. 113/2012.
<b>What are the requirements to establish a European Works Council in your country?</b>	The central management initiates negotiations for the establishment of an European Works Council or an information and consultation procedure, either on its own initiative or at the written request of at least 100 employees, or their representatives, from at least two undertakings or establishments located in no fewer than two different Member States, or at the request of the trade union organizations that have executed the national collective agreement applied in the undertaking or group of undertakings concerned. Certain rules on the composition, procedures, criteria and arrangements for setting up the Special Negotiating Body and the European Works Council are also established by the law.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	There is no fixed term.
<b>How long is the term of a European Works Council?</b>	The term is established by the EWC agreement.
<b>How often does a European Works Council meet?</b>	It is established by the EWC agreement. In any event, the European Works Council has the right to meet once a year or in the event of exceptional circumstances or decisions significantly affecting the interests of employees.
<b>What rights does a European Works Council have?</b>	Right to information and consultation on certain transnational matters, for example concerning economic and financial situation, development of the activities, employment situation, transfers of production, mergers, reduction in size or closure of undertakings, collective redundancies.
<b>Is there a special provision on the process of informing &amp; consulting of a European Works Council?</b>	No, it may be established in the EWC agreement.

Question	Response
<b>What are the general obligations of a European Works Council?</b>	To inform the local employees' representatives of the nature and results of the information and consultation procedure so as to facilitate and ensure the establishment of a dialogue and exchange of views between the employees' representatives and central management or any other more appropriate level of management.
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes, but the manner in which the information and consultation of the European Works Council will be coordinated with the consultation of national employee representation bodies is established in the EWC agreement.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Without prejudice to any civil liability, an administrative fine of not less than EUR 5,165 and not more than EUR 30,988 shall apply.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	The operating expenses are borne by the undertaking. Usually, the central management shall bear the organizational and interpreting expenses relating to meetings, as well as the accommodation, board and travel expenses of the EWC and select committee members, in addition to those of the expert.
<b>How important is a European Works Council in practice?</b>	It is very important in order to improve the right to information and consultation of employees in Community-scale undertakings and groups of undertakings.
<b>Who can I contact for more information?</b>	Luciano Racchi, Partner, Legaltax, E-mail: <a href="mailto:luciano.racchi@rplt.it">luciano.racchi@rplt.it</a>

Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Latvia?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	Law on Informing and Consulting Employees of European Union-scale Undertakings and European Union-scale Groups of Undertakings.
<b>What are the requirements to establish a European Works Council in your country?</b>	Law prescribes that rights to initiate negotiations on the formation of a EWC is upon the initiative of the central management or upon a written request submitted by employees or their representatives (at least 100 employees or their representatives in at least two European Union-scale companies or European Union-scale company's affiliates situated in different Member States). The EWC shall be established by agreement between the special negotiating body and the central management.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	<p>The law does not set time limit for negotiations. But the law contains specific provisions that apply:</p> <p>If the central management within a six-month period from the date of submission of the request abovementioned refuses to open negotiations;</p> <p>If the parties within a three-year period from submission of the relevant request have not entered into the agreement.</p>
<b>How long is the term of a European Works Council?</b>	As stipulated in the agreement between negotiating body and the central management. Or 4 years, if special provisions apply by the law.
<b>How often does a European Works Council meet?</b>	As stipulated in the written agreement between negotiating body and the central management. But at least once a year, if special provisions apply by the law.
<b>What rights does a European Works Council have?</b>	The rights to information and consulting in a timely manner, and in an appropriate way.



Question	Response
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Yes.
<b>What are the general obligations of a European Works Council?</b>	Members of the EWC shall inform representatives or in the absence of representatives, all employees, on the course and results of the performed informing and consulting process.
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	The sanctions for violations of the rights of the EWC are fines of up to EUR 7100 for the employer.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	The parties shall agree in the written agreement about the financial and material resources to be allocated to the EWC. But if apply special provisions – All the expenditure related to the EWC and the Committee shall be covered by the central management.
<b>How important is a European Works Council in practice?</b>	Latvia currently has relatively little experience with the establishment of the EWC. No information is available on all companies in which a representative of the EWC from Latvia already operates, hence the importance and impact of the EWC in Latvia is not known.
<b>Who can I contact for more information?</b>	Liene Pommere, Partner, E-mail: <a href="mailto:pommere@rer.legal">pommere@rer.legal</a> Kristīne Pulkstene, Senior Associate, E-mail: <a href="mailto:pulkstene@rer.legal">pulkstene@rer.legal</a>



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Lithuania?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	Law on European Works Councils of the Republic of Lithuania No. IX-2031, Law of the Republic of Lithuania on Employee's Participation in decision-making in European Companies No. X-200, Law of the Republic of Lithuania on employee participation in decision-making in European cooperative societies No. X-935, Law of the Republic of Lithuania on the participation of employees in a company following a cross-border merger of limited liability companies No. X-1607.
<b>What are the requirements to establish a European Works Council in your country?</b>	The right to initiate negotiations on the formation of a European Works Council is held by Central management (i.e. the management body of a European Union company or a holding company of a group of European Union companies) or at least 100 workers or their representatives from at least two branches or companies in at least two Member States.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	The law does not specify the exact duration of the negotiation procedure. The duration can depend on various factors, including the complexity of the negotiations, the number of parties involved and their willingness to reach an agreement.
<b>How long is the term of a European Works Council?</b>	The European Works Council has a four-year term. The term of office starts when the European Works Council holds the first meeting.
<b>How often does a European Works Council meet?</b>	A regular meeting of the European Works Council must be held every year. There is also the possibility of extraordinary meetings.
<b>What rights does a European Works Council have?</b>	Informing and consulting European Union companies, as well as employees of the European Union group of companies. Have the right to access necessary and correct information.



Question	Response
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Yes.
<b>What are the general obligations of a European Works Council?</b>	Regular information and consultation and information and consultation in the event of special circumstances, e.g., in the context of circumstances significantly affecting the interests of employees of a European Union company.
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes, the European Works Council must inform about its activities and the results of information and consultation at least once a year.
<b>Does a European Works Council have an obligation of confidentiality?</b>	A member of the European Works Council is prohibited from disclosing any information which is a commercial (industrial) or professional secret to any third party.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Persons who violate the Law on European Works Councils of the Republic of Lithuania shall be liable in accordance with the procedure established by the laws of the Republic of Lithuania.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	All costs are covered by the European Union company or the holding company of a group of European Union companies.
<b>How important is a European Works Council in practice?</b>	Involving employee representatives in the decision-making process through information and consultation ensures that the process is more democratic, more transparent, and that decisions are more acceptable and effective.
<b>Who can I contact for more information?</b>	Vilius Mačiulaitis, Partner, Attorney at Law, ILAW LEXTAL, E-mail: <a href="mailto:vilius.maciulaitis@ilaw.legal">vilius.maciulaitis@ilaw.legal</a>

Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Malta?</b>	The European Works Council Directive was implemented in Malta through Legal Notice 217 of 2011.
<b>Which national law(s) govern the European Works Council in your country?</b>	The European Works Council is governed by Subsidiary Legislation 452.86 as well as Subsidiary Legislation S.L. 452.107, both Regulations enacted under the Employment and Industrial Relations Act.
<b>What are the requirements to establish a European Works Council in your country?</b>	A company must have more than 1,000 employees within the EEA and at least 150 employees in two or more different member states of the EEA.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	There is no timeframe outlined for this process, but the time spent can be influenced by factors such as the complexity of the company's structure and the number of countries involved.
<b>How long is the term of a European Works Council?</b>	The term of an EWC is not prescribed under national law and shall be typically determined through negotiations between the employer and employee representatives.
<b>How often does a European Works Council meet?</b>	Frequency of the meetings is to be determined by the Agreement between the central management and the Special Negotiating Body.
<b>What rights does a European Works Council have?</b>	The EWC has the right to hold regular meetings with the company's management or an appropriate representative body; to provide opinions or recommendations to the company's management on the matters it has been consulted upon and to receive information from the employer regarding the company's economic and financial situation.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Special provision on the process of informing and consulting shall be established in the agreement, and where no such arrangements have been made, this process shall be conducted by the EWC as well as the employee representation body at the workplace.

Question	Response
<b>What are the general obligations of a European Works Council?</b>	The EWC has an obligation to receive and disseminate relevant information received from the employer to the employee representatives in their respective countries. Furthermore, it is obliged to handle confidential information received during the course of its activities with discretion and confidentiality. Finally, it must collaborate and cooperate with the employer to facilitate the effective functioning of the EWC.
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes, to ensure that the information and decisions discussed at the European level are communicated effectively to the employees within their respective countries.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes, this ensures the protection of sensitive business information and maintains trust between the employer and the EWC.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Anyone liable shall be subject to a fine between €1,164.69 and €11,646.87.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Costs related to the organizing of meetings, arranging for interpretation facilities, accommodation and travelling expenses of members of the EWC shall be met by the central management.
<b>How important is a European Works Council in practice?</b>	An EWC can be crucial for coordinating and addressing transnational matters affecting employees' interests. Furthermore, the level of employee engagement and participation in the EWC can also influence its effectiveness and importance. If employees actively participate and engage in the EWC's activities, it can enhance its significance and impact on decision-making processes.
<b>Who can I contact for more information?</b>	Dr Tonio Ellul, Partner, EMD Advocates, E-mail: <a href="mailto:tellul@emd.com.mt">tellul@emd.com.mt</a>





Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in the Netherlands?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	The European Works Council Act (EWCA, in Dutch: 'Wet op de Europese ondernemingsraden').
<b>What are the requirements to establish a European Works Council in your country?</b>	The board of the (mother) company is obliged to establish a special negotiation body to agree on installment of an European Works Council in case of a written request, whereby at least 100 employees of two companies in at least two countries will support this request (article 8 EWCA).
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	Not regulated, the maximum is 3 years (article 15 EWCA).
<b>How long is the term of a European Works Council?</b>	Main rule is 4 years (article 21 EWCA).
<b>How often does a European Works Council meet?</b>	At least once a year (article 19 EWCA).
<b>What rights does a European Works Council have?</b>	To be informed and consulted at least once a year on cross-border issues.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Yes, article 19 EWCA includes that the EWC will be informed about cross-border issues in relation to the structure of the organisation and material changes therein, its economic and financial position, expected developments (activities, production and sales), investments, new working methods, environmental care, relocation, downsizing or closure of undertakings, establishments or important parts thereof, trends in employment and collective redundancies.



Question	Response
<b>What are the general obligations of a European Works Council?</b>	Annual information and consultation meeting, informing the local Works Council about the outcome thereof.
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes, the EWC has to inform the local Works Council about the results of the information and consultation process (article 4 paragraph 8 EWCA).
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes, article 4 EWCA includes a general confidentiality obligation and the board can impose specific confidentiality (article 19 paragraph 6 EWCA).
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Not regulated, the EWC could only request compliance in a procedure (article 5 EWCA).
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Reasonable costs for assistance of experts are borne by the (mother)company, with a maximum of one expert per agenda topic. This is also applicable for legal experts in case of trials, under the condition that the company has been notified in advance of the costs involved (article 20 EWCA).
<b>How important is a European Works Council in practice?</b>	Less important than a local Works Council, now that they have more enforceable rights.
<b>Who can I contact for more information?</b>	Tom Vandeginste, Partner, Dirkzwager, E-mail: <a href="mailto:vandeginste@dirkzwager.nl">vandeginste@dirkzwager.nl</a> , Annelinde Janssen, Senior Associate, E-mail: <a href="mailto:a.janssen@dirkzwager.nl">a.janssen@dirkzwager.nl</a>



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Norway?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	European Works Council etc. Regulation, cf. the Working Environment Act.
<b>What are the requirements to establish a European Works Council in your country?</b>	<p>The employees can require the establishment of a EWC when the one of the two following thresholds are met:</p> <ul style="list-style-type: none"><li>a. Norwegian enterprises with at least 1,000 employees within the EEA and with at least 150 employees in each of at least two EEA countries or</li><li>b. groups/groups of companies with a controlling company in Norway and with at least 1,000 employees within the EEA, when the group includes at least two companies in different EEA countries that each employ at least 150 employees</li></ul>
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	We have no average estimate. However, if the parties have not reached an agreement after two years of negotiations the negotiations shall be concluded.
<b>How long is the term of a European Works Council?</b>	This depends on the agreement between the parties. The EWC governing agreement shall include the term of the agreement, and process for renegotiations.
<b>How often does a European Works Council meet?</b>	This depends on the agreement between the parties. The EWC governing agreement shall include the place, frequency and duration of EWC's meetings, including any pre-meetings in connection with EWC's meetings
<b>What rights does a European Works Council have?</b>	The EWC is entitled to meet the management at least once a year in order to be informed and consulted about the joint venture's/group's development and future perspectives on the basis of a report prepared by the management... (follows on next page)



Question	Response
	In special situations where the interests of the employees are significantly affected, especially in the case of relocation or closure of businesses or mass redundancies, EWC's work committee, or where such has not been established, the entire EWC, has the right to demand a meeting with the management level which has the independent authority to decide the matter.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	The EWC is entitled to meet the management team at least once a year in order to be informed and consulted about the enterprise's development and future perspectives on the basis of a report prepared by the management.
<b>What are the general obligations of a European Works Council?</b>	To attend to the employees' needs for relevant and regular information, and for a direct dialogue with the management, in matters that concern the group or the joint enterprise as a whole and that are of a cross-border nature.
<b>Does a European Works Council need to report to local employee representatives?</b>	No, not a legal requirement.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	The Dispute Resolution Board may impose fines.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	The enterprise is responsible for arranging and paying for the negotiations, as well as for implementing and financing the permanent EWC governing arrangement the parties agree upon.
<b>How important is a European Works Council in practice?</b>	The EWC is gaining increasing importance along with the further internationalisation of the Norwegian working market.
<b>Who can I contact for more information?</b>	Berngaard, Heidi Grette, E-mail: <a href="mailto:heidi@berngaard.no">heidi@berngaard.no</a>



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Poland?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	The Act of April 5, 2002.
<b>What are the requirements to establish a European Works Council in your country?</b>	<ol style="list-style-type: none"><li>1. Establishment of a level of employment that allows the establishment of a European Works Council, according to the rules described in the law;</li><li>2. Establishment of a special negotiating team;</li><li>3. The signing of an agreement by the central management and the special negotiating team to establish an EWC.</li></ol>
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	No information is available in this regard.
<b>How long is the term of a European Works Council?</b>	The term of office of the European Works Council is 4 years.
<b>How often does a European Works Council meet?</b>	The central management shall hold a meeting with the European Works Council at least once a year to present information on the economic situation and development prospects of the Community-scale enterprise or group of enterprises, and to consult on the information presented.
<b>What rights does a European Works Council have?</b>	The European Works Council has the power to obtain information and carry out consultations concerning the Community-wide undertaking as a whole or a group of undertakings, or at least two workplaces or two undertakings located in different Member States.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Yes. There is also a provision for information and consultation in special situations.



Question	Response
<b>What are the general obligations of a European Works Council?</b>	The European Works Council has the authority to obtain information and carry out consultations concerning the Community-wide undertaking as a whole or a group of undertakings, or at least two workplaces or two undertakings located in different Member States.
<b>Does a European Works Council need to report to local employee representatives?</b>	The members of the European Works Council shall inform the representatives of the employees of the establishments or of the undertakings of a Community-scale group of undertakings or, in the absence of representatives, the workforce as a whole, of the content and outcome of the information and consultation procedure carried out in accordance with the relevant provisions of the Act on European Works Councils.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	The possibility of a fine or restriction of liberty.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	The provision of Article 34 includes provisions for operating costs (i.e., costs related to the activities of the European Works Council).
<b>How important is a European Works Council in practice?</b>	The actual application of the law on European Works Councils by establishment of a European Works Council in Poland is quite limited in domestic realities. However, the representatives of Polish employees, according to the media information, participate in more than 200 European Works Councils of enterprises operating in the European Union.
<b>Who can I contact for more information?</b>	Justyna Gunia, Associate, GWW, E-mail: <a href="mailto:Justyna.Gunia@gww.pl">Justyna.Gunia@gww.pl</a> ; Joanna Łukaszczuk, Senior Associate, E-mail: <a href="mailto:Joanna.Lukaszczuk@gww.pl">Joanna.Lukaszczuk@gww.pl</a> Jacek Olma, Partner, E-mail: <a href="mailto:Jacek.Olma@gww.pl">Jacek.Olma@gww.pl</a>



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Portugal?</b>	Yes, it was implemented by Law nr.96/2009 of the Parliament, of 3 September 2009.
<b>Which national law(s) govern the European Works Council in your country?</b>	Portuguese law.
<b>What are the requirements to establish a European Works Council in your country?</b>	A European Works Council may only be established in a Community Scale Undertaking, in the definition of art 2 of the Directive (with at least 1,000 employees within the Member States and at least 150 employees in each of at least two Member States).
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	Time of negotiation varies.
<b>How long is the term of a European Works Council?</b>	Four years, unless agreed differently.
<b>How often does a European Works Council meet?</b>	Each council defines how often it shall meet.
<b>What rights does a European Works Council have?</b>	The right to be informed and to consult with the management on matters that may affect the workers or the company.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Each EWC shall approve its internal regulation and is governed by a restrict council of five members.



Question	Response
<b>What are the general obligations of a European Works Council?</b>	Consult with the management and convey information to employees or their representatives.
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes, in the same general terms of the obligation of confidentiality existing in employment law for the representatives of workers structures.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Fines in various amounts.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Yes, the financing of a EWC is an obligation of the management and it includes the activities of the special negotiation bodies.
<b>How important is a European Works Council in practice?</b>	Reasonably.
<b>Who can I contact for more information?</b>	Antonio Alfaia de Carvalho, partner, Carvalho Matias & Associados, E-mail: <a href="mailto:acarvalho@cmasa.pt">acarvalho@cmasa.pt</a>





Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Slovakia?</b>	Yes the European Works Councils Directive (2009/38/EC) has been implemented into Slovak law.
<b>Which national law(s) govern the European Works Council in your country?</b>	The European Works Council is regulated by Act No. 311/2001 Coll., the Labour Code.
<b>What are the requirements to establish a European Works Council in your country?</b>	A European Works Council may be established by written agreement between the management of the company and the negotiating body, or it may be established directly by law.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	Negotiations between management and the negotiating body can take anywhere from weeks to months.
<b>How long is the term of a European Works Council?</b>	The period during which the European Works Council will be established shall be agreed in the agreement on the establishment of the European Works Council concluded between the management of the company and the negotiating body.
<b>How often does a European Works Council meet?</b>	The European Works Council shall meet according to the terms agreed in the agreement establishing the European Works Council.
<b>What rights does a European Works Council have?</b>	The central management shall inform the European Works Council in particular on the organisational structure, economic and financial situation of the employer.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	The European Works Council has the right to meet with the central management once a year to discuss the business performance and further development of the employer.



Question	Response
<b>What are the general obligations of a European Works Council?</b>	The European Works Council has a duty to inform employees of the facts it has become aware of in its negotiations with the company's management.
<b>Does a European Works Council need to report to local employee representatives?</b>	The European Works Council must inform local employee representatives.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Employee representatives are obliged to maintain confidentiality of facts of which they have become aware in the performance of their duties and which have been designated as confidential by the employer.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Employers who violate the rights of the European Works Council may be sanctioned by the Labour Inspectorate of the Slovak Republic.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	The costs of the activities of the European Works Council are regulated by Act No. 311/2001 Coll., the Labour Code.
<b>How important is a European Works Council in practice?</b>	European works councils are mostly set up in Western Europe, as most multinational employers are based in Western Europe. European works councils are not common in the Slovak Republic.
<b>Who can I contact for more information?</b>	Gerta Sámelová Flassiková, Managing Partner, alianciaadvokátov ak, s.r.o. E-mail: flassikova@aliancia.sk



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Spain?</b>	Yes.
<b>Which national law(s) govern the European Works Council in your country?</b>	Act 10/1997, of April 24, 1997, on information and consultation rights of employees in Community-scale undertaking and Community-scale group of undertakings. Act 44/1999, of November 29, 1999, on the information and consultation rights of employees in Community-scale undertaking and Community-scale group of undertakings. And, by Conventions and Agreements establishing this new body and regulating its operation.
<b>What are the requirements to establish a European Works Council in your country?</b>	<p>European Works Council are collegiate bodies representing the workers in those companies, or groups of companies that can be classified as "Community-scale undertaking" or "Community-scale group of undertakings".</p> <p>Community-scale undertaking: Companies with workplaces in different Member States of the European Union and EEA countries. Companies employing 1,000 or more workers within all Member States. Employment in at least two different Member States of 150 employees or more in each Member State.</p> <p>Community-scale group of undertakings: It must employ at least 1,000 employees in all the Member States. It must include at least two group companies in different Member States. It must have one group company employing at least 150 employees in one Member State and another group company employing at least 150 employees in another Member State.</p>
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	It depends on the specific matter and what the parties agree in the operating agreements. The regulation does not set a specific negotiation deadline.
<b>How long is the term of a European Works Council?</b>	It will be established by agreement between the central management and the negotiating committee.
<b>How often does a European Works Council meet?</b>	It shall meet at least once a year, for information and consultation, on the basis of a report to be prepared by the central management.



Question	Response
<b>What rights does a European Works Council have?</b>	To be informed and consulted on those matters affecting the Community-scale. To hold, at least, an annual meeting with the central management. To be informed, in sufficient time to enable their opinion to be taken into account in the decisions adopted on those exceptional circumstances which considerably affect the interests of the workers.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	The procedure shall be initiated by central management upon written request from at least 100 employees, or their representatives. It may also be initiated on the company's own initiative. If the number of members of the EWC exceeds 12, a select committee of three members shall be appointed. The EWC and the select committee may be assisted by experts of their choice.
<b>What are the general obligations of a European Works Council?</b>	To represent the interests of the employees in an appropriate manner; to be involved in company decisions that affect their interests; to keep confidential the information that has been disclosed to them; to contribute to real equality between workers in the same company.
<b>Does a European Works Council need to report to local employee representatives?</b>	Yes.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Yes.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	The penalties and the criteria for their graduation, as well as the competent authority to impose them and the sanctioning procedure, shall be governed by the provisions of Act 8/1988, of April 7, 1988, on social order infractions and penalties. The penalties can range from the following amounts: - Serious violations with a fine of between 751 and 7,500 euros. - Very serious violations with a fine of between 7,501 and 225,018 euros.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	Yes.
<b>How important is a European Works Council in practice?</b>	It is quite relevant since, through the EWCs, management informs and consults employees at the transnational level about company developments and any relevant decisions that may affect them.
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Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Sweden?</b>	Yes, in 2011.
<b>Which national law(s) govern the European Works Council in your country?</b>	Lag (2011:427) om europeiska företagsråd.
<b>What are the requirements to establish a European Works Council in your country?</b>	A European Works Council must be created in a company that has at least 1,000 employees in the EEA Area. There must be at least 150 employees in at least two countries.
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	It differs.
<b>How long is the term of a European Works Council?</b>	In Sweden it is for two years.
<b>How often does a European Works Council meet?</b>	The representatives meet at least once a year and in Sweden representatives are entitled to another separate meeting each year.
<b>What rights does a European Works Council have?</b>	The Swedish law on European Works Councils requires representatives of the employees to form a multinational bargaining delegation with the task of negotiating an agreement on information and consultation with the employer on transnational issues. The agreement must also regulate the structure and operations of the European Works Council.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	No.
<b>What are the general obligations of a European Works Council?</b>	European Works Council main purpose is to be informed and consulted on European transnational projects/initiatives/measures of the Group which have relevant interest for workers.



Question	Response
<b>Does a European Works Council need to report to local employee representatives?</b>	The European Works Council shall inform representatives of the employees in the Community-scale undertaking or group of undertakings of the content and outcome of the information and consultation procedure, with any restrictions that may arise from the fact that the employee representatives are subject to a duty of confidentiality. If there are no employees' representatives, all employees shall be informed.
<b>Does a European Works Council have an obligation of confidentiality?</b>	The Community-scale undertaking or the controlling undertaking in a Community- scale group of undertakings may prescribe a duty of confidentiality for employees' representatives and experts who fulfil duties pursuant to the Act, where such is required in the best interests of the undertaking. A person who had received information subject to confidentiality may, notwithstanding the duty of confidentiality, transmit such information to other employee representatives or experts in the same body.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Whoever breaches the Act or an agreement under the Act or confidentiality as set out in the Act shall pay compensation for damage arising in accordance with the provisions the Swedish Employment (Co- Determination in the Workplace) Act (1976:580).
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	The company must pay for all the costs relating to the work of the European Works Council and not only the costs incurred in connection with its meetings.
<b>How important is a European Works Council in practice?</b>	According to Swedish media, the legislation is not working well in Sweden.
<b>Who can I contact for more information?</b>	Jessica Stålhammar, Partner, WSA, E-mail: <a href="mailto:jessica.stalhammar@wsa.se">jessica.stalhammar@wsa.se</a>



Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in Switzerland?</b>	<p>As Switzerland is not an EU member nor an EEA member, it is not bound by the European Works Councils Directive (2009/38/EC) (the “<b>Directive</b>”). The Directive has not been transposed at national level.</p> <p>In 2011, a motion was put forward to allow Swiss workers to be equal to European workers within European Work Councils (<b>EWCs</b>). In response to this motion, the Swiss Federal Council (i.e., head of state and government of Switzerland) disagreed and considered that the current legal framework was sufficient to insure the information and consultation rights of Swiss workers. These rights would be guaranteed by the following articles:</p> <ul style="list-style-type: none"><li>• Art. 7 litt. a of the Agreement on the Free Movement of Persons between Switzerland and the EU (<b>AFMP</b>);</li><li>• Art. 4 (4) of the Directive</li><li>• Provisions of the Swiss Code of Obligations on participation and information, together with the Federal Act of December 17, 1993 on the information and consultation of employees in companies (Participation Act) and the Federal Act of October 3, 2003 on mergers, demergers, conversions and asset transfers (Merger Act).</li></ul>
<b>Which national law(s) govern the European Works Council in your country?</b>	There is none because the Directive has not been implemented.
<b>What are the requirements to establish a European Works Council in your country?</b>	<p>According to the Directive, companies must put an EWC into place when:</p> <ul style="list-style-type: none"><li>• A minimum of 1000 employees work for them within the EEA;</li><li>• A minimum of 150 employees work in two different states.</li></ul> <p>Therefore, companies in Switzerland that also fulfill these conditions because of their international activities have to create an EWC.</p>



Question	Response
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	There are no specific provisions under Swiss law.
<b>How long is the term of a European Works Council?</b>	Swiss law does not provide for a term of office, including for local works councils.
<b>How often does a European Works Council meet?</b>	Not specified under Swiss law.
<b>What rights does a European Works Council have?</b>	Not specified under Swiss law.
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	Not specified under Swiss law. These are equivalent provisions: Article 7 litt. a AFMP (right to equal treatment for Swiss employees of companies in EU member states).
<b>What are the general obligations of a European Works Council?</b>	Not specified under Swiss law.
<b>Does a European Works Council need to report to local employee representatives?</b>	Not under Swiss law.
<b>Does a European Works Council have an obligation of confidentiality?</b>	Not specified under Swiss law.
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	Not specified under Swiss law.
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	No.
<b>How important is a European Works Council in practice?</b>	In practice, it is difficult to estimate the importance of EWCs. The Directive suggests Swiss workers would be equally represented and involved as European workers.
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Question	Response
<b>Has the European Works Councils Directive (2009/38/EC) been implemented in the UK?</b>	Yes, but following the UK's exit from the EU, application of the Directive is limited. The UK is now considered a third country and the rules set out in the Directive no longer apply to the UK.
<b>Which national law(s) govern the European Works Council in your country?</b>	Transnational Information and Consultation of Employees Regulations 1999 (SI 1999/3323) (TICE Regulations) as amended by the TICE (Amendment) Regulations 2010.
<b>What are the requirements to establish a European Works Council in your country?</b>	<p>Since 1 January 2021 employees in the UK cannot ask for a new EWC to be established. Therefore, no new EWC's can be established in the UK.</p> <p>However, UK employees/representatives may, in limited circumstances, continue to participate in an EWC if the agreement establishing it provides for that.</p> <p>Under the Directive, the central management or representative agent must be situated in a member state and cannot be located in the UK (as a non-member state).</p>
<b>How long does the negotiation procedure between the negotiating body and management normally take?</b>	n/a
<b>How long is the term of a European Works Council?</b>	n/a
<b>How often does a European Works Council meet?</b>	n/a
<b>What rights does a European Works Council have?</b>	n/a



Question	Response
<b>Is there a special provision on the process of informing and consulting of a European Works Council?</b>	n/a
<b>What are the general obligations of a European Works Council?</b>	n/a
<b>Does a European Works Council need to report to local employee representatives?</b>	n/a
<b>Does a European Works Council have an obligation of confidentiality?</b>	n/a
<b>What are the sanctions for violations of the rights of a European Works Council?</b>	n/a
<b>Are there any specific regulations for the costs of a European Works Council's activities?</b>	n/a
<b>How important is a European Works Council in practice?</b>	<p>Not very important.</p> <p>Under UK law, there are separate laws which govern when a business may need to elect or establish a representative body, for example, when multiple redundancies are proposed, trade unions seek recognition or there is a business transfer or an outsourcing of a service.</p>
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