



98th EU Committee meeting

20 November 2025, Brussels



Agenda

Case 19/23

I. Draft proposals for legislative initiatives currently being discussed: update & next steps

- a. Regulation on eDeclaration
- b. Directive on improving and enforcing working conditions for trainees and combatting regular employment relationships disguised as traineeships
- c. Omnibus I – revision CSRD & CS3D
- d. Revision of the European Works Councils Directive
- e. Revision of the Regulation on Social Security Coordination
- f. Regulation establishing EU Talent Pool

II. Current and possible future initiatives

- a. AI & Algorithmic Management at the workplace
- b. Subcontracting
- c. Telework and the right to disconnect
- d. Just Transition
- e. Qualitative Jobs Roadmap
- f. Gender equality
- g. 28th regime

III. Implementation & follow-up of adopted directives

- a. Adequate Minimum Wages Directive (Round table)
- b. EU Pay Transparency Directive (Round table)
- c. Platform Work Directive

IV. Updates

- a. Update on EU-UK Relationship
- b. Update on EU-CH Relationship

V. A.O.B.

- a. Public Procurement: social conditionalities
- b. Entry-Exit-System
- c. ELA
- d. Gender Equality
- e. Date & place of next EU Committee meeting

Case C-19/23 – partial annulment of Minimum Wage Directive of 11/11/2025

- **Art. 153 (5) TFEU:** 'the provisions of this article shall not apply to pay, the right of association, the right to strike or the right to impose lock-outs'
- These all relate at least in part to the prerogatives of the social partners [107]
- Examine "purpose" and "content" of directive [56]
- Purpose: improve living and working conditions in the Union, in particular the adequacy of min wages
- Content: adequacy of statutory min wage with the aim of achieving decent living and working conditions; promotion of collective bargaining (**CB**) on wage setting; enhancing effective access of workers to rights to min wage protection.



Case C-19/23 – partial annulment of Minimum Wage Directive of 11/11/2025

- **Concept of "pay" of Art. 153 (5):** fixing/determining level of pay is excluded from harmonisation. [67]
- EcJ: pay forms an integral **part of "working conditions"** [72] -> not exclusive competence for MS.
- **Art. 4 of MWD** lays down requirements to promote CB on wage setting
- CB: not obligations as to the result, but at most obligations as to means [79]: MS not required to reach 80% coverage but to establish 'framework' and 'action plan' to promote CB.
- Therefore: Art. 4 (2) MWD cannot be interpreted
 - o as obliging MS to require a larger number of workers to join a TU,
 - o MS must not declare a CA universally applicable
 - o So: no direct interference by EU law in the determination of pay within the EU



Case C-19/23 – partial annulment of Minimum Wage Directive of 11/11/2025

- **Article 5(1) MWD:**
- MS with statutory minimum wage (**SMW**): establish necessary procedures for the setting and updating of SMW [88]
- 'adequacy' of SMW: significant margin of discretion to the MS to define that concept and to determine its exact scope [89]
- **Concept of 'adequacy' of SMW** cannot be regarded as an autonomous concept of EU law [90]
- A right inherent in EU law to "adequate" or "fair" SMW cannot be inferred from a combined reading of Art. 5(1) and Art. 31(1) of the Charter. Under Art. 51(2) the Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties. [93]



Case C-19/23 – partial annulment of Minimum Wage Directive of 11/11/2025

- **Art. 5(2) MWD**: list of 4 elements
- By requiring the use of those elements in the procedures for setting and updating SMW, the EU established a requirement relating to the constituent elements of those wages, which has a direct effect on the level of those wages.
- This is direct interference by EU law in the determination of pay. [98]
- **Art. 5(2): annulled**
- **Art. 5(3)**: allows MS to use an automatic mechanism for indexation
- By requiring a non-regression clause in the level of SMW, there is direct interference of EU law in the determination of pay within the EU
- **Art. 5(3): non-regression clause annulled**
- EcJ annuls some provisions of Art. 5



Case C-19/23 – partial annulment of Minimum Wage Directive of 11/11/2025

- **Art. 153(5) TFEU** Right of association
- These all relate at least in part to the prerogatives of the social partners; purpose for the exclusion is primarily to preserve the autonomy of the social partners at national level [107]
- Relationship between right to participate freely in CB and the right of association: right to CB, as an element inherent in the right of association, cannot be excluded on that basis from the competences of the EU [108]
- The **concept of 'right of association'** of Art. 153 (5) must be interpreted as referring to the freedom of workers and employers to form or dissolve organisations, including TU, or to join or not to join them, but does not cover measures governing the right to CB between employers and workers [115]
- Measures which, although connected with the right of association, do not directly govern that right but govern the right to CB, do not fall within that exclusion [116]



Case C-19/23 – partial annulment of Minimum Wage Directive of 11/11/2025

- **Legal base is upheld**
- Choice of legal basis for an EU measure must rest on objective factors that are amenable to judicial review; these include the aim and the content of the measure [132]
- If several purposes are pursued, or several components: the main or predominant purpose or component will lead to the legal basis for adopting that measure [132]
- Dual legal basis is not possible where the procedures laid down for each legal basis are incompatible with each other [133]
- **Art. 153(1)(b) TFEU** refers to working conditions: is capable of covering measures to improve the adequacy of min wages and, thereby, to improve living and working conditions in the Union
- **Art. 153(1)(f) TFEU** refers to representation and collective defence of the interest of workers and employers, including co-determination: is capable of covering measures to promote CB, provided that the measures thus adopted comply with Art. 153(5). [134]



Case C-19/23 – partial annulment of Minimum Wage Directive of 11/11/2025

Roundtable:

What is the impact in your country ?





1. Legislative initiatives

a. Regulation on eDeclaration



EC: Draft regulation presented on 13 November 2024



EP: IMCO (co-rapporteur – A. Schwab DE, EPP) & EMPL (co-rapporteur J. Danielsson SE, S&D)

- 20 May 2025: joint report discussed in EMPL
- Amendments until 3 June 2025,
- Report adopted on 8 September 2025 in EMPL



Council: general agreement on 22 May 2025



Trilogue negotiations ongoing.

Willingness to finish before the end of this year.

Ceemet remains cautious that the final eDeclaration will not have too many datapoints.

b. Directive on Traineeships

In March 2024, the European Commission presented two initiatives to improve the **working conditions for trainees** – a proposal for a Directive on improving and enforcing working conditions for trainees and **combatting** regular **employment relationships disguised** as traineeships and a proposal for a revised 2014 Council Recommendation on a Quality Framework for Traineeships.

European Parliament:

- Rapporteur Homs Ginel (ES/S&D)
- EMPL decision to open trilogue negotiations with report confirmed by plenary on 8 October 2025

Council: general agreement reached on 19 June 2025

Trilogues are ongoing



c. Omnibus I – Revision of CSRD & CS3D

Two **Commission** proposals for a Directive – 26 February 2025: one on extension of deadlines for entry into force and one on content

CSRD



- threshold raised from 250 to **1000** employees
- Revision of agnostic ESRS by delegated acts
- No sector specific standards
- Postponement of entry into force to 2028 for the 1st group of companies

CS3D



- Postponed by one or two years (to July 2028)
- Threshold raised to > **3000** employees (**from Jul 2028**) > **1000** (**Jul 2029**)
- DD obligations regarding own activities and direct business partners. If plausible information about negative impact also indirect business partners
- Uniform European requirements for civil liabilities deleted



c. Omnibus I – Revision of CSRD & CS3D

EP:

JURI is leading committee, Rapporteur Warborn (EPP, Swedish)

- Increase scope > 3000 employees and > €450 million

5 opinions of other committees ECON, ENVI, INTA, AFET, EMPL

- EMPL calls for complete withdrawal of Omnibus proposal,
- AFET, INTA: no amendments to COM proposal
- ECON: threshold > 5000 employees & > €450 million
- ENVI: threshold >1750 employees & > €450 million

15 Sep 2025 compromise amendments

20 Oct 2025 indicative plenary sitting date, adopted report rejected

5 Nov 2025 amendments tabled

13 Nov 2025 vote in plenary on JURI report: adopted

adoption for JURI Committee to enter interinstitutional negotiations

- CSRD: > 1750 employees & > € 450 million turnover
- CS3D: > 5000 employees & > € 1,5 billion turnover

Council:

- Polish presidency: 4 compromise texts
- **23 Jun 2025** adoption of Council's position
- CSRD: > 1000 employees & 450 million in net annual turnover
- CS3D: > 5000 employees & >1500 million in global net annual turnover



c. Omnibus I – Revision of CSRD & CS3D



Trilogue negotiations:

- Start on 18 November 2025
- Plan to conclude trilogues before the end of this year



Climate transition plan

COM: best effort

Council: reasonable effort

EP: deletion in CS3D, still in CSRD



How to do due diligence

COM: entity-based approach: direct business partners, also indirect if “plausible information”

Council: risk-based approach direct business partners, also if “objective and verifiable info”

EP: risk-based approach



Civil liability



d. Revision of the European Works Councils Directive

- **Proposal of the Commission** on 24 Jan 2024
- **Council:**
 - 20 Jun 2024 General approach
- **European Parliament** – Rapporteur MEP Radtke (EPP, German)
 - 6 Dec 2024: report adopted
- **Trilogue negotiations**
 - Start 20 December 2024
 - 20 May 2025: provisional agreement
 - 4 Jun 2025: EP EMPL adopted provisional agreement
 - 6 Oct 2025: vote in EP Plenary of provisional agreement
 - 27 Oct 2025: Council adopted provisional agreement
- **Next Steps:**
 - Will be published in OJEU
 - Member States have 2 years to transpose the Directive



d. Revision of the European Works Councils Directive

- **Ceemet actions:**
 - Strong advocacy campaign ahead of plenary to block vote on EMPL report – close to success
 - Ceemet sent a letter to all PermReps (Ambassadors) ahead of the triologue of 20 May, with our main issues, **including grandfather clause**.
 - Ahead of the vote on the provisional agreement, Ceemet sent an email on 8 October 2025 to all MEPs, with a call to reject the provisional agreement and outlining our main problems with the revision.
- **Roundtable:** do you have companies in your country who still have a so-called “**Article 13 Agreement**”, **EWC agreements** concluded **before 22 September 1996**.
 - These EWC agreements could still be renegotiated applying the rules of the old EWC Directive 94/45/EC. This will change.
 - EWC agreements concluded after 22 September 1996 are referred to as “Article 6 Agreements” and already had to be adapted following the newest Directives.



e. Revision of the Regulation on Social Security Coordination



Council:

- Discussions have resumed under the PL Presidency
- Mandate on 11 April 2025
- Some MS eager to see the text adopted (with AI exemptions)



EP: rapporteur MEP Bischoff

- Exception of exemption for construction



Trilogue negotiations:

Trilogue under Polish Presidency: no result
Current Danish Presidency is not working in this file
Trilogues under Cypriot Presidency: last chance ?

Commission did not withdraw this file in its Work Program for 2026.

Political willingness to reach an agreement during the next Presidency.



f. Regulation establishing an EU talent pool



Council: General approach adopted in June 2024



EP Rapporteur in LIBE : MEP Abir AL-SAHLANI

- Plenary adopted on 19 March 2025
- Mandate to enter trilogues on 3 April 2025



Ceemet: Joint position with sectors and three cross-industry employers on 16 April 2025 – call for swift adoption



Start of trilogue negotiations on 7 June 2025

Trilogues concluded on 18 November 2025



f. Regulation establishing an EU talent pool



Digital platform to facilitate recruitment for 3CN in EU member state

- Voluntary participation for member state
- List of EU-wide shortage occupations, with possible national / regional adjustments
- Occupations that contribute to EU competitiveness

3CN create profile with skills, qualifications

Safeguard: only legitimate employers can advertise



After match between 3CN and EU employer:

- **Work permit & visa according to national procedure** of MS of employer
- MS can foresee accelerated immigration procedures



Platform will provide information:

- On immigration procedure (work permit, visa requirements, residence permit)
- On working conditions

Awareness campaigns by Commission



2. Current and possible future initiatives

a. AI & Algorithmic Management at the workplace

B -

Possible initiative on AI at the workplace

- Announced in the European Commission Work Programme 2025 as an initiative
- Could be discussed in the framework of the Quality Jobs Roadmap
- Content remains unclear
- EP Level: MEP Bula, (Polish, EPP) published a report calling for a Directive with a content proposal on the annex - Vote in Committee on 11 Nov 2025 – **draft report adopted**

Ceemet published a Position Paper and Survey Report 2/9/2025

a. AI & Algorithmic Management at the workplace



On 20 June 2025, MEP Andrzej Bula (Polish, EPP) published his draft report 2025/2080(INL) with recommendations to the European Commission on digitalisation, artificial intelligence, and algorithmic management in the workplace – shaping the future of work.

A proposal for a Directive is an Annex to the draft report.

The content runs counter Ceemet position:

- It uses parts of the Platform Work Directive, Transparent and Predictable Working Conditions Directive, and duplicates GDPR.
- It creates in addition to the right to information a right of consultation in the context of new technologies
- It risks imposing the principle of co-determination
- The definition does not make a distinction between automation, algorithmic management and AI (where there is machine learning).
- It includes self-employed persons in the scope of a Directive, creating definitions for “solo-self-employed person” and “procurer of services”.



a. AI & Algorithmic Management at the workplace



Results & consequences (in case of adoption)

- Significant administrative burdens for our companies
- Unprecedented power for employees in the decision-making process for the acquisition and use of AI tool
- The right to disconnect
- European Directive regarding Social Policy would not only apply to workers, but also to self-employed persons

Timeline



b. Subcontracting

On 3 July 2025, MEP Johan Danielsson (Swedish, S&D) presented a draft report on : addressing subcontracting chains and the role of intermediaries in order to protect workers' rights

This report calls the Commission to:

- consider a **framework directive** to address the challenges related to abusive forms of subcontracting and labour intermediation in Europe
- to introduce a general legal framework: **limiting subcontracting** and **ensuring joint and several liability** throughout the subcontracting chain,
- to introduce measures regulating the **role and responsibilities of labour intermediaries**, other than **temporary work agencies**:

b. Subcontracting

Next Steps at the European Parliament

17 July 2025: MEP Danielsson (Swedish, S&D) published his report on subcontracting. He presented his report to the EMPL committee in early September. The deadline for amendments to the EMPL committee was 12 September.

9 September 2025: IMCO committee rapporteur published his draft opinion, with the deadline for amendments to the opinion on 1 October 2025.

16 October 2025: deadline for consideration of amendments and compromise amendments

10–11 November 2025: vote in the IMCO committee

3 December 2025: vote in the EMPL committee

January 2026: the vote in the plenary potentially being stretched until then.

b. Subcontracting

Ceemet draft position paper

Discussion with Members on latest draft - Circular 273/25 of 17 November

- High versus low risk sectors → tackle illegal employment and criminal activities
- Bona fide companies
- No black-listing of companies
- Mentioning of additional legislation safeguarding employees' rights, including on health & safety
- Include examples of national initiatives (by law, CA, by social partners) that tackle the "problematic" issues

→ CALL TO MEMBERS: send national example (deadline Monday noon)

b. Subcontracting

**Ceemet actively participated in the study on subcontracting
published by the EEI on 3 Sept 2025**

This legal study titled '**Can the EU restrict subcontracting? A legal perspective**', explores the risks of restricting subcontracting and its impact on business freedom in the EU led by the Associate Professor at Stockholm University, Erik Sinander.

The study warns of the risk of the EP views adoption because of the legal complexity and EU fragmentation. It could result from **introducing restrictions on subcontracting** and potentially **destabilising a wide array of industries** from construction and manufacturing to logistics and services.

C. Telework and the right to disconnect

Telework and the right to disconnect

On 30 April, the European Commission launched the first-stage social partners consultation seeking the views of the European social partners on the need, direction and scope of a potential EU initiative in the area of telework and workers' right to disconnect, in line with Article 154 TFEU.

Ceemet believes that a macro-level approach, taken by the European Commission, may not capture the full spectrum of issues in an effective way and should be discussed at national level.

Ceemet promotes the dialogue between social partners at the company and national sectoral levels.

- Ceemet replied to 1st stage social partner consultation June 2024
- Ceemet gave input to 2nd stage social partner consultation on 6 October 2025

d. Just Transition

Just Transition in the world of work

On 23 September, MEP Jana TOOM (Estonia, Renew) presented a draft report to call for a new Directive on Just Transition in the world of work:

Ceemet positions:

- **Opposition to new Directive:** Ceemet calls for support (innovation, investment, funding access) over new rules/sanctions; green transition must align with competitiveness.
- **Info & consultation:** Climate transition already covered by existing EU directives; new rules add burdens, especially for SMEs.
- **Training rights:** Opposed to EU-imposed individual right; training should remain with social partners, companies, and national systems.
- **Approach:** Support national/sectoral/local transition plans; tailored timelines and structural reforms needed over EU-wide one-size-fits-all.

- September

Shadow rapporteurs: FALCĂ Gheorghe (EPP) DOBREV Klára (S&D) WERBROUCK Séverine (P/E) TEODORESCU Georgiana (ECR) MATTHIEU Sara (Greens/EFA) KENNES Rudi (The Left)
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2. Current and possible future initiatives

A

Quality Jobs Roadmap

- Background paper of EC on 30 April 2025, to serve as compass for next 5 years
- Lacks Employers' perspective
- 5 May 2025 hearing with Social Partners
- QJR will be a set of initiatives, remains vague
- Ceemet draft paper
- QJR Communication on 3 December 2025
- Quality Jobs Act: foreseen in 2026

B

Fair Labour Mobility Package

- Planned for Q2 2026
- The EU aims to facilitate labour mobility with strengthened ELA and modernize, simplify and digitalise social security coordination:
 - Proposal for European Social Security Pass (ESSPASS)
 - Proposal to strengthen ELA
 - Skills portability initiative
- Digital tools: eDeclaration, EESSI, EUID
- Better use of MISSOC
- Interoperability of national tools

C

28th regime

- Company law:
- Optional EU wide legal framework that coexists with national systems
- Voluntary opt-in framework that simplifies cross-border activity without eroding national sovereignty
- Extra possibility for start-ups and scale-ups
- Unclear if labour law aspects would be included
- Ceemet will monitor in case social aspects turn up

3. Implementation and follow-up of adopted directives



A. Adequate Minimum Wages Directive

- ECJ case C-19/23 of 11 Nov 2025
- Impact on national transposition

→ *Already discussed*

B. EU Pay Transparency Directive

- Roundtable on the national transposition

C. Platform Work Directive

- Directive published in OJEU 11 Nov 2024
- Deadline for transposition : 2 years – 2 Dec 2026
- Roundtable on national transposition



IV. Updates

A. Update on the EU-UK relationship

by **Richard Rumbelow** (MakeUK)
followed by a discussion

B. Update on the EU-CH relationship

by **Marcel Marioni** (Swissmem)
followed by a discussion



V. AOB

- a. Public Procurement: **social conditionalities** – social partner consultation by January 2026
- b. Entry-Exit-System in force on 10 April 2026
- c. ELA: project on manufacturing in 2026/2027
- d. Gender Equality
- e. Supplementary Pension Package

- f. Date and Place of next EU Committee meeting



Thank you
for your attention

