

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, made under section 2(2) of the European Communities Act 1972 (c.68), replace the provisions of Part 3 of the European Public Limited-Liability Company Regulations 2004 (S.I. 2004/2326) (“the 2004 GB Regulations”). They continue the implementation in Great Britain of Council Directive [2001/86/EC](#) (O.J. L 294, 10.11.2001, p.22) supplementing the Statute for a European Company (Council Regulation [2157/2001/EC](#): O.J. L 294, 10.11.2001, p.1) with regard to the involvement of employees. The Regulations come into force on 1st October 2009. There are separate regulations continuing the implementation of Directive [2001/86/EC](#) in Northern Ireland (the European Public Limited-Liability Company (Employee Involvement) (Northern Ireland) Regulations 2009 (S.I. 2009/2402)).

The remaining Parts of the 2004 GB Regulations are amended by the European Public Limited-Liability Company (Amendment) Regulations 2009 (S.I. 2009/2400) to reflect the enactment of the Companies Act 2006 (c.46) and the extension by section 1285 of that Act of the 2004 GB Regulations to Northern Ireland.

The Regulations continue the implementation in Great Britain of the Directive's provisions relating to employee involvement in the form of public limited-liability company, Societas Europea, known as the “SE”. The Regulations govern—

- the establishment of a special negotiating body (Part 2);
- the election or appointment of the UK members of the special negotiating body (Part 3);
- the negotiation of an employee involvement agreement (Part 4);
- standard rules on employee involvement (Part 5);
- compliance and enforcement (Part 6);
- treatment of confidential information (Part 7); and
- employee protection (Part 8).

A full Regulatory Impact Assessment of the effect that the 2004 GB Regulations would have on the costs of business was prepared and placed in the library of both Houses of Parliament, as were transposition notes. These documents can be obtained from the Department for Business, Innovation and Skills, 1 Victoria Street, London SW1H 0ET, and can be downloaded from [http://www.opsi.gov.uk/si/em\\_20042326\\_en.pdf](http://www.opsi.gov.uk/si/em_20042326_en.pdf).

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### Changes and effects yet to be applied to :

- Sch. omitted by [S.I. 2018/1298 reg. 64\(b\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 1(4) (as substituted) by [S.I. 2018/1298 reg. 98\(c\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 12(4) (as amended) by [S.I. 2018/1298 reg. 107\(b\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 40(2) (as amended) by [S.I. 2018/1298 reg. 113\(b\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 43(2) (as amended) by [S.I. 2018/1298 reg. 115\(b\)\(iv\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 52(b) (as amended) by [S.I. 2018/1298 reg. 122\(a\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 9(1)(c)(i) (as substituted) by [S.I. 2018/1298 reg. 104\(a\)\(ii\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art.AA1 (as inserted) by [S.I. 2018/1298 reg. 97](#)
- reg. 3(1) word omitted by [S.I. 2018/1298 reg. 49\(a\)\(iv\)](#)
- reg. 3(1) words inserted by [S.I. 2018/1298 reg. 49\(a\)\(v\)](#)
- reg. 3(1) words inserted by [S.I. 2018/1298 reg. 49\(a\)\(x\)](#)
- reg. 3(1) words omitted by [S.I. 2018/1298 reg. 49\(a\)\(i\)](#)
- reg. 3(1) words omitted by [S.I. 2018/1298 reg. 49\(a\)\(ix\)](#)
- reg. 3(1) words omitted by [S.I. 2018/1298 reg. 49\(a\)\(vii\)](#)
- reg. 3(1) words substituted by [S.I. 2018/1298 reg. 49\(a\)\(ii\)](#)
- reg. 3(1) words substituted by [S.I. 2018/1298 reg. 49\(a\)\(iii\)](#)
- reg. 3(1) words substituted by [S.I. 2018/1298 reg. 49\(a\)\(vi\)](#)
- reg. 3(1) words substituted by [S.I. 2018/1298 reg. 49\(a\)\(viii\)](#)
- reg. 3(1) words substituted in earlier amending provision S.I. 2018/1298, reg. 49(a)(ii) by [S.I. 2020/523 reg. 3\(c\)\(i\)\(aa\)](#)
- reg. 3(1) words substituted in earlier amending provision S.I. 2018/1298, reg. 49(a)(viii) by [S.I. 2020/523 reg. 3\(e\)\(i\)\(bb\)](#)
- reg. 3(1) words substituted in earlier amending provision S.I. 2018/1298, reg. 49(a)(x) by [S.I. 2020/523 reg. 3\(e\)\(i\)\(cc\)](#)
- reg. 3(2) words inserted by [S.I. 2018/1298 reg. 49\(b\)\(i\)](#)
- reg. 3(2) words inserted by [S.I. 2018/1298 reg. 49\(b\)\(iii\)](#)
- reg. 3(2) words substituted by [S.I. 2018/1298 reg. 49\(b\)\(ii\)](#)
- reg. 3(2) words substituted in earlier amending provision S.I. 2018/1298, reg. 49(c) by [S.I. 2020/523 reg. 3\(e\)\(ii\)](#)
- reg. 3(4) omitted by [S.I. 2018/1298 reg. 49\(d\)](#)
- reg. 4(1) substituted by [S.I. 2018/1298 reg. 50\(a\)](#)
- reg. 4(2) omitted by [S.I. 2018/1298 reg. 50\(b\)](#)
- reg. 4(3)(d) substituted by [S.I. 2018/1298 reg. 50\(c\)](#)
- reg. 5-16 omitted by [S.I. 2018/1298 reg. 51](#)
- reg. 17(1)(2) omitted by [S.I. 2018/1298 reg. 52\(a\)](#)
- reg. 17(3)(a)(b) omitted by [S.I. 2018/1298 reg. 52\(b\)\(i\)](#)
- reg. 17(3)(c) words substituted by [S.I. 2018/1298 reg. 52\(b\)\(ii\)](#)
- reg. 17(4)(b) substituted by [S.I. 2018/1298 reg. 52\(c\)\(i\)](#)
- reg. 17(4)(c)(ii) words omitted by [S.I. 2018/1298 reg. 52\(c\)\(ii\)\(aa\)](#)
- reg. 17(4)(c)(ii) words substituted by [S.I. 2018/1298 reg. 52\(c\)\(ii\)\(bb\)](#)
- reg. 18 omitted by [S.I. 2018/1298 reg. 53](#)
- reg. 19 omitted by [S.I. 2018/1298 reg. 53](#)

- reg. 20(1) words substituted by S.I. 2018/1298 reg. 54(a)
- reg. 20(4)(b) words substituted by S.I. 2018/1298 reg. 54(b)
- reg. 20(5)(a) words substituted by S.I. 2018/1298 reg. 54(b)
- reg. 20(7) words substituted by S.I. 2018/1298 reg. 54(b)
- reg. 20(9) words substituted by S.I. 2018/1298 reg. 54(c)
- reg. 21 words inserted by S.I. 2018/1298 reg. 55
- reg. 22(1) words inserted by S.I. 2018/1298 reg. 56(a)(i)(bb)
- reg. 22(1) words substituted by S.I. 2018/1298 reg. 56(a)(i)(aa)
- reg. 22(1)(a) word substituted by S.I. 2018/1298 reg. 56(a)(ii)(bb)
- reg. 22(1)(a) words inserted by S.I. 2018/1298 reg. 56(a)(ii)(aa)
- reg. 22(2)(b) words inserted by S.I. 2018/1298 reg. 56(b)
- reg. 22(2)(b) words substituted in earlier amending provision S.I. 2018/1298, reg. 56(b) by S.I. 2020/523 reg. 3(f)
- reg. 22(3)(b) words inserted by S.I. 2018/1298 reg. 56(c)
- reg. 24(1)(b) words inserted by S.I. 2018/1298 reg. 57(b)
- reg. 25(1) words inserted by S.I. 2018/1298 reg. 58(a)(i)
- reg. 25(1)(a) words inserted by S.I. 2018/1298 reg. 58(a)(ii)
- reg. 25(2) words inserted by S.I. 2018/1298 reg. 58(b)(i)
- reg. 25(2) words inserted by S.I. 2018/1298 reg. 58(b)(ii)
- reg. 26(1)(a) words inserted by S.I. 2018/1298 reg. 59
- reg. 29(2)(a) words inserted by S.I. 2018/1298 reg. 60(a)
- reg. 29(6)(c) words inserted by S.I. 2018/1298 reg. 60(b)(i)
- reg. 29(6)(d) words inserted by S.I. 2018/1298 reg. 60(b)(ii)
- reg. 29(6)(e) words inserted by S.I. 2018/1298 reg. 60(b)(iii)
- reg. 31(2)(a) words inserted by S.I. 2018/1298 reg. 61(a)
- reg. 31(6)(c) words inserted by S.I. 2018/1298 reg. 61(b)(i)
- reg. 31(6)(d) words inserted by S.I. 2018/1298 reg. 61(b)(ii)
- reg. 31(6)(e) words inserted by S.I. 2018/1298 reg. 61(b)(iii)
- reg. 34(3) words omitted by S.I. 2018/1298 reg. 62(a)(i)
- reg. 34(3) words substituted by S.I. 2018/1298 reg. 62(a)(ii)
- reg. 34(4) words omitted by S.I. 2018/1298 reg. 62(b)(i)
- reg. 34(4) words substituted by S.I. 2018/1298 reg. 62(b)(ii)
- reg. 35(1)(a) words omitted by S.I. 2018/1298 reg. 63(a)
- reg. 35(1)(a) words substituted by S.I. 2018/1298 reg. 63(b)
- reg. 35(1)(b) words omitted by S.I. 2018/1298 reg. 63(a)
- reg. 35(1)(b) words substituted by S.I. 2018/1298 reg. 63(b)
- reg. 41(1) words inserted by S.I. 2018/1298 reg. 64(a)(iii)
- reg. 41(1) words substituted by S.I. 2018/1298 reg. 64(a)(i)
- reg. 41(1) words substituted by S.I. 2018/1298 reg. 64(a)(ii)
- reg. 41(1) words substituted in earlier amending provision S.I. 2018/1298, reg. 64(a)(iii) by S.I. 2020/523 reg. 3(g)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Blanket amendment words substituted by S.I. 2011/1043 art. 3-68-10

**Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):**

- reg. 3(2A) inserted by S.I. 2018/1298 reg. 49(c)
- reg. 17(4)(d) inserted by S.I. 2018/1298 reg. 52(c)(iii)
- reg. 20(3)(b) words substituted by S.I. 2018/1298 reg. 54(b)
- reg. 24(1)(aa) inserted by S.I. 2018/1298 reg. 57(a)
- reg. 41(2A) inserted by S.I. 2018/1298 reg. 64(b)