
STATUTORY INSTRUMENTS

2009 No. 2401

The European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009

PART 5

STANDARD RULES ON EMPLOYEE INVOLVEMENT

Standard rules on employee involvement

19.—(1) Where this regulation applies, the competent organ of the SE and its subsidiaries and establishments must make arrangements for the involvement of employees of the SE and its subsidiaries and establishments in accordance with the standard rules on employee involvement. This paragraph is without prejudice to paragraph (3).

(2) This regulation applies in the following circumstances—

- (a) where the parties agree that the standard rules on employee involvement are to apply; or
- (b) where the period specified in regulation 14(3)(a) or, where applicable, (b) has expired without the parties reaching an employee involvement agreement and—
 - (i) the competent organs of each of the participating companies agree that the standard rules on employee involvement are to apply and so continue with the registration of the SE, and
 - (ii) the special negotiating body has not taken any decision under regulation 17(1) either not to open, or to terminate, the negotiations referred to in that regulation.

(3) The standard rules set out in Part 3 of the Schedule to these Regulations (standard rules on participation) apply only in the following circumstances—

- (a) in the case of an SE established by merger if, before registration of the SE, one or more forms of participation existed in at least one of the participating companies and either—
 - (i) that participation applied to at least 25% of the total number of employees of the participating companies employed in the EEA states, or
 - (ii) that participation applied to less than 25% of the total number of employees of the participating companies employed in the EEA states but the special negotiating body has decided that the standard rules on participation will apply to the employees of the SE; or
- (b) in the case of an SE established by formation of a holding company or subsidiary company if, before registration of the SE, one or more forms of employee participation existed in at least one of the participating companies and either—
 - (i) that participation applied to at least 50% of the total number of employees of the participating companies employed in the EEA states, or
 - (ii) that participation applied to less than 50% of the total number of employees of the participating companies employed in the EEA states but the special negotiating body

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has decided that the standard rules on participation will apply to the employees of the SE.

[^{F1}(3A) This paragraph applies to an agency worker whose contract within regulation 3(1)(b) of the Agency Workers Regulations 2010 (contract with the temporary work agency) is not a contract of employment—

- (a) for the purposes of paragraph (3)(a) and (b), any agency worker who has a contract with a temporary work agency, which was at the relevant time a participating company, is to be treated as having been employed by that temporary work agency for the duration of their assignment with a hirer, and
- (b) in this paragraph “assignment” and “hirer” have the same meaning as in regulation 2, and “temporary work agency” has the same meaning as in regulation 4, of the Agency Workers Regulations 2010.]

(4) Where—

- (a) the standard rules on participation apply, and
- (b) more than one form of employee participation exists in the participating companies,

the special negotiating body must decide which of the existing forms of participation is to exist in the SE and must inform the competent organs of the participating companies accordingly.

Textual Amendments

F1 [Reg. 19\(3A\)](#) inserted (1.10.2011) by [The Agency Workers Regulations 2010 \(S.I. 2010/93\)](#), reg. 1(1), [Sch. 2 para. 51](#)

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Changes and effects yet to be applied to :

- 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](#)

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\(b\)](#)