
STATUTORY INSTRUMENTS

2009 No. 2401

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

PART 6

COMPLIANCE AND ENFORCEMENT

Disputes about the operation of an employee involvement agreement or the standard rules on employee involvement

20.—(1) Where—

- (a) an employee involvement agreement has been agreed, or
- (b) the standard rules on employee involvement apply,

a complaint may be presented to the CAC by a relevant applicant who considers that the competent organ of a participating company or of the SE has failed to comply with the terms of the employee involvement agreement or, as the case may be, one or more of the standard information and consultation provisions.

(2) A complaint brought under paragraph (1) must be brought within the period of 3 months commencing with—

- (a) the date of the alleged failure, or
- (b) where the failure takes place over a period, the last day of that period.

(3) In this regulation—

“failure” means an act or omission;

“relevant applicant” means—

- (a) in a case where a representative body has been appointed or elected, a member of that body;
- (b) in a case where no representative body has been elected or appointed, an information and consultation representative or an employee of the SE.

(4) Where it finds the complaint well-founded, the CAC—

- (a) must make a declaration to that effect, and
- (b) may make an order requiring the SE to take such steps as are necessary to comply with the terms of the employee involvement agreement or, as the case may be, the standard rules on employee involvement.

(5) An order made under paragraph (4) must specify—

- (a) the steps which the SE is required to take;
- (b) the date of the failure;
- (c) the period within which the order must be complied with.

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*

(6) If the CAC makes a declaration under paragraph (4), the relevant applicant may, within the period of three months beginning with the day on which the decision is made, make an application to the Appeal Tribunal for a penalty notice to be issued.

(7) Where such an application is made, the Appeal Tribunal must issue a written penalty notice to the SE requiring it to pay a penalty to the Secretary of State in respect of the failure, unless the Appeal Tribunal is satisfied, on hearing representations from the SE,—

- (a) that the failure resulted from a reason beyond its control, or
- (b) that it has some other reasonable excuse for its failure.

(8) Regulation 21 applies in respect of a penalty notice issued under this regulation.

(9) No order of the CAC under this regulation has the effect of suspending or altering the effect of any act done or of any agreement made by the participating company or the SE.

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.

[View outstanding changes](#)

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](#)
- 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\(c\)](#)

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\(b\)](#)