
STATUTORY INSTRUMENTS

2009 No. 2401

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

PART 7

CONFIDENTIAL INFORMATION

Withholding of information

25.—(1) Neither an SE nor a participating company is required to disclose any information or document to a person for the purposes of these Regulations where the nature of the information or document is such that, according to objective criteria, the disclosure of the information or document would seriously harm the functioning of, or would be prejudicial to,—

- (a) the SE or any subsidiary or establishment of the SE, or
 - (b) the participating company or any subsidiary or establishment of the participating company.
- (2) Where there is a dispute between the SE or a participating company and—
- (a) where a representative body has been appointed or elected, a member of that body, or
 - (b) where a representative body has not been appointed or elected, an information and consultation representative or an employee,

and the dispute is as to whether the nature of the information or document which the SE or the participating company has failed to provide is such as is described in paragraph (1), the SE or participating company, or a person referred to in sub-paragraph (a) or (b), may apply to the CAC for a declaration as to whether the information or document is of such a nature.

(3) If the CAC makes a declaration that the disclosure of the information or document in question would not, according to objective criteria, be seriously harmful or prejudicial as mentioned in paragraph (1), the CAC must order the company to disclose the information or document.

- (4) An order under paragraph (3) must specify—
- (a) the information or document to be disclosed;
 - (b) the person or persons to whom the information or document is to be disclosed;
 - (c) any terms on which the information or document is to be disclosed;
 - (d) the date before which the information or document is to be disclosed.