
STATUTORY INSTRUMENTS

2009 No. 2402

The European Public Limited-Liability Company (Employee Involvement) (Northern Ireland) Regulations 2009

PART 1

INTRODUCTORY PROVISIONS

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Public Limited-Liability Company (Employee Involvement) (Northern Ireland) Regulations 2009.

(2) These Regulations come into force on 1st October 2009.

(3) These Regulations extend to Northern Ireland only.

EC Directive and EC Regulation

2.—(1) In these Regulations—

“the EC Directive” means Council Directive [2001/86/EC](#) of 8 October 2001 supplementing the Statute for a European Company with regard to the involvement of employees^{M1};

“the EC Regulation” means Council Regulation [2157/2001/EC](#) of 8 October 2001 on the Statute for a European Company^{M2}.

(2) References in these Regulations to numbered Articles are, unless otherwise specified, references to Articles in the EC Regulation.

Marginal Citations

M1 OJ L 294, 10. 11. 2001, p. 22.

M2 OJ L 294, 10. 11. 2001, p.1.

Interpretation

3.—(1) In these Regulations—

“the 1996 Order” means the Employment Rights (Northern Ireland) Order 1996^{M3};

F1
...

“the Agency” means the Labour Relations Agency;

F1
...

“dismissed” and “dismissal”, in relation to an employee, are to be construed in accordance with Part 11 of the 1996 Order;

“employee” means an individual who has entered into or works under a contract of employment and includes, where the employment has ceased, an individual who worked under a contract of employment;

[^{F2}“employee involvement agreement” means—

- (a) an agreement reached before IP completion day between the special negotiating body and the competent organs of the participating companies which governs the arrangements for the involvement of employees within the UK Societas,
- (b) an agreement reached before or after IP completion day between the special negotiating body and the competent organs of the participating companies which governs the arrangements for the involvement of employees within the SE,
- (c) an agreement reached after IP completion day following a special negotiating body having been reconvened under regulation 17 of these Regulations, which governs the arrangements for the involvement of employees within the UK Societas;]

“employees' representatives” means—

- (a) if the employees are of a description in respect of which an independent trade union is recognised by their employer for the purpose of collective bargaining, representatives of the trade union who normally take part as negotiators in the collective bargaining process, and
- (b) any other employees of their employer who are elected or appointed as employee representatives to positions in which they are expected to receive, on behalf of the employees, information—
 - (i) which is relevant to the terms and conditions of employment of the employees, or
 - (ii) about the activities of the undertaking which may significantly affect the interests of the employees,

but excluding representatives who are expected to receive information relevant only to a specific aspect of the terms and conditions or interests of the employees, such as health and safety or collective redundancies;

[^{F3}“information and consultation representatives” means representatives elected or appointed to act pursuant to information and consultation procedures established in an employee involvement agreement instead of a representative body;]

^{F4}
...

[^{F5}“Relevant State” means an EEA State or the United Kingdom;]

“representative body” means the persons elected or appointed under the employee involvement agreement or under the standard rules on employee involvement;

[^{F6}“SE” means a European Public Limited-Liability Company (or Societas Europaea) within the meaning of the EC Regulation, as it has effect in EU law as amended from time to time;]

^{F7}
...

^{F7}
...

^{F7}
...

[^{F8}“standard rules on employee involvement” means—

- (a) in respect of a UK Societas the rules on employee involvement which apply by virtue of regulation 19, as it had effect immediately before IP completion day
- (b) in respect of an SE the rules laid down by the EEA State in which it has its registered office;]

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...

F9

...

“UK employee” means an employee employed to work in the United Kingdom;

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...

[^{F10}“ UK Societas ” means a European Public Limited-Liability Company (or Societas Europaea) within the meaning of the EC Regulation, as it had effect immediately before IP completion day, which on IP completion day converted to a United Kingdom Societas within the meaning of the EC Regulation.]

(2) In these Regulations the following expressions have the meaning given by Article 2 of the EC Directive [^{F11}, subject to the stated modifications]—

“participating companies”,

“subsidiary”,

“special negotiating body”,

“involvement of employees”,

[^{F12}“information”, read as if—

(a) for “Member State”, there were substituted “ Relevant State ”,

(b) after each occurrence of “SE” there were inserted “ or the UK Societas ”]

“consultation”, [^{F13}read as if after each occurrence of “ SE ” there were inserted “or the UK Societas”];]

and references to a “concerned subsidiary” or a “concerned establishment” are to be construed in accordance with the definition of “concerned subsidiary or establishment” in the EC Directive.

[^{F14}(2A) Where an employee involvement agreement was reached before IP completion day for a UK Societas, or where the standard rules on employee involvement apply in respect of that UK Societas, on and after IP completion day, any reference to an “EEA State” in that agreement or those rules, insofar as they apply to that UK Societas, must, where appropriate, be read as if they were to “an EEA State and the United Kingdom.]

(3) Except as otherwise provided, words and expressions used in the EC Regulation or the EC Directive have the same meaning in these Regulations as they have in that Regulation or Directive.

^{F15}(4)

Textual Amendments	
F1	Words in reg. 3(1) omitted (31.12.2020) by virtue of The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, 67(a)(i) (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
F2	Words in reg. 3(1) substituted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, 67(a)(ii) (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 3(h)(i)(aa) , 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
F3	Words in reg. 3(1) substituted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, 67(a)(iii) (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
F4	Word in reg. 3(1) omitted (31.12.2020) by virtue of The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, 67(a)(iv) (with regs.

- 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in reg. 3(1) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(a)(v)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 3(1) substituted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(a)(vi)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 3(1) omitted (31.12.2020) by virtue of The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(a)(vii)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 3(1) substituted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(a)(viii)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), **3(h)(i)(bb)**, 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 3(1) omitted (31.12.2020) by virtue of The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(a)(ix)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 3(1) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(a)(x)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), **3(h)(i)(cc)**, 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in reg. 3(2) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(b)(i)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in reg. 3(2) substituted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(b)(ii)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 3(2) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(b)(iii)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Reg. 3(2A) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(c)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, **17** and S.I. 2020/523, regs. 1(2), **3(h)(ii)**, 5(k)-(n)); 2020 c. 1, **Sch. 5 para. 1(1)**
- F15** Reg. 3(4) omitted (31.12.2020) by virtue of The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **67(d)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M3** S.I. 1996/1919 (N.I. 16).

Application of these Regulations

4.—^{F16}(1) These Regulations apply in respect of a UK Societas.]

^{F17}(2)

(3) Parts 6 to 9 also apply (regardless of where the registered office of the SE is, or is intended to be situated) if any of the following is registered or, as the case may be, situated in Northern Ireland—

- (a) a participating company, its concerned subsidiaries or establishments;
- (b) a subsidiary of an SE;
- (c) an establishment of an SE;

^{F18}(d) an employee of an SE or a representative of such an employee.]

Textual Amendments

F16 Reg. 4(1) substituted (31.12.2020) by [The European Public Limited-Liability Company \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1298), regs. 1, **68(a)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)

F17 Reg. 4(2) omitted (31.12.2020) by virtue of [The European Public Limited-Liability Company \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1298), regs. 1, **68(b)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)

F18 Reg. 4(3)(d) substituted (31.12.2020) by virtue of [The European Public Limited-Liability Company \(Amendment etc.\) \(EU Exit\) Regulations 2018](#) (S.I. 2018/1298), regs. 1, **68(c)** (with regs. 153-159A) (as amended by S.I. 2019/685, Sch. 3 paras. 16, 17 and S.I. 2020/523, regs. 1(2), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The European Public Limited-Liability Company (Employee Involvement) (Northern Ireland) Regulations 2009, PART 1.