
STATUTORY INSTRUMENTS

2009 No. 2402

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

PART 7

CONFIDENTIAL INFORMATION

Withholding of information

25.—(1) Neither an SE [^{F1}, nor a UK Societas,] 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 [^{F2} or the UK Societas,] or any subsidiary or establishment of the SE [^{F2} or the UK Societas,] or
- (b) the participating company or any subsidiary or establishment of the participating company.

(2) Where there is a dispute between the SE [^{F3}, the UK Societas] 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 [^{F4}, UK Societas] or the participating company has failed to provide is such as is described in paragraph (1), the SE [^{F4}, UK Societas] or participating company, or a person referred to in sub-paragraph (a) or (b), may apply to the Industrial Court for a declaration as to whether the information or document is of such a nature.

(3) If the Industrial Court 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 Industrial Court 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.

Textual Amendments

- F1** Words in reg. 25(1) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **76(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. 25(1)(a) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **76(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), 5(k)-(n)); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 25(2) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **76(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)
- F4** Words in reg. 25(2) inserted (31.12.2020) by The European Public Limited-Liability Company (Amendment etc.) (EU Exit) Regulations 2018 (S.I. 2018/1298), regs. 1, **76(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)

Changes to legislation:

There are currently no known outstanding effects for the The European Public Limited-Liability Company (Employee Involvement) (Northern Ireland) Regulations 2009, Section 25.