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STATUTORY INSTRUMENTS

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**2009 No. 2402**

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

**PART 4**

**NEGOTIATION OF THE EMPLOYEE INVOLVEMENT AGREEMENT**

**Decision not to open, or to terminate, negotiations**

**17.**—(1) The special negotiating body may decide, by a two thirds majority vote,—

- (a) not to open negotiations with the competent organs of the participating companies, or
- (b) to terminate any such negotiations.

(2) The special negotiating body cannot take the decision referred to in paragraph (1) in relation to an SE to be established by transformation if any employees of the company to be transformed have participation rights.

(3) Any decision made under paragraph (1) has the following effects—

- (a) the duty in regulation 14(2) to negotiate with a view to reaching an employee involvement agreement ceases as from the date of the decision;
- (b) any rules relating to the information and consultation of employees in an EEA state in which employees of the SE are employed apply to the employees of the SE in that EEA state;
- (c) the special negotiating body is to be reconvened only if a request that meets the conditions in paragraph (4) is made by employees or employees' representatives.

(4) The conditions are that the request is made—

- (a) in writing;
- (b) by at least 10% of the employees of—
  - (i) the participating companies and their concerned subsidiaries, or
  - (ii) where the SE has been registered, the SE and its subsidiaries,or by employees' representatives representing at least that percentage of those employees;
- (c) no earlier than two years after the decision made under paragraph (1) was or should have been published in accordance with regulation 16(4) unless—
  - (i) the special negotiating body, and
  - (ii) the competent organs of every participating company or, where the SE has been registered, the SE,agree to the special negotiating body being reconvened earlier.