

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement Council Directive [97/74/EC](#) (O.J. L10, 16.1.98, p.22). That Directive extends to the United Kingdom Directive [94/45/EC](#) on the establishment of a European Works Council or a procedure in Community-scale undertakings or Community-scale groups of undertakings for the purposes of informing and consulting employees (O.J. L254, 30.9.94, p.64).

The Regulations provide for the establishment of a European Works Council or information and consultation procedure in a Community-scale undertaking or Community-scale group of undertakings.

Part I contains general provisions. In particular, regulation 1 provides that the Regulations extend to Northern Ireland. Regulation 4 specifies regulations which apply only where the central management is situated in the United Kingdom and regulations which apply even where the central management is not situated in the United Kingdom.

Part II concerns the calculation of, and the provision of information on, the number of employees in the Community-scale undertaking or Community-scale group of undertakings. It also makes provision about requests to negotiate an agreement for a European Works Council or information and consultation procedure, and provides for the central management to be able to dispute the validity of such requests or the application of the obligation in regulation 9(1).

Part III concerns the special negotiating body, whose members are to represent employees in negotiations with the central management for an agreement to establish a European Works Council or information and consultation procedure.

Part IV makes provision about the negotiations for, and the content and scope of, an agreement for a European Works Council or information and consultation procedure. It also specifies when a European Works Council is required to be established in accordance with the provisions in the Schedule.

Part V provides for the enforcement of the establishment and operation of a European Works Council or information and consultation procedure.

Part VI deals with the unauthorised disclosure of confidential information, and with the withholding of information by central management.

Part VII contains provisions conferring protections on employees and their representatives, such as members of a European Works Council.

Part VIII concerns the bodies which are to enforce the Regulations. It also contains provisions restricting the possibility of contracting out of the provisions in Part VII and the other provisions in the Regulations.

Part IX concerns exceptions to the application of the Regulations, and Part X contains transitional provisions.

The Schedule sets out the provisions, which apply to a European Works Council, which is required to be established in the circumstances specified in regulation 18.

**Changes to legislation:** *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Transnational Information and Consultation of Employees Regulations 1999. 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*

A Regulatory Impact Assessment of the costs and benefits which will result from these Regulations has been prepared by the Department of Trade and Industry and is available from Verona Bailey, Employment Relations Directorate 1a, Department of Trade and Industry, Bay 2135, 1 Victoria Street, London SW1H 0ET (telephone 020 7215 5768; fax 020 7215 2642). Copies have been placed in the libraries of both Houses of Parliament.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Transnational Information and Consultation of Employees Regulations 1999. 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 :**

- Pt. 3 omitted by [S.I. 2019/535 Sch. 2 para. 10](#)
- Pt. 2 heading words omitted by [S.I. 2019/535 Sch. 2 para. 7](#)
- Sch. para. 1 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- Sch. para. 2 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- Sch. para. 3 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- Sch. para. 4 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- Sch. para. 5 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- Sch. para. 6 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- Sch. para. 7 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- Sch. para. 8 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- Sch. para. 9 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- Sch. para. 10 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- Sch. para. 10 omitted by [S.I. 2019/535 Sch. 2 para. 32](#)
- Sch. para. 2 substituted by [S.I. 2010/1088 reg. 24](#)
- Sch. para. 8(2) word substituted by [S.I. 2010/1088 reg. 27\(b\)](#)
- Sch. para. 9(6) words inserted by [S.I. 2010/1088 reg. 29\(a\)](#)
- Sch. para. 8(1) words omitted by [S.I. 2010/1088 reg. 27\(a\)](#)
- Regulations modified by [S.R. 2011/350 art. 23\(1\)Sch. 1 para. 1\(a\)](#)
- Regulations words substituted by [S.I. 2019/535 Sch. 2 para. 2\(a\)](#)
- Regulations words substituted by [S.I. 2019/535 Sch. 2 para. 2\(b\)](#)
- reg. 1 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- reg. 2 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- reg. 2(1) words inserted by [S.I. 2019/535 Sch. 2 para. 3\(a\)\(ii\)](#)
- reg. 2(1) words inserted by [S.I. 2019/535 Sch. 2 para. 3\(a\)\(iv\)](#)
- reg. 2(1) words inserted by [S.I. 2019/535 Sch. 2 para. 3\(a\)\(v\)](#)
- reg. 2(1) words omitted by [S.I. 2019/535 Sch. 2 para. 3\(a\)\(iii\)](#)
- reg. 2(1) words omitted by [S.I. 2019/535 Sch. 2 para. 3\(a\)\(vii\)](#)
- reg. 2(1) words substituted by [S.I. 2019/535 Sch. 2 para. 3\(a\)\(i\)](#)
- reg. 2(1) words substituted by [S.I. 2019/535 Sch. 2 para. 3\(a\)\(vi\)](#)
- reg. 2(3) words substituted by [S.I. 2019/535 Sch. 2 para. 3\(b\)](#)
- reg. 2(4) words omitted by [S.I. 2019/535 Sch. 2 para. 3\(c\)](#)
- reg. 2(5) words substituted by [S.I. 2019/535 Sch. 2 para. 3\(e\)](#)
- reg. 3 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- reg. 3(4) word substituted by [S.I. 2019/535 Sch. 2 para. 4\(a\)](#)
- reg. 3(4) words inserted by [S.I. 2019/535 Sch. 2 para. 4\(b\)](#)
- reg. 3(4) words substituted by [S.I. 2004/1079 Sch. para. 4\(2\)](#)
- reg. 4 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- reg. 4(1) words substituted by [S.I. 2019/535 Sch. 2 para. 5\(a\)](#)
- reg. 4(2)(a)(b) omitted by [S.I. 2019/535 Sch. 2 para. 5\(b\)](#)
- reg. 5 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- reg. 5(1) words omitted by [S.I. 2019/535 Sch. 2 para. 6\(a\)\(iii\)](#)
- reg. 5(1) words substituted by [S.I. 2019/535 Sch. 2 para. 6\(a\)](#)
- reg. 5(1)(a) omitted by [S.I. 2019/535 Sch. 2 para. 6\(a\)\(ii\)](#)
- reg. 5(2) words substituted by [S.I. 2019/535 Sch. 2 para. 6\(b\)](#)
- reg. 6 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- reg. 6(4) words omitted by [S.I. 2019/535 Sch. 2 para. 8\(a\)](#)
- reg. 6(4)(a)(b) substituted by [S.I. 2019/535 Sch. 2 para. 8\(b\)](#)
- reg. 7 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)
- reg. 7-10 omitted by [S.I. 2019/535 Sch. 2 para. 9](#)
- reg. 8 coming into force by [S.I. 1999/3323 reg. 1\(1\)](#)

- reg. 8(2) substituted by S.I. 2010/1088 reg. 6(b)
- reg. 9 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 10 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 11 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 12 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 12 substituted by S.I. 2010/1088 reg. 7
- reg. 13 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 14 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 15 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 16 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 16 omitted by S.I. 2019/535 Sch. 2 para. 11
- reg. 16(5) words inserted by S.I. 2010/1088 reg. 8(b)
- reg. 17 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 17(1)-(8) omitted by S.I. 2019/535 Sch. 2 para. 12
- reg. 17(4)(c) words inserted by S.I. 2010/1088 reg. 9(a)
- reg. 17(4)(f) substituted by S.I. 2010/1088 reg. 9(c)
- reg. 17(5) substituted by S.I. 2010/1088 reg. 9(e)
- reg. 18 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 18 substituted by S.I. 2019/535 Sch. 2 para. 13
- reg. 19 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 20 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 20(1)(4)(5)(10) word substituted by S.I. 2010/1088 reg. 12(a)
- reg. 20(1)(a) words inserted by S.I. 2019/535 Sch. 2 para. 18(b)(i)
- reg. 20(1)(a) words inserted by S.I. 2019/535 Sch. 2 para. 18(b)(ii)
- reg. 20(1)(b) words inserted by S.I. 2019/535 Sch. 2 para. 18(b)(iii)
- reg. 20(4) words inserted by S.I. 2019/535 Sch. 2 para. 18(c)
- reg. 20(5)(a) words inserted by S.I. 2019/535 Sch. 2 para. 18(d)(i)(aa)
- reg. 20(5)(a) words inserted by S.I. 2019/535 Sch. 2 para. 18(d)(i)(bb)
- reg. 20(5)(a) words inserted by S.I. 2019/535 Sch. 2 para. 18(d)(i)(cc)
- reg. 20(5)(b) words inserted by S.I. 2019/535 Sch. 2 para. 18(d)(ii)
- reg. 20(7) substituted by S.I. 2010/1088 reg. 12(b)
- reg. 20(8) word substituted by S.I. 2010/1088 reg. 12(d)
- reg. 21 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 21(1) substituted by S.I. 2010/1088 reg. 13(a)
- reg. 21(1)(a) words inserted by S.I. 2019/535 Sch. 2 para. 19(a)
- reg. 21(1)(b) words inserted by S.I. 2019/535 Sch. 2 para. 19(a)
- reg. 21(4)(9)(6) word substituted by S.I. 2010/1088 reg. 13(c)
- reg. 21(4) words inserted by S.I. 2019/535 Sch. 2 para. 19(b)
- reg. 21(6) words inserted by S.I. 2010/1088 reg. 13(d)
- reg. 21(6) words omitted by S.I. 2010/1088 reg. 13(d)
- reg. 21(7) word substituted by S.I. 2010/1088 reg. 13(f)
- reg. 22 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 22(1)(4) words substituted by S.I. 2010/1088 reg. 15(a)
- reg. 22(2) word substituted by S.I. 2010/1088 reg. 15(b)
- reg. 22(4) word substituted by S.I. 2010/1088 reg. 15(c)
- reg. 22(7) substituted by S.I. 2010/1088 reg. 15(d)
- reg. 23 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 24 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 25 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 25(1)(a) omitted by S.I. 2019/535 Sch. 2 para. 21(a)
- reg. 26 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 27 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 28 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 28(6)(b) words inserted by S.I. 2010/1088 reg. 17
- reg. 29 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 30 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 31 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 31(6)(b) words inserted by S.I. 2010/1088 reg. 18

- reg. 32 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 32 restricted by 2002 c. 22 s. 32Sch. 4
- reg. 33 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 34 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 34(2) omitted by S.I. 2019/535 Sch. 2 para. 22(a)
- reg. 34(3) words omitted by S.I. 2019/535 Sch. 2 para. 22(b)
- reg. 35 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 36 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 36(1) substituted by S.I. 2010/1088 reg. 19
- reg. 36(2) word omitted by S.I. 2019/535 Sch. 2 para. 23(a)
- reg. 36(3) omitted by S.I. 2019/535 Sch. 2 para. 23(b)
- reg. 36(4) words omitted by S.I. 2019/535 Sch. 2 para. 23(c)(i)
- reg. 36(4) words omitted by S.I. 2019/535 Sch. 2 para. 23(c)(ii)
- reg. 37 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 37(4) words substituted by S.I. 2010/1088 reg. 20
- reg. 38 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 38(5) omitted by S.I. 2019/535 Sch. 2 para. 24(a)
- reg. 38(6) words omitted by S.I. 2019/535 Sch. 2 para. 24(b)
- reg. 39 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 39(1)(2)(3) words omitted by S.I. 2010/1088 reg. 21
- reg. 40 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 40(1)(b) words inserted by S.I. 2010/1088 reg. 22
- reg. 41 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 41(2)(a) words substituted by S.I. 2014/386 Sch. para. 9
- reg. 41(2)(b) words substituted by S.R. 2020/4 Sch. para. 14
- reg. 41(3) word substituted by S.I. 2013/1956 Sch. para. 3(a)
- reg. 41(3)(a) words substituted by S.I. 2014/431 Sch. para. 20
- reg. 41(4) word substituted by S.I. 2013/1956 Sch. para. 3(a)
- reg. 41(7)(a) words substituted by S.I. 2009/3348 art. 23Sch. 2
- reg. 42 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 42(1)(a) words inserted by S.I. 2019/535 Sch. 2 para. 25(a)
- reg. 42(3) words inserted by S.I. 2019/535 Sch. 2 para. 25(b)
- reg. 43 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 43(1)(a) words inserted by S.I. 2019/535 Sch. 2 para. 26(a)
- reg. 43(3) words inserted by S.I. 2019/535 Sch. 2 para. 26(b)
- reg. 44 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 44(1) words omitted by S.I. 2019/535 Sch. 2 para. 27(a)(i)
- reg. 44(1) words omitted by S.I. 2019/535 Sch. 2 para. 27(a)(ii)
- reg. 45 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 45(1) words omitted by S.I. 2019/535 Sch. 2 para. 28(a)(i)
- reg. 45(1) words omitted by S.I. 2019/535 Sch. 2 para. 28(a)(ii)
- reg. 46 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 46 substituted by S.I. 2018/26 reg. 2(2)
- reg. 46(1) words inserted by S.I. 2019/535 Sch. 2 para. 30(c)
- reg. 46(1) words omitted by S.I. 2019/535 Sch. 2 para. 30(a)
- reg. 46(1) words omitted by S.I. 2019/535 Sch. 2 para. 30(b)
- reg. 47 coming into force by S.I. 1999/3323 reg. 1(1)
- reg. 47 omitted by S.I. 2019/535 Sch. 2 para. 31
- reg. 48 coming into force by S.I. 1999/3323 reg. 1(1)

**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):**

- Sch. para. 6(3) inserted by S.I. 2010/1088 reg. 25

- Sch. para. 8A inserted by S.I. 2010/1088 reg. 28
- Sch. para. 9(7)(8) inserted by S.I. 2010/1088 reg. 29(b)
- Sch. para. 7(3)(4) substituted for Sch. para. 7(3) by S.I. 2010/1088 reg. 26
- reg. 2(4B)(a) omitted by S.I. 2019/535 Sch. 2 para. 3(d)(i)
- reg. 2(4B)(b) word substituted by S.I. 2019/535 Sch. 2 para. 3(d)(ii)
- reg. 2(4B)(c) word substituted by S.I. 2019/535 Sch. 2 para. 3(d)(ii)
- reg. 16(1A) inserted by S.I. 2010/1088 reg. 8(a)
- reg. 17(4)(dd) inserted by S.I. 2010/1088 reg. 9(b)
- reg. 17(4A) inserted by S.I. 2010/1088 reg. 9(d)
- reg. 17(9) inserted by S.I. 2010/1088 reg. 9(f)
- reg. 18A inserted by S.I. 2010/1088 reg. 10
- reg. 18A(1)(a) words inserted by S.I. 2019/535 Sch. 2 para. 14
- reg. 18A(1)(b) words inserted by S.I. 2019/535 Sch. 2 para. 14
- reg. 19A-19F inserted by S.I. 2010/1088 reg. 11
- reg. 19B(1)(a) and word omitted by S.I. 2019/535 Sch. 2 para. 15
- reg. 19E(1)(a) words substituted by S.I. 2019/535 Sch. 2 para. 16
- reg. 19F omitted by S.I. 2019/535 Sch. 2 para. 17
- reg. 20(A1) inserted by S.I. 2019/535 Sch. 2 para. 18(a)
- reg. 20(7A) inserted by S.I. 2010/1088 reg. 12(c)
- reg. 21(1A) inserted by S.I. 2010/1088 reg. 13(b)
- reg. 21(1A)(a) words inserted by S.I. 2019/535 Sch. 2 para. 19(b)
- reg. 21(6A) inserted by S.I. 2010/1088 reg. 13(e)
- reg. 21A inserted by S.I. 2010/1088 reg. 14
- reg. 21A(1)(a) omitted by S.I. 2019/535 Sch. 2 para. 20(a)(i)
- reg. 21A(1)(c) words omitted by S.I. 2019/535 Sch. 2 para. 20(a)(ii)
- reg. 21A(3) word omitted by S.I. 2019/535 Sch. 2 para. 20(b)
- reg. 21A(10)(c)(i) omitted by S.I. 2019/535 Sch. 2 para. 20(c)(i)
- reg. 21A(10)(c)(iii) words omitted by S.I. 2019/535 Sch. 2 para. 20(c)(ii)
- reg. 25(1A) inserted by S.I. 2010/1088 reg. 16
- reg. 25(1A)(a) omitted by S.I. 2019/535 Sch. 2 para. 21(b)
- reg. 27(2A) inserted by S.I. 2014/386 Sch. para. 7
- reg. 27(2B) inserted by S.R. 2020/4 Sch. para. 12
- reg. 27A inserted by S.I. 2014/386 Sch. para. 8
- reg. 27B inserted by S.R. 2020/4 Sch. para. 13
- reg. 41(7A) inserted by S.I. 2004/2518 reg. 2
- reg. 41(7A) words substituted by S.I. 2009/3348 art. 22Sch. 1
- reg. 41(9) inserted by S.I. 2013/1956 Sch. para. 3(b)
- reg. 44-45A substituted for reg. 44 by S.I. 2010/1088 reg. 23
- reg. 44(4)-(7) omitted by S.I. 2019/535 Sch. 2 para. 27(b)
- reg. 45(4)-(7) omitted by S.I. 2019/535 Sch. 2 para. 28(b)
- reg. 45A(1) substituted by S.I. 2019/535 Sch. 2 para. 29(a)
- reg. 45A(2)(a) words inserted by S.I. 2019/535 Sch. 2 para. 29(b)
- reg. 45A(3) word substituted by S.I. 2019/535 Sch. 2 para. 29(c)
- reg. 45A(3A) inserted by S.I. 2019/535 Sch. 2 para. 29(d)
- reg. 45A(4) omitted by S.I. 2019/535 Sch. 2 para. 29(e)
- reg. 45A(5) substituted by S.I. 2019/535 Sch. 2 para. 29(f)
- reg. 46A inserted by S.I. 2004/2326 reg. 53
- reg. 46A substituted by S.I. 2009/2401 reg. 40
- reg. 46A(1) words substituted by S.I. 2019/685 Sch. 3 para. 19(a)
- reg. 46A(2) substituted by S.I. 2019/685 Sch. 3 para. 19(b)
- reg. 46B inserted by S.I. 2006/2059 reg. 42