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STATUTORY INSTRUMENTS

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**1999 No. 3323**

**The Transnational Information and  
Consultation of Employees Regulations 1999**

**PART X**

**TRANSITIONALS**

**Transitionals: special negotiating body**

**47.**—(1) Where immediately before the date on which these Regulations come into force—

- (a) a special negotiating body has been validly requested or established under the provisions of the law or practice of a Member State other than the United Kingdom which is designed to give effect to the Transnational Information and Consultation Directive;
- (b) no Article 6 agreement is in force; and
- (c) no Article 7 European Works Council has been established—

paragraphs (2) and (3) shall apply.

(2) Where the central management is situated in the United Kingdom these Regulations shall apply, with the modifications specified in paragraphs (4) to (6), as if a valid request had been made under regulation 9 and, where appropriate, as if the special negotiating body had been established under these Regulations.

(3) Where the central management is not situated in the United Kingdom the regulations referred to in regulation 4(2) shall apply with the modifications specified in paragraphs (5) and (6) of this regulation.

(4) Regulation 12 shall apply in respect of the composition of the special negotiating body only to the extent that it determines the number of UK members on the special negotiating body but shall not affect in any way the number of non-UK members on the special negotiating body.

(5) Where, as a result of the implementation of the Extension Directive by a Member State (including the United Kingdom) there are required to be UK members on the special negotiating body and immediately before the date on which these Regulations come into force—

- (a) no person has been designated to attend meetings of the special negotiating body as a representative of employees in the United Kingdom; or
- (b) one or more persons have been designated to attend meetings of the special negotiating body as a representative of employees in the United Kingdom,

then in the case mentioned in sub-paragraph (a), the UK members of the special negotiating body shall be elected or appointed in accordance with regulations 13 to 15, and in the case mentioned in sub-paragraph (b), the person or persons shall be treated as from the date on which these Regulations come into force as a UK member of the special negotiating body who has been elected or appointed in accordance with regulations 13 to 15.

(6) Where the number of persons referred to in paragraph (5)(b) is—

- (a) in a case where regulation 12 applies, less than the number of UK members of the special negotiating body required by that regulation, or
- (b) in a case where regulation 12 does not apply, less than the number of UK members of the special negotiating body required by the provisions of the law or practice of the Member State under which the special negotiating body was established,

the additional number of UK members of the special negotiating body needed to secure compliance with regulation 12 or, as the case may be, the law or practice of the Member State referred to in sub-paragraph (b) of this paragraph shall be elected or appointed in accordance with regulations 13 to 15.

### **Transitionals: Article 7 European Works Councils**

**48.**—(1) Where, immediately before the date on which these Regulations come into force, a European Works Council has been established under the provisions of the law or practice of a Member State other than the United Kingdom, which are designed to give effect to Article 7 of, and the Annex to, the Transnational Information and Consultation Directive, paragraphs (2) and (3) shall apply.

(2) Where the central management is situated in the United Kingdom and regulation 43(1)(a) or 43(1)(b) applies these Regulations shall apply with the modifications specified in paragraphs (4) to (6) as if the European Works Council had been established under these Regulations.

(3) Where the central management is not situated in the United Kingdom, or is situated in the United Kingdom but neither regulation 43(1)(a) nor 43(1)(b) applies, the regulations referred to in regulation 4(2) shall apply with the modifications specified in paragraphs (5) and (6) of this regulation.

(4) Paragraph 2 of the Schedule shall apply in respect of the composition of the European Works Council only to the extent that it determines the number of UK members on the European Works Council but shall not affect in any way the number of non-UK members on the European Works Council.

(5) Where, as a result of the implementation of the Extension Directive by a Member State (including the United Kingdom), there are required to be UK members on the European Works Council and immediately before the date on which these Regulations come into force—

- (a) no person has been designated to attend meetings of the European Works Council as a representative of employees in the United Kingdom; or
- (b) one or more persons have been designated to attend meetings of the European Works Council as a representative of employees in the United Kingdom,

then in the case mentioned in sub-paragraph (a), the UK members of the European Works Council shall be appointed or elected in accordance with paragraphs 3 to 5 of the Schedule, and in the case mentioned in sub-paragraph (b), the person or persons shall be treated as from the date on which these Regulations come into force as a UK member of the European Works Council who has been elected or appointed in accordance with paragraphs 3 to 5 of the Schedule.

(6) Where the number of persons referred to in paragraph (5)(b) is—

- (a) in a case where paragraph 2 of the Schedule applies, less than the number of UK members of the European Works Council required by that paragraph; or
- (b) in a case where paragraph 2 of the Schedule does not apply, less than the number of UK members of the European Works Council required by the law or practice of the Member State under which the European Works Council was established,

the additional number of UK members needed to secure compliance with paragraph 2 or, as the case may be, the law or practice of the Member State referred to in sub-paragraph (b) of this paragraph shall be elected or appointed in accordance with paragraphs 3 to 5 of the Schedule.