

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The European Public Limited-Liability Company (Employee Involvement) (Great Britain) Regulations 2009. 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](#)

SCHEDULE

STANDARD RULES ON EMPLOYEE INVOLVEMENT

PART 3

STANDARD RULES FOR PARTICIPATION

12.—(1) In the case of an SE established by transformation, if the rules of a Member State relating to employee participation in the administrative or supervisory body applied before registration, all aspects of employee participation continue to apply to the SE.

(2) Paragraph 13 applies to that end with the necessary modifications.

13.—(1) In the case where—

(a) an SE is established otherwise than by transformation, and

(b) the employees or their representatives of at least one of the participating companies had participation rights,

the representative body has the right to elect, appoint, recommend or oppose the appointment of a number of members of the administrative or supervisory body of the SE.

(2) Their number must be equal to the highest proportion in force in the participating companies concerned before the registration of the SE.

14.—(1) The representative body must decide on the allocation of seats within the administrative or supervisory body.

(2) In doing so, the representative body must take into account the proportion of employees of the SE employed in each EEA state.

(3) If the employees of one or more EEA states are not covered by that proportional criterion, the representative body, in making its decision under sub-paragraph (1), must appoint a member from one of those EEA states including one from the EEA state in which the SE is registered, if appropriate.

(4) Every member of the administrative body or, where appropriate, the supervisory body of the SE who has been elected, appointed or recommended by the representative body or the employees is to be a full member with the same rights and obligations as the members representing shareholders, including the right to vote.

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Changes and effects yet to be applied to :

- Regulations applied by Regulation (EC) No. 2157/2001, Art. 1(4) (as substituted) by [S.I. 2018/1298 reg. 98\(c\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 12(4) (as amended) by [S.I. 2018/1298 reg. 107\(b\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 40(2) (as amended) by [S.I. 2018/1298 reg. 113\(b\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 43(2) (as amended) by [S.I. 2018/1298 reg. 115\(b\)\(iv\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 52(b) (as amended) by [S.I. 2018/1298 reg. 122\(a\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art. 9(1)(c)(i) (as substituted) by [S.I. 2018/1298 reg. 104\(a\)\(ii\)](#)
- Regulations applied by Regulation (EC) No. 2157/2001, Art.AA1 (as inserted) by [S.I. 2018/1298 reg. 97](#)

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):

- reg. 3(2A) inserted by [S.I. 2018/1298 reg. 49\(c\)](#)
- reg. 17(4)(d) inserted by [S.I. 2018/1298 reg. 52\(c\)\(iii\)](#)
- reg. 20(3)(b) words substituted by [S.I. 2018/1298 reg. 54\(b\)](#)
- reg. 24(1)(aa) inserted by [S.I. 2018/1298 reg. 57\(a\)](#)
- reg. 41(2A) inserted by [S.I. 2018/1298 reg. 64\(b\)](#)