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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 5**

**STANDARD RULES ON EMPLOYEE INVOLVEMENT**

**Standard rules on employee involvement**

**19.**—(1) Where this regulation applies, the competent organ of the SE and its subsidiaries and establishments must make arrangements for the involvement of employees of the SE and its subsidiaries and establishments in accordance with the standard rules on employee involvement.

This paragraph is without prejudice to paragraph (3).

(2) This regulation applies in the following circumstances—

- (a) where the parties agree that the standard rules on employee involvement are to apply; or
- (b) where the period specified in regulation 14(3)(a) or, where applicable, (b) has expired without the parties reaching an employee involvement agreement and—
  - (i) the competent organs of each of the participating companies agree that the standard rules on employee involvement are to apply and so continue with the registration of the SE, and
  - (ii) the special negotiating body has not taken any decision under regulation 17(1) either not to open, or to terminate, the negotiations referred to in that regulation.

(3) The standard rules set out in Part 3 of the Schedule to these Regulations (standard rules on participation) apply only in the following circumstances—

- (a) in the case of an SE established by merger if, before registration of the SE, one or more forms of participation existed in at least one of the participating companies and either—
  - (i) that participation applied to at least 25% of the total number of employees of the participating companies employed in the EEA states, or
  - (ii) that participation applied to less than 25% of the total number of employees of the participating companies employed in the EEA states but the special negotiating body has decided that the standard rules on participation will apply to the employees of the SE; or
- (b) in the case of an SE established by formation of a holding company or subsidiary company if, before registration of the SE, one or more forms of employee participation existed in at least one of the participating companies and either—
  - (i) that participation applied to at least 50% of the total number of employees of the participating companies employed in the EEA states, or
  - (ii) that participation applied to less than 50% of the total number of employees of the participating companies employed in the EEA states but the special negotiating body

has decided that the standard rules on participation will apply to the employees of the SE.

(4) Where—

(a) the standard rules on participation apply, and

(b) more than one form of employee participation exists in the participating companies,

the special negotiating body must decide which of the existing forms of participation is to exist in the SE and must inform the competent organs of the participating companies accordingly.