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## Labour Code

- Legislative Part (Articles L1 to L8331-1)
  - Part Two: Collective labour relations (Articles L2111-1 to L2632-2)
    - Book III: Employee representative bodies (Articles L2301-1 to L23-115-1)
      - Title IV: European Works Council or information and consultation procedure in Community-scale companies (Articles L2341-1 to L2346-1)

### Chapter I: Scope and implementation. (Articles L2341-1 to L2341-12)

#### Article L2341-1

Amended by Law n°2012-387 of 22 March 2012 - art. 43

For the purposes of this Title, a Community-scale undertaking shall mean an undertaking or body which employs at least 1 000 employees in the Member States of the European Community or of the European Economic Area and which has at least one establishment employing at least 150 employees in at least two of those States.

#### Article L2341-2

Amended by Law n°2012-387 of 22 March 2012 - art. 43

For the purposes of this Title, a Community-scale group of undertakings shall mean a group, within the meaning of Article L. 2331-1, which satisfies the conditions as to staff numbers and activity set out in Article L. 2341-1 and which comprises at least one undertaking employing at least 150 employees in at least two of the States mentioned in that same Article.

#### Article L2341-3

The provisions of this Title shall apply :

1° To the Community-scale undertaking or group of undertakings whose registered office or that of the dominant undertaking is located in France ;

2° A Community-scale undertaking or group of undertakings whose registered office or that of the dominant undertaking is in a State other than those mentioned in Article L. 2341-1 and which has appointed a representative in France for the application of the provisions of this Title;

3° A Community-scale undertaking or group of undertakings whose registered office or that of the dominant undertaking is located in a State other than those mentioned in Article L. 2341-1, which has not appointed a representative in any of these States and whose establishment or undertaking which employs the greatest number of employees within these States is located in France.

#### **Article L2341-4**

A European Works Council or an information and consultation procedure shall be set up in Community-scale undertakings or groups of undertakings in order to guarantee employees' right to information and consultation at European level.

#### **Article L2341-5**

For the purposes of this Title, a dominant undertaking shall be understood to mean a dominant undertaking within the meaning of Article L. 2331-1.

#### **Article L2341-6**

##### **Modified by Order n°2011-1328 of 20 October 2011 - art. 1**

The consultation provided for in this Title shall consist in the head of the undertaking or the parent undertaking of the Community-scale group of undertakings or any other more appropriate level of management organising an exchange of views and establishing a dialogue with the employees' representatives at a time, in such a way and with such content as to enable them to express, on the basis of the information provided and within a reasonable time, an opinion on the measures which are the subject of the consultation, which may be taken into account within the Community-scale undertaking or group of undertakings, without prejudice to the responsibilities of the employer.

#### **Article L2341-7**

##### **Creation Ordinance n°2011-1328 of 20 October 2011 - art. 1**

The information provided for in this Title shall consist of the transmission of information by the head of the undertaking or the parent undertaking of the Community-scale group of undertakings or any other more appropriate level of management to the employees' representatives in order to enable them to acquaint themselves with the subject under consideration and to examine it. The information shall be provided at an appropriate time, in an appropriate manner and with an appropriate content, so as to enable employees' representatives to make an in-depth assessment of the possible impact of the information and to prepare, where necessary, for consultations with the head of the undertaking or the parent undertaking of the Community-scale group of undertakings or any other more appropriate level of management.

## **Article L2341-8**

### **Creation Ordinance n°2011-1328 of 20 October 2011 - art. 1**

The competence of the European works council or the procedure mentioned in article L. 2341-4 concerns transnational issues. These are considered to be matters which concern the whole of the Community-scale undertaking or group of undertakings or at least two undertakings or establishments of the undertaking or group situated in two Member States.

## **Article L2341-9**

### **Creation Ordinance n°2011-1328 of 20 October 2011 - art. 1**

The information and consultation of the European Works Council shall be coordinated with those of the other employee representative bodies mentioned in this Book and those set up in accordance with the law of the Member State in which the undertaking or establishment is located, in accordance with their respective powers and areas of activity.

When the European Works Council is set up in the absence of an agreement or when the agreement does not provide for the articulation procedures referred to in 4° of Article L. 2342-9 and in the case where decisions likely to lead to significant changes in the organisation of work or in employment contracts are envisaged, the information and consultation process is carried out both within the European Works Council and within the national institutions representing the personnel

## **Article L2341-10**

### **Creation Ordinance n°2011-1328 of 20 October 2011 - art. 1**

If significant changes occur in the structure of the Community-scale undertaking or group of undertakings, either in the absence of provisions provided for by the agreement(s) in force or in the event of conflicts between the provisions of two or more applicable agreements, the head of the dominant undertaking or undertaking of the Community-scale group of undertakings shall initiate the negotiations referred to in Article L. 2342-1 on his own initiative or at the written request of at least one hundred employees or their representatives from at least two undertakings or establishments located in at least two different States referred to in Article L. 2341-1. 2342-1 on his own initiative or at the written request of at least one hundred employees or their representatives, from at least two undertakings or establishments located in at least two different States mentioned in Article L. 2341-1.

A special negotiating body shall be composed of the members appointed in application of Articles L. 2344-2 to L. 2344-6 and at least three members of the existing European Works Council or of each of the existing European Works Councils.

The existing European Works Council(s) shall continue to function for the duration of such negotiations, in accordance with arrangements which may be adapted by agreement between the members of the European Works Council(s) and the head of the Community-scale undertaking or group of undertakings.

NOTE:

In accordance with Article 5 of Ordinance No. 2011-1328 of 20 October 2011, the following are not subject to the provisions of Title IV of Book III of Part Two of this Code as amended by the said Ordinance: I. Except in the case provided for by Article L. 1. Except in the case provided for by Article L. 2341-10: 1° Agreements applicable to all employees providing for bodies or other arrangements for information, exchange of views and dialogue at Community level mentioned in Article 5 of the aforementioned Act of 12 November 1996; 2° Agreements applicable to all employees providing for bodies or other arrangements for information, exchange of views and dialogue at Community level mentioned in Article 2 of the aforementioned Order of 22 February 2001; 3° Agreements concluded in accordance with Article L. The same applies if, when the agreements mentioned in 1°, 2° and 3° expire, the signatory parties jointly decide to renew or revise them. - In the case provided for by Article L. 2341-10, the provisions of Title IV of Book III of Part Two of this Code in their wording resulting from the aforementioned Act of 12 November 1996 continue to apply to the agreements mentioned in 3° of I above.

## **Article L2341-11**

### **Creation Ordinance n°2011-1328 of 20 October 2011 - art. 1**

By way of derogation from Articles L. 2341-6 and L. 2341-7, the head of the undertaking or the dominant undertaking in the Community-scale group of undertakings which launches a takeover bid for the capital of an undertaking shall not be obliged to refer the matter to the European Works Council or to the employees' representatives as part of an information and consultation procedure prior to such launch.

On the other hand, it shall convene the European Works Council or the employees' representative body as soon as possible after the publication of the bid to enable its members to be present in order to provide them with precise written information on the content of the bid and on the consequences for employment which it is likely to entail.

## **Article L2341-12**

### **Creation LOI n°2015-994 of 17 August 2015 - art. 17**

The use of video-conferencing to convene the European Works Council may be authorised by agreement between the head of the parent undertaking of the group and the employee representatives sitting on the council. In the absence of an agreement, this use is limited to three meetings per calendar year. A decree determines the conditions under which the European Works Council may, in this context, proceed to a secret ballot.

## **Chapter II: Information and consultation committee or procedure instituted by agreement (Articles L2342-1 to L2342-12)**

### **Section 1: Special negotiating body. (Articles L2342-1 to L2342-8)**

#### **Article L2342-1**

The head of the dominant undertaking or undertaking of the Community-scale group of undertakings shall set up a special negotiating body composed of representatives of all the employees, in accordance with the provisions of Article L. 2344-1, with a view to concluding an agreement intended to implement the employees' right to information and consultation at European level.

#### **Article L2342-2**

The special negotiating body shall determine with the employer, by means of a written agreement, on the one hand, the undertakings or establishments concerned and, on the other hand, either the composition, powers and term of office of the European Works Council(s) or the arrangements for implementing an information and consultation procedure.

#### **Article L2342-3**

**Modified by Order n°2011-1328 of 20 October 2011 - art. 2**

The employer initiates the procedure for the constitution of the special negotiation body when the number of employees mentioned in Article L. 2341-1 is reached on average over the whole of the previous two years.

The calculation of the workforce is carried out in accordance with the provisions of Article L. 1111-2 for companies or establishments located in France and in accordance with national law in other States.

The persons responsible for obtaining and transmitting to the employees and their representatives mentioned in Article L. 2342-4 the information essential to the opening of the negotiations mentioned in Article L. 2342-1, in particular information relating to the structure of the company or the group and its workforce, are :

1° Any manager of an enterprise or the dominant enterprise of a Community-scale group of enterprises ;

2° Any manager of an enterprise belonging to a Community-scale group of enterprises ;

3° Any head of an establishment of a Community-scale undertaking or belonging to a Community-scale group of undertakings ;

4° In the absence of a representative in France designated in application of 2° of Article L. 2341-3, the head of the establishment of the Community-scale undertaking or the head of the dominant undertaking of the Community-scale group of undertakings mentioned in 3° of this article.

#### **Article L2342-4**

If the employer does not take the initiative, the procedure for setting up the special negotiating body is initiated at the written request of one hundred employees or their representatives, from at least two undertakings or establishments located in at least two different States mentioned in Article L. 2341-1.

No employee may be sanctioned or dismissed for exercising this right of initiative. Any decision or act to the contrary shall be null and void.

### **Article L2342-5**

**Modified by Order n°2011-1328 of 20 October 2011 - art. 2**

The head of the dominant undertaking or undertaking in the Community-scale group of undertakings shall invite and convene the special negotiating body to a meeting.

It shall inform the heads of the establishments of the undertaking or the heads of the undertakings in the Community-scale group of undertakings and the European employers' and employees' organisations consulted by the European Commission of the composition of the special negotiating body and of the start of the negotiations.

Before and after meetings with the head of the Community-scale undertaking or of the dominant undertaking in the Community-scale group of undertakings, the special negotiating body may meet, using the necessary means appropriate to communication between its members, without the presence of representatives of the head of the Community-scale undertaking or of the dominant undertaking in the Community-scale group of undertakings.

### **Article L2342-6**

Time spent in meetings by members of the special negotiating body shall be considered as time worked and paid at the normal rate.

The expenses necessary for the proper performance of the task of the special negotiating body shall be borne by the undertaking or the leading undertaking in the group of undertakings.

### **Article L2342-7**

**Modified by Order n°2011-1328 of 20 October 2011 - art. 2**

In order to negotiate, the special negotiating body may be assisted by experts of its choice, including representatives of the European employees' organisations mentioned in Article L. 2342-5.

Experts and representatives of the abovementioned organisations may, at the request of the special negotiating body, attend the negotiating meetings in an advisory capacity.

The undertaking or the leading undertaking in the Community-scale group of undertakings shall bear the costs of the expert's intervention.

#### **Article L2342-8**

The decision to conclude an agreement shall be taken by the special negotiating body by a majority of its members.

The panel may decide, by at least two-thirds of the votes cast, not to open negotiations or to terminate negotiations already under way. In this case, a new request for the establishment of a special negotiating body may not be made until two years after this decision, unless the parties concerned set a shorter deadline.

The group shall cease to exist when an information and consultation procedure or a European Works Council is set up, or if it decides to terminate negotiations under the conditions laid down in the second paragraph.

### **Section 2: European Works Council set up by agreement. (Articles L2342-9 to L2342-10-2)**

#### **Article L2342-9**

**Modified by Order n°2011-1328 of 20 October 2011 - art. 2**

Where it opts to establish a European Works Council, the special negotiating body shall conclude an agreement which shall determine :

- 1° The establishments of the Community-scale undertaking or the member undertakings of the Community-scale group of undertakings concerned by the agreement ;
- 2° The composition of the European Works Council, in particular the number of its members, the distribution of seats in order to take into account the need for balanced representation of employees according to activities, categories of employees and gender, and the duration of the mandate;
- 3° The powers of the European works council and the procedures for information and consultation within it;
- 4° The arrangements for linking the information and consultation of the European Works Council with those of the other staff representative bodies mentioned in this book and those set up under the law of the Member State in which the undertaking or establishment is located, in accordance with their respective competences and areas of intervention;
- 5° The place, frequency and duration of the meetings of the European Works Council;

6° Where appropriate, the composition, the methods of appointment, the powers and the methods of meeting of the bureau set up within the European Works Council;

7° The material and financial means allocated to the European works council ;

8° The date of entry into force of the agreement and its duration, the manner in which the agreement may be amended or terminated, as well as the cases in which the agreement must be renegotiated and the procedure for its renegotiation, in particular when changes occur in the structure of the Community-scale undertaking or group of undertakings.

#### **Article L2342-10**

The members of the European Works Council set up by agreement and the experts assisting them shall be required to :

1° to professional secrecy in all matters relating to manufacturing processes ;

2° An obligation of discretion with regard to information of a confidential nature and given as such by the employer.

#### **Article L2342-10-1**

##### **Creation Ordinance n°2011-1328 of 20 October 2011 - art. 2**

The members of the European Works Council set up by agreement shall inform the staff representatives of the establishments or undertakings of a Community-scale group of undertakings or, in the absence of representatives, all the employees of the content and results of the information and consultation procedure implemented, in compliance with the provisions relating to professional secrecy and the obligation of discretion mentioned in Article L. 2342-10.

#### **Article L2342-10-2**

##### **Creation Ordinance n°2011-1328 of 20 October 2011 - art. 2**

The members of the European Works Council set up by agreement shall benefit without loss of salary from the training necessary for the exercise of their mandate under the conditions determined by the agreement.

### **Section 3: Information and consultation procedure instituted by agreement. (Articles L2342-11 to L2342-12)**

#### **Article L2342-11**

Where, instead of setting up a European Works Council, the special negotiating body opts for the establishment of one or more information and consultation



procedures, the agreement shall lay down the arrangements by which the employees' representatives may meet for consultation on information communicated to them, in particular on transnational issues substantially affecting the interests of employees.

#### **Article L2342-12**

The employees' representatives within the framework of an information and consultation procedure, as well as the experts who assist them, are required to :

1° to professional secrecy in all matters relating to manufacturing processes ;

2° An obligation of discretion with regard to information of a confidential nature and given as such by the employer.

### **Chapter III: Committee set up in the absence of an agreement (Articles L2343-1 to L2343-19)**

#### **Section 1: Establishment. (Article L2343-1)**

##### **Article L2343-1**

A European Works Council shall be established in accordance with the provisions of this Chapter in the following cases :

1° When the head of the company or of the dominant Community-scale company refuses to set up a special negotiating body or to open negotiations within six months of receiving the request provided for in Article L. 2342-4 ;

2° When the special negotiation body has not concluded an agreement within three years from the receipt of the request provided for in Article L. 2342-4 or from the initiative taken by the management of the company or group, without prejudice to the provisions of Article L. 2342-8.

The European Works Council shall be constituted and convened at the latest at the end of a period of six months following the expiry of the terms of six months or three years, mentioned in 1° and 2°.

#### **Section 2: Powers. (Articles L2343-2 to L2343-4)**

##### **Article L2343-2**

**Modified by Order n°2011-1328 of 20 October 2011 - art. 3**

The European Works Council shall meet at least once a year.

In particular, it shall be informed about :

- 1° The structure of the company or group of companies ;
- 2° Its economic and financial situation ;
- 3° The probable evolution of its activities;
- 4° Production and sales;
- 5° The situation and probable evolution of employment ;
- 6° Investments ;
- 7° Substantial changes concerning the organization, the introduction of new working methods or new production processes;
- 8° Production transfers ;
- 9° Mergers;
- 10° The reduction in size or closure of enterprises, establishments or significant parts thereof;
- 11° Collective redundancies.

### **Article L2343-3**

**Modified by Order n°2011-1328 of 20 October 2011 - art. 3**

At least once a year, the European Works Council is consulted during a meeting on a report related to the 5th to the 11th degree of article L. 2343-2.

The consultation shall be carried out in such a way as to enable the employee representatives to meet with the employer and to obtain a reasoned response to any opinion they may express.

### **Article L2343-4**

**Modified by Order n°2011-1328 of 20 October 2011 - art. 3**

When exceptional circumstances arise or decisions are taken which considerably affect the interests of the employees, in particular in the case of relocation, closure of undertakings or establishments or collective redundancies, the board mentioned in Article L. 2343-7 or, if there is no such board, the European Works Council, is informed.

The board or committee shall meet with the employer at its request in order to be informed and consulted on measures that significantly affect the interests of the employees.

The members of the European Works Council elected or appointed by the establishments or undertakings directly affected by the measures in question shall also have the right to attend the meeting of the bureau.

This meeting shall take place as soon as possible, on the basis of a report drawn up by the head of the undertaking. An opinion may be issued at the end of the meeting or within a reasonable period of time on this report.

This meeting does not affect the prerogatives of the head of the company.

For the application of these provisions, the employer may be replaced by his representative or any other manager at a more appropriate level within the Community-scale undertaking or group of undertakings with decision-making powers.

## **Section 3: Composition. (Articles L2343-5 to L2343-6)**

### **Article L2343-5**

**Modified by Order n°2011-1328 of 20 October 2011 - art. 3**

The European Works Council is composed of :

1° The head of the undertaking or the dominant undertaking of the Community-scale group, assisted by two persons of his choice in an advisory capacity;

2° Staff representatives of the establishments of the undertaking or undertakings constituting the Community-scale group.

The head of the Community-scale undertaking or group of undertakings and any other appropriate level of management shall be informed of the appointment of the employees' representatives on the European Works Council.

#### **Article L2343-6**

Changes in the composition of the European Works Council resulting from changes in the structure or size of the Community-scale undertaking or group of undertakings may be decided by agreement within the European Works Council between the employer and the employees' representatives.

### **Section 4: Operation. (Articles L2343-7 to L2343-19)**

#### **Article L2343-7**

**Modified by Order n°2011-1328 of 20 October 2011 - art. 3**

The European Works Council shall have legal personality.

It shall be chaired by the head of the undertaking or of the dominant undertaking of the Community-scale group.

The committee shall appoint a secretary.

It elects a bureau of a maximum of five members, which is provided with the material conditions necessary to carry out its activities on a regular basis.

#### **Article L2343-8**

The European Works Council shall adopt rules of procedure which shall lay down its operating procedures.

The rules of procedure may provide for the consideration of the effects on the European Works Council of changes in the structure or size of the Community-scale undertaking or group of undertakings. Such changes may be discussed at the annual meeting of the committee.

#### **Article L2343-9**

The annual meeting of the European Works Council shall be convened by its chairman on the basis of a report drawn up by him.

This report shall describe the development of the activities of the Community-scale undertaking or Community-scale group of undertakings and its prospects.

The directors of the establishments or the heads of the companies in the group are informed of this report.

#### **Article L2343-10**

The agenda for the annual meeting of the European Works Council shall be drawn up by the Chairman and the Secretary. It shall be communicated to the members of the committee at least fifteen days before the meeting.

In the absence of agreement on the content of the agenda, it shall be set by the Chairman and communicated to the members of the Committee at least ten days before the date of the meeting.

#### **Article L2343-11**

Before the meetings, the employees' representatives on the European Works Council or the bureau, if necessary enlarged in accordance with Article L. 2343-4, may meet without the presence of the representatives of the undertaking's management.

#### **Article L2343-12**

**Modified by Order n°2011-1328 of 20 October 2011 - art. 3**

The staff delegation of the European Works Council shall inform the representatives of the employees of the establishments or undertakings of a Community-scale group of undertakings or, where there are no representatives, all the employees, of the content and outcome of the information and consultation procedure carried out in accordance with the provisions of this Chapter, while respecting the provisions relating to professional secrecy and the obligation of discretion.

#### **Article L2343-13**

The European Works Council and its officers may be assisted by experts of their choice.

The undertaking or the leading undertaking in the Community-scale group of undertakings shall bear the costs of the expert's intervention.

#### **Article L2343-14**

The operating expenditure of the European Works Council shall be borne by the undertaking or the leading undertaking in the Community-scale group of undertakings.

The members of the Committee shall be provided with the material or financial means necessary for the performance of their duties.

In particular, unless otherwise agreed, the company shall bear the costs of organising meetings and interpreting, as well as the subsistence and travel expenses of the members of the committee and the bureau.

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### **Article L2343-15**

The employer shall allow the secretary and the officers of the European Works Council the time necessary for the performance of their duties up to a limit which, save in exceptional circumstances, may not exceed 120 hours per year for each of them.

This time shall be considered as working time and paid at the normal time.

The time spent by the secretary and the officers at committee meetings and bureau meetings shall not be deducted from the 120 hours.

The employer who intends to contest the use made of the time thus allocated shall refer the matter to the judicial judge.

### **Article L2343-16**

Time spent in meetings by members of the European Works Council shall be regarded as working time and paid at the normal rate.

### **Article L2343-17**

The documents sent to the employee representatives include a French version.

### **Article L2343-18**

Four years after the establishment of the European Works Council in the cases provided for by Article L. 2343-1, the latter shall examine whether it is appropriate to renew it or to start negotiations with a view to concluding the agreement mentioned in Articles L. 2342-2 and L. 2342-9.

In the latter case, the members of the committee shall form the special negotiating body empowered to conclude the agreement referred to in the first paragraph.

The employer shall convene a meeting for this purpose within six months of the end of four years.

The Committee shall remain in office until renewed or replaced.

### **Article L2343-19**

When a group of undertakings has set up a European works council, the agreement mentioned in article L. 2342-2 or an agreement made within the group can decide on an arrangement of the conditions of functioning of the group council.

The entry into force of the agreement is subject to a favourable vote of the Group Works Council.

## **Chapter IV: Provisions common to the special negotiating body and the committee set up in the absence of an agreement (Articles L2344-1 to L2344-9)**

### **Section 1: Distribution of seats. (Article L2344-1)**

#### **Article L2344-1**

The number of seats in the special negotiation body and in the European works council set up in the absence of an agreement, as well as the minimum and maximum number of staff representatives in the European works council set up under the same conditions, are set by decree in the Council of State.

The employer and the employees' representatives may decide to involve in the work of the special negotiation body or the European works council representatives of employees employed in States other than those mentioned in Article L. 2341-1. These associated members do not have the right to vote in the body in question.

### **Section 2: Appointment, election and status of members. (Articles L2344-2 to L2344-9)**

#### **Article L2344-2**

**Modified by Order n°2017-1386 of 22 September 2017 - art. 4**

The members of the special negotiating body and the representatives of the employees of establishments or undertakings located in France on the European Works Council are appointed by the trade unions from among their elected representatives on the social and economic committees or their trade union representatives in the undertaking or group, on the basis of the results of the last elections.

The same applies to the representatives of employees of establishments or undertakings located in France belonging to a Community-scale undertaking or group for the setting up of a special negotiating body or a European works council in a State other than France.

#### **Article L2344-3**

For establishments or companies located in France, the seats are distributed among the colleges in proportion to the numerical importance of each of them.

The seats allocated to each college shall be distributed among the trade union organisations in proportion to the number of elected representatives they have obtained in these colleges, according to the rule of proportional representation with the largest remainder.

#### **Article L2344-4**



For establishments or undertakings located in one of the States mentioned in Article L. 2341-1, other than France, the members of the special negotiation body and the employees' representatives on the European Works Council, set up in application of Article L. 2343-1, are elected or appointed according to the rules or practices in force in these States.

#### **Article L2344-5**

**Modified by Order n°2017-1386 of 22 September 2017 - art. 4**

In the case of a Community-scale undertaking or group of undertakings whose registered office or the headquarters of the parent undertaking is in France, where there is no trade union organisation, the staff representatives on the special negotiating body or the European social and economic committee shall be elected directly in accordance with the rules applicable to the social and economic committee.

#### **Article L2344-6**

**Amended by Law n°2012-387 of 22 March 2012 - art. 43**

For the company or the group of companies with a Community dimension that has to set up a European works council or an information and consultation procedure in one of the States other than France mentioned in article L. 2341-1, the provisions of article L. 2344-5 apply, when there is no trade union organisation, to the establishment or the company located in France with at least fifty employees.

#### **Article L2344-7**

Disputes relating to the appointment of members of the special negotiating body and of representatives to the European works council of employees of establishments or undertakings located in France shall be brought before the courts.

#### **Article L2344-8**

The members of the special negotiating body and the members of the European Works Council set up under the provisions of Article L. 2343-1, as well as the experts who assist them, shall be required to :

- (1) to professional secrecy in all matters relating to manufacturing processes ;
- 2° An obligation of discretion with regard to information of a confidential nature and given as such by the employer.

#### **Article L2344-9**

**Creation Ordinance n°2011-1328 of 20 October 2011 - art. 4**

The members of the special negotiating body and of the European works council set up in the absence of an agreement shall receive, without loss of pay, the training necessary for the exercise of their mandate.

## **Chapter V: Abolition of the committee. (Articles L2345-1 to L2345-2)**

### **Article L2345-1**

When, due to a decrease in the number of employees, the Community-scale undertaking or group of undertakings no longer meets the threshold conditions mentioned in Article L. 2341-1, the European Works Council, whether or not it has been set up by agreement, may be abolished by agreement.

In the absence of an agreement, the administrative authority may authorise the abolition of the committee in the event of a significant and lasting reduction in the number of employees, bringing the workforce below these thresholds.

### **Article L2345-2**

When a group of undertakings has set up a European works council, the agreement mentioned in article L. 2342-2 or an agreement reached within the group may decide to abolish the group council. The entry into force of the agreement is subject to a favourable vote of the group works council.

In case of abolition of the group committee, the provisions of articles L. 2332-1, L. 2332-2 and L. 2334-4 are applicable to the European works council.

## **Chapter VI: Criminal provisions. (Article L2346-1)**

### **Article L2346-1**

**Amended by LAW n°2015-990 of 6 August 2015 - art. 262**

The fact of obstructing either the constitution of a special negotiation group, a European works council or the implementation of an information and consultation procedure, or the free designation of their members, in particular by disregarding articles L. 2342-1 to L. 2342-7 and L. 2343-1, is punishable by one year's imprisonment and a fine of €7,500.

Obstructing their regular operation is punishable by a fine of €7,500.