

CHAPTER IB

WORKERS' RIGHT TO INFORMATION

INFORMATION AND CONSULTATION AT COMMUNITY LEVEL

UNDERTAKINGS AND GROUPS OF UNDERTAKINGS

IN COMPLIANCE WITH

DIRECTIVE 2009/38/EC/6.5.2009

PART A

ADAPTATION TO THE PROVISIONS OF THE DIRECTIVE

2009/38/EC

SECTION A

SUBJECT MATTER - DEFINITIONS

Article 49

Subject matter

(Article 1(1), (2), (3), (4) and (5) of the Directive)

1. In order to improve the right of workers to information and consultation at Community level

undertakings and groups of undertakings in Community-scale undertakings and Directive 2009/38/EC of the European Parliament and of the Council of the European Parliament and of the Council of 6 May 2009 (EE L 122/28/16.5.2009) 'establishing a European Co-European Works Council or procedure in undertakings and groups of undertakings on a Community scale with a view to informing and consulting employees and consulting employees in each Community-scale undertaking or group of undertakings'. European Works Council shall be established in each Community-scale undertaking or group of undertakings.

European Works Council (EWC) or a procedure for informing and a procedure for informing and consulting employees, in accordance with the terms of this Act. The arrangements for informing and consulting employees shall be and consultation of employees shall be established and implemented in a

be established and regulated in such a way as to ensure effectiveness and facilitate their effective implementation. decision-making of the undertaking or group of undertakings.

group of undertakings. Where a Community-scale group of undertakings, when within the meaning of Article 51(1)(c), includes one or more undertakings or groups of undertakings of Community-scale undertakings within the meaning of Article 51(1)(a) or (c), the establishment of a the ERC shall be established at the level of the group, unless the agreements referred to in Article 56, unless the agreements referred to in provide otherwise.

2. Information and consultation of employees consultation with employees shall take place at the appropriate management level and level of representation in accordance with in accordance with the issue

in question. To this end, the responsibility for the competence of the ESRB and the scope of the information procedure.

The scope and scope of the employee information and consultation process, governed by this Act shall be limited to transnational matters.

3. Transnational issues shall be deemed to be transnational issues the whole undertaking or group of undertakings Community-scale undertakings or at least two undertakings or groups of undertakings of the undertaking or group of undertakings, which are located in the same or groups of undertakings or groups of undertakings in two different Member States.

Article 50

Scope of application

(Article 1(6) and (7) of the Directive)

1. Where the agreements to which the Article 56 do not provide for a wider scope, the powers and competences of the European Co- and the scope of the procedures for the adoption of information and consultation of employees and the procedures for informing and consulting and consultation procedures established for the implementation of the objective set out in Article 49(1) concern, for Community-scale undertakings, all establishments and all establishments located in the Member States, and, in the case of for Community-scale undertakings, all establishments and all establishments of the group located in the Member States.

2. The provisions of this Act shall not apply shall not apply to the crews of merchant ships.

Article 51

Definitions

(Article 2 of the Directive)

1. For the purposes of this Act, the following definitions shall apply as:

(a) "'Community-scale undertaking' means any undertaking which employs at least 1,000 workers in the Member States and at least 150 employees in Member States and at least 150 employees in in each of at least two different Member States,

(b) 'group of undertakings' means any group of undertakings which includes 'group of undertakings' means a group of undertakings which includes both controlling and controlled undertakings,

(c) 'Community-scale group of undertakings' means any group of undertakings group of undertakings which fulfils the following conditions the following conditions:

(aa) it employs at least 1 000 employees at least 1 000 employees in the Member States,

(bb) it has at least two member undertakings

(b) the group has at least two members of the group in different Member States; and

(cc) at least one undertaking, a member of the group, a employs at least 150 employees in a Member State Member State and at least one other undertaking, a member of the group, employs at least 150 employees

in another Member State,

(d) 'employees' representatives' means, in order of preference the trade unions representing the employees, in order of priority

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(ii) workers' councils of employees who are

(i) the employees' representatives who have been appointed and operate within them in accordance with

(b) the employees' representative bodies appointed and operated by them in accordance with Law. 1767/1988 'Employees' councils and other employee representative bodies'.

(1) 'Employees' councils and other provisions - Ratification of the 135th International Convention Labour Code (A 63); and (iii) the representatives elected by the employees by direct election in accordance with the provisions of Article 12 of Law No. 12 of the Labour Code. 1264/1982 'For the 'For the democratisation of the trade union movement and guaranteeing the trade union freedoms of workers.

(A 79) and Article 4 of Law No 1264/1998 (A 79). 1767/1988,

(e) 'central administration' means the central administration of the undertaking the central administration of a Community-scale undertaking or, in the case of groups of undertakings for groups of Community-scale undertakings, the controlling undertaking,

(f) 'information' means the transmission of data by the controller information from the employer to the employees' representatives in order to the employees' representatives in order to inform them of the matter in question; and to inform the employee of the matter in question. The briefing shall take place on the appropriate time, in the appropriate manner and in the appropriate the appropriate time, in the appropriate manner and with the appropriate content so that the representatives can employees' representatives to examine in depth the possible consequences and, where appropriate, prepare for the discussions. consultations with the competent body of the undertaking or the or group of Community-scale undertakings,

(g) 'consultation' means the establishment of a dialogue and exchange of and exchange of views between workers' representatives and the central management or any other body more appropriate t managerial level, at a time, in a manner and with a content that gives the possibility for the employees' representatives, by on the basis of the information provided to them, to formulate opinion on the proposed measures, which the consultation, without prejudice to the powers of the competent without prejudice to the powers of the administration, and within a reasonable period of time, which may be taken into account by the undertaking Community-scale undertaking or Community-scale group of undertakings

(a) Community-scale undertaking or a group of undertakings,

(b) "'European Works Council' (EWC), the council established in accordance with Article 49 of the Treaty Article 49(1) or in accordance with the provisions of Section C', for the purpose of implementing the information employees' information and consultation,

(i) 'special negotiating body' (SNB) means the group the special negotiating body set up in accordance with Article 54(2), to negotiate with the central administration to negotiate with the central government on the establishment of an ERC or the establishment of a procedure for the to negotiate a procedure for informing and consulting employees consultation of employees in accordance with Article 49(1).

2. The minimum number of employees shall be determined by shall be determined on the basis of the average number of employees, including the average number of employees, including part-time workers, who employed in the undertaking during the last two years, including part-time workers.

Article 52

Controlling undertaking

(Article 3 of the Directive)

1. For the purposes of this Act, the term 'controlling undertaking' shall be 'controlling undertaking' means an undertaking in a group of undertakings which is of undertakings which may exercise a dominant influence on the influence over another undertaking (controlled undertaking), where that undertaking the case of ownership rights, financial rights or financial participation or other rights which are provided for in their articles of association.

2. The possibility of exercising a dominant influence is presumed to be subject to proof to the contrary, where an undertaking, in relation to another undertaking, directly or indirectly:

(a) holds a majority of the capital covered of the controlled undertaking, or

(b) holds a majority of the voting rights the controlling undertaking holds the majority of the voting rights of the controlled undertaking; or

(c) may appoint more than half of the members of the board of directors or of the management or the or managerial or executive body of the undertaking. In the event of a conflict of laws in the application of the application of this paragraph, where one or more of the following circumstances one or more of the above three (3) cases in different undertakings within a group, the following shall be regarded as controlling. The undertaking which is the controlling undertaking is the undertaking which is subject to the case c) shall be deemed to be the undertaking which is considered to be undertaking exercises a dominant influence.

3. For the purposes of paragraph 2, the voting and appointment rights of the controlling undertaking shall not include the corresponding rights of any controlled undertaking and of any other controlled undertaking. person or entity acting on its behalf, but on behalf of the controlling undertaking or any other person acting on its behalf.

4. By way of derogation from paragraphs 1 and 2, an undertaking shall be a 'controlling undertaking' of another undertaking in which it holds shares, if it is an undertaking referred to in Article 3 paragraph 3. 5(a) or (c) of Regulation (EC) No 139/2004 of 20 January 2004, on the control of concentrations between undertakings.

5. A dominant influence is not presumed to exist merely because the fact that a designated person exercises the functions under the legislation of a Member State in respect of liquidation, bankruptcy, insolvency or insolvency, insolvency, bankruptcy, insolvency, insolvency, insolvency, suspension of payments, composition or any other similar proceedings.

6. In order to determine whether an undertaking is controlled the law of the Member State in which the undertaking is a controlling undertaking shall apply. Member State to which that undertaking is subject. If the law governing the undertaking is not the law Member State, the applicable law shall be the law of the Member State in which the Member State in whose territory it is situated its representative or, where there is no such representative, the law of the Member State in which its person, the law of the Member State in whose territory in the territory of which the central administration of that company is situated. of the head office of the undertaking in the group which employs the largest number of employees.

SECTION B

ESTABLISHMENT OF THE EUROPEAN COUNCIL

OF WORKERS OR ADOPTION OF A PROCEDURE

FOR INFORMING EMPLOYEES

AND CONSULTATION WITH THEM

Article 53

Responsibility for the establishment of a European Works Council or the establishment of a procedure for informing employees; and consultation of employees

(Article 4 of the Directive)

1. The central administration is responsible for the creation of a the conditions and the means to create the conditions and provide the means

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necessary for the establishment of the European Council or the establishment of a procedure for informing the European and consultation, provided for in Article 5(1), (2) and 49(1), in the Community-scale undertaking and the Community-scale undertaking and Community-scale group of undertakings.

2. Where the central administration is not located in a Member State, the responsibility referred to in the preceding paragraph shall be assumed by the representative designated by the central administration in

Member State. If no such representative has been appointed, the responsibility shall be then the management of the establishment or undertaking shall be responsible of the group, which employs the largest number of staff employees in a Member State.

3. For the purposes of this Act, the representative or representatives, or in the absence of representatives, the management, as referred to in the second subparagraph of paragraph 2, shall be deemed to be the central administration.

4. Any management of an undertaking - member of a group of undertakings of a Community-scale group of undertakings, as well as the management within the meaning of the second subparagraph of paragraph 2 shall be centralised or the presumed central administration of the undertaking or of the Community-scale group of undertakings shall be responsible for ensuring and transmitting to the interested parties for the application of this Directive the information necessary for the application of this Act for the purposes of the negotiations provided for in Article 6, and in particular information concerning the structure of the undertaking or group of undertakings and the number of the number of employees. This obligation concerns in particular information on the number of employees by

Article 51(1)(a) and (c) .

Article 54

Special negotiating body

(Article 5(1) and (2) of the Directive)

1 . In order to achieve the objective of Article 49(1)

1, the central administration shall initiate negotiations for the establishment of a European Works Council or the establishment of a procedure for informing and consultation:

(a) on its own initiative; or

(b) at the written request of at least 100 employees or their representatives, who are subject to at least two undertakings or establishments which are at least two undertakings or establishments located in at least two different Member States. The request may be made by the persons concerned, jointly or separately, to the central administration and the establishments to which they belong.

2. To this end, a special negotiating team shall be set up (ERO) in the following manner:

(a) the members of the IOE shall be elected or appointed on a pro rata basis in proportion to the number of workers employed in each Member State by the Community enterprise the Community-scale undertaking or group of Community-scale undertakings Member State, allocating one seat in each Member State to each per portion of the employees employed in that Member State equal to 10 % of the number of employees employed in the total number of Member States or a fraction of that proportion.

(b) Central and local administrations, as well as and the competent European workers' organisations and employers' organisations shall be informed of the composition of the EWC and of the opening of negotiations.

Article 55

Function and tasks of the specialised section negotiating team

(Article 5(3), (4) and (5) of the Directive)

1. The special negotiating body (SNB) is responsible for together with the central administration, to determine, by written agreement, the scope of action, composition, tasks and the duration of the term of office of the European Works Councils or the arrangements for the procedure for informing and consulting employees.

2. In order to conclude the agreement referred to in Article 56, the central administration shall convene a meeting of the NEB. and shall inform the local managements thereof. Before and after each meeting with the central administration, the EDO has the right to meet, with the necessary means for the communication of its members, without the presence of representatives of the central administration. For the purposes of negotiations, the NEO may be assisted in its work by experts of its own choice, which may include representatives of the competent recognised organisations trade union organisations at Community level. The experts and trade union representatives may attend, in an advisory capacity meetings of the negotiations, on the basis of at the request of the ETUC.

3. The NEO shall, by a majority of at least two thirds of the votes cast of two-thirds of the votes, may decide not to open negotiations or not to continue negotiations already under way. The above decision shall terminate the procedure for conclusion of the agreement provided for in Article 56. When such a decision is taken, the provisions of Section C - shall not apply. A new request to convene the NEC may be submitted at the earliest two years after the abovementioned decision, unless the parties concerned agree on a shorter period of time.

4. The central administration shall bear the costs relating to costs of the negotiations referred to in paragraphs 1 and 2, so that the NEO can fulfil its mission its mission in an appropriate manner.

Article 56

Content of the Agreement

(Article 6 of the Directive)

1. The central administration and the special negotiating body shall (SIT) must negotiate in a spirit of cooperation and with a view to reaching agreement on the modalities of the implementation of the information and consultation with employees, provided for in Article 49(1) of this Regulation law.

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2. Without prejudice to the autonomy of the parties, the agreement referred to in paragraph 1 between the central administration and the NAO, shall be in writing and shall contain:

(a) the member undertakings of the Community-scale group or the premises of the undertaking Community-scale undertakings to which the agreement relates,

(b) the composition of the European Works Council (ECSC), the number of members, the distribution of seats, taking into account, as far as possible, the number of members, the number of seats, taking into account, the need for a balanced representation of employees by activity, category of employees and gender, and the duration of the term of office,

(c) the tasks of the ERC and the procedure for informing the and the duties of the European Works Council and its information and consultation the arrangements for linking information and consultation the information and consultation of the ERC and the arrangements for informing and consulting the ERC the national employee representative bodies, respecting the principles referred to in

Article 49(2), -

(d) the place, frequency and duration of the meetings of the ERC, - the date, time and duration of the meetings of the ERC

(e) where appropriate, the composition, the procedure for appointment, the functions and rules of operation of the Committee and the operating and management rules of the restricted composition of the ERC, - -

(f) the financial resources and material means that financial and material resources available to the ERC,

(g) the date of entry into force of the Agreement; and the date of entry into force of the agreement, its duration, the conditions under which it may the conditions under which the agreement may be amended or terminated; and the circumstances in which renegotiation must take place the agreement and the procedure for renegotiating the agreement including, including, where appropriate, the cases in which modifications to the structure of the Community-scale undertaking or group of undertakings.

3. The central administration and the NEO may decide in writing, instead of establishing an ERC, to establish an information and consultation procedure(s). The agreement shall provide for the procedure in accordance with under which the employees' representatives have the right to meet in order to carry out exchange views on information communicated to them. This information shall relate in particular, to transnational matters affecting significantly affecting the interests of employees.

4. The agreements referred to in paragraphs 2 and 3 of this Article shall not be subject, save as otherwise provided the provisions of the said agreements, except as provided in the agreements in question, shall not be subject to the provisions of C ' and shall take effect from the date proposed by the parties.

5. For the purposes of the conclusion of agreements by paragraphs 2 and 3 of this Article, the EBA shall act by a majority of its members.

SECTION C

SUBSIDIARY OBLIGATIONS

Article 57

Application of supplementary provisions

(Article 7 of the Directive)

For the purposes of implementing Article 49(1), the provisions (ancillary obligations) contained in this Chapter shall be applied by the Member State in which the central administration is situated in the following cases:

(a) if the central administration so decides and the special negotiating body (SNB); or

(b) if the Central Administration refuses to enter into negotiations within six months of the submission of a request in accordance with Article 54(1); or

(c) if, within three years from the date of submission the request or the initiative is expressed the central administration's initiative to open negotiations, the parties have not reached the agreement referred to in Article 56 and the NEO does not receive the agreement provided for by the decision referred to in Article 55(3).

Article 58

Establishment of a European Works Council (Annex I, paragraph 16 of the Directive) A European Works Council shall be established on the basis of the previous Article. European Works Council which shall be composed of employees of the Community-scale undertaking; or the group of Community-scale undertakings, who elect or appointed by or within the group by the representatives or, in the absence of representatives, by the entire workforce the employees.

Article 59

Composition of the European Works Council (Annex I, paragraphs 1c, d' and e - to the Directive)

1. The members of the European Works Council shall be (ESRB) shall be elected or appointed in proportion to the number of the number of employees employed in each Member State by the Community-scale undertaking, by distributed as follows for each Member State: one seat per Member State one per head of employees employed in that Member State, equal to 10% of the number of employees in that Member State employed in all the Member States or a fraction of that proportion.

2. The ERC shall, in order to ensure the coordination of activities its coordination, elect from among its members a committee a limited composition of five members which shall ensure the appropriate conditions for carrying out its activities at regular intervals.

3. The central administration or any other competent body of a managerial nature level shall be informed of the composition of the ERC.

Article 60

Powers of the European Works Council (Annex I, paragraphs 1a, d' (paragraph 6'), f, paragraph 2 and paragraph 3 of the Directive)

1. The European Works Council (EWC) shall draw up its own rules of procedure. Its competence its powers shall be determined in accordance with Article 49(49)

2. It shall be informed, in particular, of the structure, the financial situation, the likely development of the activities, production and sales of the of the Community-scale undertaking or group of undertakings. The information of the ERC and the consultation of the ERC shall be carried out in accordance with the (OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES (FIRST EDITION) 1153 consultation and consultation shall relate in particular to the situation and possible development of employment, investment, major organisations and the changes, the introduction of new working methods and or production processes, transfers of production, mergers, downsizing or cessation of production, or the closure of undertakings, establishments or significant or reduction in size of large or important parts of undertakings, or large parts thereof, and collective redundancies.

Consultation shall be carried out in such a way as to the workers' representatives can meet with the central management and receive a reasoned response to any comment that they may make.

3. The ESRB shall have the right to meet with the central management once a year in order to discuss and give its opinion, on the basis of a report on the development of the activities of the prospects of the Community enterprise in the Community context. Community-scale undertaking or group of undertakings. The local directorates shall be informed accordingly.

4. The select committee or, if it is a restricted committee or, where there is no such committee, the ERC must be informed of the cases or decisions which affect important cases or interests of the employees, in particular in the event of relocation, cessation of operations, closure of undertakings or establishments or in the event of group collective redundancies. The abovementioned Committee shall have the right to meet, at its own request, with the centralised central administration or any other competent authority to take the relevant decisions. The central management or any other body competent to take decisions at managerial level within the Community-scale undertaking or group of undertakings in order to inform the Commission. Where the meeting is held with the Regional Committee the meeting with a restricted composition, they shall also be entitled to participate members of the ERC who have been elected or appointed by the establishments or undertakings to which they relate. directly concerned by the abovementioned exceptional cases or decisions. the members of the ESRB shall also be entitled to participate in the ESRB.

This information and consultation meeting shall be held as soon as possible, on the basis of the prepared undertaking by the central administration or by any other competent body at the management level or group of undertakings. The report may be accompanied by a report opinion at the end of the meeting or within a reasonable period of time.

The meeting shall not affect the prerogatives of the central administration. The information and consultation provided for the cases referred to above shall be carried out without prejudice to Article 49(1).

Article 61 of this Act.

5. The ERC shall, four (4) years after its establishment, decide whether negotiations should be opened on the conclusion of the agreement referred to in Article 56 or to continue to apply the provisions of Article 56 the provisions of this Chapter.

Articles 56 and 57 shall apply, mutatis mutandis, e.g. where it is decided to negotiate an agreement between the Article 56. In that case the special negotiating body shall be replaced by the European Works Council.

Article 61

Functioning of the European Works Council (Annex I(4), (5) and (6) to the Directive)

1. If no agreement can be reached by the central management and the employees' representatives, as referred to in referred Article 57(b) and (c), the information and consultation meetings shall be chaired by a representative of the employees. Before each meeting with the central management, the European Works Council (EWC) or the Committee the restricted composition committee referred to in Article 60(4) second subparagraph, shall have the right to meet without management being present.

2. The ERC or the restricted composition committee may be assisted by experts of their choice, to the extent necessary for the fulfilment of their tasks. The operating costs of the ERC, of the Committee and of the committee of restricted composition, as well as an expert shall be borne by the central administration.

The central administration shall provide the members of the ERC and the members of the restricted composition committee, in accordance with the Article 55(4), the financial resources and the other material means necessary for the fulfilment of their mission in an appropriate manner. In particular, the central administration shall undertake, in addition to unless otherwise agreed, the costs of organising meetings and the costs of interpretation, and the costs of accommodation and travel expenses for the members of the ERC and the members of the restricted composition committee.

SECTION D

GENERAL PROVISIONS

Article 62

Confidential information (Article 8(1) of the Directive)

The members of the special negotiating body and the European Works Council (EWC), as well as the experts assisting them shall not be allowed to disclose to third parties the information which expressly communicated to them in confidence, in accordance with Article 13(4) and (5) of Law No . 1767/1988.

The same applies to the representatives of employees' representatives in the context of the information procedure and consultation. This obligation remains in force, without prejudice to irrespective of the place where the persons referred to in the first and second subparagraphs, even after the end of their term of office.

Article 63

Functioning of the European Council and procedure for informing the European Works Council and consultation of employees

(Article 9 of the Directive)

The central administration and the European Works Council shall work in a spirit of cooperation and mutually respect each other's rights and obligations.

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The same shall apply to cooperation between the central administration and the management and the representatives of the employees' representatives in the context of the procedure for informing and consultation of employees.

Article 64

Role, protection and facilities of employees representatives (Article 10 of the Directive)

1. The members of the European Works Council (ESRB), without prejudice to the competence of other bodies, shall represent employees, have the necessary means to exercise their rights conferred by this Act; and collectively represent the interests of the employees of the Community-scale undertaking or group of undertakings.

2. Without prejudice to Article 62, the members of the ESRB shall inform the representatives of the employees in the establishments or group undertakings of the Community-scale or, if there are no representatives, inform the employees' representatives of the content and results of the information procedure and consultation process, which shall be implemented in accordance with this Act.

3. The members of the special negotiating body (S-

The members of the special negotiating body, the IO, the ESRB and the representatives of the employees who exercise their functions within the framework of the procedure for information and consultation referred to in Article 56 (3) shall enjoy the same protection in the exercise of their functions as provided for in Article 9(1) of Law No. 1767/1988.

4. The representatives referred to in the preceding paragraph shall be granted paid leave by the undertaking for the time spent in attending meetings or conferences related to this Act; and organised by an organisation which carries out recognised or a trade union organisation of a higher level in the field a professional organisation or a local or regional body. Employees must produce, without fail, a copy of the evidence of their participation in the meetings, which must be submitted to the employer and congresses in order to qualify for the paid leave.

5. The members of the ERC, in order to inform employees, shall be granted paid leave, which may not exceed two (2) hours per week.

(2) two (2) days, which may not exceed a total of fifteen (15) days per year.

6. To the extent necessary for the exercise of the functions of representation at international level. paid training shall be provided to the members of the NEO; and the ERC.

Article 65

Compliance with obligations (Article 11(1) of the Directive)

The management of the establishments of a joint and the administration of the undertakings, members of which are of a group of Community-scale undertakings which operate in Greece, as well as the representatives of the employees or, where appropriate, their employees' representatives must comply

with the obligations laid down in this Law, irrespective of whether the central administration management is located in Greece or not.

Article 66

Relationship with other Community and national provisions

(Article 12 of the Directive)

1. The European Works Council (EWC) shall be informed of its consultation, which shall be linked to procedures applicable in the national employment bodies representing employees, within the framework of the respect for the competences and areas of action of each body and the principles which laid down in Article 49(2).

2. The arrangements for linking information and consultation between the ERC and the national agencies and national employee representation bodies shall be laid down in the agreement provided for in Article 56. The agreement shall be without prejudice to the provisions of national law or national practice concerning the information and consultation of employees, in particular Law no. 1387/1983 (A110), as supplemented by Article 1387/1983 (A110).

Article 21 of Law No 1387/1988, as supplemented by Article 21 of Law No 1387/1988. 3488/2006 (A' 191) and Article 74(1)(a)(b) of the Directive.

1 of Law No. 3863/2010 (A' 115), Decree 240/2006 (A' 252) and Decree-Law No 178/2002 (A/162).

3. If the agreement does not provide for the abovementioned arrangements, the information and consultation procedure shall be carried out with the ERC, as well as with the national employee representation bodies, in cases where decisions are to be taken which are likely to bring about serious changes in the organisation of the work or employment contracts.

4. This Act shall not affect the rights of workers in respect of the rights of workers in respect of information and consultation, which are already provided for in the Act. 1387/1983 (A110), as supplemented by Article 21 of Law No. 3488/2006 (A191) and Article 74(1) of Regulation (EC) No 3488/2006 (A191) and Article 74(2) of the 1 of Law No. 3863/2010 (A' 115), in P.D. 240/2006 (A' 252) and in P.D. 178/ 2002 (A' 162).

Article 67

Adaptation

(Article 13 of the Directive)

Where there are serious changes in the structure of a Community-scale undertaking or group of undertakings and they are not included in the provisions to this effect are not contained in the relevant agreements or there is a conflict between provisions of two or more existing agreements, the central administration shall initiate negotiations with the referred to in Article 54 on its own initiative at the written request of at least 100 workers, or their representatives in at least two undertakings or establishments in at least two different Member States. At least three members of the existing European Works Council (EWC) or each of the existing EWCs are members of the special negotiating

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members of the European Works Council (EWC) in addition to the members elected or appointed pursuant to Article 54(2). During the negotiations, the subordinate the existing ERC or ERCs shall continue to function in accordance with the relevant provisions of the Agreement, which, in view of the new structure of the Community enterprise-scale undertaking or Community-scale group of undertakings has been concluded between the members of the ERC or ERCs and the central administration.

Article 68

Agreements in force (Article 14 of the Directive)

1. Without prejudice to Article 67, obligations under this Act shall not apply to Community-scale undertakings or groups of undertakings in the following cases :

(a) where an agreement or agreements which were applicable to all employees and provided for transnational information and transnational consultation with them, have been concluded in accordance with Article 23(1) of the Decree-Law.40/1997 (A, 39) or where such agreements have been updated due to changes in the structure of undertakings or groups of undertakings, or

(b) where an agreement concluded pursuant to Article 1 O of Decree 40/1997 (A - 39), has been signed or revised in the period between 5 June 2009 and 5 June 2011. The applicable national law, where the agreement has been signed or revised, shall continue to apply to undertakings or groups of undertakings referred to in point (b) of this paragraph.

2. On termination of the agreements referred to in paragraph 1, the parties may jointly decide to extend or revise thereof. If this does not happen, the following shall apply to the provisions of this Act.

PART B

MEASURES FOR THE APPLICATION OF ARTICLES 2(2), 5

PARAGRAPH 2(2)(A), 5(6), 8(2), 11

PARAGRAPHS 2 AND 3, OF

ANNEX I(1)(B) OF ANNEX I

SECOND SUBPARAGRAPH OF DIRECTIVE 2009/38/EC

Article 69 (application of Article 2(2))

For the purpose of calculating the number of employees of the paragraph 2 of Article 51 of this Act, the fixed-term employment of part-time employees contracts which have expired, shall be reduced to full-time employment , applied by the undertaking or the branch of employment of the employees.

Article 70 (application of Article 5(2)(a)) and Annex I, paragraph 1, indent 6' of Annex I second subparagraph)

The employees' representatives who participate to the NEC or the ERC shall be elected with their alternates in the following order of precedence:

(i) from existing trade union organisations ,

i) by the workers' councils which have been elected,

(i) by the existing employee councils, as established and functioning within them, in accordance with the v. 1767/1988; and

ii) directly by the employees by direct election, in accordance with Articles 12 of Law No. 1264/1982 and 4 of v. 1767 /1988.

Article 71 (application of Article 5(6))

1. The central administration shall undertake the following tasks in particular costs relating to negotiations during the paragraph 4 of Article 55, so that the NAO may fulfil its mission in an appropriate manner:

(a) election or appointment of members,

(b) organising the meetings of the NEO, including the costs of hiring the premises, including the costs of interpretation, printing and communicating the results of the meeting and travel, accommodation and subsistence of the members of the EDA; and

(c) the appointment of an expert by the EBA, to assist it in its work.

2. The NEO shall decide by a majority of all its members, without prejudice to paragraph 3, elect a chairperson from among its members and appoint the determine its internal rules of operation.

3. The ERO and the central administration shall decide after by mutual agreement on the precise rules which govern the chairing of joint meetings. If there is no agreement on this matter, it shall be recorded in the minutes of the first meeting in which manner the meetings are to be conducted. The minutes of the meetings shall be signed by an authorised representative for each of the Parties.

Article 72 (application of Articles 8(2) and 11 paragraph 3)

1. The members of the ERC and the central administration may decide jointly on the elements of information to be provided to third parties, in accordance with Article 62.

2. The central administration shall not be obliged to provide information on the ERC on matters classified as secret, in accordance with Article 13(4) and (5) of the v. 1767/1988.

3. In case of disagreement between the central administration and the ERC as to the provision of the requested information, the provisions of the Article 16(8) and (9) of Law No. 16(8) and (9). 1264/1982 (A - 79).

Article 73 (application of Article 11(2))

Any employer or person acting on behalf of or any third party performs acts or omissions with a view to obstructing the exercise of the rights of the employees' representatives arising under this Act shall be punishable:

(a) with a term of imprisonment of up to two (2) years, in accordance with

(2) up to two (2) years of imprisonment, for a period of five years (5), as replaced by the provisions of Article 5(2) of the Labour Code (A' 36), as amended by Article 5(5) of Regulation 1338/1983 (A' 36) 1440/1984 (A - 70) and

(b) by imposing the administrative penalties provided for in Articles 23 and 24 of Law No. 3996/2011 (A 170). Competent body for the imposition of these administrative sanctions is the Labour Inspectorate (S.E.P.E.).

PART C

OTHER PROVISIONS

Article 74 Application, extension, termination and renegotiation of the Agreement

1. The Agreement referred to in Article 56 shall be binding to all Community-scale undertakings and all Community-scale groups of undertakings, and all employees of such undertakings during the period of its validity.

2. Where the agreement does not contain conditions relating to the application, extension, termination or renegotiation, the following shall apply:

(a) the agreement shall be deemed to be in force indefinitely.

(b) The central administration or the European Works Council or the employees' representatives, when the European Works Council or the employees' representatives acting in accordance with Article 56(1), the employee representatives or the 3, may terminate the agreement at least six (6) months before its expiry and inform the other party in writing.

(c) When the period of application of the agreement expires, without termination by the Parties, then it shall be extended for an equal period of time as the initial application.

(d) An agreement, when terminated or expired, shall remain in force until a new agreement is concluded.

Article 75 Notification of information to the CPC

Undertakings operating in Greece and falling within the scope of the provisions of this law shall be required to within three months of the entry into operation of the European Employees' Council, to notify the number of employees and the number of their representatives to the competent services of the Body Labour Inspectorate of the Ministry of Labour and Social Security.

Article 76 Repealing provision (Article 17 of the Directive)

Decree 40/1997 (A' 39), as amended by

Decree No 32/2008 (A - 56), as amended, is repealed.

CHAPTER IC

HARMONISATION OF GREEK LEGISLATION TO DIRECTIVE 2009/52/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 18.6.2009 ON THE 'IMPOSITION OF MINIMUM STANDARDS AS REGARDS SANCTIONS AND MEASURES AGAINST EMPLOYERS WHO EMPLOY ILLEGALLY THIRD-COUNTRY NATIONALS IN AN IRREGULAR SITUATION'. IN ORDER TO COMBAT ILLEGAL IMMIGRATION

PART A

ADAPTATION TO THE PROVISIONS OF DIRECTIVE 2009/52/EC

SECTION A

GENERAL PROVISIONS

Article 77 Subject matter and scope (Article 1 of the Directive)

The purpose of this Act is to adapt the Greek legislation to Directive 2009/52/EC of the European Parliament and of the Council of 18.6.2009 "on the enforcement of minimum standards for the protection of the environment" concerning sanctions and measures against employers who employ illegally staying citizens third-country nationals', which prohibits the employment of illegally staying third-country nationals with a view to combating illegal immigration.

Article 78 Definitions (Article 2 of the Directive)

For the purpose of this Act, the following definitions shall apply:

(a) "'third-country national' means any person who is not

a person who is not a citizen of the European Union within the meaning of Article 17(1) of the Treaty of Community right of free movement, as defined in Article 2(5) of the Code Schengen Borders Code,

(b) 'illegally staying third-country national' means a citizen third country national who is in the Greek territory who does not fulfil or no longer fulfils the conditions of residence in the Greek territory,

(c) 'employment' means the pursuit of activities covering any form of regulated work in accordance with national legislation or in accordance with established practices for the account or under the direction of and/or supervision of an employer,

(d) 'illegal employment' means employment which is unlawfully illegally resident third-country national,

(e) 'employer' means any natural or legal person or association including undertakings temporary employment, for the account or under the authority whose behalf or under whose direction and/or supervision the employment takes place,

(f) 'subcontractor' means any natural or legal person