

Law (2011: 427) on European Works Councils

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Content and purpose of the law

Section 1 This Act contains provisions on the establishment of European Works Councils consisting of employee representatives or the introduction of any other procedure for informing and consulting employees on cross-border issues in Community companies and groups of companies operating in at least two EEA states.

Section 2 Procedures for informing and consulting employees shall be appropriate and implemented so that Community companies and groups of undertakings can take effective decisions. Therefore,

1. Information shall be provided at a time, in a manner and with a content enabling the employees' representatives to make a careful assessment of any consequences and, if necessary, to prepare consultations with the Community-scale undertaking or group of undertakings; and
2. consultation shall take place through the establishment of a dialogue and exchange of views between the employees' representatives and the Community-scale undertaking or group of undertakings at a time, in a manner and with a content enabling the employee representatives, on the basis of the information received, to comment within a reasonable time; proposed measures so that they can be taken into account in the decision-making process by the Community company or group of companies.

Definitions

Section 3 For the purposes of this Act

- EEA states: the states of the European Union and the other states covered by the EEA Agreement,
- undertaking: an economic activity carried out privately or publicly by a natural or legal person,
- Community undertaking : an undertaking operating in at least two EEA States,
- a controlling undertaking: an undertaking exercising a controlling influence over another undertaking,
- a controlled undertaking: an undertaking over which another undertaking exercises a controlling influence,
- an undertaking group: a group of undertakings which have undertakings in at least two EEA States, including one controlling undertaking and at least one controlled undertaking, and

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- cross-border issue: an issue affecting the whole of the Community company or group of companies or at least two of their activities in different EEA States.

Sections 7 and 13-16 contain special provisions on controlling companies.

Scope of the law

Section 4 This Act applies to

1. Community companies that have
 - at least 1,000 employees in the EEA states, of which
 - at least 150 employees in each of at least two EEA states, and
2. groups of companies that have
 - at least 1,000 employees in the EEA States, of which
 - at least 150 employees in at least one of their companies in one EEA State and at least 150 employees in at least one of their companies in another EEA State.

The number of employees in Sweden is calculated as the average number of employees during the two immediately preceding financial years.

Section 5 This Act applies when the Community company or the controlling company in a group of companies has its registered office in Sweden.

If the Community company or the controlling company in a group of companies does not have its registered office in an EEA State, the law applies when

1. the Community company or the controlling company has appointed a branch or company in Sweden to fulfill the obligations arising from European Parliament and Council directives 2009/38 / EC of 6 May 2009 establishing a European Works Council or a procedure in Community-scale undertakings and groups of Community-scale undertakings for the information and consultation of employees, as amended by Directive (EU) 2015/1794 of the European Parliament and of the Council, or
2. no activity or undertaking has been designated in any EEA State to be responsible for the obligations under Directive 2009/38 / EC of the European Parliament and of the Council, as amended by Directive (EU) 2015/1794 of the European Parliament and of the Council, and the branch or controlled companies with the most employees in the EEA are located in Sweden.

The provisions in § 18 on the obligation to provide information for branches and controlled companies in Sweden, in §§ 24, 25 and 38-40 on how employee representatives from Sweden are to be appointed and in § 56 on protection for employee representatives apply regardless of where the Community company or the controlling company in a group has its seat. *Lag (2017: 365)*.

Section 6 In such cases as are referred to in § 5 second paragraph, what is stated in this Act on Community companies or controlling companies in a group of companies shall apply to the branch or company that according to the said provision makes the law applicable.

Section 7 If a Community company or company in a group of companies is controlled by another company in an EEA State, the provisions on Community companies or controlling companies in a group of companies do not apply to the controlled company.

Exemptions for certain Community companies or groups of companies

Section 8 The following Community companies or groups will only 59-62 §§ damages and court apply:

1. Community Companies or groups which since September 22, 1996 had a valid agreement on transnational information and consultation of employees covered Community undertaking or group all operations in the EEA States with the exception of the United Kingdom of Great Britain and Northern Ireland. If, on 1 July 2000, the company or group of companies also had activities in the United Kingdom, the agreement must have covered that activity at the latest from that date.

2. Community undertakings or groups of undertakings which have fallen within the scope of the European Works Council Act (1996: 359) since 1 March 2000 only because the scope of the Act was then extended to include activities in the United Kingdom of Great Britain and Northern Ireland and which at that time had an existing agreement on cross-border information and consultation of employees, if the agreement covered all employees of the Community company or group of companies in the EEA States.

3. Community undertakings or groups of undertakings which, at any time during the period from 5 June 2009 to 5 June 2011, have entered into or renewed existing agreements in accordance with Section 21 or 22 of the European Works Council Act.

However, in the event of a significant restructuring of Community companies or groups of companies pursuant to the first paragraph, Sections 1, 4-7, 9-19, 21-36, Section 53, first paragraph and Sections 55, 56 and 58 shall also apply.

If an agreement pursuant to the first paragraph has expired or is expiring, the law shall apply in its entirety to the Community company or group of companies. However, if the agreement has been renewed or is renewed, the law still applies only in accordance with the first paragraph.

European company

Section 9 If a Community or controlling undertaking in a group of undertakings is a European company within the meaning of Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company, this law shall not apply to the European company or its subsidiaries.

However, the Act shall apply to a European company and its subsidiaries on the negotiating delegation pursuant to section 21 of the Act (2004: 559) on employee influence in European companies decided to refrain from initiating negotiations on an agreement on employee influence in the European company or to suspend ongoing such negotiations.

If a Community company or a controlling company in a group of companies becomes a subsidiary of a European company after its formation, this law shall apply to the subsidiary if it is not subject to influence under the law on employee influence in European companies.

European Cooperative

Section 10 If a Community undertaking or a controlling undertaking in a group of undertakings is a European Cooperative within the meaning of Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE), this Act shall not apply to the European Cooperative or its subsidiaries.

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However, the Act shall apply to a European cooperative and its subsidiaries on the negotiating delegation pursuant to section 24 of the Act (2006: 477) on employee involvement in European cooperatives decided to refrain from initiating negotiations on an agreement on employee influence in the European cooperative or to suspend such negotiations.

If a Community undertaking or a controlling undertaking in a group of undertakings becomes a subsidiary of a European cooperative after its formation, this law shall apply to the subsidiary unless it is subject to influence under the European Cooperative Welfare Act.

Activities of a non-profit nature or with opinion-forming purposes

Section 11 Activities that are of a religious, scientific, artistic or other non-profit nature or that have cooperative, trade union, political or other opinion-forming purposes are excluded from the scope of the Act in terms of the activities' goals and focus.

Deviations through collective agreements

Section 12 Deviations from this Act may be made through a collective agreement that has been concluded or approved by a central employee organization.

However, deviations may not be made if the agreement means that less favorable rules are to be applied for the employee side than those that follow from Directive 2009/38 / EC of the European Parliament and of the Council, as amended by Directive (EU) 2015/1794 of the European Parliament and of the Council. *Lag (2017: 365)*.

Controlling companies

Section 13 Unless otherwise stated, a company shall be considered to exercise a controlling influence over another company, if in its own or someone else's name it

1. has the right to appoint more than half of the members of the other company's board or corresponding management body,
2. controls more than half of the votes for the shares or participations in the company, or
3. owns more than half of the shares or participations in the company.

Section 14 If several companies within a group of companies are considered to exercise a controlling influence over another company, in the first instance the company referred to in § 13 1 and in the second place the company referred to in § 13 2 shall be considered as controlling company.

The first paragraph applies only if it is not shown that another company exercises a controlling influence.

Section 15 Investment companies referred to in Article 3 (5) (a) or (c) of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings shall not be considered as controlling companies in relation to other companies due to shareholdings.

Section 16 A bankruptcy trustee, reorganiser or liquidator shall not, in the application of this Act, be deemed to exercise a controlling influence over a company.

Corporate responsibility

The obligation to actively work for a European Works Council

Section 17 The Community-scale undertaking or the controlling undertaking in a group of undertakings shall actively promote the establishment of a European Works Council or the introduction of any other procedure for informing and consulting employees.

Submission of information prior to negotiations

Section 18 The Community - scale undertaking or the controlling undertaking in a group of undertakings shall provide the employees with the information necessary for the opening of negotiations pursuant to section 27. Such information shall be provided through another company within the group of companies or an activity of the Community company if the employees so request.

Controlled companies in a group of companies and branches of a Community company must provide the controlling companies in a group of companies or Community companies within the EEA with the information necessary for controlling companies and Community companies to fulfill their obligation to provide information to employees.

Initiation of negotiations

Section 19 Initiatives for negotiations on the establishment of a European Works Council or the introduction of any other procedure for informing and consulting employees or new such negotiations may be taken

1. by the Community company or the controlling company in a group of companies, or
2. in writing by at least 100 employees or their authorized representatives in at least two establishments or companies in at least two EEA States.

Section 20 When the Community company or group of companies according to §§ 4-11 falls within the scope of the Act and initiatives have been taken according to § 19, the Community company or the controlling company in a group of companies shall enter into negotiations on the establishment of a European Works Council or another procedure for information to and consultation with workers.

The first paragraph does not apply when there is an agreement on information and consultation on cross-border issues that covers all employees in the company or group of companies and which has been entered into in accordance with the Act (1996: 359) on European Works Councils or when Sections 24-35 of that Act have been applied.

Section 21 In the event of significant restructuring of the Community-scale undertaking or group of companies and where initiatives have been taken pursuant to Section 19, the Community-scale undertaking or the controlling undertaking within a group of companies shall enter into new negotiations on the establishment of a European Works Council or any other procedure for informing and consulting employees.

The first paragraph does not apply when an agreement on information and consultation on cross-border issues that covers all employees within the EEA in the company or group of companies regulates what is to apply in the event of significant restructuring.

Negotiation delegation for workers

Establishment of a negotiating delegation

Section 22 When negotiations are to be initiated in accordance with section 20 or 21, a negotiating delegation for the employees shall be established in accordance with sections 23-25.

The negotiating delegation represents the employees of the Community company or group of companies in the negotiation of an agreement of a European Works Council or any other procedure for informing and consulting employees.

Composition

Section 23 The employees of the Community-scale undertaking or group of undertakings in each EEA State shall be allocated a seat in the workers' bargaining delegation for each tenth or commenced tenths which they together constitute of all workers of the Community-scale undertaking or group of undertakings in all EEA States.

When new negotiations are to be opened in the event of significant restructuring, in addition to the seats allocated under the first subparagraph, each of the existing European Works Councils of the Community company or group shall, where appropriate, be allocated three seats in the negotiating delegation.

Members of these seats are appointed within the respective works council.

Section 24 Members from Sweden in the employees' bargaining delegation are appointed by the local employee organization or organizations in Sweden that are bound by collective agreements in relation to the Community company or one or more companies in a group of companies.

If there are several collective bargaining local workers' organizations and they do not agree otherwise, the following procedure applies for appointing one or more members. In the case of a member, he shall be appointed by the local workers' organization representing most of the collective bargaining workers of the Community company or group of companies in Sweden. In the case of several members, the procedure shall apply to how employee representatives are appointed as specified in section 8, second and third paragraphs of the Act (1987: 1245) on board representation for private employees.

Local workers' organizations belonging to the same main organization shall be considered as an organization.

Section 25 If the employer is not bound by a collective agreement in relation to any employee organization, the members from Sweden in the employees' bargaining delegation shall be appointed by the local employee organization in Sweden that represents the most employees in the Community company or group. However, this only applies if the local workers' organizations do not agree otherwise.

Local workers' organizations belonging to the same main organization shall be considered as an organization.

Section 26 When a bargaining delegation for employees has been set up, it shall inform the Community company or the controlling company of a group of companies of its composition.

Negotiations

Negotiation meetings

Section 27 The Community-scale undertaking or the controlling undertaking in a group of undertakings shall call for negotiations on the establishment of a European Works Council or the introduction of another procedure for informing and consulting employees.

The company must inform the companies concerned or controlled companies in the company group about how the employees' bargaining delegation is composed and when the negotiations are to take place.

The company shall also inform the competent European workers 'and employers' organizations of the composition of the negotiating delegation and of the opening of negotiations.

Section 27 a Meetings shall, if possible, be planned so that members who hold positions on board vessels, or their deputies, can participate on site. If on-site attendance is not possible, it should be considered whether it is possible to conduct the meeting using technology for remote participation. *Lag (2017: 365)* .

Individual meetings

Section 28 The employees' bargaining delegation has the right to meet individually before and after each meeting with the Community company or the controlling company in a group of companies. At such a meeting, the negotiating delegation shall have access to interpreters and technical aids to the extent necessary to conduct the meeting.

Waiver of and suspension of negotiations

Section 29 The employees' bargaining delegation may decide to refrain from initiating negotiations on an agreement on a European Works Council or any other procedure for informing and consulting employees, or to suspend ongoing such negotiations.

In cases referred to in the first paragraph, a party may not submit a new request for negotiations pursuant to section 19 until after two years, unless the parties have agreed or agreed on a shorter period.

Experts

Section 30 The employees' bargaining delegation may be assisted by experts appointed by it. The experts may, at the request of the negotiating delegation, be present at the negotiations in their capacity as advisers.

Voting rules

Section 31 For a decision to refrain from initiating negotiations or to suspend ongoing negotiations in accordance with section 29, votes from at least two-thirds of the members of the employees' bargaining delegation are required.

In order for the negotiating delegation to conclude an agreement on a European Works Council or any other information and consultation procedure, more than half of the members must agree on it.

Costs

Section 32 All costs for the employees' bargaining delegation to be able to form and conduct their activities shall be borne by the Community company or the controlling company in a group of companies to the extent necessary for the bargaining delegation to be able to carry out its tasks in an appropriate manner.

Agreement

Section 33 An agreement on a European Works Council shall be in writing and cover all activities carried out by the Community company or group of companies within the EEA.

The agreement shall treat

1. first what companies or businesses to be covered by the agreement,
2. Works Council, which must be balanced with respect to the lines of business within the Community-scale undertaking or group of undertakings and to workers' gender and work,
3. Works Council mandate,
4. Works Council information and procedure information and consultation and the relationship between this process and the corresponding procedures at national level,
5. fifth place for business meetings of the Council, how often Works Council shall meet and the length of meetings
6. the financial and material resources to be allocated to the Works Council, and
7. the term of the agreement, how the agreement may be amended or terminated and, in cases where the agreement is to be renegotiated, when and how this is to take place.

If the agreement contains provisions on working committees, the composition of and tasks and meeting procedures for this shall also be dealt with in the agreement.

Section 34 Instead of an agreement on a European Works Council, the parties may agree on another procedure for informing and consulting employees. Such an agreement shall be in writing and shall cover all activities of the Community company or group of undertakings within the EEA and shall include guidelines for the information and consultation procedure and address the right of employees' representatives to information, in particular on matters having a significant impact on workers' interests.

The agreement shall state the right of the employee representatives to meet to discuss the information they have received.

What applies if an agreement is not reached

When the rules are to be applied

Section 35 A European Works Council which covers all activities of the Community-scale undertaking or group of undertakings within the EEA shall be established in accordance with §§ 37-52 of

1. the first Community-scale undertaking or the controlling company of a corporate group and the workers' negotiating team will agree,
2. Community-scale undertaking or the the controlling company in a group of companies refuses to enter into negotiations with the negotiating delegation within six months of the employees requesting negotiations in accordance with section 19, or
3. the Community undertaking or the controlling undertaking in a group of undertakings and the

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negotiating delegation have not reached an agreement on a European Works Council agreement or any other procedure for information and consultation within three years from the date on which either Party initiated negotiations under Article 19;

Section 36 The provisions of Sections 37-52 shall not apply if the employees' bargaining delegation has made a decision pursuant to section 29, first paragraph, to refrain from initiating negotiations on an agreement pursuant to this Act or to suspend negotiations on such an agreement.

Composition of the European Works Council

Section 37 The employees of the Community-scale undertaking or group of companies in each EEA State shall be allocated a seat on the European Works Council for each tenth or commenced tithes which they together constitute for all employees of the Community-scale undertaking or group of companies in all EEA States.

Unless otherwise agreed, the Works Council shall examine every two years whether changes in the Community company or group of undertakings lead to a new composition of the Works Council. In this examination, the first paragraph shall apply.

The Community-scale undertaking or the controlling undertaking in a group of undertakings shall provide the information necessary for the examination referred to in the second subparagraph.

Section 38 Members from Sweden in the European Works Council shall be appointed from among the employees of the Community company or group of companies in Sweden.

Section 39 Members from Sweden in the European Works Council are appointed by the local employee organization or organizations in Sweden that are bound by collective agreements in relation to the Community company or one or more companies in a group of companies.

If there are several collective bargaining local workers' organizations and they do not agree otherwise, the following procedure applies for appointing one or more members. In the case of a member, he shall be appointed by the local workers' organization representing most of the collective bargaining workers of the Community company or group of companies in Sweden. In the case of several members, the procedure shall apply to how employee representatives are appointed as specified in section 8, second and third paragraphs of the Act (1987: 1245) on board representation for private employees.

Local workers' organizations belonging to the same main organization shall be considered as an organization.

Section 40 If the employer is not bound by a collective agreement in relation to any employee organization, the members from Sweden in the European Works Council shall be appointed by the local employee organization in Sweden that represents the most employees in the Community company or group of companies. However, this only applies if the local workers' organizations do not agree otherwise.

Local workers' organizations belonging to the same main organization shall be considered as an organization.

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Section 41 The European Works Council shall inform the Community company or the controlling company of a group of companies of its composition.

Rules of procedure

Section 42 The European Works Council shall establish its own rules of procedure.

Working committee

Section 43 The European Works Council shall appoint a working committee consisting of a maximum of five members.

The working committee shall have the opportunity to conduct activities on an ongoing basis.

The right to information and consultation

Section 44 The information to the European Works Council shall relate in particular to

1. the structure of the Community company or group of undertakings,
2. the economic and financial situation of the Community undertaking or group of undertakings, and
3. the expected development of the activities, production and sales of the Community undertaking or group of companies.

Section 45 The information and consultation with the European Works Council shall in particular concern

1. the employment situation and its expected development,
2. investments,
3. significant organizational changes,
4. the introduction of new working methods or production processes,
5. production transfers,
6. mergers,
7. closures of operations or significant cuts in operations, as well as
8. collective redundancies.

Section 46 The consultation shall take place in a manner that enables the employees' representatives to meet with the Community company or the controlling company in a group of companies and to receive reasoned answers to any opinions.

Section 47 The European Works Council shall have the right to meet at least once a year with the Community company or the controlling company in a group of companies and to receive information and consult on the development of the business of the Community company or group and on its future prospects.

Prior to the meeting, the Community undertaking or the controlling undertaking shall provide the Works Council with a written report on the subject of the meeting.

Meetings shall, if possible, be planned so that members holding positions on board vessels, or their deputies, can attend on site. If on-site attendance is not possible, it should be considered whether it is possible to conduct the meeting using technology for remote participation. *Lag (2017: 365)*.

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Section 48 The Community - scale undertaking or the controlling undertaking in a group of undertakings shall, as soon as possible and in good time before a decision is taken, provide information to the working committee on special circumstances affecting the interests of employees to a significant extent. This applies in particular to relocations, closures of operations or collective redundancies.

If the working committee so requests, the Community - scale undertaking or the controlling undertaking shall meet with the working committee to inform and consult on the specific circumstances referred to in the first subparagraph. At such meetings, the members of the European Works Council who represent the employees of the activities or companies directly affected by the circumstances are also entitled to participate. Prior to the meeting, the Community company or the controlling company shall provide the working committee with a written report on the subject of the meeting.

The working committee has the right to comment on the report.

If there is no working committee, what is said in this section about the working committee shall apply to the works council.

Experts

Section 49 The European Works Council and the Working Committee may be assisted by experts appointed by them.

Individual meetings

Section 50 The European Works Council or the Working Committee has the right to meet individually before meetings of the Community company or the controlling company in a group of companies.

In addition, the Works Council has the right to meet individually once a year.

New negotiations

Section 51 Four years after the establishment of the European Works Council, it shall consider whether negotiations shall be initiated to conclude an agreement referred to in § 33 or 34 or whether §§ 37-52 shall continue to apply.

Agreements pursuant to section 33 or 34 are entered into by the works council and require the support of a majority of the members of the council.

If negotiations do not begin within six months or do not lead to an agreement within three years of the works council requesting negotiations in accordance with the first paragraph, sections 37-52 shall continue to apply.

Costs

Section 52 The costs of the European Works Council and the Working Committee shall be borne by the Community undertaking or the controlling undertaking in a group of undertakings to the extent necessary to enable the Works Council to carry out its tasks in an appropriate manner.

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Other provisions

Legal capacity

Section 53 The employees' bargaining delegation and a European Works Council may acquire rights and assume obligations as well as bring an action before courts and other authorities.

Once a works council has been set up, it takes over all the rights and obligations of the negotiating delegation and enters as a party to an agreement on a European works council.

Information for employees

Section 54 The European Works Council shall, with the limitations that may be imposed by the employees' duty of confidentiality pursuant to section 58, inform the employees' representatives of the Community-scale undertaking or group of undertakings of the content and outcome of the information and consultation procedure. If there are no employee representatives, all employees must be notified.

Information and consultation during negotiations on a new agreement

Section 55 During the duration of negotiations on a new agreement establishing a European Works Council or any other procedure for informing and consulting employees in connection with significant restructuring of the Community company or group of undertakings, agreements or other arrangements for information and consultation shall continue: to apply with the adaptations agreed by the parties.

Protection of employee representatives

Section 56 The provisions of section 3, first paragraph, sections 4 and 6-8 of the Act (1974: 358) on the position of trade union representative in the workplace shall apply in a corresponding manner to employee representatives who normally perform their work in Sweden and perform tasks in accordance with this Act.

Training

Section 57 The Community - based undertaking or the controlling undertaking in a group of undertakings shall provide the members of the workers' bargaining delegation and the European Works Council with training to the extent necessary for them to carry out their duties.

Professional secrecy

Section 58 The Community - scale undertaking or the controlling undertaking in a group of undertakings may decide on the obligation of professional secrecy of employees' representatives and experts performing tasks under this Act, if this is necessary in the interests of the undertaking.

Anyone who, according to the first paragraph, has received information under a duty of confidentiality may, despite the duty of confidentiality, pass the information on to other employee members or experts in the same body. The right to pass on the information only applies if the informant notifies the recipient of the duty of confidentiality. In such a case, the duty of confidentiality also applies to the recipient.

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The duty of confidentiality shall, as long as there is a need for it, continue to apply even after the assignment as employee representative or expert has ended.

Damages

Section 59 Anyone who violates this Act, an agreement pursuant to this Act or a duty of confidentiality referred to in this Act shall compensate for damage incurred in accordance with Sections 55 and 56, Section 57, second paragraph, Section 60, first paragraph and Sections 61 and 62. § the law (1976: 580) on co-determination in working life.

For the purposes of the law on co-determination in working life, what is said there about an employer also applies to a Community company or a controlling company in a group of companies and what is said about a workers' organization also applies to a European works council, workers' bargaining delegation or other bodies for information to and consultation with workers.

However, an employee or an employee organization may not, under this Act, claim damages from another employee or employee organization. A works council, a bargaining delegation or any other body for information to or consultation with workers is equated with a workers' organization.

Section 60 If there is no European Works Council or a negotiating delegation for the employees who can bring an action under this Act, what is prescribed for damages shall instead apply to the relevant employee organizations.

Trial

Section 61 Cases concerning the application of this Act shall, insofar as the dispute concerns the relationship between employer and employee, be handled in accordance with the Act (1974: 371) on the proceedings in labor disputes. In such a case, the Labor Court shall be the first court.

For the purposes of the Labor Disputes Act, what is stated there about an employer also applies to a Community company or a controlling company in a group of companies and what is said about a workers' organization also applies to a European Works Council, the workers' bargaining delegation or other bodies for information to and consultation with workers. What is said there about collective agreements shall also apply to such agreements referred to in this Act.

Cases concerning the permissibility of professional secrecy must be dealt with expeditiously.

Section 62 When someone wishes to claim damages in accordance with this Act, sections 64, 65 and 68 of the Act (1976: 580) on co-determination in working life apply in applicable parts. For the purposes of section 64, a Community undertaking, a controlling undertaking in a group of undertakings, a European Works Council, the workers' bargaining delegation and other bodies for informing and consulting employees shall be deemed to have the right to bargain in accordance with section 10 of the Co-determination Act. The period according to section 65 within which the action must be brought at the latest shall, however, be eight months.

Transitional provisions

2011: 427

1. This Act shall enter into force on 6 June 2011, when the Act (1996: 359) on European Works Councils shall cease to apply.

2. However, with the exception of §§ 39-41, the repealed law still applies to Community companies or

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groups of companies where the existing agreements pursuant to § 21 or 22 of that law have been concluded or renewed during the period from 5 June 2009 to 5 June 2011 and where such an agreement is later renewed.

3. If a bargaining delegation for workers has begun bargaining under the repealed law, bargaining shall continue under the new law.

4. For a Community company or group of companies applying Sections 24-35 of the repealed Act, Sections 37-52 of the new Act shall apply.

5. In the cases referred to in paragraph 4, a European Works Council established under section 24 of the repealed Act shall continue its activities under the new Act until the Works Council has examined its composition pursuant to section 37, second paragraph, of the new Act.

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