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### *XXI 2003 law*

#### *on the establishment of a European Works Council and a procedure in informing and consulting employees \**

In order to ensure that employees of undertakings or groups of undertakings operating at the Community level are properly informed of decisions affecting them in another state, the National Assembly shall enact the following law with regard to the European Works Council and the procedure for informing and consulting employees:

#### **General provisions**

**Section 1.** (1)\* In order to strengthen the right of employees of undertakings and groups of undertakings at Community level to be informed and consulted, a European Works Council shall be set up in each undertaking or group of undertakings at Community level, as requested in Article 3 (1), or a procedure for consulting them should be established. In the event of such an agreement, or in the absence of an agreement, the provisions of this Act shall apply to the establishment of a European Works Council and to the procedure for informing and consulting employees. The arrangements for informing and consulting employees must be defined and applied in such a way as to ensure efficiency,

(2) \* In the absence of an agreement on a wider scope pursuant to Section 7 (3) ( a ), the powers of the European Works Council and the procedures for informing and consulting employees shall cover:

(a) to any establishment in the Community which is a Member State of the European Union or in another State party to the Agreement on the European Economic Area, or in a State of which the European Community and its Member States are nationals and a State not party to the Agreement on the European Economic Area; enjoy the same status as a national of a State party to the Agreement on the European Economic Area

(b) in the case of a group of undertakings operating at Community level, to all undertakings in the Member States.

(3) Obligations related to the establishment of a European Works Council and the establishment of a procedure for informing and consulting employees in accordance with this Act shall be borne by

a)\* the central management if the head office of the undertaking operating at Community level or, in the case of a group of undertakings, the head office of the controlling undertaking is domiciled, initiating negotiations and necessary and justified and negotiating costs (Article 6), measures

concerning the number and composition of the for the opening of negotiations with the works council, as well as for information and consultation on exceptional circumstances (Sections 16-17), and the provision of necessary and justified costs for the performance of the tasks of the European Works Council (Section 18, Section 21 / B), as regards the organization of training (Section 21 / B);

(b) for the purposes of point (a), managed management where the head office of the Community-scale undertaking or, in the case of a group of undertakings, the controlling undertaking is not in a Member State but is subordinate to the head office of the establishment or

(c) for the purposes of point (a), representation where the head office of the undertaking or group of undertakings operating at Community level is not located in a Member State but the undertaking or group of undertakings has a domestic presence;

d) for a) the provisions with regard to point you in the case of working at Community level company or group of companies based in the inspection business is in a Member State, an indication representing the absence of a firm's premises, or the business of the enterprise group, which is the largest number of workers employed domestically in Member States .

3a. \* The management of any undertaking belonging to a Community-scale group of undertakings, the central management or presumed central management of a Community-scale undertaking and group of undertakings shall be responsible for obtaining and for transmission to interested parties (employees and their representatives). With regard to the number of employees, this obligation applies in particular to the information contained in Section 2 (1) ( a) and (c) .

(4) The provisions of this Act shall apply

(a) the employer's obligations in determining the number of domestically employed workers;

b) election of representatives of domestic employees,

(c) the obligations of the national employer in relation to the establishment of a European Works Council and a procedure for informing and consulting employees and the legal consequences of any breach of those obligations;

(d) as regards the protection of national employees' representatives, even if the central management or, in the case of a Community-scale undertaking or, in the case of a group of undertakings, the controlling undertaking, the non-member country, the subordinate management (central management); representation of the undertaking or group of undertakings; or, in the absence of a representative, the establishment of the undertaking or the undertaking of the group of undertakings which employs the largest number of employees in one Member State in another Member State.

(5) \*

**Section 2** (1) For the purposes of this Act

(a) *undertaking operating at Community level*: an undertaking established in the Member States which employs at least one thousand workers in the Member States and has at least one hundred and fifty employees in each of at least two Member States;

(b) *group of undertakings*: a group of undertakings consisting of a controlling undertaking and its controlled undertakings;

(c) *a group of undertakings operating at Community level*: a group of undertakings which has at least one thousand employees within the Member States and at least two undertakings belonging to the group in different Member States, one with at least 150 employees in one Member State and the other with employs at least one hundred and fifty workers in a Member State;

(d) *central management*: in the case of an undertaking or group of undertakings operating at Community level, the management of the controlling undertaking;

(e) \* *consultation*: establishing and exchanging a dialogue and exchange of views between the employees' representatives and the central management or any appropriate level of management at a time, in a manner and with a content enabling the employees' representatives to be informed of the proposed measures form an opinion within a reasonable time on the basis of the information, within the Community-scale undertaking or Community-scale group of undertakings;

(f) *"establishment"* shall mean the place of economic activity through the pooling of human and material resources;

(g) *special negotiating body*: Articles 4-5 of this Act. A body set up in accordance with Article 1 of this Regulation to negotiate with the central management the establishment of a European Works Council or a procedure for informing and consulting employees;

(h) *European Works Council*: in Section 7 (2) and Sections 10-12 of this Act. A council set up in accordance with § to inform and consult employees;

(i) \* *information*: the transmission of data by employees' representatives to employers' representatives in good time, in such a way and with content so that they can become acquainted with and examine the subject, enabling employees' representatives to carry out a thorough analysis of possible effects and, if necessary, prepare consultations. with the competent body of an undertaking or group of undertakings operating at Community level.

(2) For the purposes of this Act, a "controlling undertaking" is an undertaking belonging to a group of undertakings operating at Community level which, by virtue of its ownership, financial shareholding or other provisions governing the activities of the group, has a dominant influence over another undertaking (controlled undertaking). In the case of Section 1 (3) (a), Act CXLIV of 1997 on Business Associations. A dominant member as defined in the part of the Act concerning the acquisition of influence in a company shall also be considered a controlling undertaking.

3. Until proven otherwise, the ability to exercise a dominant influence shall be presumed where an undertaking, directly or indirectly in relation to another undertaking,

(a) has the power to appoint more than half the members of the administrative, management or supervisory body of the other undertaking;

(b) by a majority of the votes attaching to a participation in another undertaking, or

(c) has a majority of the subscribed capital of the other undertaking.

(4) \* If the conditions set out in paragraph 2 are met by two or more undertakings in the same group of undertakings, the order set out in paragraph 3 shall be taken into account in determining the controlling undertaking until proven otherwise. For the purposes of paragraph 2, the voting and appointment rights of the controlling undertaking shall include the rights of any other controlled undertaking and the rights of any person or body acting on its own behalf but on behalf of the controlling undertaking or any other controlled undertaking.

(5) No decisive influence may be presumed in the field of bankruptcy proceedings, liquidation proceedings or liquidation on the basis of the action taken by the liquidator and the liquidator.

6. An insurance undertaking, a credit institution, a financial holding company, a mixed-activity holding company, an investment company or an asset management company shall not be classified as a controlling undertaking by the interim management activity or acquisition of assets if its purpose is to prepare for resale and not exercised to the extent necessary.

(7) \* In determining whether an undertaking qualifies as a "controlling undertaking", the law of the Member State whose law is applicable to the undertaking shall apply. If the law applicable to the undertaking is not the law of a Member State, the applicable law shall be the law of the Member State in whose territory the representative of the undertaking or, failing that, the central management of the group of undertakings employing the largest number of employees is situated.

(8) \* By way of derogation from paragraphs 2 and 3, where the undertaking: Article 3 (5) (a) or (c) of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings The company referred to in the first subparagraph shall not be considered a controlling undertaking in respect of another undertaking in which it has an interest.

(9) \* The thresholds provided for in paragraph 1 (a) and (c) shall be determined on the basis of the average number of persons employed in the two years preceding the reference year, including part-time employees.

### ***Establish a European Works Council and a procedure for informing and consulting employees***

**Section 3** (1) The central management shall, on its own initiative or at the request of one hundred employees of at least two undertakings or establishments operating in at least two Member States or

of their representative bodies, enter into negotiations to establish a European Works Council or inform and consult employees. negotiations for consultation.

(2) If the central management receives several motions, the number of employees specified in subsection (1) shall be calculated. If the motion is submitted to the management of a domestic company or establishment, it shall be forwarded to the central management without delay and the petitioner shall be informed thereof at the same time.

3. The central management shall inform the undertaking or group of undertakings operating at Community level of the proposal (s) as soon as it is received.

**Section 4.** (1) In order to start and conduct negotiations, a special negotiating body shall be established in accordance with the following. The task of the special negotiating body shall be to reach an agreement with the central management on the establishment of a European Works Council or other procedure for informing and consulting employees.

(2) \* The members of the special negotiating body shall be appointed from among employees employed by undertakings or groups of undertakings operating at Community level. The members shall be determined in proportion to the number of employees employed by the undertaking or group of undertakings in that Member State, with each Member State having one seat in the special negotiating body for every 10% of the number of employees in all Member States. At the same time as the nomination of a member of the special negotiating body, an alternate member shall be nominated.

(3) \* If the number of employees employed by the undertaking or group of undertakings at Community level in that Member State

(a) at least 25% but less than 50% are employed, one more,

(b) employ at least 50% but less than 75%, two more,

(c) employ at least seventy-five per cent, three more

an employee representative may be sent to the special negotiating body in addition to the number to be determined in accordance with paragraph 2.

**Section 5.** (1) The member or members of the special negotiating body on behalf of the employees of the undertakings or groups of undertakings operating at the Community level on the domestic premises or undertakings

a) the works council,

(b) where there is a central works council, the central works council,

(c) where there are several central works councils, the central works councils shall nominate them jointly.

2. Where a Community-scale group of undertakings or an undertaking has a works council or an establishment located within the country, a representative of the employees of that undertaking or

establishment shall be invited to a nominating meeting of the works council, the central works council or the central works councils. The employee representative at the nomination meeting is considered to be a member of the works council or the central works council. If there are several central works councils, the invited employee representative shall be considered a member of the central works council of the same undertaking or group of undertakings. The provisions of Section 11 (2) - (4) of this Act shall apply mutatis mutandis to the election of the employee representative.

**Section 6 (1) \*** The central management shall immediately inform the heads of all establishments or undertakings of the undertaking or group of undertakings operating at Community level, the employees' representative bodies and the competent European organizations of employees and employers of the special negotiating body. the list and address of its members and the opening of negotiations. The Minister responsible for employment policy publishes on the Government's official information website the e-mail addresses to which the information must be provided.

2. At the same time as the information provided for in paragraph 1, the central management shall invite the special negotiating body to a first hearing and inform the managers of the undertakings or sites accordingly.

(3) If the central management and the special negotiating body decide in their agreement pursuant to Section 7 (3) on an issue which also affects the premises or undertakings of an undertaking or group of undertakings operating at Community level in a non-member country, the parties may agree to inviting its employee representatives and determining the number of such representatives.

(4) \* The special negotiating body may hold a special meeting with the assistance of an expert before negotiating with the central management. Representatives of workers' organizations recognized and competent at Community level as experts may also be invited. Representatives of these experts and workers' organizations shall take part in the negotiations in an advisory capacity at the request of the special negotiating body.

(5) \* The special negotiating body may decide, by at least a two-thirds majority, not to open the negotiations provided for in paragraph 2 or to terminate the negotiations already opened. This decision is based on Figures 7-8. § also terminates the procedure for concluding an agreement regulated in §. The decision document, signed by the chairman and a member of the special negotiating body, shall be sent to the central management without delay.

6. A new request to convene a special negotiating body may be submitted two years after the decision referred to in paragraph 5, provided that a shorter deadline has not been agreed between the special negotiating body and the central management.

7. All costs associated with the establishment of the special negotiating body, the negotiations and the necessary and reasonable costs incurred in carrying out the work of the special negotiating body in an appropriate manner shall be borne by the central management.

(8) \* The special negotiating body shall have the right to meet without the participation of the central management before and after each meeting of the central management. The special negotiating body shall be provided with the means to inform it at the meetings.

**Section 6 / A.** \* (1) In the event of a significant change in the structure of an undertaking or group of undertakings operating at Community level, in particular in the event of a merger, acquisition of significant influence or division, provided that:

(a) the agreements in force do not contain a provision to that effect, or

(b) the provisions of two or more applicable agreements are incompatible,

the central management shall, on its own initiative or at the written request of one hundred employees of at least two undertakings or establishments or their representative bodies in at least two Member States, negotiate the establishment of a European Works Council or negotiations to inform and consult employees. Negotiations, with the exceptions set out in this section, shall be conducted in accordance with Articles 3-6. § shall apply.

2. In the case provided for in paragraph 1, the members of the special negotiating body shall:

a) members appointed pursuant to Section 4 (2) and (3), and

(b) the existing European Works Council or at least three members of the existing European Works Councils.

3. During the negotiations, the existing European Works Council or the existing European Works Councils shall continue to operate in accordance with rules which may be adjusted by agreement between the members of the European Works Councils and the central management. This Agreement is governed by Articles 7-8 / A. § shall apply.

(4) If no agreement is reached during the negotiations for any reason, including the cases provided for in Section 9, the establishment and functioning of the European Works Council shall be governed by Articles 10 to 23. The provisions of § shall apply.

#### ***Agreement establishing a European Works Council and a procedure***

#### ***in informing and consulting employees***

**Section 7.** (1) In exercising the rights and fulfilling the obligations contained in this Act, the central management and the special negotiating body shall act in accordance with the requirements of good faith and fairness, cooperating with each other.

2. The task of the special negotiating body shall be to agree with the central management on the terms of reference, composition and term of office of the European Works Council or to establish a procedure for informing and consulting employees.

3. Where the central management and the special negotiating body agree to establish a European Works Council, the agreement shall be in writing. This should include in particular:

(a) the establishments or undertakings of undertakings or groups of undertakings operating at Community level to which the agreement applies, including establishments or undertakings outside the territory of the Member States;

(b) \* the composition of the European Works Council, the number of its members, the number of alternates, the distribution of posts, taking into account, as far as possible, the need for a balanced distribution of staff by job, position and gender, and the term of office of the European Works Council;

(c) \* the powers of the European Works Council and the procedure for informing and consulting it, and, subject to Article 16 (3) to (4), informing and informing the European Works Council and the national employee representative bodies; the modalities of the relationship between their consultation;

(d) the place, frequency and duration of meetings;

(e) the financial and other resources available to the European Works Council;

(f) \* the date of entry into force of the agreement, its duration, the modalities for amending or terminating the agreement and the cases in which the agreement needs to be renegotiated, as well as the procedure for renegotiating the agreement, including transitional provisions; clauses relating to the monitoring of changes in the structure of an undertaking or group of undertakings;

(g) \*<sup>as</sup> necessary, the composition, appointment procedures, tasks and rules of procedure of the management committee set up within the European Works Council.

(4) \* The rules governing the relationship between the information and consultation of the European Works Council and the employees' representative bodies shall be laid down in the agreement provided for in this Article and Article 8 respectively. This agreement may not be in conflict with the provisions of Act I of 2012 on the Labor Code (hereinafter: Mt.) concerning the information and consultation of employees.

**Section 8** (1) The central management and the special negotiating body may agree in writing to establish another procedure for informing and consulting employees instead of establishing a European Works Council.

2. The agreement on the procedure referred to in paragraph 1 shall specify in particular the manner in which the employees' representatives may negotiate the content of the information provided to them and the procedure and means of communicating their suggestions and objections to the central management or other appropriate management level.

3. The information shall cover all cross-border matters which have a significant effect on the interests of employees.



**Section 8 / A.** \* A 7-8. The members of the special negotiating body shall decide on the conclusion of the agreement provided for in § by a simple majority.

### ***Provisions concerning the European Works Council***

**Section 9** Establishment and operation of the European Works Council 10-23. The provisions of § shall apply if

- (a) the central management and the special negotiating body so decide;
- b) the central management refuses to start negotiations within six months after the submission of the motion referred to in Section 3 (1);
- c) the parties have not agreed on the issues referred to in Section 7 (3) three years after the initiative of the central management or the date of submission of the motion of the employees or their employee representative bodies, and a special negotiating body has not taken the decision specified in Section 6 (5).

**Section 10** (1) The European Works Council shall consist of representatives of the employees of the undertakings or groups of undertakings operating at Community level.

(2) \* The members of the European Works Council shall be determined in proportion to the number of employees employed in that Member State, with each Member State having one seat in the European Works Council for every ten per cent of the number of employees in all Member States. At the same time as the nomination of a member of the European Works Council, an alternate member shall be nominated.

(3) \* If the number of employees employed by the undertaking or group of undertakings at Community level in that Member State

- (a) employ at least 25% but less than 50%, one more,
- (b) employ at least 50% but less than 75%, two further,
- (c) employ at least 75%, three more,

an employee representative may be sent to the special negotiating body in addition to the number to be determined in accordance with paragraph 2.

4. The members of the European Works Council shall represent the employees of the undertaking or group of undertakings operating at Community level on behalf of their domestic establishments or undertakings.

- (a) the works council;
- (b) if there is a central works council, the central works council;
- (c) where there are several central works councils, the central works councils shall nominate them jointly.

5. The proportion of women and men in the nomination shall be determined taking into account the proportion of women and men employed in the domestic establishments or undertakings of an undertaking or group of undertakings operating at Community level.

**Section 11.** (1) If there is no works council at an enterprise or premises of a group of undertakings or an undertaking operating at the Community level, the employee representative of this undertaking or establishment shall be invited to a nominating meeting of the works council, the central works council or the central works councils. The employee representative at the nomination meeting is considered to be a member of the works council or the central works council. If there are several central works councils, the invited employee representative shall be considered a member of the central works council of the same undertaking or group of undertakings.

2. The manager of an undertaking or establishment as defined in paragraph 1 shall inform the employees of the intention to set up a European Works Council and of the fact that the employees' representative shall be invited to a meeting of the central works council or central works councils.

(3) The electoral committee shall be responsible for carrying out the tasks related to the election of the employee representative. The election committee consists of three members who are directly elected by the employees. The election committee shall determine the procedure and date of the election, ensure the conduct of the election and establish the rules for counting votes.

(4) \* All employees with an employer are entitled to elect an employee representative. An employee who has been in employment with the employer for at least six months may be elected as an employee representative. The list of eligible and eligible employees shall be established and published by the selection board on the basis of the information provided by the employer to the election committee within five days. The validity of the election is governed by the provisions of Section 247 of the Labor Code. In the event of an invalid election, the election shall be repeated within thirty days. A repeated election shall be deemed valid if more than one third of those entitled to vote are present.

(5) The employee representative shall be deemed to be the employee who obtained the largest number of valid votes cast.

**Section 12** (1) The term of office of a member of a European Works Council shall be three years. The term of office of the members of the European Works Council elected at the national premises or undertakings of an undertaking or group of undertakings operating at Community level shall be terminated if:

- (a) resigns;
- (b) the term of office of the European Works Council has expired;
- (c) his term of office has expired;
- (d) recalled;

(e) be the head of any establishment or undertaking of an undertaking or group of undertakings operating at Community level;

(f) if his employment is terminated;

(g) where the establishment or undertaking to which the representative belongs has ceased to exist or has left the undertaking or group of undertakings operating at Community level.

2. A works council which nominates a member of a European Works Council may be recalled at the national premises or undertakings of an undertaking or group of undertakings operating at Community level. A call for recall shall be held if proposed by at least thirty percent of the members of the works council nominating the member. More than half of the valid votes cast are required to recall a member. A recall request may not be made again within six months.

3. If the term of office of a member of a European Works Council elected at the national premises or undertakings of an undertaking or group of undertakings at Community level expires before the expiry of the term of office of the European Works Council, he shall be replaced by an alternate elected domestically.

**Section 13** (1) At the request of the European Works Council, the central management shall examine annually, from the date of the first hearing, whether the number of employees in each Member State has changed compared to Article 10 (2) to the extent that the European Works Council results in a change in the number and composition of the board. The European Works Council shall be informed of the outcome by the central management.

2. If a change in the number or composition of the European Works Council is necessary, the European Works Council shall take the necessary measures to elect an adequate number of members to the European Works Council in the Member States concerned. The new election shall terminate the mandate of the member representing the employees employed in that Member State.

**Section 14** The central management shall be informed without delay of the names and addresses of the members of the European Works Council and of the undertaking or establishment to which the member belongs. The central management shall immediately inform the heads of all the establishments or undertakings of the undertaking or group of undertakings operating at Community level, as well as the employee representative bodies and the employee representative bodies at the national establishment or undertaking, of this information.

**Section 15** (1) The European Works Council shall elect a chairman and a vice-chairman.

(2) \* In order to ensure the coordination of the activities of the European Works Council and to deal effectively with exceptional circumstances, it shall elect at least three management committees of not more than five members, of which the President of the European Works Council shall be a member. The executive committee must have all the conditions necessary for it to carry out its activities on a regular basis.

**Section 16.** (1) The central management shall invite the members of the European Works Council to a first hearing immediately after the election of the European Works Council. The European Works Council shall be entitled to meet once a year with the central management in order to be informed and consulted on the economic situation of the undertaking or group of undertakings operating at Community level and its expected development on the basis of a report drawn up by the central management. The date and place of the meeting shall be agreed between the central management and the European Works Council. By agreement between the central management and the European Works Council, several meetings may be held within one year. Meetings of the European Works Council shall not be public.

2. The central management and the European Works Council shall carry out their duties in good faith and in good faith, in a spirit of cooperation, taking into account the mutual interests of the employees and of the undertaking or group of undertakings at Community level. This also applies to the procedure for informing and consulting employees between central management and employee representatives.

(3) \* Employees should be informed and consulted at the appropriate level of management and representation, depending on the subject under discussion. The powers and activities of the European Works Council and the information and consultation of employees covered by this Act may be limited to transnational matters.

(4) \* Any question which:

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

(b) an undertaking or group of undertakings operating at Community level has at least two establishments or undertakings belonging to a group of undertakings located in two different Member States;

touch. An issue which is significant in terms of its potential impact on Community workers, regardless of the number of Member States concerned, or which involves the transfer of activities between Member States, can also be considered transnational. In determining the transnational nature of an issue, consideration should be given to the potential effects of the issue and the level of leadership and representation affected by the issue.

5. Information and consultation on the economic situation of an undertaking or group of undertakings operating at Community level and on its likely development shall cover in particular:

(a) the structure and economic and financial situation of the undertaking or group of undertakings;

(b) the likely development of business, production (service) and sales;

(c) the employment situation and its expected development;

(d) \* the situation of investments or investment programs and their expected direction of development;

(e) material changes affecting the organization;

- (f) *introduction* of new working methods and production processes;
- (g) the relocation of undertakings, establishments or parts of an establishment or business essential to its operation, as well as the relocation of production;
- (h) mergers or divisions of undertakings or establishments;
- (i) \* reduction, downsizing, closure or cessation of the activities of undertakings, establishments or parts of plants or businesses which are essential to their operation;
- (j) collective redundancies.

**Section 17** (1) The central management shall inform the European Works Council in due time of extraordinary circumstances significantly affecting the interests of the employees. In particular, they are considered to be such an exceptional circumstance

- (a) the relocation of undertakings, establishments or parts of plants or operations essential to their operation;
- (b) \* the closure, reduction or cessation of an undertaking, establishment or part of an establishment or business essential to its operation;
- (c) collective redundancies.

2. The European Works Council or the executive committee shall be entitled to meet with the central management or the appropriate level of management of the undertaking or group of undertakings at Community level in order to be informed and consulted on exceptional circumstances affecting the essential interests of employees. If the Management Committee attends the meeting on behalf of the European Works Council, the members of the European Works Council elected by the undertakings or sites directly concerned by the measure shall be invited to attend.

(3) \* seat under paragraph (2) of the central management or the appropriate level of management company or group of companies operating in the Community level should be held as soon as possible, according to the report. The European Works Council and the Administrative Committee shall be entitled to deliver an opinion on the issues raised at the end of the meeting and within a reasonable time thereafter.

4. The members of the European Works Council or of the Management Committee present at a meeting shall inform the employees' representatives of the establishments or undertakings of the undertaking or group of undertakings operating at Community level of the content and outcome of the information or consultation.

(5) \* The European Works Council and the Executive Committee, including the Executive Committee enlarged in accordance with Article 17 (2), shall have the right to meet without the participation of the Management Board prior to the discussion with the central management.

(6) \* Information and consultation under this section shall be without prejudice to the principles set out in section 1 (1) and the provisions of section 19.

**Section 18.** (1) The European Works Council shall establish its own rules of procedure. Decisions of the European Works Council shall be taken by majority vote.

2. The European Works Council may call on experts as necessary for the performance of its tasks.

(3) \* The operating costs of the European Works Council necessary and justified for the performance of its tasks shall be borne by the central management. Unless otherwise agreed, the central management shall, in particular, provide the necessary facilities for meetings and ongoing matters, such as premises, equipment, office staff and interpreters, as well as the necessary travel and subsistence expenses.

4. A member of the European Works Council shall be relieved of his / her duties for the period necessary for the performance of his / her duties and shall be entitled to an absence allowance for that period.

**Section 18 / A.** \* Four years after its establishment, the European Works Council shall examine the possibility of initiating negotiations in accordance with Articles 7-8. To conclude an agreement regulated in § 10-23, or continue to apply Articles 10-23. §.

#### **Common rules**

**Section 19.** (1) The central management shall be subject to the information obligation contained in § 7 and § 16 (5) and § 17 (1) of this Act only if the provision of information does not endanger the enterprise operating at the Community level. or the legitimate interests of a group of undertakings in its trade or business secrets.

2. A member and alternate of the European Works Council may not disclose to third parties, disclose to any third party or it may not be used in any other way in activities other than the achievement of the purposes specified in this Act. This obligation shall continue to apply to the member and alternate member of the European Works Council after the expiry of his term of office.

3. The obligation of confidentiality provided for in paragraph 2 shall not apply to the member and alternate member of the European Works Council.

(a) the other members or alternates of the European Works Council,

(b) the employees' representatives of the undertakings and establishments,

(c) employees' representatives on the management bodies or supervisory boards of undertakings,

(d) the interpreter and the expert assisting him.

4. The obligation of confidentiality set out in paragraph 2 shall apply

(a) a member and alternate of the special negotiating body,

b) 7-8. Employee representative participating in the information and consultation procedure provided for in §,

(c) the interpreter and the expert; and

(d) employees' representatives of undertakings and establishments.

5. The exception to the obligation of confidentiality set out in paragraph 3 shall apply to those set out in paragraph 4 in such a way that:

(a) the member and alternate of the special negotiating body shall not be bound by the obligation of professional secrecy with regard to the interpreter and the expert assisting him in his work,

b) 7-8. The employee representative participating in the information and consultation procedure provided for in § 1 shall not be bound by the obligation of confidentiality vis-à-vis the interpreter and the expert assisting his / her work, as well as the employee representatives of the enterprises and sites.

**Section 20.** \* (1) The rules applicable to a member of a works council shall apply mutatis mutandis to the employment protection of the domestically employed member and alternate member of the European Works Council and the special negotiating body.

2. The members of the European Works Council shall jointly represent, without prejudice to the powers of other employee representation and participation organizations, the interests of the employees of the Community-scale undertaking or Community-scale group of undertakings and shall have the means to exercise the rights conferred on the European Works Council, including: the initiation of disputes concerning infringements of the right to information and consultation of workers.

3. Without prejudice to Article 19, the members of the European Works Council shall inform the employees' representatives at the premises or in the undertakings belonging to the Community group or, in the absence of such representatives, the employees' community of the content and outcome of the information and consultation procedure.

4. The members of the European Works Council shall, at the end of their term of office, be accountable to the representatives of the employees employed on the premises or in the undertakings belonging to the Community group of undertakings or, in the absence of such representatives, to the employees' community.

(5) \* Members or alternates of special negotiating bodies or European Works Councils who are members of the crew of a seagoing ship shall be entitled to attend the meetings of the special negotiating body or of the European Works Council and in accordance with Articles 7 and 8. provided that the member or alternate is not at sea or in a port of a country other than that in which the shipping company is established at the time of the meeting.

(6) \* Meetings shall, where possible, be scheduled to allow the participation of members or alternates who are members of the crew of a seagoing ship.

(7) \* In cases where members or alternates of special negotiating bodies or European Works Councils who are members of the crew of a seagoing ship are unable to appear in person at a meeting,

consideration should be given, where possible, to the use of new information and communication technologies. the chance.

**Section 21.** (1) It is prohibited to obstruct, restrict or influence the establishment and activities of the special negotiating body or the European Works Council, as well as the establishment and conduct of the procedure for informing and consulting employees.

2. The activities of the special negotiating body, the member and alternate member of the European Works Council and the employees involved in the procedure for informing and consulting employees shall not be hindered or restricted or shall be adversely affected.

**Section 21 / A.** \* The consultation must allow the employees' representatives to discuss with the central management and to receive a written, reasoned response to any opinions and comments they issue.

**Section 21 / B.** \* (1) The members of the special negotiating body and of the European Works Council shall have the right to receive training, provided that this is necessary for the performance of their duties in the international environment. The minimum amount of training time may be set by agreement between the parties.

2. Training necessary for understanding the work of representatives in an international environment shall include, in particular, understanding of the international structure, strategy, legal and industrial relations of the undertaking or group of undertakings at Community level, the practical requirements of the European Works Council, including communication knowledge and foreign language skills - to acquire the knowledge needed to meet related needs.

3. The request for training shall include information on training needs, the content of the training and other relevant data, as well as the reasons why the training is necessary for the work of the representatives in the international environment.

4. A request for training may not be refused if the training is reasonably necessary for the work of the representatives of the members of the special negotiating body and of the European Works Council in an international context.

5. The members of the special negotiating body and of the European Works Council shall be entitled to an absence allowance for the duration of the training.

**Section 21 / C.** \* (1) The information and consultation of the European Works Council shall be linked to the information and consultation of the national employee representation bodies, respecting their competences and areas of activity, as provided for in § 1 (1) and § 16 (3). principles. If, on the basis of the Mt., the national employee representative bodies are also to be informed about an issue falling within the competence of the European Works Council, the information shall be provided to them at the same time.



(2) If decisions which have a significant effect on the organization of work or employment contracts are expected to be taken, Articles 7 to 8 shall apply. In the absence of such a provision in the agreement provided for in

**Section 22** The **provisions** of this Act shall not affect Council Directive 75/129 / EEC of 17 February 1975 on the approximation of the laws of the Member States relating to collective redundancies and Council Directive 75/129 / EEC of 12 March 2001 on the approximation of the laws of the Member States relating to provisions of Directive 2001/23 / EC on the approximation of the laws of the Member States relating to the safeguarding of

**Section 23.** (1) \* Agreement on the establishment of a European Works Council, a procedure for informing and consulting employees and the European Works Council, the special negotiating body, the European Works Council and the rights and obligations of its members regulated by this Act In disputes between the European Works Council, the members of the European Works Council, the employees, the works council and the trade union concerning legal provisions listed in Section 1 (3), the court shall decide in a non-litigious procedure within fifteen days.

(2) \* The headquarters of the central management, the controlled management, the representation and the court of employment of the undertaking or establishment specified in Section 1 (3) ( d) shall have jurisdiction over the proceedings referred to in subsection (1) .

**Section 23 / A.** \* (1) A 6 / A. § and the obligations arising therefrom, this Act shall not apply to undertakings or groups of undertakings operating at the Community level for which

(a) an agreement or agreements on transnational information and consultation of workers in accordance with Article 13 (1) of Directive 94/45 / EC or Article 3 (1) of Directive 97/74 / EC concluded in accordance with, or

(b) an agreement or agreements on transnational information and consultation of workers in accordance with Article 13 (1) of Directive 94/45 / EC or Article 3 (1) of Directive 97/74 / EC and these agreements or agreements have been adjusted as a result of changes in the structure of the undertaking or group of undertakings, irrespective of the date of the adjustment.

2. Undertakings or groups of undertakings operating at Community level for which an agreement has been concluded in accordance with Article 6 of Directive 94/45 / EC

(a) was signed between 5 June 2009 and 5 June 2011, or

(b) amended between 5 June 2009 and 5 June 2011,

unless otherwise provided, the provisions of this Act in force at the time of signing or amending the agreement shall apply. By contrast, Article 6 / A of this Act shall apply to such undertakings operating at Community level or to groups of undertakings operating at Community level. § and the obligations arising therefrom shall also apply.

3. If the agreements referred to in paragraphs 1 and 2 expire, the Parties may decide jointly to renew or amend them. In the absence of such a decision, the provisions of this Act shall apply.

4. The arrangements for informing and consulting employees in the agreements referred to in paragraphs 1 and 2 shall be interpreted in such a way as to ensure efficiency and to enable effective decision-making within the undertaking or group of undertakings.

**Section 23 / B.** \* This Act shall also apply to undertakings or groups of undertakings operating at Community level for which

(a) the agreement concluded in accordance with Article 6 of Directive 94/45 / EC was signed between 22 September 1996 and 5 June 2009 and was not amended between 5 June 2009 and 5 June 2011, and

(b) the agreement on transnational information and consultation of employees was signed on or after 6 June 2011.

**Section 24** \* This Act is in line with Directive 2009/38 / EC of the European Parliament and of the Council of 6 May 2009 establishing a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees.

**Section 24 / A.** \* This Act complies with Directives 2008/94 / EC, 2009/38 / EC and 2002/14 / EC of the European Parliament and of the Council and Council Directives 98/59 / EC and 2001/23 / EC with regard to seafarers. to comply with Directive 2015/1794 / EU of the European Parliament and of the Council of 6 October 2015 amending

#### ***Final provisions***

**Section 25.** (1)\*

(2)-(3)\*