

## **PRESIDENTIAL DECREE**

### **on employees' rights to information and consultation in Community-scale undertakings and Community-scale groups of undertakings in compliance with Directive 94/45/EC of 22 September 1994**

THE PRESIDENT OF THE HELLENIC REPUBLIC

Having regard to :

- 1) Articles 1 and 3 of Law N° 1338/83 on "Implementation of Community Law" (34/I) as amended by Article 6 of Law N° 1440/84 on "Greece's Participation in the Capital, Reserves and Funds of the European Investment Bank, in the Capital of the European Coal and Steel Community and of the EURATOM Supply Agency" (70/I) and Article 65 of Law N° 1892/90 on "Modernisation and Development and Other Provisions" (101/I).
- 2) Article 29a of Law N° 1558/85 on "Government and Government Bodies" (137/I) as added by Article 27 of Law N° 2081/92 on "Regulating Chambers of Commerce etc. as Institutions" (154/I).
- 3) The fact that implementation of this Decree shall not entail additional expenditure from the budget of the Ministry of Labour and Social Security or the State Budget or the budget for Legal Entities under Public Law.
- 4) Opinion N° ... of the State Council upon a proposal from the Ministers for Labour and Social Security, Interior, Public Administration and Decentralisation, Economic Affairs, Development, Finance, Justice and Merchant Marine.

HEREBY DECREES :

### **CHAPTER I**

#### **ARTICLE 1**

##### *Objective*

1. The objective of this Presidential Decree is to effectively ensure the rights of employees to information and consultation in Community-scale undertakings and Community-scale groups of undertakings.

To that end, a European Works Council or a procedure for informing and consulting employees shall be established in every Community-scale undertaking or every Community-scale group of undertakings in the manner laid down in this Presidential Decree.

Notwithstanding the above, where a Community-scale group of undertakings comprises one or more undertakings or groups of undertakings which are Community-scale undertakings, a European Works Council shall be established at group level unless the agreements referred to in Article 10 provide otherwise.

2. This Presidential Decree shall not apply to Merchant Marine crews.

## **ARTICLE 2**

### *Scope*

- a. This Presidential Decree shall apply to Community-scale undertakings located in Greece and to groups of undertakings whose controlling or parent undertaking is located in Greece (central management). It is immaterial for application of this Presidential Decree whether the controlled undertaking located in a Community Member State constitutes, in its turn, a controlling undertaking within the framework of a different group of undertakings. In such cases, the European Works Council shall be established at the highest level thereof unless otherwise agreed.

In the case of Community-scale undertakings, transnational information and consultation shall cover all the undertakings or establishments located in a Member State, and in the case of Community-scale groups of undertakings all the undertakings and establishments located in a Member State unless agreement has been reached on studying the procedure for representing them.

- b. The scope of application may, with the parties' agreement, also be extended to employees in establishments or undertakings outside Member States but without the said employees having the right to vote (Article 7(4)).

## **ARTICLE 3**

### *Definitions*

1. For the purposes of this Presidential Decree :
  - a) 'Member States' means the Member States (or countries) of the European Union, except for the United Kingdom of Great Britain and Northern Ireland, as well as the states which are co-signatories to the Agreement on the European Economic Area but not European Union members.
  - b) 'Community-scale undertaking' means an undertaking with at least 1 000 employees within the Member States and with at least two establishments in different Member States employing at least 150 employees each.
  - c) 'Community-scale group of undertakings' means a controlling undertaking and its controlled undertakings.

- d) 'Community-scale group of undertakings' means a group of undertakings with the following characteristics:
- having at least 1 000 employees within the Member States,
  - consisting of at least two group undertakings in different Member States, and
  - at least one group undertaking with at least 150 employees in one Member State and at least one other group undertaking with at least 150 employees in another Member State.
- e) 'Employees' representatives' means the employees' representatives as provided for under national law.
- f) 'Central management' means the central management of the Community-scale undertaking or, in the case of a Community-scale group of undertakings, of the undertaking exercising control.
- Where the central management of a Community-scale undertaking or of a Community-scale group of undertakings is not located in a Member State and is designated by the central management to be its representative agent acting as the central management, the said representative agent shall be deemed to be the central management for the purposes of this Presidential Decree. If no representative agent is designated, the central management of the group or undertaking shall be deemed by the management of the Community-scale undertaking or group to be that employing the greatest number of employees in any one Member State.
- g) 'Consultation' means the exchange of views and establishment of dialogue between employees' representatives and central management or any other competent level of management.
- h) 'European Works Council' means the body which represents the employees and is formed in accordance with Articles 15 and 16 of this Presidential Decree for the purpose of informing and consulting all employees.
- i) 'Special negotiating body' means the body established in accordance with Article 7 to negotiate with the central management on the establishment of a European Works Council or of a procedure for informing and consulting employees in accordance with Article 1.
2. a) For implementation of this Presidential Decree the thresholds for the size of the workforce shall be based on the average number of employees who have worked in the undertaking or group during the last two years under fixed-term or open-ended employment contracts.
- b) Open-ended employment contracts which expire or part-time contracts shall be treated as part of the full annual employment activity which the undertaking or branch of employees takes as a basis for calculating the size of the workforce.
- c) Undertakings subject to this Presidential Decree and located in Greece must, within three months of the Decree being brought into force, communicate in writing the size of the workforce in accordance with the above to the competent departments of the Ministry of Labour and Social Security (Labour Inspectorates or the relevant departments of the Prefectural Self-Governing Authority authorised to enforce labour legislation) and to the employees' representatives.

## ARTICLE 4

### *Definition of “controlling undertaking”*

1. For the purposes of this Presidential Decree, 'controlling undertaking' means the undertaking, located in Greece, forming part of a group and which can exercise a dominant influence over another undertaking ('the controlled undertaking') by virtue, for example, of ownership, financial participation or rules governing it on other grounds.
2. An undertaking located in Greece shall, without prejudice to proof to the contrary, be assumed to exercise a dominant influence, direct or indirect, over another undertaking when one of the following criteria applies:
  - (a) it holds a majority of that undertaking's subscribed or company capital; or
  - (b) it controls a majority of the votes attached to that undertaking's share or subscribed capital;  
or
  - (c) it can appoint more than half of the members of the other undertaking's administrative, management or supervisory body.

If any of the three criteria are satisfied by various undertakings in one group, the undertaking to be deemed the controlling undertaking shall firstly be that which satisfies criterion (c), or failing that (b) and (a), without prejudice to proof to the contrary.

3. For the purposes of the preceding paragraph, a controlling undertaking's rights as regards voting and appointment shall include the rights of any other controlled undertaking and those of any person or entity acting in his/its own name but on behalf of the controlling undertaking or of any other controlled undertaking.
4. Notwithstanding paragraphs 1 and 2, an undertaking shall not be deemed to be a 'controlling undertaking' with respect to another undertaking whose shares it holds where it is a company referred to in Article 3(5)(a) or (c) of Council Regulation (EEC) Nr 4064/89 of 21 December 1989 on the control of concentrations between undertakings<sup>1</sup>.
5. A dominant influence shall not be presumed to be exercised solely by virtue of the fact that an office holder is exercising his functions according to the law of a Member State relating to liquidation, winding up, insolvency, cessation of payments, compositions or analogous proceedings.
6. An undertaking considered to be a 'controlling undertaking' shall be governed by the law of the State in which that undertaking is established. Where the law governing that undertaking is not

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<sup>1</sup> “A concentration shall not be deemed to arise where:

a) credit institutions or other financial institutions or insurance companies, the normal activities of which include transactions and dealing in securities for their own account or for the account of others, hold on a temporary basis securities which they have acquired in an undertaking with a view to reselling them, provided that they do not exercise voting rights in respect of those securities with a view to determining the competitive behaviour of that undertaking or provided that they exercise such voting rights only with a view to preparing the sale of all part of that undertaking or of its assets or the sale of those securities and that any such sale takes place within one year of the date of acquisition; that period may be extended by the Commission on request where such institutions or companies justify the fact that the sale was not reasonably possible within the period set; (...)

c) the operations (direct or indirect acquisition) carried out by the financial holding companies (...), provided however that the voting rights in respect of the holding are exercised, in particular in relation to the appointment of members of the management and supervisory bodies of the undertakings in which they have holdings, only to maintain the full value of those investments and not to determine directly or indirectly the competitive conduct of those undertakings.”

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that of a Member State in accordance with Article 3(1), the law applicable shall be the law of the Member State within whose territory the central management of the group undertaking which employs the greatest number of employees is established.

## **CHAPTER II**

### **ESTABLISHMENT OF A EUROPEAN WORKS COUNCIL OR AN EMPLOYEE INFORMATION AND CONSULTATION PROCEDURE**

#### **ARTICLE 5**

##### *Responsibility for the establishment of a European Works Council or an employee information and consultation procedure*

1. The central management shall be responsible for creating the conditions and providing the means necessary for the setting up of a European Works Council or an information and consultation procedure, as provided for in Article 1(1), in a Community-scale undertaking and a Community-scale group of undertakings.
2. Where the central management is not situated in a Member State, the central management's designated representative agent in a Member State shall assume the responsibility referred to in the above paragraph. Where no such representative agent has been designated, the management of the establishment or group undertaking employing the greatest number of employees in any one Member State shall assume the said responsibility.

#### **ARTICLE 6**

##### *Special negotiating body*

1. The central management of a Community-scale undertaking or group of undertakings and the members of the European Works Council or those designated as employees' representatives, whose task is to promote, in accordance with this Presidential Decree, employee information and consultation shall cooperate in good faith to achieve the objective of this Decree with due regard to their reciprocal rights and obligations.
  2. The central management shall initiate negotiations for establishing a European Works Council or an information and consultation procedure
    - a) on its own initiative, or
    - b) at the written request of at least 100 employees or their representatives in two undertakings or establishments in two different Member States.
  3. The request may be submitted by those concerned jointly or separately to the central management and to the establishments to which they belong.
  4. The representatives to participate in the special negotiating body shall be elected with their substitutes in accordance with the following order of priority:
    - a) by the existing trade union organisations (where they exist)
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- b) by the workers' councils (*ergasiaká symvouília*) which operate where no trade union bodies exist, and
- c) directly by the employees through direct ballot in accordance with Article 12 of Law N° 1264/82<sup>2</sup> and Article 4 of Law N° 1767/88<sup>3</sup>.

## ARTICLE 7

### *Composition of the special negotiating body*

1. The special negotiating body shall have a minimum of 3 and a maximum of 17 members.
2. The geographical distribution of the representatives participating in the abovementioned body shall be determined as follows:
  - a) one representative from each Member State in which an undertaking or group of undertakings has one or more establishments or undertakings;
  - b) one supplementary representative for each Member State in which at least 25% of the undertaking's or group's employees are employed;
  - c) two supplementary representatives for each Member State in which at least 50% of the undertaking's or group's employees are employed;
  - d) three supplementary representatives for each Member State in which at least 75% of the undertaking's or group's employees are employed.

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<sup>2</sup> "1. The administrative bodies of a trade union organisation shall be elected by means of a system of simple proportional representation.

2. The seats on the executive council and auditing committee and the number of delegates shall be distributed among the groups presenting candidates and the individual candidates in proportion to their electoral strength. The totality of the valid ballot papers shall be divided by the number of seats on the executive council or auditing committee or by the number of delegates to be elected. The quotient of this division, regardless of any fraction, shall constitute the electoral norm. Each group presenting candidates shall occupy a number of seats on the executive council or auditing committee, and shall elect a number of delegates, equal to the number of times the number of valid ballot papers it obtained is divisible by the electoral norm shall.

3. Any individual candidate obtaining the same number of votes as, or a greater number than, the electoral norm shall occupy one seat on the body for which he stood, or shall be elected as delegate if he stood for such post.

4. A group comprising fewer candidates than the number of seats to which it is entitled shall occupy only as many delegates as it has candidates.

5. The seats remaining vacant and the number of delegates that is not attained in accordance with the provisions of the foregoing subsections shall be distributed among the groups presenting candidates which have occupied at least one seat or have elected at least one delegate, which hold a residue of ballot papers greater than one-third of the electoral norm and which are closest to that norm.

6. The seats remaining vacant or the number of delegates that is not attained even after the provisions of the preceding subsection have been applied shall be attributed among the groups presenting candidates which have the largest residue of ballot papers, on the basis of one seat or one delegate per group. In the event of equality of voting strength, lots shall be drawn."

<sup>3</sup> "1. Elections to select the members of the works councils shall take place every two years, with direct and secret balloting, in accordance with the electoral system provided under section 12 of Act N° 1264/1982. Elections shall also take place if the number of members of the works councils diminishes for any reason whatsoever and there are not substitute members by a decision of the general assembly taken by a two-thirds majority of the persons present, another election system may be decided upon.

2. Every employee who has worked for a full two months in the enterprise by the eve of the election has the right to vote for members of the works councils and to be elected to such office. Persons who have been taken on for educational or training purposes do not have the right to vote or stand for election."

Where an undertaking or group has establishments in all Member States, the number of members of the special negotiating body may exceed 17.

3. The central management and the local managements shall be informed of the composition of the special negotiating body.
4. If jointly agreed between the central management and the European Works Council, representatives of employees in third countries may be allowed to take part as observers only.

## **ARTICLE 8**

### *Functions of the special negotiating body*

1. The special negotiating body shall have the task of determining - by written agreement with the central management - the composition, scope, functions and term of office of the European Works Council(s) or the method of implementing a procedure for the information and consultation of employees. The parties involved must negotiate in good faith (in a spirit of cooperation) in order to reach an agreement.
2. With a view to reaching an agreement as referred to in Article 10 the central management must convene a meeting with the special negotiating body and inform the local managements accordingly.
3. For the purpose of the negotiations, the abovementioned body may be assisted by experts of its choice.
4. The special negotiating body may decide, by a majority of at least two-thirds of all its members, not to open negotiations or to terminate negotiations already opened. Such a decision shall stop the procedure to conclude the agreement referred to in Article 10.  
The special negotiating body may request that a new meeting be convened after at least two years have elapsed, unless the parties concerned agree a shorter period, with a view to achieving the aim set out in paragraph 1 of this Article.
5. The negotiating body and the central management shall determine by mutual agreement the precise rules governing chairmanship of their joint meetings. If no agreement is forthcoming on this, the manner in which their meetings are to be conducted must be recorded in the minutes of their first meeting. The minutes of the meetings between the two parties shall be signed by one authorised representative for each of the parties involved.
6. The special negotiating body shall cease to exist once the agreement referred to in paragraphs 1 and 4 of this Article has been concluded.

## ARTICLE 9

### *Operation of the negotiating committee*

1. The special negotiating body shall act (take decisions) by an absolute majority of all its members, except for in the case referred to in Article 8(4), elect a chairman from among its members and adopt its rules of procedure.
2. The special negotiating body must convene a meeting of its members prior to any meeting with the central management and without the latter being present.
3. The operating expenses of the committee referred to in this Article shall be borne by the central management and shall be such as to enable the committee to fulfil its mission in the optimum manner. In particular the central management shall bear the following expenses:
  - a) those connected with election or appointment of the members of the special negotiating body;
  - b) those connected with organisation of the special negotiating body's meetings, including the expenses for interpretation facilities, accommodation, travel and subsistence for the members thereof and those for printing and disseminating the meetings' results;
  - c) those connected with the naming of an expert by the special negotiating body to assist it in its functions.

## ARTICLE 10

### *Content of the agreement*

1. The agreement between the special negotiating body and the central management (Article 8(1)) must be in writing in so far as it relates to the composition of the European Works Council and it must contain at least the following basic information:
    - a) The full particulars of the parties to the agreement plus the time when and place where they were set up.
    - b) The establishments belonging to the Community-scale undertaking or group of undertakings covered by the said agreement.
    - c) The composition of the European Works Council, the number of members, the allocation of seats and the term of office, which may not exceed three years.
    - d) The competences of the European Works Council and the procedure for information and consultation thereof.
    - e) The possibility of the Council's composition being amended in line with changes in the composition of the undertaking or group.
    - f) The time, manner, frequency, venue and duration of European Works Council meetings.
    - g) The allocation and period of availability of the financial and material resources provided to the European Works Council to enable it to carry out its functions effectively.
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- h) The duration of the agreement, the possibility of extending it, the expiry thereof and the procedure for its renegotiation.
- 2. The central management and the special negotiating body may decide, in writing, to establish an information and consultation procedure instead of a European Works Council. In such cases, the agreement must stipulate, in accordance with the preceding paragraph, by what method the employees' representatives shall have the right to meet to discuss the information conveyed to them concerning transnational questions which significantly affect workers' interests.
- 3. The agreements referred to in paragraphs 2 and 3 of this Article shall not be subject to the provisions of Article 14 and shall apply from the date proposed by the parties involved. The special negotiating body shall act by an absolute majority of its members.

## **ARTICLE 11**

### *Legal validity of the agreement*

- 1. The agreement concluded in accordance with the preceding paragraph (between the central management and the special negotiating body) shall be binding on all the establishments belonging to the Community-scale undertaking and on all the undertakings belonging to the Community-scale group of undertakings covered by it as well as on all the corresponding employees therein for the duration of its validity.
- 2. In order to be valid the agreement must be in writing, and sanctions must be provided for in the event of it being unilaterally revoked or infringed.

## **ARTICLE 12**

### *Provisions governing application, extension, expiry and renegotiation of the agreement*

- 1. In the absence of any accord on the application, extension, expiry and renegotiation of the agreement the following shall apply:
  - a) The agreement shall be deemed to apply for an indefinite period.
  - b) The central management or the special negotiating body or the employees' representatives acting in accordance with Article 10(2) may terminate the agreement at least six (6) months prior to its expiry and duly inform the other party.
  - c) When the period of application of the agreement expires without the agreement being rescinded by the parties involved, it shall be extended for the same duration as that originally applied.
  - d) When an agreement expires or is rescinded it shall remain in force until a new agreement is concluded.

## **CHAPTER III**

### **SUBSIDIARY REQUIREMENTS**

#### **ARTICLE 13**

##### *Application of additional provisions*

1. For the purpose of achieving the objective of Article 1(1), the provisions (subsidiary requirements) contained in Articles 14, 15 and 16 of this Presidential Decree shall be implemented under the following circumstances by the Member State in which the central management is located:
  - a) if so decided by the central management or the special negotiating body, or
  - b) if the central management refuses to start negotiations within six months of submission of the request in accordance with Article 6(1) and (2), and
  - c) if three years after the date of submission of the relevant request the parties have not arrived at the agreement referred to in Article 10 and the special negotiating body has not taken the decision referred to in Article 8 (4).

#### **ARTICLE 14**

##### *Establishment of the European Works Council*

1. By virtue of the preceding Article a European Works Council shall be set up whose competences and composition shall be governed by the following:
  - a) The competence of the European Works Council shall extend to information and consultation on matters which concern the Community-scale undertaking or Community-scale group of undertakings as a whole or at least two of its establishments or group undertakings situated in different Member States.  
If the central management is not located in Member States, Article 5(2) of this Presidential Decree shall apply.
  - b) The European Works Council shall consist of employees of the Community-scale undertaking or group of undertakings elected or designated in accordance with Article 6(4).

#### **ARTICLE 15**

##### *Composition of the European Works Council*

1. The European Works Council shall have a minimum of three and a maximum of thirty (30) members and shall adopt its own rules of procedure. Where its size so warrants, it may elect a select committee from among its members, comprising at most three members.
2. Article 7 of this Presidential Decree shall apply to the election or appointment of members of the European Works Council.
3. The central management and any other appropriate level of management shall be informed of the composition of the European Works Council and shall examine whether to open negotiations for the conclusion of the agreement (Article 10) or to apply Article 13.

## **ARTICLE 16**

### *Competences of the European Works Council*

- The European Works Council shall have the right to meet with the central management once a year to be informed and consulted on the basis of a report drawn up by the central management. The meeting and its content must be made known in good time and the local managements must be apprised of the meeting's results.
- The meeting shall relate in particular to the structure of the undertaking or group, the economic and financial situation, the probable development of the business and of production and sales, the situation and probable trend of employment, investments, and substantial changes concerning organization, introduction of new working methods or production processes, transfers of production, mergers, downsizing or closures of undertakings, establishments or important parts thereof, and collective redundancies.
- The European Works Council or the select committee must be informed in good time about exceptional circumstances affecting the employees' interests, particularly in the event of relocations, the closure of establishments or undertakings or collective redundancies. In such cases the members of the European Works Council shall have the right to request an extraordinary meeting with the central management or any other duly authorised level of management so as to be informed and consulted.

Where the meeting is organised by the select committee, those members of the European Works Council who represent the establishments or undertakings directly concerned by the meeting shall have the right to participate in it.

- This information and consultation meeting shall take place as soon as possible on the basis of a report drawn up by the central management on which the opinion of the committee members may be delivered at the end of the meeting or within a maximum of ten days. The central management's rights shall not be affected by the said meeting.

Article 8(5) and Article 9(2) shall also apply to the abovementioned meetings and to the committee members.

## **ARTICLE 17**

### *Operation of the European Works Council*

Without prejudice to Article 18, the members of the European Works Council shall inform the employees' representatives or the workforce as a whole of the establishments or of the undertakings of a Community-scale group of undertakings about the content and outcome of the information and consultation procedure.

- The European Works Council may be assisted by experts of its choice, in so far as is necessary for it to carry out its tasks, and its operating expenses and those of the expert shall be borne by the central management (Article 10(3)).
- The European Works Council shall act by an absolute majority of all its members.

## **GENERAL PROVISIONS**

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## ARTICLE 18

### *Confidentiality of information*

1. The members of the special negotiating body and the European Works Council and any experts who assist them may not reveal any information announced as being confidential, in accordance with Article 13(4) and (5) of Law N° 1767/88<sup>4</sup>.  
The same shall apply to employees' representatives under an information and consultation procedure.
  - This obligation shall continue to apply even after the term of office of those members referred to above has expired, regardless of where they may be.
  - The members of the European Works Council and the central management may jointly decide which information may be divulged to third parties.
2. Only after a court ruling shall the central management be obliged to inform the committee about topics designated secret in accordance with Article 13(4) and (5) of Law N° 1767/88.

## ARTICLE 19

### *Changes in the European Works Council's composition and its modus operandi*

1. Changes in the structure of an undertaking or of employees' national representative bodies may engender full or partial reorganisation of the body referred to in Articles 9 and 10(1)(c).  
  
Such change shall be undertaken in accordance with Article 7 of this Presidential Decree upon a request to the central management from those concerned.
2. The central management and the European Works Council shall work in a spirit of cooperation with due regard to their reciprocal rights and obligations. The same shall apply to employees' representatives under an information and consultation procedure for workers.

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<sup>4</sup> "4. The employer shall not be required to inform the works councils on matters characterized as secret under existing law, such as those involving banking and legal confidentiality, matters of national importance or patents.

5. The members of the works councils shall be under a duty not to communicate to third parties, without the consent of the employer, any information received on the subjects referred to in the previous paragraph or a matter which is of fundamental importance to the enterprise and which, if it were to become known, would have harmful effects on the competitiveness of the enterprise."

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## ARTICLE 20

### *Protection and facilities for European Works Council members*

1. Members of negotiating bodies, members of European Works Councils and employees' representatives exercising their functions under the procedure referred to in Article 10(2) shall, in the exercise of their functions, enjoy the same protection provided for in Article 9(1) of Law N° 1767/88<sup>5</sup>.
2. The representatives referred to in the preceding paragraph shall be granted paid leave by the undertaking for the time they are participating in meetings of the committee or other meetings related to this Presidential Decree organised by a body engaged in recognised activity or third-level trade union organisation nationally. Employees must, without fail, provide their employer with proof of their participation in such meetings in order to qualify for paid leave.
3. The members of the European Works Council shall be granted paid leave of up to two hours a week for the purposes of informing employees, but such leave shall not exceed a total of 15 days a year.
4. Provided the parties involved agree, more favourable provisions than those set out above may be instituted.

## ARTICLE 21

### *Sanctions*

Anyone infringing the obligations stemming from this Presidential Decree shall render themselves liable to:

- a) a term of imprisonment of up to two years in accordance with Article 5 of Law 1338/1983 as currently in force, and
- b) a fine of up to DR 10 000 000.

The competent authority responsible for ascertaining infringements and issuing the formal act imposing the fine shall be the head of the competent department of the Prefectural Self-Governing Authority in which is located the central management as defined herein or the member undertaking of a group to which this Presidential Decree applies. The fines shall be collected in accordance with the Public Revenue Collection Code (*KEDE*) and any such monies shall revert to the Workers' Welfare Foundation (*Ergatiki Estia*). Anyone issued with an act as referred to above shall have the right to seek to have it quashed by the Magistrates' Court (*Irinodikio*) in the locality where the authority imposing the fine is situated. The said Court shall hear and deliver judgement on such cases in accordance with the procedure set out in Article 663 *et seq.* of the Civil Code.

## ARTICLE 22

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<sup>5</sup> "The members of the works councils shall enjoy the protection which is provided to the members of executive bodies of trade union organisations under the provisions of section 14 (5) and (9) of Act N° 1264/1982 with the exception of members who resign for any reason before their term has expired. The provisions of sections 14 (10) and 15 of Act N° 1264/1982 shall also apply to all members of works councils".

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*Maintenance of rights*

This Presidential Decree shall not affect the rights of employees to information and consultation already existing under other legal provisions.

**ARTICLE 23**

*Provisions in force*

1. Without prejudice to paragraph 2, the obligations arising from this Presidential Decree shall not apply to Community-scale undertakings or Community-scale groups of undertakings in which agreements covering the workforce as a whole already exist or will be concluded by 22 September 1996 and which provide for the transnational information and consultation of employees.
2. When the agreements referred to in paragraph 1 expire, the parties to those agreements may decide jointly to renew them. Where this does not happen, the provisions of this Presidential Decree shall apply.

**ARTICLE 24**

*Entry into in force*

This Decree shall enter into force upon publication in the Government Gazette.