

SUMMARY

ECJ 6 July 2023, case C-404/22 (Ethnikos Organismos Pistopoiisis Prosonton & Epangelmatikou Prosanatolismou), Information and Consultation

***Ethnikos Organismos Pistopoiisis Prosonton & Epangelmatikou
Prosanatolismou (Eoppep) – v – Elliniko Dimosio, Greek case***

Summary

Directive 2002/14 also applies to private companies exercising public powers, if they also compete with other market operators. The information and consultation obligation does not apply to changes in post of a small number of interim managers.

Question

Must Article 2(a) of Directive 2002/14 be interpreted as meaning that that provision refers to a legal person governed by private law which acts as a legal person governed by public law and exercises public powers whilst also providing, for remuneration, services which are in competition with those provided by market operators?

Must Article 4(2)(b) of Directive 2002/14 be interpreted as meaning that the information and consultation obligation laid down therein applies in the event of a change of post for a small number of employees appointed on an interim basis to management roles, where that change is not capable of affecting the situation, structure or probable development of employment within the undertaking concerned, or place employment more generally under threat?

Ruling

Article 2(a) of Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community must be interpreted as meaning that that provision may refer to a legal person governed by private law which acts as a legal person governed by public law and exercises public powers where it also provides, for remuneration, services which are in competition with those provided by market operators.

Article 4(2)(b) of Directive 2002/14 must be interpreted as meaning that the information and consultation obligation laid down therein applies in the event of a change of post for a small number of employees appointed on an interim basis to management roles, where that change is not capable of affecting the situation, structure or probable development of employment within the undertaking concerned, or placing employment more generally under threat.

Creator: European Court of Justice (ECJ)

Verdict at: 2023-07-06

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