

SUMMARY

ECJ 16 May 2024, case C-706/22 (Konzernbetriebsrat), miscellaneous

Konzernbetriebsrat der O SE & Co. KG – v – Vorstand der O Holding SE, German case

Summary

EU-law does not impose any obligation to open, within an SE already established and registered, the negotiation procedure on employee involvement.

Question

Must Article 12(2) Regulation No 2157/2001, in conjunction with Articles 3 to 7 of Directive 2001/87 be interpreted as requiring, where a holding SE, formed by participating companies which do not employ employees, and do not have subsidiaries employing employees, is registered without negotiations on the involvement of employees having first been conducted, the subsequent opening of those negotiations on the ground that that SE has acquired control of subsidiaries in one or more Member States which employ employees?

Ruling

Article 12(2) Regulation No 2157/2001, in conjunction with Articles 3 to 7 of Directive 2001/87 must be interpreted as not requiring, where a holding European company (SE), formed by participating companies which do not employ employees, and do not have subsidiaries employing employees, is registered without negotiations on the involvement of employees having first been conducted, the subsequent opening of those negotiations on the ground that that SE has acquired control of subsidiaries in one or more Member States which employ employees.

Creator: European Court of Justice (ECJ)

Verdict at: 2024-05-16

Case number: C-707/22