

**SECOND SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

**No. 4389 of 17th August, 2017**

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LEGAL NOTICE NO. 159 OF 2017.

**EMPLOYMENT ACT**

**INTERPRETATION AND GENERAL CLAUSES ACT**

**EMPLOYMENT (EUROPEAN WORKS COUNCIL) (AMENDMENT)  
REGULATIONS 2017**

In exercise of the powers conferred on him by section 86 of the Employment Act as read with section 23(g)(i) of the Interpretation and General Clauses Act, and in order to transpose into the law of Gibraltar Article 2 of Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015, amending 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, as regards seafarers, the Minister has made the following Regulations—

**Title.**

1. These Regulations may be cited as the Employment (European Works Council) (Amendment) Regulations 2017.

**Commencement.**

2. These Regulations come into operation on 10 October 2017.

**Amendment to the Employment (European Works Council) Regulations 2012.**

3. The Employment (European Works Council) Regulations 2012 are amended—

- (a) by deleting regulation 3(3); and
- (b) by inserting the following subregulations after regulation 16(2)-

“(2A) A member, or his alternate, of a-

- (a) special negotiating body;
- (b) a European Works Council,

who is a member of the crew of a seagoing vessel, shall be entitled to participate in a meeting of the special negotiating body or of the European Works Council, or in any other meeting under any procedures established pursuant to regulation 11(3), where that member or alternate is not at sea or in a port in a country other than that in which the shipping company is domiciled, when the meeting takes place.

- (2B) Meetings shall, where practicable, be scheduled to facilitate the participation of members or alternates, who are members of the crews of seagoing vessels.
- (2C) In cases where a member of a special negotiating body or of a European Works Council, or such a member's alternate, who is a member of the crew of a seagoing vessel, is unable to attend a meeting, the possibility of using, where possible, new information and communication technologies shall be considered.”.

Dated 17th August, 2017.

G H LICUDI QC,  
Minister for Employment.

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#### **EXPLANATORY MEMORANDUM**

These Regulations amend the Gibraltar Development Corporation (Employer's Insolvency) Regulations, 1991 in order to transpose into the law of Gibraltar Article 2 of Directive (EU) 2015/1794 of the European

Parliament and of the Council of 6 October 2015, amending 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, as regards seafarers.