



**2015/2222(INI)**

18.3.2016

# **AMENDMENTS**

## **1 - 60**

**Draft opinion**  
**Enrico Gasbarra**  
(PE571.733v01-00)

on workers representation on board level in Europe  
(2015/2222(INI))



**Amendment 1**  
**Evelyn Regner, Sylvia-Yvonne Kaufmann**

**Draft opinion**  
**Recital A**

*Draft opinion*

A. whereas 18 Member States recognise forms of *participation*, consultation and information of workers;

*Amendment*

A. whereas 18 Member States recognise forms of *codetermination*, consultation and information of workers;

Or. de

**Amendment 2**  
**Kostas Chrysogonos**

**Draft opinion**  
**Recital A**

*Draft opinion*

A. whereas 18 Member States recognise forms of participation, consultation and information of workers;

*Amendment*

A. whereas 18 Member States *and Norway* recognise forms of participation, consultation and information of workers *at company level in different forms depending on their economic and social historical development*;

Or. en

**Amendment 3**  
**Daniel Buda**

**Draft opinion**  
**Recital A**

*Draft opinion*

A. whereas 18 Member States recognise forms of participation, consultation and information of *workers*;

*Amendment*

A. whereas 18 Member States recognise forms of participation, consultation and information of *employees*;

Or. ro

**Amendment 4**  
**Pascal Durand**

**Draft opinion**  
**Recital B**

*Draft opinion*

B. whereas the principle of subsidiarity *should also be respected* in the field of *employee relations*;

*Amendment*

B. whereas *full respect of* the principle of subsidiarity *in the field of employee relations shall not impede the competence of the EU to set up minimum standards* in the field of *workers' rights to representation in order to provide a level playing field for EU companies*;

Or. en

**Amendment 5**  
**Cecilia Wikström**

**Draft opinion**  
**Recital C**

*Draft opinion*

C. whereas workers' *rights to representation on company boards are recognised by the primary and secondary law of the EU*, in the fifth paragraph of the Preamble of the Charter of Fundamental Rights of the European Union, *and in Article 153 TFEU*;

*Amendment*

C. whereas *the representation of workers and employers, the information and consultation of workers as well as equality between men and women with regard to labour market opportunities and treatment at work, including salaries are mentioned in Article 153 TFEU and* in the fifth paragraph of the Preamble of the Charter of Fundamental Rights of the European Union *referring to the Social Charters adopted by the European Union*;

Or. en

**Amendment 6**  
**Kostas Chrysogonos**

**Draft opinion**  
**Recital C**

*Draft opinion*

C. whereas workers' rights to representation on company boards are recognised by the primary and secondary law of the EU, in the fifth paragraph of the Preamble of the Charter of Fundamental Rights of the European Union, and in Article **153** TFEU;

*Amendment*

C. whereas workers' rights to representation on company boards are recognised by the primary and secondary law of the EU, in the fifth paragraph of the Preamble of the Charter of Fundamental Rights of the European Union, and in Article **9, 151 and 153(1) (f)** TFEU;

Or. en

**Amendment 7**  
**Daniel Buda**

**Draft opinion**  
**Recital C**

*Draft opinion*

C. whereas **workers'** rights to representation on company boards are recognised by the primary and secondary law of the EU, in the fifth paragraph of the Preamble of the Charter of Fundamental Rights of the European Union, and in Article 153 TFEU;

*Amendment*

C. whereas **employees'** rights to representation on company boards are recognised by the primary and secondary law of the EU, in the fifth paragraph of the Preamble of the Charter of Fundamental Rights of the European Union, **in the fifth recital to the Treaty on European Union (TEU), and also in Article 153(1)(f) of the Treaty on the Functioning of the European Union (TFEU)**;

Or. ro

**Amendment 8**  
**Evelyn Regner, Sylvia-Yvonne Kaufmann, Virginie Rozière, Jytte Guteland**

**Draft opinion**  
**Recital C**

*Draft opinion*

C. whereas workers' rights to

*Amendment*

C. whereas workers' rights to

representation on company boards are recognised by the primary and secondary law of the EU, in the fifth paragraph of the Preamble of the Charter of Fundamental Rights of the European Union, and in Article 153 TFEU;

representation on company boards are recognised by the primary and secondary law of the EU, in the fifth paragraph of the Preamble of the Charter of Fundamental Rights of the European Union, and in Article 153 TFEU, ***which emphasises the fundamental right for workers on information and consultation within the undertaking set out in Art. 27 of the Charter of Fundamental Rights of the European Union;***

Or. en

**Amendment 9**  
**Daniel Buda**

**Draft opinion**  
**Recital C a (new)**

*Draft opinion*

*Amendment*

***Ca. whereas the 1989 Community Charter of the Fundamental Social Rights of Workers (Social Charter) recognises workers' participation, consultation and information as fundamental social rights;***

Or. ro

**Amendment 10**  
**Evelyn Regner, Sylvia-Yvonne Kaufmann**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

*Amendment*

1. Calls on the Commission to provide a coherent framework for the political and legislative instruments of company law already in force in the field of workers' ***participation;***

1. Calls on the Commission to provide a coherent framework for the political and legislative instruments of company law already in force in the field of workers' ***codetermination;***

Or. de

**Amendment 11**  
**Cecilia Wikström**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Calls on the Commission to provide a *coherent* framework *for the political and* legislative instruments of company law *already in force in the field of workers' participation*;

*Amendment*

1. Calls on the Commission to provide a *general* framework *of the existing* legislative instruments *in the field* of company law *as regards employee involvement*;

Or. en

**Amendment 12**  
**Daniel Buda**

**Draft opinion**  
**Paragraph 1**

*Draft opinion*

1. Calls on the Commission to provide a coherent framework for the political and legislative instruments of company law already in force in the field of *workers'* participation;

*Amendment*

1. Calls on the Commission to provide a coherent framework for the political and legislative instruments of company law already in force in the field of *employees'* participation;

Or. ro

**Amendment 13**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 1 a (new)**

*Draft opinion*

*Amendment*

*1a. Calls on the Commission and the Council, in the event of new legislative acts, particularly in the area of European*

*company law, to determine and publicise the impact on European and national forms of workers participation through an appropriate impact assessment procedure and take appropriate measures to counter any adverse consequences;*

Or. en

**Amendment 14**  
**Cecilia Wikström**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

**2. Underlines the importance of recent EU legal instruments regulating the participation of workers**, in particular Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees<sup>1</sup>, Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees<sup>2</sup>, and Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies<sup>3</sup>;

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<sup>1</sup> OJ L 294, 10.11.2001, p. 22.

<sup>2</sup> OJ L 207, 18.8.2003, p. 25.

<sup>3</sup> OJ L 310, 25.11.2005, p. 1.

*Amendment*

**2. Notes in this context the recent EU legislation**, in particular Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees<sup>1</sup>, Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees<sup>2</sup>, and Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies<sup>3</sup>;

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<sup>1</sup> OJ L 294, 10.11.2001, p. 22.

<sup>2</sup> OJ L 207, 18.8.2003, p. 25.

<sup>3</sup> OJ L 310, 25.11.2005, p. 1.

Or. en

**Amendment 15**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Underlines the importance of recent EU legal instruments regulating the participation of workers, in particular Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees<sup>1</sup>, Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees<sup>2</sup>, and Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies<sup>3</sup>;

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<sup>1</sup> OJ L 294, 10.11.2001, p. 22.

<sup>2</sup> OJ L 207, 18.8.2003, p. 25.

<sup>3</sup> OJ L 310, 25.11.2005, p. 1.

*Amendment*

2. Underlines the importance of recent EU legal instruments regulating the participation of workers, in particular Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees<sup>1</sup>, Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees<sup>2</sup>, and Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies<sup>3</sup>, ***and calls on the Commission to submit a proposal with a view to revising Directive 2004/25/EC of the European Parliament and the Council of 21 April 2004 on takeover bids<sup>3a</sup>, to ensure that the workers of a bidding company are also consulted, rather than just those of the company subject to the takeover bid;***

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<sup>1</sup> OJ L 294, 10.11.2001, p. 22.

<sup>2</sup> OJ L 207, 18.8.2003, p. 25.

<sup>3</sup> OJ L 310, 25.11.2005, p. 1.

<sup>3a</sup> ***OJ L 142, 30.4.2004, p. 12.***

Or. en

**Amendment 16**  
**Pascal Durand**

**Draft opinion**  
**Paragraph 2**

*Draft opinion*

2. Underlines the importance of recent EU

*Amendment*

2. Underlines the importance of recent EU

legal instruments regulating the participation of workers, in particular Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees<sup>1</sup>, Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees<sup>2</sup>, **and** Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies<sup>3</sup>;

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<sup>1</sup> OJ L 294, 10.11.2001, p. 22.

<sup>2</sup> OJ L 207, 18.8.2003, p. 25.

<sup>3</sup> OJ L 310, 25.11.2005, p. 1.

legal instruments regulating the participation of workers, in particular Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees<sup>1</sup>, Council Directive 2003/72/EC of 22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees<sup>2</sup>, Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies<sup>3</sup> **and Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of 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** <sup>3a</sup>;

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<sup>1</sup> OJ L 294, 10.11.2001, p. 22.

<sup>2</sup> OJ L 207, 18.8.2003, p. 25.

<sup>3</sup> OJ L 310, 25.11.2005, p. 1.

<sup>3a</sup> **OJ L 122, 16.5.2009, p. 28.**

Or. en

## **Amendment 17**

### **Daniel Buda**

#### **Draft opinion**

#### **Paragraph 2**

##### *Draft opinion*

2. Underlines the importance of recent EU legal instruments regulating the participation of **workers**, in particular Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees<sup>1</sup>, Council Directive 2003/72/EC of 22 July 2003

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##### *Amendment*

2. Underlines the importance of **implementing** recent EU legal instruments regulating the participation of **employees**, in particular Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees<sup>1</sup>, Council Directive 2003/72/EC of

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supplementing the Statute for a European Cooperative Society with regard to the involvement of employees<sup>2</sup>, and Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies<sup>3</sup>;

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<sup>1</sup> OJ L 294, 10.11.2001, p. 22.

<sup>2</sup> OJ L 207, 18.8.2003, p. 25.

<sup>3</sup> JO L 310, 25.11.2005, p. 1.

22 July 2003 supplementing the Statute for a European Cooperative Society with regard to the involvement of employees<sup>2</sup>, and Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies<sup>3</sup>;

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<sup>1</sup> OJ L 294, 10.11.2001, p. 22.

<sup>2</sup> OJ L 207, 18.8.2003, p. 25.

<sup>3</sup> JO L 310, 25.11.2005, p. 1.

Or. ro

### **Amendment 18**

**Cecilia Wikström, Antanas Guoga, Viktor Uspaskich**

#### **Draft opinion**

##### **Paragraph 3**

*Draft opinion*

***3. Is worried about the impact that the proposal for a directive on single-member private limited liability companies could have on workers' rights, in particular workers' representation;***

*Amendment*

***deleted***

Or. en

### **Amendment 19**

**Daniel Buda**

#### **Draft opinion**

##### **Paragraph 3**

*Draft opinion*

***3. Is worried about the impact that the proposal for a directive on single-member private limited liability companies could have on workers' rights, in particular workers' representation;***

*Amendment*

***deleted***

**Amendment 20**

**Evelyn Regner, Sylvia-Yvonne Kaufmann, Virginie Rozière, Jytte Guteland**

**Draft opinion**

**Paragraph 3**

*Draft opinion*

3. Is worried about the impact that the proposal for a directive on single-member private limited liability companies could have on workers' rights, in particular workers' representation;

*Amendment*

3. Is worried about the impact that the proposal for a directive on single-member private limited liability companies could have on workers' rights, in particular workers' representation; ***therefore calls on the Commission to withdraw the proposal for a directive on single-member private limited liability companies;***

Or. en

**Amendment 21**

**Pascal Durand**

**Draft opinion**

**Paragraph 3**

*Draft opinion*

3. ***Is worried*** about the impact that the proposal for a directive on single-member private limited liability companies could have on workers' rights, in particular workers' representation;

*Amendment*

3. ***Expresses its deep concerns*** about the impact that the proposal for a directive on single-member private limited liability companies could have on workers' rights, in particular workers' representation, ***and the inconsistency of such a proposal with the overall objective to promote workers' rights across the EU;***

Or. en

**Amendment 22**

**Daniel Buda**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Expresses concern at the fact that the European Company Statute allows companies, according to studies conducted in this field, to elude or avoid the granting of national rights to employees in respect of managerial level participation;***

Or. ro

**Amendment 23**  
**Cecilia Wikström, Antanas Guoga, Viktor Uspaskich**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Notes that labour law, workers participation in the management or supervisory bodies of the companies, the right to information and consultation, taxation accounting and insolvency proceedings are all outside the scope of the Commission proposal for a directive on single-member private limited liability companies;***

Or. en

**Amendment 24**  
**Evelyn Regner, Sylvia-Yvonne Kaufmann, Virginie Rozière**

**Draft opinion**  
**Paragraph 3 a (new)**

*Draft opinion*

*Amendment*

***3a. Calls on the Commission to submit a proposal on the crossborder transfer of***

*seats, the so called "14th Company Law Directive" as requested by the Committee on Legal Affairs in 2012;*

Or. en

**Amendment 25**  
**Daniel Buda**

**Draft opinion**  
**Paragraph 3 b (new)**

*Draft opinion*

*Amendment*

***3b. Welcomes the Commission Communication on the Action Plan on European company law and corporate governance - a modern legal framework for more engaged shareholders and sustainable companies (2012), in which it places emphasis on employees' participation in capital, believing that 'employees' interest in the sustainability of their company is an element that ought to be considered in the design of any well-functioning governance framework. Employees' involvement in the affairs of a company may take the form of information, consultation and participation in the board' to the extent that employees consider this to be beneficial to their company;***

Or. ro

**Amendment 26**  
**Daniel Buda**

**Draft opinion**  
**Paragraph 3 c (new)**

*Draft opinion*

*Amendment*

***3c. Encourages employers to allow employees to participate on company***

*boards or within the framework of other management bodies;*

Or. ro

**Amendment 27**  
**Daniel Buda**

**Draft opinion**  
**Paragraph 3 d (new)**

*Draft opinion*

*Amendment*

*3d. Points out that there are two types of systems in the EU: the unitary and the dual, under which there can exist, within companies, both a management council and a supervisory council. Encourages employers, in this context, to allow employees to participate on the supervisory council;*

Or. ro

**Amendment 28**  
**Daniel Buda**

**Draft opinion**  
**Paragraph 3 e (new)**

*Draft opinion*

*Amendment*

*3e. Should no employees be participating on a company board or another form of management body, employers shall inform them on the matters discussed that are liable to affect their rights and interest;*

Or. ro

**Amendment 29**  
**Jytte Guteland**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls on the Commission to **consider making** a proposal on how to introduce permanent forms of workers' **participation**, by ensuring common minimum standards for information, consultation and participation;

*Amendment*

4. Calls on the Commission to **make** a proposal on how to introduce permanent forms of workers' **representation on boards**, by ensuring common minimum standards for information, consultation and participation; **underlines that common minimum standards for employee representation on boards should not lead to lowering of standards in the member states<sup>1a</sup>**;

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<sup>1a</sup> **In Sweden, board-level employee representation can be set up in companies having more than 25 employees.**

Or. en

**Amendment 30**  
**Daniel Buda**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls on the Commission to consider making a proposal on how to introduce **permanent** forms of **workers'** participation, by **ensuring common minimum standards** for information, consultation and participation;

*Amendment*

4. Calls on the Commission to consider making a proposal on how to introduce forms of **employees'** participation, by **asking Member States to consider introducing these standards** for information, consultation and participation;

Or. ro

**Amendment 31**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls on the Commission to *consider making a proposal on how to introduce permanent forms of workers' participation, by ensuring common minimum standards for* information, consultation and participation;

*Amendment*

4. Calls on the Commission to *develop standard rules on workers' participation on supervisory boards within a model Directive, which could be universally applied to all European corporate law directives and which should take into account, but not replace, existing rules on* information, consultation and participation;

Or. en

**Amendment 32**  
**Pascal Durand**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls on the Commission to consider making a proposal on how to introduce permanent forms of workers' participation, by ensuring common minimum standards for information, consultation and participation;

*Amendment*

4. Calls on the Commission to consider making a proposal on how to introduce permanent forms of workers' participation, by ensuring *strong and binding* common minimum standards for information, consultation and participation *applicable to all forms of EU companies, while promoting different forms of board-level representation*;

Or. en

**Amendment 33**  
**Cecilia Wikström**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls on the Commission to *consider*

*Amendment*

4. Calls on the Commission to *study the*

*making a proposal on how to introduce permanent forms of workers' participation, by ensuring common minimum standards for information, consultation and participation;*

*impact of the existing diversity of rules and practices in Member States as regards the manner in which employees' representatives are involved in decision-making within companies, and depending on the results of the study asks the Commission to envisage possible proposals on how to overcome these divergences;*

Or. en

**Amendment 34**  
**Csaba Molnár**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls on the Commission to consider making a proposal on how to introduce permanent forms of workers' participation, by ensuring common minimum standards for information, consultation and participation;

*Amendment*

4. Calls on the Commission to consider making a proposal on how to introduce permanent forms of workers' participation, by ensuring common minimum standards for information, consultation and participation; *expresses its concern at the fact that, in some Member States, forums for conciliation between the authorities and employees have been completely abandoned and rendered meaningless;*

Or. hu

**Amendment 35**  
**Evelyn Regner, Sylvia-Yvonne Kaufmann**

**Draft opinion**  
**Paragraph 4**

*Draft opinion*

4. Calls on the Commission to consider making a proposal on how to introduce permanent forms of workers' *participation*, by ensuring common minimum standards

*Amendment*

4. Calls on the Commission to consider making a proposal on how to introduce permanent forms of workers' *codetermination*, by ensuring common

for information, consultation and *participation*;

minimum standards for information, consultation and *codetermination*;

Or. de

**Amendment 36**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 4 a (new)**

*Draft opinion*

*Amendment*

***4a. Recommends that this standard rules should be applied to all forms of company with a supervisory board at European level, i.e. account should be taken of public and private companies, partnerships and limited companies and also workers employed in the affiliated parent and subsidiary companies;***

Or. en

**Amendment 37**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 4 b (new)**

*Draft opinion*

*Amendment*

***4b. Believes that workers' representatives on European supervisory boards should have a say in all fundamental decisions of a company and oversee the management board, without interfering in the management board's right to manage the company; suggests that the nature and scope of decisions requiring approval should be determined in this model Directive which will set up minimum standards, which should be further developed by rules in the Member States<sup>1a</sup>;***

**Amendment 38**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 4 c (new)**

*Draft opinion*

*Amendment*

***4c. Demands that this model Directive ensure that representatives of the workforce may also be from affiliated companies and, in the case of transnational companies, may also originate from another Member State and that trade union representatives may also be put forward and elected as external representatives;***

**Amendment 39**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 4 d (new)**

*Draft opinion*

*Amendment*

***4d. Calls on the Council, the Member States and the Commission to respect and protect existing national forms of workers representation at supervisory board level in the EU and to counter any attempt to use existing EU law to circumvent or abuse such arrangements;***

**Amendment 40**  
**Pascal Durand**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Reaffirms the right of workers to elect their own representatives, in accordance with the national representation systems, and supports the idea of presenting gender-balanced lists of candidates;

*Amendment*

5. Reaffirms the right of workers to elect their own representatives, in accordance with the national representation systems, and supports the idea of presenting gender-balanced lists of candidates; ***recalls that the respect of human rights by enterprises is to be assessed with due regard to the role of existing governance structures such as corporate boards, as established by the United Nations Guiding Principles on Business and Human Rights;***

Or. en

**Amendment 41**  
**Csaba Molnár**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Reaffirms the right of workers to elect their own representatives, in accordance with the national representation systems, and supports the idea of presenting gender-balanced lists of candidates;

*Amendment*

5. Reaffirms the right of workers to elect their own representatives, in accordance with the national representation systems, and supports the idea of presenting gender-balanced lists of candidates, ***in which the prohibition of all forms of discrimination is implemented;***

Or. hu

**Amendment 42**  
**Evelyn Regner, Sylvia-Yvonne Kaufmann, Virginie Rozière, Jytte Guteland**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. Reaffirms the right of workers to elect their own representatives, in accordance with the national representation systems, and supports the idea of presenting gender-balanced lists of candidates;

*Amendment*

5. Reaffirms the right of workers to elect their own representatives, in accordance with the national representation systems, and supports the idea of presenting gender-balanced lists of candidates, ***in order to create a legal environment for future legislative initiatives to enhance the gender balance in companies;***

Or. en

**Amendment 43**  
**Daniel Buda**

**Draft opinion**  
**Paragraph 5**

*Draft opinion*

5. ***Reaffirms*** the right of ***workers*** to elect their own representatives, ***in accordance with*** the national representation systems, and supports the idea of presenting gender-balanced lists of candidates;

*Amendment*

5. ***Welcomes*** the right of ***employees*** to elect their own representatives, ***where this right is provided for in*** the national representation systems, and supports the idea of presenting gender-balanced lists of candidates;

Or. ro

**Amendment 44**  
**Jytte Guteland**

**Draft opinion**  
**Paragraph 5 a (new)**

*Draft opinion*

***5a. Emphasises that employee board representatives represent the employees of the company as a whole and therefore highlights that the selection procedure of employee representatives must be democratic, legitimated and transparent;***

*Amendment*

**Amendment 45**

**Daniel Buda**

**Draft opinion**

**Paragraph 5 a (new)**

*Draft opinion*

*Amendment*

*5a. Stresses that the Commission's review of the EU corporate governance framework must take account of the rights and duties conferred on the various company bodies under national law, and in particular the differences between unitary and dual systems;*

Or. ro

**Amendment 46**

**Daniel Buda**

**Draft opinion**

**Paragraph 5 b (new)**

*Draft opinion*

*Amendment*

*5b. Calls on the Commission to conduct an impact assessment of the economic benefits of employees' representation with regard to a company's performance;*

Or. ro

**Amendment 47**

**Cecilia Wikström**

**Draft opinion**

**Paragraph 6**

*Draft opinion*

*Amendment*

**6. Calls on the Commission to define common minimum criteria for workers' representation at board level, notably on the size of the company, on balanced gender representation, and on the extension of the right to participate in public and semi-public companies;**

**deleted**

Or. en

**Amendment 48**  
**Daniel Buda**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

*Amendment*

6. Calls on the Commission to define **common minimum** criteria for **workers'** representation at board level, notably on the size of the company, on balanced gender representation, and on the extension of the right to participate in public and semi-public companies;

6. Calls on the Commission to define criteria for **employees'** representation at board level, notably on the size of the company, on balanced gender representation, and on the extension of the right to participate in public and semi-public companies;

Or. ro

**Amendment 49**  
**Kostas Chrysogonos**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

*Amendment*

6. Calls on the Commission to define common minimum criteria for workers' representation at board level, notably on the size of the company, **on** balanced gender representation, **and** on the **extension** of the **right to participate in**

6. Calls on the Commission to define common minimum criteria for workers' representation at board level, notably on the size of the company, **including direct or indirect subsidiaries and affiliates with more than 50 employees, that half of the**

public and semi-public companies;

*number of seats on the supervisory board should be reserved for workers or their representatives ; Demands that steps be taken, to ensure a balanced gender representation; Calls on the Council in this connection to expedite the Parliament-backed proposal for a Directive of the European Parliament and of the Council to improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures<sup>1a</sup> and calls on the Commission to extend the gender-balanced representation to public and semi-public companies;*

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<sup>1a</sup> COM(2012)0614

Or. en

**Amendment 50**  
**Pascal Durand**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Calls on the Commission to define common minimum criteria for workers' representation at board level, notably on the size of the company, on balanced gender representation, and on the extension of the right to participate in public and semi-public companies;

*Amendment*

6. Calls on the Commission to define **binding** common minimum criteria for workers' representation at board level, notably on the size of the company - **with increased proportions of workers representation for bigger companies** - on balanced gender representation, and on the extension of the right to participate in public and semi-public companies;

Or. en

**Amendment 51**  
**Csaba Molnár**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Calls on the Commission to define common minimum criteria for workers' representation at board level, notably on the size of the company, on balanced gender representation, and on the extension of the right to participate in public and semi-public companies;

*Amendment*

6. Calls on the Commission to define common minimum criteria for workers' representation at board level, notably on the size of the company, on balanced gender representation, ***on the prohibition of discrimination*** and on the extension of the right to participate in public and semi-public companies;

Or. hu

**Amendment 52**  
**Evelyn Regner, Sylvia-Yvonne Kaufmann**

**Draft opinion**  
**Paragraph 6**

*Draft opinion*

6. Calls on the Commission to define common minimum criteria for workers' representation at board level, notably on the size of the company, on balanced gender representation, and on the extension of the right ***to participate*** in public and semi-public companies;

*Amendment*

6. Calls on the Commission to define common minimum criteria for workers' representation at board level, notably on the size of the company, on balanced gender representation, and on the extension of the right ***of codetermination*** in public and semi-public companies;

Or. de

**Amendment 53**  
**Evelyn Regner, Sylvia-Yvonne Kaufmann**

**Draft opinion**  
**Paragraph 6 a (new)**

*Draft opinion*

*Amendment*

***6a. Reaffirms the necessity to create a body of workers representation in order to ensure the balance of opposite parties' interests; furthermore calls on the***

*Commission to introduce a co-determination scheme of mandatory quotas in relation to the size of the company:*

*- For companies from 50 to 250 employees (also taking into account direct and indirect subsidiaries), two or three workers representatives should be part of the management;*

*- For companies up to 1,000 employees (also taking into account direct and indirect subsidiaries), workers should be represented to the extent of one third of the board;*

*- For large companies with more than 1,000 employees (also taking into account direct and indirect subsidiaries), a strong parity between workers and employers should be established;*

Or. en

**Amendment 54**  
**Cecilia Wikström**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

*Amendment*

*7. Calls on the Commission to submit legislative proposals and financial instruments aimed at promoting enhanced information, participation and consultation of workers;*

*deleted*

Or. en

**Amendment 55**  
**Pascal Durand**

**Draft opinion**  
**Paragraph 7**

*Draft opinion*

7. Calls on the Commission to submit legislative proposals and financial instruments aimed at promoting enhanced information, participation and consultation of workers;

*Amendment*

7. Calls on the Commission to submit legislative proposals and financial instruments aimed at promoting enhanced information, participation and consultation of workers; ***calls on the Commission to improve EU company law to serve these core social aspects;***

Or. en

**Amendment 56**

**Evelyn Regner, Sylvia-Yvonne Kaufmann**

**Draft opinion**

**Paragraph 7**

*Draft opinion*

7. Calls on the Commission to submit legislative proposals and financial instruments aimed at promoting enhanced information, ***participation*** and consultation of workers.

*Amendment*

7. Calls on the Commission to submit legislative proposals and financial instruments aimed at promoting enhanced information, ***codetermination*** and consultation of workers.

Or. de

**Amendment 57**

**Daniel Buda**

**Draft opinion**

**Paragraph 7**

*Draft opinion*

7. Calls on the Commission to submit ***legislative proposals and financial instruments*** aimed at promoting enhanced information, participation and consultation of ***workers***.

*Amendment*

7. Calls on the Commission to submit ***measures*** aimed at promoting enhanced information, participation and consultation of ***employees***.

Or. ro

**Amendment 58**  
**Jytte Guteland**

**Draft opinion**  
**Paragraph 7 a (new)**

*Draft opinion*

*Amendment*

***7a. Acknowledges that board level employee representation on supervisory boards lead to democratic and inclusive corporate governance benefiting employees and employers thus leading to companies' competitive advantage;***

Or. en

**Amendment 59**  
**Jytte Guteland**

**Draft opinion**  
**Paragraph 7 b (new)**

*Draft opinion*

*Amendment*

***7b. Calls on the Commission to propose legislative measures within the context of European company law, that ensure full membership of employee board level representation with the same rights and obligations for employees as the shareholder representatives, including the right to vote, to ask questions and to set the agenda; moreover, the EU-legislation should provide for an alternate employee membership with the right to participate and express opinions at the meetings of the board of directors and the Company's shareholders' meetings, notwithstanding that the ordinary members are present;***

Or. en

**Amendment 60**  
**Jytte Guteland**

**Draft opinion**  
**Paragraph 7 c (new)**

*Draft opinion*

*Amendment*

***7c. Calls on the Commission to propose legislative instruments that enable employee representatives good conditions to perform their duties as board members through training and compensation for expenses;***

Or. en