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*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
on European Venture Capital Funds
(COM(2011)0860 – C7-0490/2011 – 2011/0417(COD))

Committee on Economic and Monetary Affairs

Rapporteur: Philippe Lamberts

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on European Venture Capital Funds

(COM(2011)0860 – C7-0490/2011 – 2011/0417(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0860),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0490/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 26 April 2012¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs and the opinion of the Committee on Legal Affairs (A7-0193/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on European Venture Capital Funds

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Central Bank¹,

Having regard to the opinion of the European Economic and Social Committee²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Venture capital provides finance to undertakings that are generally very small, in the initial stages of their corporate existence and display a strong potential for growth and expansion. ***Although venture capital funds often invest in start-up undertakings, there are instances where it is appropriate to make transformative investments in undertakings that have been established for more than five years.*** In addition, venture capital funds provide ■ undertakings with valuable expertise and knowledge, business contacts, brand-equity and strategic advice. By providing finance and advice

* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ■.

¹ OJ C ...p...

² OJ C , , p. .

to these undertakings, venture capital funds *stimulate* economic growth, contribute to the creation of jobs *and capital mobilisation, foster the establishment and expansion of* innovative undertakings, increase their investment in research and development and foster entrepreneurship, innovation and competitiveness *in line with the objectives of EU 2020 Strategy and in the context of the long-term challenges of the Member States, such as those identified in the European Strategy and Policy Analysis System's report, Global Trends 2030. In order to boost investment into small and medium-sized enterprises (SMEs), investments made under this Regulation should be integrated in the investments to be made by the Commission in the context of the Horizon 2020 Framework Programme for Research and Innovation. The Commission should put forward an integrated strategy on financial instruments for SMEs and evaluate the impact of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)¹, Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business credit institutions² and Directive 2006/49/EC of the European Parliament and of the Council of 14 June 2006 on the capital adequacy of investment firms and credit institutions³, on the availability of risk capital.*

- (2) It is necessary to lay down a common framework of rules regarding the use of the designation "European Venture Capital Fund", in particular the composition of the portfolio of funds that operate under this designation, their eligible investment targets, the investment tools they may employ and the categories of investors that are eligible to invest in such funds by uniform rules in the Union. In the absence of such a common framework, there is a risk that Member States take diverging measures at national level having a direct negative impact on, and creating obstacles to, the good functioning of the internal market, since venture capital funds that wish to operate across the Union would be subject to different rules in different Member States. Moreover, diverging quality requirements on portfolio composition, investment targets and eligible investors could lead to different levels of investor protection and generate confusion as to the investment proposition associated with a "European Venture Capital Fund". Investors should, furthermore, be able to compare the investment propositions of different venture capital funds. It is necessary to remove significant obstacles to cross-border fundraising by venture capital funds and to avoid distortions of competition between those funds, and to prevent any further likely obstacles to trade and significant distortions of competition from arising in the future. Consequently, the appropriate legal basis is Article 114 TFEU, as interpreted in accordance with the consistent case law of the Court of Justice of the European Union.
- (3) It is necessary to adopt a Regulation establishing uniform rules applicable to the European Venture Capital Funds and imposing corresponding obligations on their managers in all Member States that wish to raise capital across the Union using the designation "European Venture Capital Fund". These requirements should ensure the

¹ *OJ L 335, 17.12.2009, p. 1.*

² *OJ L 177, 30.6.2006, p. 1.*

³ *OJ L 177, 30.6.2006, p. 201.*

confidence of investors that wish to invest in venture capital funds.

- (3a) ***The process of creating a European venture capital fund should be as quick as possible in order to ease the costs of establishing new funds in the market.***
- (4) Defining the quality requirements for the use of the designation 'European Venture Capital Fund' in the form of a Regulation would ensure that those requirements will be directly applicable to the managers of collective investment undertakings that raise funds using this designation. This would ensure uniform conditions for the use of this designation by preventing diverging national requirements as a result of the transposition of a Directive. This Regulation would entail that managers of collective investment undertakings that use this designation would need to follow the same rules in all of the Union, which would also boost confidence of investors that wish to invest in venture capital funds. A Regulation would also reduce regulatory complexity and the managers' cost of compliance with often divergent national rules governing venture capital funds, especially for those managers that want to raise capital on a cross-border basis. A Regulation should also contribute to eliminating competitive distortions. ***The Commission should put forward, by the end of 2012, a report on the tax barriers confronting venture capital funds in the different Member States and should continue to work towards a fiscal level playing field.***
- (5) In order to clarify the relationship between this Regulation and rules on collective investment undertakings and their managers, it is necessary to establish that this Regulation should only apply to managers of collective investment undertakings, other than UCITS in accordance with Article 1 of Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS), who are established in the Union and are registered with the competent authority in their home Member State in accordance with Directive 2011/61/EC of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010. Furthermore, it should only apply to managers who manage portfolios of qualifying venture capital funds ***the total*** assets under management ***of which*** do not exceed a threshold of EUR 500 million. ***Venture capital fund managers that are registered under this Regulation and the total assets of which subsequently exceed the threshold of EUR 500 million, and that therefore become subject to authorisation with the competent authorities of their home Member State in accordance with Article 6 of Directive 2011/61/EU, should be able to continue to use the designation "European Venture Capital Fund" and operate under this Regulation in relation to the marketing of qualifying venture capital funds in the Union, provided that they continue to comply with this Regulation at all times in relation to qualifying venture capital funds.***
- (6) Where managers of collective investment undertakings do not wish to use the designation "European Venture Capital Fund", this Regulation should not apply. In these cases, existing national rules and general Union rules should continue to apply.

- (6a) *While European venture capital funds can play an important role in furthering the access of SMEs to finance, and even though safeguards are included to ascertain that funds are properly used, there is a risk that European venture capital funds are used for unintended purposes. Supervisory authorities should be vigilant in this regard and a review should be undertaken to ensure that any such potential loopholes are closed.*
- (7) This Regulation should establish uniform rules on the nature of qualifying venture capital funds, notably on the portfolio undertakings into which the qualifying venture capital funds are to be permitted to invest and the investment instruments to be used. This is necessary so that a clear demarcation line can be drawn between a qualifying venture capital fund and other alternative investment funds that engage in other, less specialised, investment strategies, for example private equity *or real estate investments*.
- (8) In line with the aim of precisely circumscribing the collective investment undertakings which will be covered by this Regulation and in order to ensure their focus on providing capital to small undertakings in the initial stages of their corporate existence, the designation "European Venture Capital Fund" should be restricted **■** to those funds that *on average invest in the two years following the first investment in accordance with this Regulation at least 55% and thereafter at least 70 % of their called committed capital in such undertakings, after deduction of all relevant costs, short-term holdings in cash and cash equivalents. Relevant costs should comprise all fees, charges and expenses which are directly or indirectly borne by investors and which are agreed between the manager of the qualifying venture capital fund and the investors.*
- (8a) *Managers of a qualifying venture capital fund should be able to attract additional capital commitments during the lifetime of that fund.*
- (8b) *Quasi equity instruments comprise a type of financing instrument, where the return on the instrument is linked to the profit or loss of the qualifying portfolio undertaking, and where the repayment of the instrument in the event of default is not fully secured. Such instruments include a variety of financing instruments such as subordinated loans, silent participations, participating loans, profit participating rights, convertible bonds and bonds with warrants.*
- (9) In order to put in place an essential safeguard that differentiates qualifying venture capital funds under this Regulation from the broader category of alternative investment funds which trade in issued securities on secondary markets, it is necessary to restrict qualifying venture capital funds to making investments only in directly issued instruments.
- (10) In order to allow venture capital fund managers a certain degree of flexibility in the investment and liquidity management of their qualifying venture capital funds, secondary trading, *such as in shares or participations in non-qualifying portfolio undertakings*, should be permitted up to a maximum threshold not exceeding, *on average, in the two years following the first investment under this Regulation, 45%*

and thereafter 30 % of the fund's called committed capital, after deduction of all relevant costs. Short-term holdings of cash and cash equivalents should not be taken into account when calculating this limit.

- (11) In order to ensure that the designation "European Venture Capital Fund" is reliable and easily recognisable for investors across the Union this Regulation should establish that only venture capital fund managers which comply with the uniform quality criteria as set out in this Regulation shall be eligible to use the designation "European Venture Capital Fund" when marketing qualifying venture capital funds across the Union.
- (12) In order to ensure that qualifying venture capital funds have a distinct and identifiable profile which is suited to their purpose, there should be uniform rules on the composition of the portfolio and on the investment techniques which are permitted for such qualifying funds, **including loans.**
- (13) In order to ensure that qualifying venture capital funds do not contribute to the development of systemic risks, and **■** that such funds concentrate, in their investment activities, on supporting qualifying portfolio companies, borrowing or *leveraging* at the level of the fund should **■** be permitted ***only to the extent of the uncalled committed capital.*** However, in order to permit the fund to cover extraordinary liquidity needs that might arise between the call of committed capital from investors and the actual reception of the capital in its accounts, short-term borrowing should be allowed.
- (14) In order to ensure that qualifying venture capital funds are marketed to investors who have the knowledge, experience and capacity to take on the risks these funds carry, and in order to maintain investor confidence and trust in qualifying venture capital funds, certain specific safeguards should be laid down. Therefore, qualifying venture capital funds should in general only be marketed to investors who are professional clients or who can be treated as professional clients under Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments. This category includes venture capital fund managers who themselves invest into venture capital funds. However, in order to have a sufficiently broad investor base for investment into venture capital funds it is also desirable that certain other investors have access to qualifying venture capital funds, including high net worth individuals. For those other investors, however, specific safeguards should be laid down in order to ensure that qualifying venture capital funds are only marketed to investors that have the appropriate profile for making such investments. These safeguards exclude marketing through the use of periodic savings plans. ***Furthermore, investments made by executives, directors or employees of a venture capital fund manager should be possible when investing in the qualifying venture capital fund they manage.***
- (15) To ensure that only venture capital fund managers who fulfil uniform quality criteria as regards their behaviour in the market use the designation "European Venture Capital Fund", this Regulation should establish rules on the conduct of business and the relationship of the venture capital fund manager to its investors. For the same

reason this Regulation should lay down uniform conditions concerning the handling of conflicts of interest by such managers. These rules should also require the manager to have the necessary organisational and administrative arrangements in place to ensure a proper handling of conflicts of interest.

- (16) In order to ensure the integrity of the designation "European Venture Capital Fund" this Regulation should also contain quality criteria as regards the organisation of a venture capital fund manager. Therefore, this Regulation should lay down uniform, proportionate requirements for the need to maintain adequate technical and human resources as well as sufficient own funds for the proper management of qualifying venture capital funds.
- (17) It is necessary for the purpose of investor protection to ensure that the assets of the qualifying venture capital fund are properly evaluated. Therefore, the statutory documents of qualifying venture capital funds should contain rules on the valuation of assets. This should ensure the integrity and transparency of the valuation.
- (18) In order to ensure that venture capital fund managers which make use of the designation "European Venture Capital Funds" give sufficient account of their activities, uniform rules on annual reports should be established.
- (19) It is necessary, for the purposes of ensuring the integrity of the designation "European Venture Capital Fund" in the eyes of investors that it is only used by venture capital fund managers who are fully transparent as to their investment policy and their investment targets. This Regulation should therefore set out uniform rules on disclosure requirements that are incumbent on a venture capital fund manager in relation to its investors. In particular, there should be pre-contractual disclosure obligations related to the investment strategy and objectives of the qualifying venture capital funds, the investment instruments which are used, information on costs and associated charges, and the risk/reward profile of the investment proposed by a qualifying fund. In view of achieving a high degree of transparency, such disclosure requirements should also include information on how the remuneration of the venture capital fund manager is calculated.
- (20) In order to ensure effective supervision of the uniform requirements contained in this Regulation, the competent authority of the home Member State shall supervise compliance of the venture capital fund manager with the uniform requirements set out in this Regulation. To this effect, the qualifying venture capital manager who wishes to market its qualifying funds under the designation "European Venture Capital Fund" should inform the competent authority of his home Member State of this intention. The competent authority should register the venture capital fund manager if all necessary information has been provided and if there are suitable arrangements to comply with the requirements of this Regulation are in place. This registration should be valid across the entire Union.
- (21) In order to ensure effective supervision of compliance with the uniform criteria set out in this Regulation, this Regulation should contain rules on the circumstances under which information supplied to the competent authority in the home Member State

needs to be updated.

- (22) For the effective supervision of the requirements of this Regulation, this Regulation should also lay down a process for cross-border notifications between the competent supervisory authorities, to be triggered by the registration of the venture capital fund manager in its home Member State.
- (23) In order to maintain transparent conditions for the marketing of qualifying venture capital funds across the Union, the *European Supervisory Authority* (European Securities and Markets Authority) ('ESMA'), *established by Regulation (EU) No 1095/2011 of the European Parliament and of the Council*¹, should be entrusted with maintaining a central database listing all qualifying venture capital funds that are registered in accordance with this Regulation.
- (24) In order to ensure the effective supervision of the uniform criteria established in this Regulation, this Regulation should contain a list of supervisory powers that competent authorities shall have at their disposal.
- (25) In order to ensure proper enforcement, this Regulation should contain sanctions for the breach of key provisions of this Regulation, which are the rules on portfolio composition, on safeguards relating to the identity of eligible investors, and on the use of the designation "European Venture Capital Fund" only by registered venture capital fund managers. It should be established that a breach of these key provisions entails the prohibition of the use of the designation and the removal of venture capital fund manager from the register.
- (26) Supervisory information should be exchanged between the competent authorities in the home and host Member States and ESMA.
- (27) Effective regulatory cooperation among the entities tasked with supervising compliance with the uniform criteria set out in this Regulation requires that a high level of professional secrecy should apply to all relevant national authorities and to ESMA.
- (28) Technical standards in financial services should ensure consistent harmonisation and a high level of supervision across the Union. As a body with highly specialised expertise, it would be efficient and appropriate to entrust ESMA with the elaboration of draft implementing technical standards where these do not involve policy choices, for submission to the Commission.
- (29) The Commission should be empowered to adopt implementing technical standards by means of implementing acts pursuant to Article 291 of the Treaty on the Functioning of the European Union and in accordance with Article 15 of Regulation (EU) No 1095/2010 of the European Parliament and the Council of 24 November 2010

¹ *OJ L 331, 15.12.2010, p. 84.*

establishing a European Supervisory Authority (European Securities and Markets Authority) amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC. ESMA should be entrusted with drafting implementing technical standards for the format ■ of the notification *referred to in this Regulation*.

- (30) In order to specify the requirements set out in this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of ■ the types of conflicts of interests venture capital funds managers need to avoid and the steps to be taken in that respect. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. *The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.*

■

- (32) ■ A review of this Regulation should be carried out *at the same time as or immediately after the review of Directive 2011/61/EU* in order to take account of the development of the venture capital market. On the basis of the review, the Commission should submit a report to the European Parliament and the Council accompanied, if appropriate, by legislative changes.
- (32a) *It is necessary to ensure that the Commission proceed with a regular assessment of the effectiveness of public schemes that are deployed in the Union to support the venture capital market.*
- (32b) *In order to ensure that State aid rules governing Member State support for European venture capital funds effectively foster innovation while safeguarding fair competition, close coordination between the Commissioner for Research, Innovation and Science and the Commissioner for Competition is of particular importance.*
- (32c) *It is necessary to recognise venture capital investments in green technologies as a major driver of the transformation of the Union economy, given the objective of making the Union a global leader in energy and resource efficiency. The Commission should therefore present, by the end of 2012, a report identifying appropriate legal avenues with the view of providing regulatory incentives to attract venture capital for green technologies.*
- (33) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the right to respect for private and family life (Article 7) and the freedom to conduct a business (Article 16).
- (34) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995

on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹ governs the processing of personal data carried out in the Member States in the context of this Regulation and under the supervision of the Member States competent authorities, in particular the public independent authorities designated by the Member States. Regulation (EU) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the *Union* institutions and bodies and on the free movement of such data² governs the processing of personal data carried out by ESMA within the framework of this Regulation and under the supervision of the European Data Protection Supervisor.

- (35) This Regulation should be without prejudice to the application of *State* aid rules to qualifying venture capital funds.
- (36) *Since the objectives of this Regulation, namely to ensure uniform requirements apply to the marketing of qualifying venture capital funds and to establish a simple registration system for venture capital fund managers, thereby taking full account of the need to balance safety and reliability associated with the use of the designation "European Venture Capital Fund" with the efficient operation of the venture capital market and the cost for its various stakeholders, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation* ■ *does not go beyond what is necessary in order to achieve those objectives.*
- (36a) *By way of a complement to this Regulation, the Union's framework programmes in support of SMEs' research, innovation and competitiveness help to establish a European environment favourable to venture capital. They include measures to stimulate the supply of venture capital, particularly across borders. They are based on a network of European venture capital investors such as the European Venture Capital Association, the European Venture Fund Investors Network and the International Venture Club,*

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

This Regulation lays down uniform requirements for those managers of collective investment

¹ OJ L 281, 23.11.1995, p. 31.

² OJ L 8, 12.1.2001, p. 1.

undertakings who wish to use the designation "European Venture Capital Fund" and the conditions for the marketing of collective investment undertakings under this designation in the Union, thereby contributing to the smooth functioning of the internal market. It lays down uniform rules for the marketing of qualifying venture capital funds to eligible investors across the Union, for the portfolio composition of qualifying venture capital funds, for the eligible investment instruments and techniques to be used by qualifying venture capital funds as well as for the organisation, conduct and transparency of venture capital fund managers that market qualifying venture capital funds across the Union.

The European Investment Bank and the Commission as main shareholders of the EIF shall ensure, where the EIF invests in venture capital funds, that it gives priority to investments into European venture capital funds.

Article 2

1. This Regulation applies to managers of collective investment undertakings as defined in point (b) of Article 3 *that* are established in the Union and *that* are subject to registration with the competent authorities of their home Member State in accordance with point (a) of Article 3 (3) of Directive 2011/61/EU ***or authorised in accordance with that Directive***, provided that those managers manage portfolios of qualifying venture capital funds, ***the total*** assets under management ***of which*** do not exceed a threshold of EUR 500 million or, in Member States *whose currency is not the euro*, the corresponding value in the national currency on the date of the entry into force of this Regulation.
 - 1a. ***Venture capital fund managers that are registered under this Regulation in accordance with Article 13, and the total assets of which exceed EUR 500 million following that registration, and that therefore become subject to authorisation with the competent authorities of their home Member State in accordance with Article 6 of Directive 2011/61/EU, may continue to use the designation "European Venture Capital Fund" and may continue to operate under the conditions of this Regulation in relation to the marketing of qualifying venture capital funds in the Union, provided that they continue to comply with this Regulation at all times in relation to the qualifying venture capital funds.***
 - 1b. ***European venture capital fund managers that are registered in accordance with this Regulation may also manage UCITS subject to authorisation under Directive 2009/65/EC provided that they are external managers.***
2. In calculating the threshold referred to in paragraph 1 managers of collective investment undertakings who manage funds other than qualifying venture capital funds will not need to aggregate the assets managed in those other funds.

Article 3

For the purposes of this Regulation, the following definitions apply:

- (a) 'qualifying venture capital fund' means a collective investment undertaking *the committed capital of which is not redeemable before the liquidation of the fund and that invests on average in the two years following its first investment in accordance with this Regulation at least 55% and at least 70 % of its called committed capital in assets that are qualifying investments, after deduction of all relevant costs, short-term holdings in cash and cash equivalents, thereafter;*
- (aa) *'relevant costs' means all fees, charges and expenses which are directly or indirectly borne by investors and which are agreed between the manager of the qualifying venture capital fund and the investors;*
- (b) 'collective investment undertaking' means an undertaking which raises capital from a number of investors with a view to investing it in accordance with a defined investment policy for the benefit of those investors and which does not require authorisation pursuant to Article 5 of Directive 2009/65/EC;
- (c) 'qualifying investments' means *any of the following instruments:*
 - (i) equity or quasi equity instruments that are
 - issued by a qualifying portfolio undertaking and acquired directly by the qualifying venture capital fund from the qualifying portfolio undertaking, or
 - issued by a qualifying portfolio undertaking in exchange for an equity security issued by the qualifying portfolio undertaking, or
 - issued by an undertaking of which the qualifying portfolio undertaking is a majority-owned subsidiary and which is acquired by the qualifying venture capital fund in exchange for an equity instrument issued by the qualifying portfolio undertaking;
 - (ii) *shares of a qualifying portfolio undertaking acquired from existing shareholders of that undertaking;*
 - (iii) *units or shares of one or more other qualifying venture capital funds.*
- (d) 'qualifying portfolio undertaking' means an undertaking that:
 - (i) at the time of an investment by the qualifying venture capital fund,
 - is not listed on a regulated market as defined in point (14) of Article 4(1) of Directive 2004/39/EC;
 - employs fewer than 250 persons; *and*

- either has an annual turnover not exceeding EUR 50 million, or an annual balance sheet total not exceeding EUR 43 million;
- (ii) is not itself a collective investment undertaking;
- (iii) *other than financial technology providers, is not a financial service provider;*
- (iv) *is not established in a third country which promotes itself as an off-shore financial centre or in which there are no or nominal taxes, there is a lack of effective exchange of information with foreign tax authorities, there is a lack of transparency in regard to legislative, judicial or administrative provisions, or there is no requirement for a substantive local presence;*
- (e) 'equity' means ownership interest in an undertaking, represented by the shares or other form of participation in the capital of the qualifying portfolio undertaking, issued to the investors;
- (f) 'quasi-equity' means any *type of financing* instrument *which is a combination of equity and debt or which has a debt element and the return of which* is predominantly based on the profits or losses of the qualifying portfolio undertaking and which is unsecured in the event of default;
- (g) 'marketing' means a direct or indirect offering or placement at the initiative of the venture capital fund manager or on behalf of the venture capital fund manager of units or shares of a venture capital fund it manages to or with investors domiciled or with a registered office in the Union;
- (h) 'committed capital' means any commitment pursuant to which a person is obligated to acquire an interest in the venture capital fund or make capital contributions to the venture capital fund;
- (i) 'venture capital fund manager' means a legal person whose regular business is managing at least one qualifying venture capital fund;
- (j) 'home Member State' means the Member State where the venture capital fund manager is established or has its registered office;
- (k) 'host Member State' means:
 - (i) *a Member State, other than the home Member State, in which a venture capital fund manager manages venture capital funds; or*
 - (ii) *a Member State, other than the home Member State, in which a venture capital fund manager markets units or shares of a venture capital fund;*
- (l) 'competent authority' means the national authority which the home Member State designates, by law or regulation, to undertake the registration of managers of collective investment undertakings as referred to in paragraph (1) of Article 2

(la) *'financial service provider' means any of the following:*

- (a) *the following, whether established in the Union or in a third country:*
 - (i) *a credit institution within the meaning of Article 4(1) of Directive 2006/48/EC;*
 - (ii) *an investment firm within the meaning of Article 4(1) of Directive 2004/39/EC;*
 - (iii) *an insurance undertaking within the meaning of Article 13(1) of Directive 2009/138/EC;*
 - (iv) *a financial holding company within the meaning of Article 19 of Directive 2006/48/EC;*
 - (v) *a mixed-activity holding company within the meaning of Article 4(1) of Directive 2006/48/EC;*
- (b) *an entity that performs one or more of the activities listed in Annex I to Directive 2004/39/EC or in Annex I to Directive 2006/48/EC;*
- (c) *an entity that acts as an intermediary for the distribution of the products of entities referred to in points (a) and (b).*

In regard to point (a) of the first subparagraph, a qualifying venture capital fund shall not be established in a third country which promotes itself as an off-shore financial centre or in which there are no or nominal taxes, a lack of effective exchange of information with foreign tax authorities, a lack of transparency in legislative, judicial or administrative provisions, or no requirement for a substantive local presence.

In regard to point (i) of the first subparagraph, where the legal form of the venture capital fund permits internal management and where the governing body of the fund chooses not to appoint an external manager, the venture capital fund itself shall be authorised as venture capital fund manager.

CHAPTER II

CONDITIONS FOR THE USE OF THE DESIGNATION

"EUROPEAN VENTURE CAPITAL FUND"

Article 4

Venture capital fund managers who comply with the requirements set out in this Chapter shall be entitled to use the designation "European venture capital fund" in relation to the marketing of qualifying venture capital funds in the Union.

Article 5

1. The venture capital fund manager shall ensure that, when acquiring assets other than qualifying investments, *on average*, no more than:

(a) **45%, in the two years following the first investment under this Regulation; and**

(b) **30 % thereafter.**

of the fund's *called committed capital, after deduction of all relevant costs*, is used for the acquisition of assets other than qualifying investments; short term holdings in cash and cash equivalents shall not be taken into account for calculating this limit.

2. The venture capital fund manager *may only* borrow, issue debt obligations *or* provide guarantees, at the level of the qualifying venture capital fund, *provided that such borrowings, debt obligations or guarantees are covered by uncalled commitments and thus do not increase* the exposure of the fund *beyond its commitments*.

■

Article 6

1. Venture capital fund managers shall market the units and shares of qualifying venture capital funds exclusively to investors which are considered to be professional clients in accordance with Section I of Annex II of Directive 2004/39/EC or may, on request, be treated as professional clients in accordance with Section II of Annex II of Directive 2004/39/EC, or to other investors where:

(a) those other investors commit to *investing* a minimum of **EUR 50 000**;

(aa) *those other investors present to the venture capital fund manager an assessment made by a credit institution, another professional of the financial sector subject to Directive 2004/39/EC, or by a management company within the meaning of Directive 2009/65/EC certifying their expertise, their experience and their knowledge in adequately appraising an investment in risk capital.*

■

- 1a. *Paragraph 1 shall not apply to investments made by executives, directors or employees of a venture capital fund manager when investing in the qualifying venture capital funds that they manage.*

Article 7

Venture capital fund managers shall, in relation to the qualifying venture capital funds they manage:

- (a) act with due skill, care and diligence in conducting their activities;
- (b) apply appropriate policies and procedures for preventing malpractices that might reasonably be expected to affect the interests of investors and the qualifying portfolio undertakings;
- (c) conduct their business activities so as to promote the best interests of the qualifying venture capital funds they manage, the investors in those qualifying venture capital funds they manage and the integrity of the market; *treat the investors equally*;
- (d) apply *due* diligence in the selection and ongoing monitoring of investments in qualifying portfolio undertakings;
- (e) possess adequate knowledge and understanding of the qualifying portfolio undertakings they invest in.

Article 8

1. Venture capital fund managers shall identify and avoid conflicts of interest and, where they cannot be avoided, manage and monitor and, in accordance with paragraph 4, disclose, those conflicts of interest in order to prevent them from adversely affecting the interests of the qualifying venture capital funds and their investors and to ensure that the qualifying venture capital funds they manage are fairly treated.
2. The venture capital fund manager shall identify in particular those conflicts of interest that may arise between:
 - (a) venture capital fund managers, those persons who effectively conduct the business of the venture capital fund manager, employees or any person who directly or indirectly controls or is controlled by the venture capital fund manager, and the qualifying venture capital fund managed by the venture capital fund managers or the investors in those qualifying venture capital funds;
 - (b) the qualifying venture capital fund or the investors in that qualifying venture capital fund, and another qualifying venture capital fund managed by the same venture capital fund manager or the investors in that other qualifying venture capital fund.
3. Venture capital fund managers shall maintain and operate effective organisational and administrative arrangements in order to comply with the requirements set out in paragraphs 1 and 2.
4. Disclosures of conflicts of interest as referred to in paragraph 1 shall be provided, where organisational arrangements made by the venture capital fund manager to identify, prevent, manage and monitor conflicts of interest are not sufficient to ensure, with reasonable confidence, that risks of damage to investors' interests will

be prevented. The venture capital fund managers shall clearly disclose the general nature or sources of conflicts of interest to the investors before undertaking business on their behalf.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 23 measures specifying:
 - (a) the types of conflicts of interest as referred to in paragraph 2 of this Article;
 - (b) the steps venture capital fund managers are expected to take, in terms of structures and organisational and administrative procedures in order to identify, prevent, manage, monitor and disclose conflicts of interest.

Article 9

At all times, venture capital fund managers shall have sufficient own funds and use adequate and appropriate human and technical resources as are necessary for the proper management of qualifying venture capital funds.

The competent authority shall monitor compliance with the requirements of the first paragraph.

Article 10

Rules for the valuation of assets shall be laid down in the statutory documents of the qualifying venture capital fund.

Article 10a

- 1. For each European venture capital fund it manages, the manager shall ensure that a single depositary is appointed in accordance with this Article.***
- 2. The depositary shall be an institution which is subject to prudential regulation and ongoing supervision. It shall fall within the categories of institution determined by Member States to be eligible to be a depositary under Article 23(3) of Directive 2009/65/EC.***
- 3. The depositary shall be responsible for verifying ownership and maintaining a record of the assets of the qualifying European venture capital funds.***
- 4. The depositary shall be liable to the European venture capital fund and its investors of any loss suffered as a result of negligence or intentional failure.***

Article 11

1. The venture capital fund manager shall make available an annual report to the competent authority of the home Member State for each qualifying venture capital fund under management no later than 6 months following the end of the financial year. The report shall describe the composition of the portfolio of the qualifying venture capital fund and the activities of the past year. It shall contain the audited financial accounts for the qualifying venture capital fund. ***It shall confirm that money and assets are held in the name of the fund and that the venture capital fund manager has established and maintained adequate records and controls in respect of the use of any mandate or control over the money and assets of the qualifying venture capital fund and its investors.*** It shall be produced in accordance with existing reporting standards and the terms agreed between the venture capital fund manager and the investors. The venture capital fund manager shall provide the report to investors on request. Venture capital fund managers and investors may agree to make additional disclosures to each other.
2. Where the venture capital fund manager is required to make public an annual financial report in accordance with Directive 2004/109/EC of the European Parliament and Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market¹ in relation to the qualifying venture capital fund, the information referred to in paragraph 1 may be provided either separately or as an additional part of the annual financial report.

Article 12

1. Venture capital fund managers shall inform their investors, ***in a clear and understandable manner***, about the following elements prior to their investment decision:
 - (a) the identity of the venture capital fund manager and any other service providers contracted by the venture capital fund manager in relation to their management of the qualifying venture capital funds, and a description of their duties;
 - (b) a description of the investment strategy and objectives of the qualifying venture capital fund, including a description of the types of the qualifying portfolio undertakings and ***non-qualifying investments*** which the qualifying venture capital fund may ***make***, the techniques it may employ, and any applicable investment restrictions;
 - (c) a description of the risk profile of the qualifying venture capital fund and any

¹ OJ L 390, 31.12.2004, p. 38.

risks associated with the assets in which the fund may invest or investment techniques that may be employed;

- (d) a description of the qualifying venture capital fund's valuation procedure and of the pricing methodology for the valuation of assets, including the methods used for the valuation of qualifying portfolio undertakings;
- (e) a description of how the remuneration of the venture capital fund *manager* is calculated *as well as a disclosure of the profits of the venture capital fund*;
- (f) a description of all fees, charges and expenses and of the maximum amounts thereof which are directly or indirectly borne by investors;
- (g) where available, the historical performance of the qualifying venture capital fund;
- (h) a description of the procedures by which the qualifying venture capital fund may change its investment strategy, *its* investment policy, or both.

Point (b) shall apply mutatis mutandis to qualifying venture capital funds that invest in other qualifying venture capital funds.

2. Where the qualifying venture capital fund is required to publish a prospectus in accordance with Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading¹ or in accordance with national law in relation to the qualifying venture capital fund, the information referred to in paragraph 1 of this Article may be provided either separately or as a part of the prospectus.

CHAPTER III

SUPERVISION, ADMINISTRATIVE COOPERATION

Article 13

1. Venture capital fund managers who intend to use designation "European Venture Capital Fund" for the marketing of their qualifying venture capital funds shall inform the competent authority of their home Member State of this intention and shall provide the following information:
 - (a) the identity of the persons who effectively conduct the business of managing qualifying venture capital funds;

¹ OJ L 345, 31.12.2003, p. 64

- (b) the identity of the qualifying venture capital funds whose units or shares shall be marketed and their investment strategies;
 - (c) information on the arrangements made for complying with the requirements of Chapter II;
 - (d) a list of Member States where the venture capital fund manager intends to market each qualifying venture capital fund.
2. The competent authority of the home Member State shall only register the venture capital fund manager if it is satisfied that
- (a) the information required under paragraph 1 is complete and
 - (b) the arrangements notified according to point (c) of paragraph 1 are suitable in order to comply with the requirements of Chapter II.
3. The registration shall be valid for the entire territory of the Union and shall allow venture capital fund managers to market qualifying venture capital funds under the designation "European Venture Capital Funds" throughout the Union.

Article 14

The Venture capital fund manager shall inform the competent authority of the home Member State where the venture capital fund manager intends to market:

- (a) a new qualifying venture capital fund;
- (b) an existing qualifying venture capital fund in a Member State not mentioned in the list referred to in point (d) of Article 13 (1).

Article 15

1. Immediately after the registration of a venture capital fund manager, the competent authority of the home Member State shall notify the fact that the venture capital fund manager is registered to the Member States indicated in accordance with point (d) of Article 13 (1) and to ESMA.
2. The host Member States indicated in accordance with point (d) of Article 13 (1) shall not impose, on the venture capital fund manager registered in accordance with Article 13, any requirements or administrative procedures in relation to the marketing of its qualifying venture capital funds, nor shall they require any approval of the marketing prior to its commencement.
3. In order to ensure uniform application of this article, ESMA shall develop draft implementing technical standards to determine the format of the notification.

4. ESMA shall submit those draft implementing technical standards to the Commission by [insert date].
5. Power is conferred on the Commission to adopt the implementing technical standards referred to in paragraph 3 of this Article in accordance with the procedure laid down in Article 15 of Regulation (EU) No 1095/2010.

Article 16

ESMA shall maintain a central database, publicly accessible on the internet, listing ***all European venture capital funds and*** all venture capital fund managers registered in the Union ***as well as the countries in which they operate***, in accordance with this Regulation.

Article 17

1. The competent authority of the home Member State shall supervise compliance with the requirements set out in this Regulation.
 - 1a. ***Where the competent authority of the host Member State has clear and demonstrable grounds for believing that the venture capital fund manager is in breach of this Regulation within its territory, it shall promptly inform the competent authority of the home Member State accordingly. The home Member State shall take appropriate measures.***
 - 1b. ***If the venture capital fund manager does not comply with this Regulation, despite the measures taken by the competent authority of the home Member State, or if the competent authority of the home Member State fails to act within a reasonable timeframe, the competent authority of the host Member State shall take all the necessary measures to protect investors, after informing the competent authority of the home Member State.***
 - 1c. ***In the event of a disagreement between the competent authority of the home Member State and the competent authority of the host Member State regarding the adequacy of the European venture capital fund for investors in the host market, either or both of the competent authorities concerned may refer the matter to ESMA under Article 19 of Regulation (EU) No 1095/2010.***

Article 18

Competent authorities shall, in conformity with national law, have all supervisory and investigatory powers that are necessary for the exercise of their functions. They shall in particular have the power to:

- (a) request access to any document in any form, and to receive or take a copy thereof;
- (b) require the venture capital fund manager to provide information without delay;

- (c) require information from any person related to the activities of the venture capital fund manager or the qualifying venture capital fund;
- (d) carry out on site inspections with or without prior announcements;
- (e) issue an order to ensure that a venture capital fund manager comply with the requirements of this Regulation and desist from a repetition of any conduct that may consist of a breach of this Regulation.

Article 19

1. Member States shall lay down the rules on *penalties* applicable to breaches of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The *penalties* provided for shall be effective, proportionate and dissuasive.
2. By [24 months after entry into force of this Regulation] the Member States shall notify the rules referred to in paragraph 1 to the Commission and ESMA. They shall notify the Commission and ESMA without delay of any subsequent amendment thereto.

Article 20

1. The competent authority of the home Member State shall take the appropriate measures referred to in paragraph 2 where a venture capital fund manager:
 - (a) fails to comply with the requirements that apply to portfolio composition in breach of Article 5;
 - (b) fails to market the qualifying venture capital fund to eligible investors in breach of Article 6;
 - (c) fails to register with the competent authority of their home Member State in breach of the requirements of Article 13.
2. In the cases referred to in paragraph 1 the competent authority of the home Member State shall take the following measures, as appropriate:
 - (a) prohibit the use of the designation "European Venture Capital Fund" for the marketing of one or more qualifying venture capital funds of the venture capital fund manager;
 - (b) remove the venture capital fund manager from the register.
3. The competent authority of the home Member State shall inform the competent authorities of the host Member States indicated in accordance with point (d) of Article 13 (1) of the removal of the venture capital fund manager from the register referred to in point (b) of paragraph 2 of this Article.

4. The right to market one or more qualifying venture capital funds under the designation "European Venture Capital Funds" in the Union expires with immediate effect from the date of the decision of the competent authority referred to in points (a) or (b) of paragraph 2.

Article 21

1. **The** competent authorities **■** shall cooperate with **ESMA** for the **purposes** of this Regulation **in accordance with Regulation (EU) No 1095/2010**.
2. **The competent authorities** shall, **without delay, provide ESMA with all the information necessary to carry out its duties in accordance with Regulation (EU) No 1095/2010. In particular, ESMA and the competent authorities shall** exchange all information and documentation necessary to identify and remedy breaches **of** this Regulation.

Article 22

1. All persons who work or who have worked for the competent authorities or ESMA, as well as auditors and experts instructed by the competent authorities, are bound by the obligation of professional secrecy. No confidential information which those persons receive in the course of their duties shall be divulged to any person or authority whatsoever, save in summary or aggregate form such that venture capital fund managers and qualifying venture capital funds cannot be individually identified, without prejudice to cases covered by criminal law and proceedings under this Regulation.
2. The competent authorities of the Member States or ESMA shall not be prevented from exchanging information in accordance with this Regulation or other Union law applicable to venture capital fund managers and qualifying venture capital funds.
3. Where competent authorities and ESMA receive confidential information in accordance with paragraph 2, they may use it only in the course of their duties and for the purpose of administrative and judicial proceedings.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Article 23

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 8(5) shall be conferred on the Commission for a period of four years from ...¹. The Commission shall draw up a report in respect of the delegation of powers not later than nine months before the end of the four-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 8(5) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 8(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of *three* months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by *three* months at the initiative of the European Parliament or the Council.

Article 23a

By ...², ESMA shall assess its staffing and resources needs arising from the assumption of its powers and duties in accordance with this Regulation and submit a report to the European Parliament, the Council and the Commission.

Article 24

1. ***By 22 July 2017***, the Commission shall review this Regulation. The review shall include a general survey of the functioning of the rules in this Regulation and the experience acquired in applying them, including:
 - (a) the extent to which the designation "European Venture Capital Fund" has been used by venture capital fund managers in different Member States, whether domestically or on a cross border basis;

¹ *OJ: please insert date: entry into force of this Regulation.*

² *OJ: please insert date: 12 months after the entry into force of this Regulation.*

- (b) the scope of this Regulation, including the *possibility of extending the marketing of European venture capital funds to retail investors*;
- (ba) *the appropriateness of the information requirements under Article 12, in particular whether they are sufficient to enable investors to take an informed investment decision*;
- (bb) *the effectiveness, proportionality and application of penalties provided for by Member States in accordance with this Regulation*;
- (bc) *the geographical and sectoral distribution of investments undertaken by European venture capital funds*;
- (bd) *the impact of this Regulation on the venture capital market, and on the contribution to the Union industrial leadership and societal challenges set out in Annex I, Parts II and III respectively of Regulation (EU) No .../... of the European Parliament and the Council of ... establishing Horizon 2020 - The Framework Programme for Research and Innovation (2014 to 2020).*

The review shall also include a survey on the possible negative or positive impact of other Union financial regulations and of Union financing instruments for SMEs on the functioning of the rules in this Regulation.

2. *Following the review referred to in paragraph 1 and after consulting ESMA the Commission shall submit a report to the European Parliament and the Council accompanied, if appropriate, by a legislative proposal.*

Article 25

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from the 22 July 2013, except for ■ Article 8(5), which shall apply from the date of entry into force of this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at

For the European Parliament
The President

For the Council
The President

27.4.2012

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS

for the Committee on Economic and Monetary Affairs

on the proposal for a regulation of the European Parliament and of the Council on European Venture Capital Funds

(COM(2011)0860 – C7-0490/2011 – 2011/0417(COD))

Rapporteur: Dimitar Stoyanov

SHORT JUSTIFICATION

The proposal for a regulation establishes the legal framework under which different types of investment fund can be granted the status of ‘European Venture Capital Fund’ and a venture capital ‘passport’. The aim is to create a European venture capital investment sector for small and medium-sized enterprises (SMEs).

The proposal for a regulation sets out the criteria, in terms of disposable assets, that a fund must satisfy in order to be granted the aforementioned status and passport. It also sets out the requirements to be fulfilled by venture capital fund managers and the restrictions on the investments that can be made using a fund’s assets.

It should be noted that two directives relating to investment funds already exist: Directive 2011/61/EC of the European Parliament and of the Council and Directive 2009/65/EC of the European Parliament and of the Council. These contain the rules governing investment funds and their management and the rules applicable to investors in those funds. This opinion aims at ensuring that the proposal for a regulation is consistent with those existing legislative acts.

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Economic and Monetary Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) Venture capital provides finance to undertakings that are generally very small, in the initial stages of their corporate existence and display a strong potential for growth and expansion. In addition, venture capital funds provide these undertakings with valuable expertise and knowledge, business contacts, brand-equity and strategic advice. By providing finance and advice to these undertakings, venture capital funds stimulates economic growth, contribute to the creation of jobs, **boost** innovative undertakings, increase their investment in research and development and foster entrepreneurship, innovation and competitiveness in the Union.

Amendment

(1) Venture capital provides finance to undertakings that are generally very small, in the initial stages of their corporate existence and display a strong potential for growth and expansion. In addition, venture capital funds provide these undertakings with valuable expertise and knowledge, business contacts, brand-equity and strategic advice. By providing finance and advice to these undertakings, venture capital funds stimulates economic growth, contribute to the creation of jobs **and capital mobilisation, foster the establishment and expansion of** innovative undertakings, increase their investment in research and development and foster entrepreneurship, innovation and competitiveness in the Union.

Amendment 2

Proposal for a regulation

Article 3 - point a

Text proposed by the Commission

(a) ‘qualifying venture capital fund’ means a collective investment undertaking that invests at least 70 percent of its aggregate

Amendment

(a) ‘qualifying venture capital fund’ means a collective investment undertaking that invests at least 70 percent of its aggregate

capital contributions and uncalled
committed capital in assets that are
qualifying investments;

capital contributions and uncalled
committed capital in assets that are
qualifying investments, ***irrespective of
whether that collective investment
undertaking is of the open-ended or
closed-ended type***;

Justification

*Clarifies the text in order to close a legal loophole which would lead to its being interpreted
subjectively.*

PROCEDURE

Title	European Venture Capital Funds
References	COM(2011)0860 – C7-0490/2011 – 2011/0417(COD)
Committee responsible Date announced in plenary	ECON 17.1.2012
Committee(s) asked for opinion(s) Date announced in plenary	JURI 17.1.2012
Rapporteur(s) Date appointed	Dimitar Stoyanov 25.1.2012
Discussed in committee	26.3.2012
Date adopted	26.4.2012
Result of final vote	+: 22 –: 2 0: 0
Members present for the final vote	Raffaele Baldassarre, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Antonio López-Istúriz White, Jiří Maštálka, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Dimitar Stoyanov, Rebecca Taylor, Alexandra Thein, Cecilia Wikström, Tadeusz Zwiefka
Substitute(s) present for the final vote	Piotr Borys, Sergio Gaetano Cofferati, Vytautas Landsbergis, Eva Lichtenberger, Axel Voss
Substitute(s) under Rule 187(2) present for the final vote	Karin Kadenbach

PROCEDURE

Title	European Venture Capital Funds		
References	COM(2011)0860 – C7-0490/2011 – 2011/0417(COD)		
Date submitted to Parliament	7.12.2011		
Committee responsible	ECON		
Date announced in plenary	17.1.2012		
Committee(s) asked for opinion(s)	ITRE	IMCO	JURI
Date announced in plenary	17.1.2012	17.1.2012	17.1.2012
Not delivering opinions	ITRE	IMCO	
Date of decision	24.1.2012	29.2.2012	
Rapporteur(s)	Philippe Lamberts		
Date appointed	25.10.2011		
Discussed in committee	20.3.2012	26.4.2012	
Date adopted	31.5.2012		
Result of final vote	+: 34		
	–: 3		
	0: 4		
Members present for the final vote	Burkhard Balz, Elena Băsescu, Udo Bullmann, Nikolaos Chountis, George Sabin Cutaş, Leonardo Domenici, Derk Jan Eppink, Diogo Feio, Elisa Ferreira, Ildikó Gáll-Pelcz, Jean-Paul Gauzès, Sven Giegold, Sylvie Goulard, Liem Hoang Ngoc, Othmar Karas, Wolf Klinz, Jürgen Klute, Rodi Kratsa-Tsagaropoulou, Philippe Lamberts, Werner Langen, Astrid Lulling, Arlene McCarthy, Ivari Padar, Alfredo Pallone, Olle Schmidt, Edward Scicluna, Peter Simon, Ivo Strejček, Kay Swinburne, Sampo Terho, Marianne Thyssen, Ramon Tremosa i Balcells, Pablo Zalba Bidegain		

Substitute(s) present for the final vote	Sophie Auconie, Thijs Berman, Philippe De Backer, Vicky Ford, Danuta Maria Hübner, Olle Ludvigsson, Mario Mauro
Substitute(s) under Rule 187(2) present for the final vote	Margrete Auken
Date tabled	6.6.2012