

# EUROPEAN PARLIAMENT

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## MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Klaus-Heiner Lehne, on behalf of the EPP-ED Group

by Ieke van den Burg, on behalf of the PSE Group

by Diana Wallis, on behalf of the ALDE Group

by Francesco Enrico Speroni, on behalf of the UEN Group

on employees' participation in companies with a European statute and other accompanying measures

**European Parliament resolution on employees' participation in companies with a European statute and other accompanying measures**

*The European Parliament,*

- having regard to the Small Business Act and the Commission's 2008/2009 Work Programme,
  - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas a Statute for a European Private Company (SPE) will facilitate SME business in the internal market, but will also be accessible for larger companies,
1. Calls on the Commission to start a consultation, on the basis of Article 138 of the EC Treaty, with the social partners, with a view to evaluating and where necessary streamlining, creating or reinforcing the provisions for employees' participation in the European internal market;
  2. Calls on the Commission to assess the impact of the existing European company statutes and relevant rulings of the European Court of Justice (e.g. 'Daily Mail and General Trust', 'Sevic Systems', 'Inspire Art', 'Überseering', and 'Cartesio') as regards employees' participation in boards of companies and possible avoidance or circumvention of the relevant national provisions;
  3. Calls on the Commission to assess crossborder problems with regard to corporate governance, tax law and employees' financial participation in shareholding programmes related to this consultation; calls for a possible review and/or new proposals to be discussed with the Council and Parliament;
  4. Calls on the Commission to assess a rule for the SPE statute according to which the reimbursement of a loan or other contribution by a shareholder should be subordinated where a contribution to the share capital would have been more appropriate (i.e. in case of overindebtedness of the company itself); believes that a rule should be considered which would provide that the shareholder has to return the reimbursement received if it was paid within a period close to the insolvency of the company;
  5. Instructs its President to forward this resolution to the Council and the Commission.