

Thursday 12 March 2009

Employee participation in companies with a European Statute

P6_TA(2009)0131

European Parliament resolution of 12 March 2009 on employees' participation in companies with a European statute and other accompanying measures

(2010/C 87 E/25)

The European Parliament,

- having regard to the Commission Communication of 25 June 2008 entitled 'Think Small First' - A 'Small Business Act' for Europe (COM(2008)0394) and the Commission's 2008 and 2009 Work Programmes,
 - 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, on the basis of Article 138 of the EC Treaty, to initiate a consultation with the social partners, with a view to evaluating and where necessary streamlining, creating or reinforcing the provisions for employees' participation in the 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 (for example, the 'Daily Mail and General Trust', 'Sevic Systems', 'Inspire Art', 'Überseering', and 'Cartesio' cases) 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 the above-mentioned proposed 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 whether to introduce 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 (that is, in the case of over-indebtedness of the company itself); believes that consideration should be given to the introduction of a rule whereby 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.
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