Tuesday 4 September 2001

TEXT PROPOSED BY THE COUNCIL	AMENDMENTS BY PARLIAMENT
	Amendment 16
	Article 69
Five years at the latest after the entry into force of this Regulation, the Commission shall forward to the Council and the European Parliament a report on the application of the Regulation and proposals for amendments, where appropriate. The report shall, in particular, analyse the appropriateness of:	***Three*** years at the latest after the entry into force of this Regulation, the Commission shall forward to the Council and the European Parliament a report on the application of the Regulation and proposals for amendments, where appropriate. The report shall, in particular, analyse the ***impact of this Regulation on small and medium-sized enterprises, in particular any obstacles to their forming an SE, and*** the appropriateness of:
(a) allowing the location of an SE's head office and registered office in different Member States;	(a) allowing the location of an SE's head office and registered office in different Member States;
(b) broadening the concept of merger in Article 17(2) in order to admit also other types of merger than those defined in Articles 3(1) and 4(1) of Directive 78/855/EEC;	(b) broadening the concept of merger in Article 17(2) in order to admit also other types of merger than those defined in Articles 3(1) and 4(1) of Directive 78/855/EEC;
(c) revising the jurisdiction clause in Article 8(16) in the light of any provision which may have been inserted in the 1968 Brussels Convention or in any text adopted by Member States or by the Council to replace such Convention;	(c) revising the jurisdiction clause in Article 8(16) in the light of any provision which may have been inserted in the 1968 Brussels Convention or in any text adopted by Member States or by the Council to replace such Convention;
(d) allowing provisions in the statutes of an SE adopted by a Member State in execution of authorisations given to the Member States by this Regulation or laws adopted to ensure the effective application of this Regulation in respect to the SE which deviate from or are complementary to these laws, even when such provisions would not be authorised in the statutes of a public limited-liability company having its registered office in the Member State.	(d) allowing provisions in the statutes of an SE adopted by a Member State in execution of authorisations given to the Member States by this Regulation or laws adopted to ensure the effective application of this Regulation in respect to the SE which deviate from or are complementary to these laws, even when such provisions would not be authorised in the statutes of a public limited-liability company having its registered office in the Member State;
	(da) approximating the fiscal rules applicable to SEs in order to solve the problems resulting from links with different systems of taxation.

European Parliament legislative resolution on the Draft Council regulation on the Statute for a European Company (SE) (14886/2000 − C5-0092/2001 − 1989/0218(CNS))

(Consultation procedure − renewed consultation)

The European Parliament,

− having regard to the Draft Council regulation (14886/2000),

− having regard to the Commission proposal to the Council (COM(1989) 268) ([1]) amended in 1991 by COM(1991) 174) ([2]),

− having regard to its position at first reading of 24 January 1991 ([3]) confirmed on 2 December 1993 ([4]) and 27 October 1999 ([5]),

([1]) OJ C 263, 16.10.1989, p. 41.
([2]) OJ C 138, 29.5.1991, p. 8.
([3]) OJ C 48, 25.2.1991, p. 72.
([4]) OJ C 342, 20.12.1993, p. 30.
([5]) OJ C 154, 5.6.2000, p. 46.

— having been consulted by the Council again under Article 308 of the EC Treaty (C5-0092/2001),

— having regard to Rule 67 and 71(2) of its Rules of Procedure,

— having regard to the report of the Committee on Legal Affairs and the Internal Market and the opinion of the Committee on Employment and Social Affairs (A5-0243/2001),

1. Approves the Council draft as amended;

2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;

3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;

4. Asks to be consulted again if the Council intends to amend the draft regulation substantially;

5. Instructs its President to forward its position to the Council and Commission.

4. Involvement of employees in the Statute for a European company *

A5-0231/2001

Draft Council directive supplementing the Statute for a European Company with regard to the involvement of employees (14732/2000 — C5-0093/2001 — 1989/0219(CNS))

The proposal was amended as follows:

TEXT PROPOSED BY THE COUNCIL	AMENDMENTS BY PARLIAMENT
	Amendment 1 *Citation 1*
Having regard to the Treaty establishing the European Community, and in particular ***Article 308 thereof,***	Having regard to the Treaty establishing the European Community, and in particular ***the third indent of Article 137(3),***
	Amendment 2 *Recital 3a (new)*
	(3a) The purpose of this Directive is to establish minimum requirements for the information, participation and consultation of employees in undertakings within the European Community.
	Amendment 3 *Recital 5a (new)*
	(5a) It is, however, appropriate to harmonise the national implementing provisions of the Member States, since acquired rights are not called into question,