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#### **'I' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a COUNCIL REGULATION on temporary measures concerning the general meetings of European companies (SE) and of European Cooperative Societies (SCE) Decision to use the written procedure for : - Adoption of the legislative act - Derogation from the 8-week period provided for in Article 4 of Protocol 1 on the role of national Parliaments in the EU

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1. On 29 April 2020, the Commission submitted to the Council its proposal for a Council regulation on temporary measures concerning the general meetings of European companies (SE) and of European cooperative societies (SCE)<sup>1</sup>.
2. This proposal aims at providing temporary emergency measures, in the context of COVID-19 exceptional situation, regarding two regulations on European companies<sup>2</sup> and on European Cooperative Societies<sup>3</sup>, by allowing these companies to hold their general meetings within 12 months of the end of the financial year instead of within 6 months, but no later than 31 December 2020.

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<sup>1</sup> Doc 7656/20

<sup>2</sup> Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) (OJ L 294, 10.11.2001, p. 1).

<sup>3</sup> Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) (OJ L 207, 18.8.2003, p. 1).

3. In accordance with Article 352(1) of the Treaty on the Functioning of the European Union, the Council may adopt the Regulation acting unanimously and after obtaining the consent of the European Parliament.
4. On 8 May 2020, the Permanent Representatives Committee, by unanimity, agreed to use the written procedure for the Council's agreement to request the consent of the European Parliament on the above-mentioned draft Council Regulation as finalised by the legal-linguists and contained in document 7648/20. Upon the positive outcome of the written procedure<sup>4</sup>, the Council sent its request for consent to the European Parliament on 11 May 2020.
5. On 13 May 2020, during its Plenary session, the European Parliament gave its consent on the above-mentioned Council Regulation, opening the way for its adoption by the Council<sup>5</sup>.
6. Given the urgency entailed by the current exceptional situation justifying the considered measures, there is a need, as set out in the preamble of the above-mentioned draft Council Regulation, to derogate on the basis of the second subparagraph of Article 3(3) of the Council's Rules of Procedure, from the eight-week period referred to in the first subparagraph of that Article and provided for in Article 4 of Protocol 1 on the role of national Parliaments in the European Union.
7. In view of the above, the Permanent Representatives Committee is invited to confirm its agreement on the draft Council Regulation on temporary measures concerning the general meetings of European companies (SE) and of European cooperative societies (SCE) as set out in document 7648/20.

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<sup>4</sup> CM 2176/20

<sup>5</sup> P9\_TA-PROV(2020)0122

8. The Permanent Representatives Committee is also invited to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure, that the Council uses the written procedure:

- for the adoption of the above-mentioned draft Council Regulation, and
- to derogate, on the basis of the second subparagraph of Article 3(3) of the Council's Rules of Procedure, from the eight-week period referred to in the first subparagraph of that Article.

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