



SEIMAS OF THE REPUBLIC OF LITHUANIA

RESOLUTION
REGARDING A REASONED OPINION ON THE COMPLIANCE OF THE
EUROPEAN COMMISSION PROPOSAL
FOR A COUNCIL REGULATION ON THE STATUTE FOR A EUROPEAN
FOUNDATION (FE)
WITH THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY

10 April 2012
Vilnius

The Seimas of the Republic of Lithuania,

pursuant to Article 180⁶ of the Statute of the Seimas, having deliberated on the conclusion of the Seimas Committee on European Affairs regarding the Compliance of the European Commission Proposal for a Council Regulation on the Statute for a European Foundation (FE) with the Principles of Subsidiarity and Proportionality,

approves the conclusion of the Seimas Committee on European Affairs regarding the Compliance of the European Commission Proposal for a Council Regulation on the Statute for a European Foundation (FE) with the Principles of Subsidiarity and Proportionality.

SPEAKER OF THE SEIMAS

IRENA DEGUTIENĖ



**THE SEIMAS OF THE REPUBLIC OF LITHUANIA
COMMITTEE ON EUROPEAN AFFAIRS
CONCLUSION**

**REGARDING THE COMPLIANCE OF THE EUROPEAN COMMISSION PROPOSAL FOR A COUNCIL REGULATION ON
THE STATUTE FOR A EUROPEAN FOUNDATION (FE) WITH THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY**

Document COM(2012) 35

Relevance of the proposal for Lithuania: **moderately relevant** (not included on the Seimas priorities list)

10 April 2012 No ES-12-43

Vilnius

Regarding the potential conflict of the proposal to adopt the EU legislative act with the principle of subsidiarity:

The Seimas Committee on European Affairs,
having deliberated on the opinion formulated by the Ministry of Economy (POZ-144);
having examined the opinions of the Seimas Committee on Audit and the Seimas Committee on Legal Affairs regarding the proposal to adopt a regulation on the statute for a European Foundation (hereinafter referred to as the “proposal”);
having assessed the conclusions of the Legal Department of the Office of the Seimas and the European Law Department under the Ministry of Justice regarding the proposal, has **d e c i d e d**:

The European Commission Proposal for a Council Regulation on the Statute for a European Foundation (FE) **is in potential conflict with the principles of subsidiarity and proportionality**, based on the following arguments:

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| | <ol style="list-style-type: none">1. The need to create a new legal form is not properly justified, based on the obvious advantage criterion as:<ul style="list-style-type: none">- the existing European legal forms (European company, European economic interest grouping, European cooperative society) are not popular,- provision of benefits to other member states can potentially reduce the support provided to the national beneficiaries,- funds allocated for legal consultations might even increase instead of decreasing, when establishing the foundations.2. The existing national control and supervisory tools may prove to be insufficient; therefore, it will be necessary to establish additional supervisory authorities of European foundations.3. The proposal lacks sufficient reasoned arguments that the objectives related to more efficient channelling of funds would be better achieved at European level.4. Despite the fact that public benefit purpose entities are functioning in Lithuania, there is no equivalent of a European foundation (there are no possibilities provided for a legal person not to have participants; an authority which would be assigned supervisory functions, etc.); therefore, the implication of the adoption of the proposal for Lithuania would be the direct or indirect obligation to adopt or amend national legal acts which would be associated with the establishment of new material law norms not characteristic of the Lithuanian national law. |
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The Chairperson of the Committee

Česlovas Vytautas Stankevičius