



EUROPEAN COMMISSION

Brussels, 22.10.2012
C(2012) 4406 final

Dear President,

The Commission would like to thank the Seimas for its reasoned Opinion on the proposal for a Statute for a European Foundation {COM(2012) 35 final}.

The Commission would first and foremost like to stress that the proposed Statute is a voluntary instrument. The extent to which it would be used depends on the interest of the foundations, as well as on their cost-benefit assessment of such a legal form. The Commission concluded that the foundation sector would be interested in a Statute for a European Foundation on the basis of the replies to the relevant public consultations, extensive bilateral contacts with the foundation sector and the results of the feasibility study. The actual level of interest would of course also depend on the final shape and complexity of the Statute, once adopted by the co-legislators.

The Commission is also aware that the interest from foundations might also depend on their awareness of the existence of such a legal form and, therefore, on the extent to which the foundation sector, EU institutions and national authorities would cooperate to make sure that the form is well-known.

The Commission's overarching aim is to facilitate the cross-border activities of foundations. According to the impact assessment, the costs for legal advice should decrease as European Foundations would benefit from similar rules and conditions across the EU. Thanks to lower costs and reduced uncertainty, as well as to a European label, European Foundations would be able to channel more of their resources into public benefit purpose activities and would be encouraged to develop their activities further.

As regards the current national control and supervisory tools, according to the information at the Commission's disposal, there are currently State supervisory authorities for foundations in all the Member States. Their respective powers vary, and so would the costs for taking on additional supervisory duties and for training their staff accordingly. However, from the Commission's point of view, it is very important to set minimum, robust supervisory powers (as foreseen in the proposal) to guarantee the oversight of the activities of European Foundations and the responsible authorities' capacity to cooperate closely with their counterparts across the EU.

*Ms. Irena DEGUTIENE
President
Seimas
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The Commission has also taken particular note of your comments concerning the particularities of the public benefit purpose entities currently functioning in Lithuania.

I hope that these clarifications address the observations made by the Seimas and I look forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*