



Mr. José Manuel Barroso
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Courtesy translation

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Reasoned opinion as regards the Commission's proposal for a directive on improving the gender balance in company boards - COM (2012) 614 14 December 2012

Dear Mr. Barosso

On 14 November 2012 the European Commission presented a proposal for a directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures – COM(2012)614.

The Gender Equality Committee has examined the proposal at the request of the European Affairs Committee. On that basis a majority in the Gender Equality Committee sent a draft reasoned opinion to the European Affairs Committee on 13 December 2012. At its meeting on 14 December 2012 the European Affairs Committee approved the opinion of the Gender Equality Committee.

A majority in the Danish Parliament (composed of the Liberal Party, the Danish People's Party, the Unity List - the Red-Green Alliance, the Liberal Alliance and the Conservative Party) is of the opinion that the proposal does not comply with the subsidiarity principle.

The majority argues that the objective of a more balanced gender participation in company boards as well as at management level can be reached by way of national initiatives.

The Unity List - the Red-Green Alliance argues that there is nothing today that prevents the problems of unequal gender balance from being solved at national level. However, the Unity List encourages the Danish Government to adopt gender quota in order to ensure an equal gender balance in Danish company boards. In addition, the Unity List - the Red-Green Alliance encourages the other Member States to adopt similar arrangements.

A minority in the Danish Parliament (composed of the Social Democratic Party, The Social Liberal Party and the Socialist Peoples' Party) finds that the

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proposal complies with the subsidiarity principle, and that the area concerned can be subject to European legislation, since the treaty offers a legal basis for adopting legislation in the field of equal treatment of men and women in matters of employment and occupation, and since practice has shown that the objective cannot be sufficiently achieved by the Member States on their own. The parties encourage initiatives aimed at reinforcing the gender balance in company boards. However, the minority is opposed to gender quota in company boards, since initiatives to promote the gender balance should be flexible and should be adapted to the individual companies.

The parties of the minority are sceptical about the lack of clarity of the scope of the obligations. This applies in particular to the question of whether it is the methods of achieving the objective of 40 % of the under-represented sex (e.g. transparency of the recruitment process) that are binding or the 40% objective itself. Therefore, the minority finds that it is necessary to specify the directive in order to clarify the scope of the obligations.

Kind regards,

Eva Kjer Hansen
Chair of the European Affairs Committee