
STATUTORY INSTRUMENTS

2004 No. 2407

FEES AND CHARGES

The European Public Limited-Liability
Company (Fees) Regulations 2004

Made - - - - 13th September 2004
Laid before Parliament 15th September 2004
Coming into force - - 8th October 2004

The Secretary of State for Trade and Industry, with the consent of the Treasury, in exercise of the powers conferred on her by section 56(1) and (2) of the Finance Act 1973⁽¹⁾ and of all other powers enabling her in that behalf, hereby makes the following Regulations —

1. These Regulations may be cited as the European Public Limited-Liability Company (Fees) Regulations 2004 and shall come into force on 8th October 2004.

2. In these Regulations, unless the context otherwise requires —

“the 1985 Act” means the Companies Act 1985⁽²⁾;

“the EC Regulation” means Council Regulation 2157/2001/EC⁽³⁾ of 8th October 2001 on the Statute for a European company;

“the principal Regulations” means the European Public Limited-Liability Company Regulations 2004⁽⁴⁾;

“public company” means a public company as defined in section 744 of the 1985 Act⁽⁵⁾;

“the registrar” means the registrar of companies as defined in section 744 of the 1985 Act;

“the relevant Community obligations” means the Community obligations of the United Kingdom set out in Articles 2, 3, 8 and 66 of the EC Regulation;

“SE” means a European public limited-liability company formed in pursuance of Article 1 of the EC Regulation.

3. The fees payable in connection with the services and facilities provided by the Department of Trade and Industry in pursuance of the relevant Community obligations relating to the matters set

(1) 1973 c. 51.

(2) 1985 c. 6.

(3) OJ L294 10.11.2001 p.1.

(4) S.I.2004/2326.

(5) Section 744 has been amended in a manner not relevant to these Regulations.

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out in the first column of the Schedule to these Regulations, implemented in part by the principal Regulations, are the fees payable to the registrar set out in the second column of the Schedule.

6th September 2004

Gerry Sutcliffe,
Parliamentary Under Secretary of State for
Employment Relations, Competition and
Consumers,
Department of Trade and Industry

We consent

13th September 2004

Nick Ainger,
Derek Twigg,
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Regulation 3

FEES TO BE PAID TO THE REGISTRAR

<i>Matter in respect of which fee is payable</i>	<i>Amount of fee</i>
1. For registration of an SE whose registered office is in Great Britain on its formation —	
(a) (a) by merger in accordance with Article 2(1) of the EC Regulation	£20.00
(b) (b) by the formation of a holding SE in accordance with Article 2(2) of the EC Regulation	£20.00
(c) (c) by the formation of a subsidiary SE in accordance with Article 2(3) of the EC Regulation	£20.00
(d) (d) by the transformation of a public company in accordance with Article 2(4) of the EC Regulation	£20.00
(e) (e) by the formation of a subsidiary SE in accordance with Article 3(2) of the EC Regulation	£20.00
2. For registration of a public company by the conversion of an SE in accordance with Article 66 of the EC Regulation	£20.00
3. For registration of an SE on the transfer of its registered office to Great Britain in accordance with Article 8 of the EC Regulation	£20.00
4. For an application for a certificate under Article 8(8) of the EC Regulation attesting to the completion of the acts and formalities to be accomplished before the transfer of the registered office of an SE from Great Britain	£20.00

EXPLANATORY NOTE*(This note is not part of the Regulations)*

These Regulations prescribe the fees payable in connection with services and facilities provided by the Department of Trade and Industry in pursuance of the Community obligations of the United Kingdom under Articles 2, 8 and 66 of the Council Regulation 2157/2001/EC of 8th October 2001 on the Statute for a European Company, implemented in part by the European Public Limited-Liability Company Regulations 2004.

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The Regulations prescribe the fees specified in Schedule 2 of the Regulations in respect of the matters set out in the first column of the Schedule to the Regulations.

The fees are as follows —

- (a) The fee for the registration of an SE whose registered office is in Great Britain on its formation is £20 in relation to each of the means provided for in the EC Regulation for the formation of SEs (Fee No. 1);
- (b) The fee for the registration of a public company by the conversion of an SE in accordance with Article 66 of the EC Regulation is £20 (Fee No. 2);
- (c) The fee for the registration of an SE on the transfer of its registered office to Great Britain in accordance with Article 8 of the EC Regulation is £20 (Fee No. 3); and
- (d) The fee for an application for a certificate under Article 8(8) of the EC Regulation attesting to the completion of the acts and formalities to be accomplished before the transfer of the registered office of an SE from Great Britain is £20 (Fee No. 4).

Regulation 1 provides for the fees to come into force on 8th October 2004.

No Regulatory Impact Assessment has been prepared for the Fees Regulations. However, a Regulatory Impact Assessment in respect of the Principal Regulations - which sets out the costs that might be incurred by companies which decide, voluntarily, to form SEs - has been prepared. Copies of the RIA have been placed in the libraries of both Houses of Parliament. Copies are also available from the Company Law and Governance Directorate of the Department of Trade and Industry.