

Question for written answer E-004922/2025
to the Commission
Rule 144
Piotr Müller (ECR)

Subject: European law on startups and Member States' competences

The Commission has announced a new European regime for startups in the form of a regulation which would introduce uniform rules for companies across the European Union in areas such as company law, employment and taxation.

Until now, additional legal regimes created at EU level have been optional for Member States and have been implemented through directives, respecting systemic differences and national competences.

The proposed solution represents a fundamental change of approach, as regulations are applied directly and do not allow Member States any discretion in adapting their national law.

However, the Treaties clearly limit the EU's competences in the areas of labour law, tax systems and company law, leaving them largely in the hands of the Member States. Furthermore, in accordance with the principle of conferral of powers, the Union may act only within the limits of the powers conferred on it by the Treaties.

In this context, the Commission should make clear whether the planned solutions constitute an attempt to circumvent the applicable Treaty restrictions through secondary legislation.

In this connection, the Commission is asked to answer the following questions:

1. On what specific Treaty basis is the Commission basing its intention to introduce a uniform regime for startups in the form of a regulation?
2. How does the Commission argue that this initiative is in compliance with the principle of conferral set out in the Treaty on European Union?
3. Is the Commission considering changing the legal form of the proposal to a directive in order to respect the competences of the Member States?

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