Statute for a European association

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Opening the debate on her report on the proposals from the Commission to the Council for three regulations and three directives on the statutes of European associations, European cooperative societies and European mutual societies, Marie-Claude Vayssade (Soc., F) stressed the importance of this sector: - there were 63 million members of cooperatives in Europe with a turnover of ECU 370 billion; - providence mutual societies had some 47 million members and covered 25 million families; - 3 million staff ran associations. Mrs Vayssade welcomed the 'fruitful dialogue' between the European Parliament and the European Commission in the preparation of this report and the consensus reached in the Committee on Legal Affairs. The rapporteur set out the three main features of her report: - the proposed statutes were optional. They were made available to those wishing to use them. The aim was not harmonisation of national laws on associations, cooperative societies and mutual societies, which had to retain their specific organisational arrangements; - these statutes were parallel to those laid down in the legislation on the European company; - the proposals aimed to preserve values specific to the social economy, notably the principle of primacy of the person and non-distribution of profits. As far as the statute for associations was concerned, Mrs Vayssade said she was in favour of keeping to the compromise reached in the Committee on Legal Affairs and refuted the amendments tabled by James Janssen van Raay (NL) on behalf of the EPP Group. In her view, these amendments were dangerous because they referred to a single country. As far as the statute for cooperatives was concerned, Mrs Vayssade said she was willing to accept the amendments concerned with Irish credit unions. On mutual societies, the rapporteur stressed the work done by the Committee on Legal Affairs to avoid putting certain national specificities in question. The proposals did not apply to basic social security schemes managed by mutuals, such as in Belgium or the teaching sector in France. In conclusion, Mrs Vayssade hoped that the Council of Ministers would take a quick decision on these matters. Marianne Thyssen (PPE, B), draftsman of the opinion of the Committee on Economic Affairs, considered that the Commission would have been better advised to wait for a decision by the Council of Ministers on the European company before making proposals on the organisations covered by Mrs Vayssade's report. Fair competition between the two forms of company was necessary, she believed. She regretted that the report failed to take account of the particularities of the sickness funds and the risks covered. As regards the involvement of employees, she said that she was 'taken aback' to find proposals in these reports when they were a very significant issue in the discussions on the establishment of the European company. She also asked why the Commission had not used the opportunity to present proposals on the general structure of the liberal professions. Winfried Menrad (PPE, D), draftsman of the opinion of the Committee on Social Affairs, noted that non-profit-making associations had to be treated differently from those associations whose objective was an economic one. He wished for greater autonomy at national level in the operation of these organisations. As regards employee involvement, which could range from simple consultation to German co-determination (Mitbestimmung), he mentioned the danger of evasion that the legislation could present for some undertakings who did not wish to apply their exacting national standards. In his view, the legislation must not simply guarantee consultation, but also rights of participation. The existing rights could not be jeopardised by the European measures, he concluded. Speaking on behalf of the Socialist Group, Rinaldo Bontempi (I) welcomed the fact that it was now possible to form European associations. This was particularly important, he believed, when social Europe was progressing at a slow speed compared with economic integration. Democratic associations of citizens, he continued, allowed the protection of the individual and of fundamental values. Nicole Fontaine (F) stressed, on behalf of the EPP Group, that it was very important to provide a legal instrument for associations that wished to develop their cross-border cooperation. The exclusion of non-profit-making societies from the European construction under Article 58 of the Treaty of Rome was an anachronism. The proposals from the Commission to the Council in this field were a stiff challenge, she observed, given the diversity of the situations in the Member States, which could not be called into question. After stating that the Vayssade report was 'satisfactory overall' for the EPP Group, Nicole Fontaine noted that the most delicate problem

was striking a balance between the constraints of transparency and the need to avoid imposing excessive demands on small associations, which often depended, in their essentially social activities, on volunteers. That was why the EPP Group had tabled amendments on subsidiarity, which allowed each State to maintain its own legislation. Manuel Porto (P) stressed on behalf of the LDR Group that associations must take their place in the social economy in order to fill the gaps that existed in society. The proposed legislation made it possible to satisfy the appropriate conditions. Aline Archimbaud (Verts, F), speaking on behalf of the Greens, welcomed the fact that the foundations were being laid for a European status for the social economy. This was an innovative sector, she thought, which enabled investment to be made in socially useful and environmentally friendly sectors. Even though the role of the undertakings in question was still modest, it permitted the development of a real economic democracy. She hoped for the development of European networks built on solidarity, mobilising all those who were determined to be kept informed about all aspects of production. Lode Van Outrive (Soc., B) was concerned about the harmful effects that the planned legislation could have on Belgian sickness insurance funds. He feared that it could lead to more intense privatisation and threaten the principle of solidarity; in his view, there was a risk of creating funds for the rich and funds for the poor. Thomas Maher (LDR, Irl.) and Patrick Cooney (PPE, Irl.) drew attention to the fate of Irish credit unions. Mr Cooney specifically requested that the Second Banking Directive should not apply to the credit unions. The European Commissioner, Raniero Vanni d'Archirafi, making his maiden speech in Strasbourg, said that the debate on European associations and cooperatives was an example of the good spirit of cooperation between the Commission, the Council of Ministers and the European Parliament. This was a very important sector for European recovery, he added. He hoped that discussions would be quickly concluded in the Council of Ministers, stating that the Commission could accept about 75% of the amendments tabled. He pointed out that the Commission would oppose the amendments creating too much flexibility and depriving the sector of its specific characteristics and those that could produce grave risks for members of cooperatives and for others. In addition, the Commission would accept certain amendments allowing for a simplification of rules on publicity and accounts. On the other hand, with regard to the role of employees, the Commission would reject several amendments whose implicit consequence would be to introduce co-management in the eleven Member States where it did not exist. VOTE The European Parliament adopted at first reading the report by Marie-Claude Vayssade (Soc., F) on the proposals from the Commission to the Council for three regulations and three directives on the statutes of European associations, European cooperative societies and European mutual societies and on the involvement of employees in these three kinds of society. Amongst other things, Parliament adopted, by 190 votes to 154 with 20 abstentions, an amendment tabled by Raymonde Dury (Soc., B) on European mutual societies. That amendment drew a distinction between European provident mutual societies and European mutual societies carrying on other activities. In addition, Parliament rejected several amendments tabled on behalf of the EPP Group by Mr Menrad (D) and Mr Janssen van Raay (NL). Those amendments provided for a distinction between associations defined as economic and others and made reference to the right of co-determination for employees in European associations. In her explanation of vote, Raymonde Dury (Soc., B) was happy that, by its vote, Parliament had taken into consideration the specific situation of Belgian mutuelles and mutualités. Winfried Menrad (PPE, D) was keen to stress that he did not agree with the text adopted by Parliament on the rights of employees in European associations. He believed that the legislation desired by Parliament would mean 'getting lost in a maze of labour and institutional rules'. Elmar Brok (PPE, D) wished for the differences between Member States to be taken into account more. He noted that worker co-determination in economic associations had been rejected by a large number in the Socialist Group. The rapporteur, Mrs Vayssade, was sorry about Parliament's vote on mutual societies, which 'will please only the Belgians'. In the other countries, the semantic distinctions between mutuelles and mutualités did not exist. She pointed out to Mr Menred that she had not been able to support his amendment introducing a distinction between economic and other associations, a typically German distinction, because [...]