Statute for a European cooperative society: involvement of employees

1991/0389(CNS) - 22/07/2003 - Final act

PURPOSE : to regulate the involvement of employees in the affairs of European Cooperative Societies (SCEs). LEGISLATIVE ACT : Council Directive 2003/72/EC supplementing the Statute for a European Cooperative Society with regard to the involvement of employees. CONTENT : Council Regulation 1435 /2003/EC establishes a Statute for a European Cooperative Society (SCE). That Regulation aims at creating a uniform legal framework within which cooperatives and other entities and natural persons from different Member States should be able to plan and carry out the reorganisation of their business in cooperative form on a Community scale. In order to promote the social objectives of the Community, this Directive makes special provisions in the field of employee involvement, aimed at ensuring that the establishment of an SCE does not entail the disappearance or reduction of practices of employee involvement existing within the entities participating in the establishment of an SCE. This Directive establishes a set of rules in this field, supplementing the provisions of Regulation 1435/2003/EC. The great diversity of rules and practices existing in the Member States as regards the manner in which employees' representatives are involved in decision-making within cooperatives made it inadvisable to set up a single European model of employee involvement applicable to the SCE. The following key points should be noted: - information and consultation procedures at transnational level must be ensured in all cases of creation of an SCE, with the necessary adaptation for SCEs formed ex novo where this is justified by their size, as measured in terms of employment. - if participation rights exist within one or more entities establishing an SCE, they should in principle be preserved through their transfer to the SCE, once established, unless the parties decide otherwise; - the concrete procedures of employee transnational information and consultation, as well as participation, to apply to each SCE will be defined primarily by means of an agreement between the parties concerned, and if there is no agreement, through the application of a set of subsidiary rules; - Member States still have the option of not applying the standard rules relating to participation in the case of a merger, given the diversity of national systems for employee involvement; - the voting rules within the special body representing the employees for negotiation purposes, in particular when concluding agreements providing for a level of participation lower than the one existing within one or more of the participating entities, will be proportionate to the risk of disappearance or reduction of existing systems and practices of participation. That risk is greater in the case of an SCE established by way of transformation or merger than by way of creating an ex novo SCE. - in the absence of an agreement subsequent to the negotiation, certain standard rules will apply to the SCE, once it is established. already established to implement these procedures if a significant number of employees so requests. ENTRY INTO FORCE : 18/08/03. DATE FOR TRANSPOSITION : 18/08/06.