



Fakultät für Naturwissenschaften und Technik
Facoltà di Scienze e Tecnologie
Faculty of Science and Technology

Applying PECOL

I International Forum of Co-operative Law

Georg Miribung
Free University of Bozen/Bolzano/Bulsan



- Statute for a European Cooperative Society (SCE R)
- Art 8 SCE R: the applicable law
 1. SCE R - including references to national law
 2. SCE statutes
 3. Matters not regulated, or partly regulated – national law
- Art 53 SCE R: conduct of general meetings

1. Making things comparable

- What is a cooperative?
- PECOL
 - a coherent body of cooperative law
 - a guide for cooperative law expansion and reform throughout Europe by delivering best practices for legislators

2. Evaluating the differences

- a better rule?
- efficiency

- Sec 2.5 PECOL
 - Para 1: Functions of cooperative boards: executive management, representation, supervision
 - Para 2: ... all powers not reserved to another organ
- Sec 2.4 PECOL
 - Para 1: ... structures must ensure that the members democratically control the cooperative ...
 - Comments to para 2: two-fold classification of direct member control
 - Collective model
 - ... one or more boards ...

- Sec 2.5 PECOL
 - Para 6: ... majority of members of administrative boards ... shall be cooperator members

- Austrian law: principle of *Selbstorganschaft* – not applicable
 - Art 46 para 2 SCE R: no person may be a member ... who is disqualified ...
 - Art 58 SCE R
 - Para 1: ... member shall be entitled to speak and to vote ...
 - Para 2: Members of the SCE's organs ... may attend a general meeting without voting rights.

- Italian law: ... majority of members must be user members (Art 2542 para 2 cc
 - Applicable – Art 8 SCE R

- Sec 2.3 PECOL
 - Para 5 lett a: ... to receive or request any information needed ...
- Sec 2.6 PECOL
 - Para 1: ... give members sufficient clear information to enable them to control ...
- Art 60 para 1 SCE R: ... information on the affairs ... items on which the general meeting may take a decision ...
- Art 58 para 1 SCE R: ... entitled to speak ...
- National law – Art 53 SCE R



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Thank you for listening!

(gmiribung@unibz.it)

