

Annex K – Cooperative Questionnaire

June 14, 2019

OPERATIONAL CONDITIONS OF COOPERATIVES

One of the specific objectives of BOND project to foster building larger networks, fostering different forms of cooperation and collective actions, and further to understand attitudes, weakness and constraints that impede collective action. BOND already collected good practices during study tours organised within WP1 in six countries, and now as entering to WP3 we are working to understand enabling regulatory environment for collective actions together with your help and support. It is our common task in WP3.2 to analyse specifically the cooperative regulatory environment. In order to help your tasks we prepared a list of question which focuses on cooperative rules and asking specific elements of the cooperative legislation.

We have to keep in mind that BOND will prepare six publications among which one will deal with development of cooperatives and other forms of collective actions in Europe.

It means that your valuable contribution is key to the completion of these tasks and without your support and help we cannot achieve our tasks and goals. Please send your answer to the questions below by June 28, 2019.

Thank you!

Kislépték (KLT)

1. Is cooperative determined by your national law?

- yes
- no

If yes, please write the definition (please refer to the specific paragraph):

2. What economic/social goals are determined by law which a cooperatives serves?

Example: In France the aims of cooperation are to reduce the resale or the sale prices of certain products or services taking into account the interest of the members, to further develop the quality of the products, to promote the economic and social activities of the members and the training of them.

Please write here:

3. What is the corporate form a cooperative may operate?

Example: in Italy the form of the cooperatives may be: (1) unlimited liability companies, (2) private limited-liability companies, (3) consortium of cooperative societies, or (4) small cooperative societies. In Spain cooperatives may merge with business associations. In the Netherlands the provisions of associations shall also apply to the cooperatives, the organisational form of them is the cooperative union.

Please write here:

4. How many members may have a cooperative (minimum-maximum)?

Example: in Austria neither the minimum, nor the maximum of the membership is limited. In Portugal and Spain a cooperative may be formed with at least seven members.

Please write here:

5. May cooperatives have investor members?

Example: in Portugal cooperatives may not have investor members, but the cooperative may issue investor shares which may not exceed the amount of the capital. In Germany and in Hungary cooperatives may have investor members, but their number may not exceed one-quarter of all members. In Spain cooperatives also have investor members according to the statutes, but the investor shares may not exceed fifteen percent of the capital.

- yes
- no

If yes, under which conditions? Please, write here:

6. If cooperatives may have investor members what is their voting rights?

Example: in France investor members may exercise their voting rights in the percentage of their respective ownership share, but it may not exceed fifteen percent of their share. In Italy the voting rights are in proportion to the investor shares.

Please write here:

7. Is there a required minimum capital?

Example: in the Netherlands there is no required minimum capital. In Romania the members have obligation to provide cash payment for the cooperative, in addition members may provide non cash contribution (minimum 500 RON, which shall be minimum 10 RON by each share). The subscribed capital may not be distributed among the members and shall not be remunerated. The investor share may be distributed among the members and paid out any sums in dividends.

- yes
- no

If yes, how much is the minimum capital and in which form (cash, non cash) shall it be performed?
Please write here:

8. Which rules are applied for the voting rules?

Example: in Austria the principle of one member one vote exists but it may vary for example according to the rate of participation in economic activities. In Luxemburg, Denmark and Sweden also the principle of one member one vote exists unless otherwise provided for by the statutes. In the Netherlands also the principle of one member one vote is used, however, the statutes may determine more but not more than four votes per member.

Please write here:

9. How is the ownership share are regulated? Is there any required amount or proportion for the ownership share?

Example: in the United Kingdom each member shall subscribe at least one share. In Romania a member's share may not exceed twenty percent of the subscribed capital. In Spain the rate of the ownership share may not exceed one-third of the capital. In Denmark the members are not required to have shares.

Please write here:

10. What are the rules for dividing the profit?

Example: in Portugal interest may be paid for the members according to their shares but it may not exceed thirteen percent of annual revenue. In Greece the profit may be distributed among the members in proportion to their personal involvement of the cooperative's activity unless otherwise provided by the statutes.

Please write here:

11. Which requirements shall be applied for reserves?

Example: in Austria there is no requirement for reserves for cooperatives. In Romania cooperatives shall make reserves in proportion of five percent of the annual profit, which may not exceed one-fifth of the minimum capital.

Please write here:

12. May reserves be distributed among members?

Example: in France reserves may not be distributed among the members or only according to the members' public interest activity. In Italy it is also not allowed, reserves belong to the capital of the cooperative. In the United Kingdom cooperative may distribute its reserves among the members in proportion to their ownership share.

- yes
- no

If yes, under which conditions does it possible? Please write here:

13. May capital of the cooperative be distributed among the members?

Example: in Germany the asset of the cooperative may be distributed among the members if liquidation proceeding will be conducted against the cooperative. In the Netherlands the asset also may be distributed in proportion to the share or capital contribution of the members.

- yes
- no

If yes, in which cases is it possible and under which conditions? Please, write it us:
Please write here:

14. May cooperatives cooperate with other non-cooperative partners?

Example: in Spain it is allowed for the cooperatives to cooperate with non-cooperative partners but up to fifty percent of sales carried out with the members. In Italy it is not possible except for agricultural cooperatives but only under strict restriction. In the United Kingdom it is also allowed for agricultural cooperatives but the revenue (which derives from the sales of the products for non members) may not exceed one-third of the members' sales.

- yes
- no

If yes, under which conditions is it possible? Please, write here:

15. What law regulates cooperatives in your country? Please give us its link.