


# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure lapsed or withdrawn
Statute for a European mutual society: involvement of employees	
Subject 3.45.07 Social economy, mutual societies, cooperatives, associations 4.15.10 Worker information, participation, trade unions, works councils	

Key players			
European Parliament			
Council of the European Union	Council configuration	Meeting	Date
	Social Affairs	<a href="#">2012</a>	04/06/1998
	Social Affairs	<a href="#">2081</a>	07/04/1998
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2079</a>	30/03/1998
	Social Affairs	<a href="#">2060</a>	15/12/1997
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2051</a>	27/11/1997
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2007</a>	21/05/1997
	Social Affairs	<a href="#">1999</a>	17/04/1997
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">1970</a>	26/11/1996
European Commission			
Commission DG	Commissioner		
<a href="#">Internal Market, Industry, Entrepreneurship and SMEs</a>			

Key events			
04/03/1992	Legislative proposal published	COM(1991)0273	Summary
10/04/1992	Committee referral announced in Parliament, 1st reading		
03/12/1992	Vote in committee, 1st reading		Summary
02/12/1992	Committee report tabled for plenary, 1st reading	A3-0001/1993	
19/01/1993	Debate in Parliament		
20/01/1993	Decision by Parliament, 1st reading	T3-0017/1993	Summary
05/07/1993	Modified legislative proposal published	COM(1993)0252	Summary

23/11/1993	Vote in committee, 1st reading		
22/11/1993	Committee report tabled for plenary confirming Parliament's position	A3-0364/1993	
02/12/1993	Decision by Parliament, 1st reading	T3-0681/1993	Summary
26/11/1996	Debate in Council	<a href="#">1970</a>	Summary
17/04/1997	Debate in Council	<a href="#">1999</a>	
21/05/1997	Debate in Council	<a href="#">2007</a>	
27/11/1997	Debate in Council	<a href="#">2051</a>	
15/12/1997	Debate in Council	<a href="#">2060</a>	
30/03/1998	Debate in Council	<a href="#">2079</a>	
07/04/1998	Debate in Council	<a href="#">2081</a>	
04/06/1998	Debate in Council	<a href="#">2012</a>	
27/10/1999	Debate in Parliament		Summary
17/03/2006	Additional information		Summary

#### Technical information

Procedure reference	1991/0391(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 044
Stage reached in procedure	Procedure lapsed or withdrawn

#### Documentation gateway

Legislative proposal		COM(1991)0273	05/03/1992	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0641/1992</a> <a href="#">OJ C 223 31.08.1992, p. 0048</a>	26/05/1992	ESC	
Committee report tabled for plenary, 1st reading/single reading		A3-0001/1993 <a href="#">OJ C 042 15.02.1993, p. 0003</a>	03/12/1992	EP	
Text adopted by Parliament, 1st reading/single reading		T3-0017/1993 <a href="#">OJ C 042 15.02.1993, p. 0075-0120</a>	20/01/1993	EP	Summary
Modified legislative proposal		COM(1993)0252	06/07/1993	EC	Summary
Reconsultation		COM(1993)0570	10/11/1993	EC	
Committee final report tabled for plenary, 1st reading/single reading		A3-0364/1993 <a href="#">OJ C 342 20.12.1993, p. 0002</a>	23/11/1993	EP	
Text adopted by Parliament confirming position adopted at 1st reading		T3-0681/1993 <a href="#">OJ C 342 20.12.1993, p. 0015-0030</a>	02/12/1993	EP	Summary

#### Additional information

## Statute for a European mutual society: involvement of employees

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**PURPOSE:** to organise the participation of employees in the EMS in order to recognise their place and their role in the proposed organisation.

**PROPOSED ACT:** Council Directive completing the statute of the European Mutual Society in matters concerning the role of workers.

**CONTENT:** The proposal deals with the role of workers in future European Mutual Societies, the establishment of which is the subject of a separate and simultaneous proposal (see COD/1991/0390).

**Principle:** the national provisions of the State where the EMS has its headquarters may be applied concerning the participation of workers in the supervisory and administrative bodies. Failing that, the Member State should make specific provisions to ensure at the least, consultation of and information to workers, in accordance with the model, the outlines of which are given in the proposal.

**Minimum provisions:** the choice of model relating to participation and/or to the system of information and consultation is an indispensable condition for the registration of an EMS. The proposal states the national provisions apply to matters concerning the participation of workers in administrative or supervisory bodies in national organisations. However, if the Member State of the EMS's seat has no rules on the participation of workers or if it does not wish to apply such provisions to the EMS, it must conform to certain minimum provisions:

- the implementation of a system for the adoption of a procedure for information and consultation in EMSs with at least 50 workers;
- the administrative board of the EMS must inform and consult the workers in good time and determine the areas on which at least the information and consultation must be provided, and especially on all proposals which may have serious consequences for the interests of workers or all questions concerning the conditions of employment.

The directive specifies certain fundamental principles concerning the modalities of election and exercise of mandates. Accordingly, the workers' representatives must be elected and represent the workers of all the various offices or factories of the EMS, even if they are part-time employees.

## Statute for a European mutual society: involvement of employees

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The European Parliament voted at first reading on three Commission proposals for regulations on the statutes for a European cooperative society, a European mutual society and a European association and on three proposals for directives supplementing these statutes with regard to the involvement of employees. Parliament supported these proposals, but made several amendments relating, inter alia, to the name of these entities, the criteria for their formation, the arrangements for convening general meetings and the statutory powers of those meetings, and legal and financial capacity. As far as the involvement of employees was concerned, Parliament was also in favour, but made a few amendments relating to employee information, consultation and participation.?

## Statute for a European mutual society: involvement of employees

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The Commission adopted 9 of the 27 amendments proposed by Parliament, including: - the prohibition, in the event of transfer of the registered office of the EMS from one Member State to another, on changing the consultation/information system without prior agreement between the administrative board and the workers' representatives; - extending the scope of application of consultation/information: to include proposals potentially susceptible of having an impact on the future prospects of the EMS, on terms of employment and working conditions, and on any decision requiring approval by the administrative board; .vocational training and workers' safety and health, and their participation, on a joint basis, in the development of health and safety programmes and policies within the EMS; - the possibility for the workers' representatives to be assisted by experts when preparing the consultation meetings; - greater protection for the workers' representatives against penalties and improper dismissals, and the possibility for them to exercise their mandate during working hours. ?

## Statute for a European mutual society: involvement of employees

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The Council took note of the progress that had been made on the amended proposal for a regulation on a statute for a European mutual society and the amended proposal for a directive supplementing the statutes in respect of the involvement of employees. From the first reading of the proposal, which was begun under the Irish Presidency while awaiting a resolution of the main problem, namely the involvement of employees, it appeared that certain delegations were not convinced of the need for introducing a statute for a European mutual society, while others underlined the value of such a legal instrument. Although most of the delegations had still to complete their examination of the regulations at national government level, the technical discussions had raised a number of important points and questions concerning basic objectives. The main questions that had arisen to date concerned: the appropriateness of the legal basis being proposed by the Commission, namely Article 100a of the Treaty; the need for an evaluation of the exact nature and scope of the European mutual society, since the activities of national mutual societies varied enormously from one Member State to the next. On the same lines there was a need for a clear definition of the nature of the members comprising the European mutual society. The following general trends emerged in the course of the discussions: national law should be responsible for those matters that were unconnected with the 'European' character of the mutual society; the text relating to the European mutual society should be brought into line with the proposals adopted for the European cooperative society and the European association, according to requirements.

## Statute for a European mutual society: involvement of employees

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The European Parliament confirmed as its first reading the text adopted on 20.01.1993 on the proposal for a Directive supplementing the Statute for a European mutual society with regard to the involvement of employees the number of the legal base of which changed with the entry into force of the Amsterdam Treaty.?

## Statute for a European mutual society: involvement of employees

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?Following the screening exercise of proposals pending undertaken as part of its effort for better regulation in the framework of the Partnership for Growth and Jobs in the European Union, the Commission has decided to withdraw certain proposals on which the Legislator has not yet reached a decision and which were found not to be consistent with the Lisbon and Better Regulation criteria, unlikely to make further progress in the legislative process or found to be no longer topical for objective reasons?. (OJ C64 of 17.03.2006, pages 3-10).