

Statute for social and solidarity-based enterprises

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The Committee on Legal Affairs adopted a report by Jiří MATÁLKA (GUE/NGL, CZ) with recommendations to the Commission on a Statute for social and solidarity-based enterprises.

The Committee on Employment and Social Affairs, exercising its prerogative as an associated committee in accordance with [Article 54 of the Rules of Procedure](#), also gave its opinion on the report.

The social and solidarity-based economy makes a major contribution to the Union economy. Parliament highlighted in its resolutions of 19 February 2009, [20 November 2012](#) and [10 September 2015](#), that the social and solidarity-based economy provides employment for more than 14 million people, which represents around 6.5 % of workers in the EU and 10 % of EU undertakings.

Members stressed that sector has proved particularly resilient to the economic and financial crisis and has potential for social and technological innovation, decent, inclusive, local and sustainable job creation, fostering economic growth, environmental protection and strengthening social, economic and regional cohesion.

There are substantial differences among Member States in the way they regulate social and solidarity-based enterprises and the organisational forms available to social entrepreneurs under their legal systems. This diversity and the innovative character of certain of these legal forms indicate that it will be difficult to find consensus in Europe as to whether it is convenient or necessary at the present moment to set up at EU level a specific legal form of social enterprise.

This is why Members suggested adopting a more cautious approach that they consider could help build more political consensus and, more importantly, that can have substantial benefits for social enterprises.

The Commission is requested to submit, on the basis of Article 50 of the Treaty on the Functioning of the European Union, a proposal for a legislative act on the creation of a European social economy label for enterprises based on the social economy and solidarity.

The legislative act should aim to create an optional European social economy label for enterprises based on the social economy and solidarity, regardless of the legal form they decide to adopt in accordance with national legislation.

The label should only be awarded to enterprises complying with the following criteria in a cumulative manner:

- the organisation should be a private law entity established in whichever form available in Member States and under EU law, and should be independent from the State and public authorities;
- its purpose must be essentially focused on the general interest or public utility;
- it should essentially conduct a socially useful and solidarity-based activity, i.e. via its activities it should aim to provide support to vulnerable groups, to combat social exclusion, inequality and violations of fundamental rights, including at the international level, or to help protect the environment, biodiversity, the climate and natural resources;
- it should be subject to an at least partial constraint on profit distribution and to specific rules on the allocation of profits and assets during its entire life; in any case, the majority of the profits made by the undertaking should be reinvested or otherwise used to achieve its social purpose;
- it should be governed in accordance with democratic governance models involving its employees, customers and stakeholders affected by its activities.

In addition, the legislative act should:

- establish a mechanism of certification and of supervision and monitoring of the legal label with the involvement of Member States and representatives of the social economy;
- be valid in all Member States. An enterprise bearing that label should be recognised as a social and solidarity-based enterprise in all Member States;
- require social and solidarity-based enterprises willing to maintain the label to issue on an annual basis a social report on their activities, results, involvement of stakeholders, allocation of profits, salaries, subsidies, and other benefits received;
- authorise the Commission to establish guidelines regarding good practices for social and solidarity-based enterprises in Europe;
- include a list of legal forms in Member States of enterprises and undertakings qualifying for the European social economy label. The list should be published on the European Commission website.

Lastly, the Commission should ensure that its policies reflect the commitment to create an ecosystem for social enterprises and take steps to promote cooperation between social enterprises and solidarity-based enterprises across national and sectoral boundaries.