NOTICE TO MEMBERS

Subject: Petition 1216/2009 by Horst Grützke (German), on behalf of European Citizens Network EUROPA JETZT!, on the failure of the European Commission to present a regulation for a European Association Statute as promised in its 2006 Communication on a European Communication Policy.

1. Summary of petition

The petitioner maintains that the Commission proposed in its Communication COM (2006)35, a European Association Statute, as requested by a large part of civil society and to which Commissioner Wallström confirmed her agreement. In its report (2008)2250INI, the ECON Committee of the Parliament described the withdrawal of this proposal from the agenda of the European Commission as "significant setback for the development of these forms of social economy". The petitioner considers that the outgoing Commission of President Barroso has not fulfilled its promises.

2. Admissibility

Declared admissible on 4 December 2009. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 3 March 2011.

This petition calls on the Commission to submit a renewed legislative proposal for a regulation for a "European Association Statute", after a similar proposal forwarded to the Council in 1993 was withdrawn by the Commission in 2006 due to lack of progress in the legislative process.

The Commission’s policy concerning non profit distributing associations is to guarantee that
they can grow and prosper alongside the traditional companies and to ascertain for them a level playing field and equal footing in the implementation of all European policies.

In addition, the Commission pays particular attention to ensuring that all Community legislation in areas like freedom of establishment, competition, accounting, company law, public procurement, health, social affairs, taxation etc takes into account the specific needs, particular goals, ethos and working style of this kind of enterprises.

In 1992 the Commission submitted three proposals to the Council for Statutes for a European Cooperative Society, a European Mutual (insurance society) and a European Association. In 2003 the Statute for a European Co-operative was adopted. The other two proposals were withdrawn in 2006 by the Commission due to lack of progress in the legislative process in the Council.

However, it was not excluded that the Commission would return to the issue at a later date. This is the case with the adoption of the Single Market Act (SMA) on 27 October 2010. In this text the Commission recognises the necessity to improve some of the legal structures of the social economy sector. In this context the Commission will present a regulation on a European Foundation Statute by the end of 2011, while it will launch a study on the situation of mutual enterprises in all Member States to examine in particular their cross-border activities. This will constitute a first step in the evolution of European legal statutes.

The Commission remains, as always, open to an initiative on this subject.