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COUNCIL DIRECTIVE

of 25 July 1967

concerning freedom of access to co-operatives for farmers who are nationals of one Member State and established in another Member State

(67/532/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 54 (2) and (3) thereof;

Having regard to the General Programme for the abolition of restrictions on freedom of establishment,[1] and in particular Title IV F 4 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament[2];

Having regard to the Opinion of the Economic and Social Committee[3];

Whereas the General Programme for the abolition of restrictions on freedom of establishment includes a special timetable for the attainment of such freedom in agriculture, which takes into account the particular nature of agricultural activities; whereas the fourth series of measures provided for in that timetable entails that, at the beginning of the third stage, each Member State will ensure that conditions of access to co-operatives are the same for farmers who are nationals of other Member States as for its own nationals;

Whereas this Directive covers only those entities which have the legal status of co-operatives and not other associations or groups run for mutual benefit; whereas the definition of cooperatives remains a matter for the Member States;

Whereas beneficiaries under the Council Directive of 2 April 1963 laying down detailed provisions for the attainment of freedom of establishment in agriculture in the territory of a Member State in respect of nationals of other countries of the Community who have been employed as paid agricultural workers in that Member State for a continuous period of two years (63/261/EEC)[4] and beneficiaries under the Council Directive of 2 April 1963 laying down detailed provisions for the attainment of freedom of establishment on agricultural holdings abandoned or left uncultivated for more than two years (63/262/EEC)[5] already enjoy the same rights as nationals of the Member State concerned with regard to membership of co-operatives;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States, acting in accordance with the following provisions, shall abolish in respect of nationals and companies or firms of other Member States pursuing in their territory activities as self-employed persons in agriculture or establishing themselves for that purpose (hereinafter called 'beneficiaries') all restrictions on access to co-operatives.

Article 2

1. (a) For the purposes of this Directive, 'access to cooperatives' means the right of beneficiaries, subject to the requirements of the law of the Member State in which they are established, to become members of or to hold managerial positions in co-operatives, to initiate the formation of co-operatives and to be members of the governing body, supervisory committee, or management committee, or of any other similar body within a co-operative.

(b) For the purposes of this Directive, 'co-operative' means those entities which are so called in the respective Member States or which, though not so called, are based on co-operative principles. The names currently applicable are as follows:

[1] OJ No 2, 15.1.1962, p. 36/62.
[2] OJ No 201, 5.11.1966, p. 3473/66.
[3] OJ No 17, 28.1.1967, p. 280/67.
[4] OJ No 62, 20.4.1963, p. 1323/63.
[5] OJ No 62, 20.4.1963, p. 1326/63.