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NEWS AND INFORMATION RESOURCE ON COOPERATIVE LAW AND POLICY

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Spring 2023

**ARGENTINA**

[Self-Managed Construction by Habitat Cooperatives - Right to the city and to centrality in the City of Buenos Aires, Law N°341/00 \(in Spanish\)](#)

The publication presents a catalogue of the 40 completed and inhabited housing and housing and equipment work, completed and inhabited, carried out within the framework of Law 341/00 through self-managed production by cooperatives, in the city of Buenos Aires by cooperatives in the City of Buenos Aires. Its objective is to highlight and make visible the experience of the organizations, after more than 19 years (2001 - 2019) of struggle for the right to housing.

**BANGLADESH**

[Cooperative Societies Act - Govt should reform law immediately: speakers at the Press club event \[2022\]](#)

**CANADA**

[Bill 78: Declaring An Ultimate Beneficiary Corporate Commercial Bulletin – Cooperatives Exempt \(except financial cooperatives\)](#)

Bill 78, entitled An act mainly to improve the transparency of enterprises ("Transparency Act"), amending the Act respecting the legal publicity of enterprises ("Publicity Act"), now

requires the disclosure of information about the "ultimate beneficiaries" of enterprises subject to the Publicity Act.

## **COSTA RICA**

### [Labor Court rules that Uber has a labor relationship with its drivers in Costa Rica \(in Spanish\)](#)

The Labor Court of the Third Judicial Circuit of San José ruled this Monday in first instance that the company Uber in Costa Rica has a labor relationship with the drivers of its platform, by partially declaring with place a lawsuit filed by a driver who claimed the recognition of his labor ends after working since 2017 for the company.

## **CUBA**

### [Cooperatives converted to private MSMEs: urgent need to correct regulations](#)

The privatization of cooperatives and, even more, of those that arose from state ownership, is undoubtedly a very serious problem that must be faced with the greatest urgency.

## **INDIA**

### [IFFCO, Amul, NAFED, Kribhco, NCDC to promote national export coop society with Rs 2,000 cr share capital](#)

IFFCO, GCMMF (Amul), Kribhco, NAFED and NCDC will jointly promote a newly announced national-level export cooperative society with an authorised share capital of Rs 2,000 crore for the trading of goods and services in the cooperative sector. Last week, the Cabinet Committee on Economic Affairs (CCEA) approved a proposal to establish three new national-level multi-state cooperative societies to promote organic products, seeds and exports.

[Do Cooperatives come under the Right to Information Act, 2005 as “Public Authorities”? –](#)

Article

It has long been a matter of debate whether a cooperative society would be subject to the requirements to provide information under the RTI Act and fall under the definition of "public authority" as per Section 2(h) of the said Act.

[Supreme Court orders deposit return of Sahara Group's 100,000,000 investors in 9 months](#)

Sahara Group's four societies- Sahara Credit Cooperative Society Limited, Saharayan Universal Multipurpose Society Limited, Humara India Credit Cooperative Society Limited, and Stars Multipurpose Cooperative Society Limited, were registered under the Multi-State Cooperative Societies Act, 2002 between March 2010 and January 2014.

[Allahabad High Court quashes order passed by Secretary Uttar Pradesh Cooperative Institutional Services Board](#)

The Allahabad High Court while quashing the order passed by the Secretary, Uttar Pradesh Cooperative Institutional Services Board, Lucknow thereby rejecting the claim of the petitioner for appointment under Dying in Harness Rules, observed that excluding daughters for compassionate appointment purely on the ground of marriage would constitute impermissible discrimination and be violative of Articles 14 and 15.

[Joint Parliamentary Committee objects to RBI's request for an overarching proviso in Co-operative Societies Bill](#)

A Joint Parliamentary Committee has turned down a 'request' by the Reserve Bank of India to include overarching proviso in the Multi-State Co-operative Societies (Amendment) Bill.

The committee, under the chairmanship of Lok Sabha MP, Chandra Prakash Joshi, tabled its report in the Parliament on Wednesday. Now the reworked bill will be taken

up by both the Houses. The bill aims to amend the Multi-State Co-operative Societies (MSCS) Act, 2002 to accommodate changes brought on by the 97 th Constitutional Amendment Act and also to accommodate changes in the co-operative sector over the period.

### [Maharashtra's Cooperative Housing Societies To See Significant Changes: New Rules On The Horizon](#)

The Maharashtra Co-operative Housing Societies (MCHS) rules are finally set to be released by the end of March. The regulations were drafted after thorough discussions between senior bureaucrats, officials, and members of state housing authorities.

## **INDONESIA**

### [Gov't commences discussion on Co-operative Bill by forming committee](#)

The government has formed an inter-ministerial committee (PAK) to discuss the Draft Law on Co-operatives, the Ministry of Cooperatives and Small and Medium-sized Enterprises stated.

### [Overview of the Amendment to Job Creation Law no. 2 of 2022 \(Competition, Investment, MSME Sector\)](#)

The primary purpose of law on Job Creation is to provide temporary measures to address pressing legal and social issues due to the mandate of Constitutional Court Decision No. 91/PUU-XVIII/2020 which declared the Job Creation Law as “conditionally unconstitutional” and shall be corrected and/or amended within the 2 years after the issuance of the Constitutional Court Decision. Read the Summary of the Decision [here](#).

## **IRELAND**

### [Following a public consultation last year, the Government published the heads of the Co-operative Societies Bill 2022 which aims at modernizing existing legislation.](#)

The Tánaiste and Minister for Enterprise, Trade and Employment (Minister) has secured the Government's agreement to draft the [Co-operative Societies Bill 2022](#). The bill envisaged by the General Scheme (Bill) will modernise and consolidate existing legislation, some of which dates back to the 19th century, and ensure that there is an effective framework in place for the range of organisations using the co-operative model in Ireland. [Related news.](#)

[Irish Co-operative Organisation Society \(ICOS\) calls for adjustments](#)

[Ireland's €9.7bn co-op sector to get boost from 'long-awaited' legislation](#)

## **JAPAN**

[Japan Worker Cooperatives conclude an agreement on community development with Co-op Mirai](#)

With the enactment of the Workers' Cooperatives Act (Labor Cooperatives Act) in 2020, Co-op Mirai and Workers' Co-op have been interacting with each other on initiatives related to community development. Both organizations have many overlaps in their philosophy as cooperatives. We have decided to conclude this agreement with the aim of further promoting the creation of a sustainable community that leaves no one behind by cooperating in future efforts.

## **JORDAN**

[Co-operators in Jordan look at changes to national sector legislation](#)

Proposals include the inclusion of non-Jordanians in co-ops, strengthening the representation of co-ops and enhancing the integration of women and youth.

## **MOROCCO**

[Morocco Launches Construction Work of First Lab for Legal Cannabis Industry](#)

Morocco adopted bill 13-21 in 2021, putting the North African country among a growing list of countries in Africa that are allowing the use of cannabis for medical and therapeutic purposes. Bio Cannat, the first Moroccan cooperative authorized to market and export cannabis and its products for industrial and medical use, launched last week the construction work for its first laboratory.

## **NEPAL**

[Speaker of the House of Representatives Devraj Ghimire has said that it is necessary to formulate a separate law for the operation of the cooperative sector](#)

Relevant stakeholders are consulting and discussing the need for the provision of a separate law in this regard and said that he will provide impartial support to pass the law in this regard through parliament.

[Center attempting to weaken State's co-operative sector: Vasavan](#)

Minister for Cooperation V.N. Vasavan has accused the Union government of taking steps aimed at weakening the cooperative sector in Kerala ever since the formation of a Union Ministry for Cooperation.

## **(THE) PHILIPPINES**

[Power coops ordered to explain irregular procurement process](#)

The National Electrification Administration (NEA) has issued show cause orders to an aggregation of electric cooperatives (ECs) for their apparent failure to observe rules on transparency.

## **POLAND**

### [A New Housing Cooperatives Act to provide new approach for implementing residential projects](#)

On the residential construction market in Poland, currently dominated by real estate developers, housing cooperatives can begin building starting 1 March 2023, when the new Housing Cooperatives Act enters into force, introducing a framework for their activities and providing incentives for such grassroots construction initiatives.

## **REPUBLIC OF KOREA**

### [How Policy Is Building a Social Economy in South Korea](#)

The passage of the 2011 Framework Act on Cooperatives has also played a critical role in the expansion of a solidarity economy in Korea. Although cooperatives have existed in Korea since the early 20th century—the Nonghyeop agricultural cooperative being one of the largest cooperatives in the world—before the FAC, it was hard to launch a cooperative at the grassroots level in large part because forming a cooperative required at least 200 members and \$300,000 in capital. The FAC reduced the minimum required number of people to five and established a simple process to apply for cooperative status, which only requires residents to submit articles of association to their home city or a related jurisdiction.

## **SPAIN**

### [Main changes introduced by the preliminary draft of the law on structural changes of commercial companies](#)

The preliminary draft of the law on structural changes of commercial companies approved by the Spanish Government on 14 February (the "Preliminary Draft") aims to transpose Directive

(EU) 2019/2121 of the European Parliament and of the Council of 27 November 2019 amending Directive (EU) 2017/1132 regarding cross-border transformations, mergers and demergers of companies and European Cooperative Societies

## **UGANDA**

[Cooperative unions and Saving and Credit Cooperatives \(SACCO's\) across the country have urged government to formulate for them one law to ease regulation \[2022\]](#)

## **UNITED KINGDOM**

[The House of Lords debated the Co-operatives, Mutuals and Friendly Societies Bill at second reading on March 24, 2023.](#)

The Co-operatives, Mutuals and Friendly Societies Bill 2022-23 would allow mutual entities to reduce the risk of demutualisation by permitting them to specify what would happen to any remaining assets if the business is closed down.

[The Co-op Bank brings legal case against review on mortgage prisoners' investigation](#)

The Co-operative Bank is bringing a legal challenge against a judicial review at London's High Court on a customer's past mortgage interest payments, Bloomberg UK reports. Read a 2017 press article on [How legal is the Co-op Bank's name now?](#)

## **USA**

[New bill would require NYC co-op boards to give reasons for rejecting a buyer](#)

There's renewed interest in getting rid of some of the secrecy surrounding how New York City co-op boards operate. New legislation sponsored by NYC's Public Advocate Jumaane Williams would require co-op boards to tell rejected buyers in writing why they are being turned down. Read the Bill [here](#)

### [Local Law 97 – Requirements and Available Financial Incentives to Promote Compliance towards Climate Actions](#)

Beginning on Jan. 1, 2024, certain cooperative and condominium buildings will be required to comply with specific energy conservation measures applicable to the building and will be required, in most cases, to submit an annual report to the Department of Buildings detailing their compliance with the applicable energy conservation measure for the prior year. Some buildings will have a different schedule.

### [Transfer of housing unit’s shares and propriety lease – Short FAQ \(2022\)](#)

Ronda Kaysen answers the question “Can I Leave My Co-op to My Heirs?”

### [New California law promotes worker-owned businesses](#)

California Employee Ownership Act, which will take effect this year, encourages small-business owners to give their employees a stake in the company. Passed with unanimous support, the law sets up an employee ownership hub in the governor’s office to support companies that want to pursue this business model.

### [New law approved by Minnesota legislature opened the door for health insurance cooperatives](#) [2018]

A new law has allowed for the formation of healthcare cooperatives to help reduce those costs. In 2016, a number of insurance carriers in Minnesota opted to leave the individual market, which left many people, especially those in more rural areas of the state, without health plan options. Among those being hit the hardest were those involved in production agriculture.

### [How an Obamacare remnant survives and prospers in Montana](#)

Helena-based Mountain Health Co-op is one of just three Affordable Care Act-created co-ops still alive nationwide, and now covers about 55,000 people in Montana, Idaho and Wyoming.

### [NCUA Releases 2022 Annual Report](#)

“In 2022, the NCUA focused its efforts on protecting and benefiting more than 135 million credit union members, who entrust their hard-earned savings to federally insured credit unions,” Chairman Todd M. Harper said. “Looking ahead, the NCUA will remain focused on risks to the system involving interest rates, liquidity, cybersecurity, and consumer compliance. And, we will continue our efforts to enact needed legislative reforms like enhancements to the Central Liquidity Facility and restoring third-party vendor authority.”

### [Electric Co-op Consortium Seeks Infrastructure Funds to Speed Next-Gen Smart Grid Deployments](#)

The research and development arm of the National Rural Electric Cooperative Association (NRECA), today applied for Bipartisan Infrastructure Law funding from the U.S. Department of Energy (DOE).

If approved, the application will accelerate the deployment of next-generation smart grid technologies at 69 electric co-ops that serve 6.5 million consumers across 26 states. Co-ops will use the funds to complete high-priority grid modernization projects and increase the reliability and resilience of their electric power systems.

### [CTA sets aside MisOr power co-op’s tax liabilities based on 2013 reform law](#)

In a 22-page decision dated Feb. 28 and made public on Mar. 1, the CTA Special Second Division said the utility was entitled to an income tax exemption under the National Electrification Administration (NEA) Reform Act of 2013 or Republic Act No. 10531.

“Existing electric cooperatives may likewise opt to register as stock corporations with the Securities and Exchange Commission and shall continue to enjoy the benefits under this act,” the tribunal said.

Under the law, electric cooperatives registered with NEA are exempt from income taxes, franchise tax, value-added tax and all national government fees.

### [Are Co-op and Condo Boards Waking Up to the Upside of Retrofits?](#)

Is it possible that New York City co-op and condo boards, after years of resistance, are finally beginning to realize that the city’s push for clean and efficient energy is not only inevitable but also a potential source of benefits? Anecdotal evidence suggests that the answer is yes.

“We’ve seen a shift in attitudes from co-op and condo boards in two ways,” says Alan Burchell, principal at Urbanstrong, a green building consultancy with a specialty in rooftop development. “First, they’re realizing they can’t fight these local laws. Therefore, rather than spending energy fighting, they’re looking for vendors who can help them navigate ways to comply. Second, they’re hearing from other boards by word of mouth that solar panels can be a nice source of income, and if a green roof can accommodate an amenity space, it will increase property values.

## **VIETNAM**

### [NA leader chairs discussion on draft revised Cooperative Law](#)

National Assembly (NA) Chairman Vuong Dinh Hue on February 17 chaired a discussion on the draft Cooperative Law (revised), which will receive the final consideration from the NA Standing Committee in the time to come before being submitted to the legislature's upcoming fifth session for approval

### [Central bank works to tighten legal framework for cooperative credit institutions](#)

## **EUROPEAN UNION**

### [Worker co-ops welcome European Parliament's position on platform work](#)

The correct classification of platform workers will ensure level playing field and fair competition for co-operative platforms, says Cecop (European Confederation of Industry and Service Cooperatives)

### [EACB celebrates 55 years of Spanish Cooperative Banking Group "Caja de Ingenieros"](#)

The European Association of Co-operative Banks (EACB) celebrated the 55th Anniversary of Caja de Ingenieros, member of the UNACC (Spanish Association of Cooperative Banks) in April 2023. Caja de Ingenieros is a cooperative society for the savings and credit that has more than 145,000 members and developed a model of personal, commercial, institutional and business banking in the Spanish region focusing on the service for professionals, namely engineers and other professions. In February 2011 Caja de Ingenieros founded the Caja de Ingenieros Foundation with the purpose of promoting its corporate social responsibility activities. It is a private and non-profit institution that emerged from the transformation of the former Socio-Cultural and Technological Association of Engineers. The Foundation intends to optimize the efficiency of the resources for the promotion of engineering and activities of cultural, social, environmental, beneficial-assistance, professional and technological interest. The social help includes donation of 2 million euros for projects, 105 scholarships and prizes, educational courses for unemployed people, training for members, etc.

### [Decision concerning a normative gap analysis on decent work in the platform economy](#)

The Governing Body, having taken note of the normative gap analysis contained in document GB.347/POL/1, decided that the item placed on the agenda of the 113th Session (June 2025) of the Conference on decent work in the platform economy will be devoted to standard-setting with a double-discussion procedure.

[Read here the Nov 2022 Opinion of the European Central Bank on the draft law on Building Societies \(Poland\)](#)

## **INTERNATIONAL**

[ILO Governing Body decides to include a standard-setting discussion on decent work in the platform economy!](#)

In March 2023, the ILO Governing Body discussed regarding the platform economy, and following a discussion on existing gaps in current ILO standards, the Governing Body decided to include on the agenda of the International Labour Conferences in 2025 and 2026 a standard-setting discussion on decent work in the platform economy, which might lead to the first global normative instrument in this area.

[FAO event looks at the role of cooperatives in driving responsible sourcing and sustainability-driven trade requirements](#)

On 15 March the Food and Agricultural Organisation (FAO) hosted an online event to explore the key issues related to responsible sourcing and sustainability driven trade requirements. The session formed part of the FAO's Geneva Agriculture Trade Talks, a dialogue series that began in 2018. The ICA was represented at the event by Danilo Salerno, Regional Director, ICA Americas.

## **INTERNATIONAL COOPERATIVE ALLIANCE**

[The ICA welcomes two new members in March: ESAF Swasraya Multi State Agro Cooperative Society Limited \(ESMACO\) from India and the Royal Norwegian Society for Development \(Norges Vel\) from Norway as Associate Members. \[April\]](#)

[The ICA welcomed a new member in March: the Nepal Federation of Savings and Credit Cooperatives Union \(NEFSCUN\) from Nepal. NEFSCUN is the member-based national apex](#)

[organization of Savings and Credit Cooperative Societies \(SACCOS and credit unions\) and \[March\]](#)

[The National Cooperative Union of Turkey creates bank account to support cooperatives affected by the earthquakes](#)

## **COMMITTEE FOR THE PROMOTION AND ADVANCEMENT OF COOPERATIVES**

[Bridging cooperatives and corporations to advance the implementation of the Agenda 2030](#)

On the 8 February 2023, a side event themed “Corporations, Cooperatives and the 2030 Agenda” that was organized by the United Nations Department of Economic and Social Affairs (UN DESA) in collaboration with the Permanent Mission of Mongolia to the United Nation and the Committee for the Promotion and Advancement of Cooperatives (COPAC). The side event was organized at the UN Headquarters in New York during the 61st Session of the Commission for Social Development whose priority theme is “Creating full and productive employment and decent work for all as a way of overcoming inequalities to accelerate the recovery from the COVID-19 pandemic and the full implementation of the 2030 Agenda for Sustainable Development”.

## **REPORTS, ARTICLES, OPPORTUNITIES, ETC.**

Orrick Law firm (USA) in collaboration with KPMG and Upside.coop write about [Cooperatives: An Ownership Model for Digital Networks](#), and explain how cooperatives can be the revolutionary solution for compliant ownership in Web3

Credit unions, rural utilities, insurance companies, and agriculture producers often organize as cooperatives. Web3 companies may want to consider adding cooperatives to their ownership structures, which could boost participation and reduce regulatory risk, while giving users more control of the digital networks they use and a share of the value they create. The Securities and Exchange Commission (SEC) has consistently declined to classify cooperative

memberships as securities, enabling cooperatives to distribute ownership to users quickly and easily, while also offering important protections to their members. Giving users ownership through cooperatives may also provide builders and investors a better return on investment than if they shared ownership with users through tokens alone because cooperative structures reward users in proportion to their participation and consistently may provide a stronger incentive than tokens for users to engage with and strengthen digital networks.

[ILO Launches Report on Platform labour in search of value: A study of workers' organizing practices and business models in the digital economy](#)

The report seeks to capture the new strategies being deployed by self-employed workers to reclaim their rights to decent work and a fair share of economic gains in the value networks of the emerging platform economy. Specifically, it focuses on the experiences of workers in on-demand work, crowdsourcing and e-commerce sectors.

[OECD launches Policy Guide on Legal Frameworks for the Social and Solidarity Economy](#)

The Policy Guide on Legal Frameworks for the Social and Solidarity Economy aims to support countries, regions and cities wishing to use legal frameworks as an appropriate lever to develop conducive social and solidarity economy (SSE) ecosystems. Building on data and information as well as good practice examples from over 33 countries, it provides step-by-step guidance, success factors and "pitfalls to avoid" to help policy makers i) assess why and when legal frameworks for the SSE are needed; ii) select legal options and involve stakeholders; iii) evaluate the performance of laws, and, iv) foster international peer learning on this topic.

[Ius Cooperativum Association publishes the Vth Edition of the International Journal on Cooperative Law in March 2023](#)

The need to know about and understand cooperative law, coupled with the absence of an academic international journal of cooperative law, gave birth to the idea of creating the

International Journal on Cooperative Law. The Vth edition contains 7 articles, 1 review of legislation, 1 coverage of an event, a piece from the practitioners, and an interview with Akira Kurimoto.

[Call for Abstracts launched for the 4<sup>th</sup> International Forum on Cooperative Law](#)

*Theme: “The principle of cooperation among cooperatives: a principle of the past or for the future?”*

Those interested in presenting a paper can send an abstract of a maximum of 300 words, in English, before 10th May 2023 to [4thforumcooperativelaw@gmail.com](mailto:4thforumcooperativelaw@gmail.com)

Cooperation among cooperatives has been a key feature since the very beginning of cooperative history. On the one hand, the first step of the development of the consumer cooperatives was the establishment of wholesale firms, as an expression of economic cooperation. On the other hand, in 1895, the ICA was established as a tool for international political cooperation. These are the two pillars on which the cooperative movement was built in the 20th Century. This arrangement could find proximities with some political thinking, such as federalism, communalism, or autogestion. The sixth principle of the Declaration on the cooperative identity, adopted by the ICA, in 1995, reads: “Cooperatives serve most effectively and strengthen the cooperative movement by working together through local, national, regional and international structures.”

[Co-operative Law Summer School: Co-operative law and its relationship to the co-operative identity and sustainable development](#)

The [International Centre for Co-operative Management](#) is holding a summer school at the J. Dobrila University of Pula (Croatia) to examine the links between co-operative law, Co-operative Identity (ICA 1995), and sustainable development. The course is aimed at individuals with a strong interest in co-operative law including lawyers, law students in

advanced stages of study, co-operative practitioners, policymakers, regulators and those working in the co-op sector in advocacy and/or government relations. [Read Article](#)

We hope you will find the information useful for your work and discussions. We hope you will profit from the aforegiven opportunities and make your contributions to advance and promote the practice and research concerning cooperative law!

### CASE LAW

[\[2004\] Applicability of the Capper-Volstead Act in \*Northland Cranberries, Inc. v. Ocean Spray Cranberries Inc.s\*](#)

[\[2017\] Growers standing under Clayton Act to bring federal antitrust claim against cranberry grower cooperatives in \*Winters v. Ocean Spray Cranberries, Inc.\*](#)

We hope you find our email useful! Please feel free to get in touch with us directly should you be interested in discussing any of the following bits, or/and have other news/information related to cooperative law which you would like to share with the ICA Network of Lawyers.

Thank you and keep well!

*Team ICA Network of Lawyers*

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