Cooperatives in Slovenia: law and practice from the past to the future

Franci Avsec, University of Novo mesto, Faculty of economics and informatics, Slovenia

As a special type of legal persons, cooperatives in Slovenia are regulated by several legal instruments. The oldest of them is the Cooperatives Act (1992), according to which two subtypes of cooperatives could be distinguished. The first subtype are cooperatives to which only general provisions on obligatory (statutory) reserves are applicable. The statutory reserves are indivisible until dissolution of a cooperative, if the statutes of the cooperative do not exclude distribution of net residual assets after the dissolution. The second subtype represents those cooperatives which must comply, in addition to general regime of statutory reserves, with some special provisions on the indivisible cooperative capital originating from the ownership transformation. After Slovenia had joined European union in 2004, the Cooperative Act was supplemented with provisions on European Cooperative Societies (SCEs) which may be established in Slovenia according to the EU Regulation 1435/2003. The Social Entrepreneurship Act (2011) regulates cooperatives that opt for the status of social entreprise. Such cooperatives are non-profit legal entities, carrying out activities in public interest, are governed on the basis of strictly equal voting rights and with participation of certain non-member stakeholders, while their capital remains, with the exception of reimbursable member shares, permanently indivisible.

The paper shows distinctive features of cooperatives in comparison with non-cooperative legal entities and main characteristics of various subtypes of cooperatives. Mutual influence between the subtypes, the demarcation between various subtypes and chances of cooperatives for transition from one to another subtype are discussed, too. The legal overview is complemented by a brief statistical survey showing the development of cooperatives since 2008, their present economic importance and social impact.

Key words: cooperative law, cooperative statistics, Slovenia.