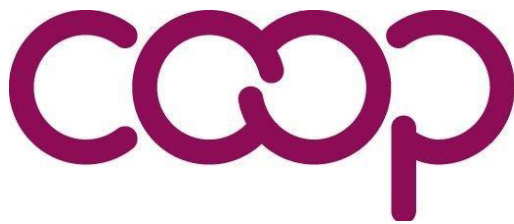


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ΙΝΣΤΙΤΟΥΤΟ ΕΥΝΕΤΑΙΡΙΑΤΙΚΩΝ ΕΡΕΥΝΩΝ

& ΜΕΛΕΤΩΝ (ΙΣΕΜ)

Title of abstract: The Principle of Equality in Polish Cooperative Law

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Abstract: The paper introduces the Polish law regulation of principle of equality, determines the application of this principle to cooperatives and cooperatives' members and indicates the conditions of exception from this principle. In Polish law, the principle of equality concerns cooperatives and its members in two ways. First, the equality of cooperatives and members arises from the constitutional rule of equality in the face of law and prohibition of discrimination. In this form, the equality principle concerns both cooperatives and its members. The addressees of the obligation of non-discrimination are the state authorities. Neither cooperatives nor members may be discriminate by the state authorities in their social and economic relations because of their personal features. Secondly, the principle of equality concerns members rights and obligations against the cooperative. In this case, the beneficiaries of the equality are only members and the cooperative is the obligated party to equal treatment of all of the members. In this form, the principle of equality manifest itself in various private law regulations that concern the membership in the cooperative. The most recognized of them is the regulation of one member – one vote principle. In the private law form, the principle of equality may be waived under objective features relevant and related to the activities of the cooperative. This requires consent of all the cooperative members or the members resolution. On the other hand, the principle of equality in the constitutional form may not be waived in relation against the state authority. However, the authorities may differentiate the cooperative and members situation under the feature relevant from the cooperative's activities point of view.

Keywords: equality, members rights and obligations, Poland

