

**CES**  
COOPERATIVISMO E ECONOMÍA SOCIAL  
Núm. 42 (2019-2020), páxs. 287-301  
ISSN: 2660-6348

**THE LEGAL RECOGNITION OF SOCIAL AND  
SOLIDARITY ECONOMY IN GREECE: A BRIEF  
PRESENTATION AND COMMENTARY OF THE GENERAL  
PROVISIONS OF L. 4019/2011 AND L. 4430/2016**

**IFIGENEIA DOUVITSA\***

---

<sup>1</sup> Adjunct Lecturer, Hellenic Open University, ifigeneiadouvitsa83@yahoo.gr.



# 1 THE ACKNOWLEDGEMENT OF SOCIAL ECONOMY IN LEGISLATION

## 1.1 L. 4019/2011: The first law on social economy in Greece

In recent years the concept of social economy has attracted significant interest by policy makers leading to designing and implementing tailored to the social economy public policies, including the enactment of social economy laws. More specifically, the term “law on social economy” is usually used to describe a framework law that perceives the social economy as an “umbrella concept”<sup>1</sup> and, thus, such a law introduces provisions for “a dynamic and evolving group of organizations [and enterprises]” with a large number of “different forms” that share “common features that distinguish them from public and private enterprises and organizations”<sup>2</sup>.

Based on the above definition, the sector of social economy in Greece was recognized by law for the first time in 2011<sup>3</sup>, while special laws for specific social economy actors pre-existed. During that time, the International Monetary Fund and the EU had already agreed to provide the Greek government with a loan, so that a default would be prevented<sup>4</sup>. In exchange, the Greek government had to implement austerity measures, including spending cuts and tax raises which caused a broad public discontent, numerous demonstrations and the emergence of the Greek Anti-austerity movement<sup>5</sup>.

It was within this context, that the national legislator enacted L. 4019/2011 under the title “*Social Economy and Social Entrepreneurship and other provisions*”.

---

<sup>1</sup> INTERNATIONAL LABOUR ORGANIZATION, *Social and Solidarity Economy and the Future of Work*. Geneva: ITC/ILO/EURICSE, 2017, p. 1.

<sup>2</sup> INTERNATIONAL LABOUR ORGANIZATION, *Social and Solidarity Economy: Building a Common Understanding*. Turin: International Training Centre of the ILO, 2010, p.5. GILLES CAIRE, WILLY TADJUDJE, “Toward a global legal culture of the social economy enterprise? An international comparison of social economy legislation” [Vers une culture juridique mondiale de l’entreprisocial economy d’ESS ? Une approche comparative internationale des législations ESS], *RECMA* 2019/3 (No 353), p. 74-88 (4).

<sup>3</sup> IOANNIS NASIOULAS, “Social cooperatives in Greece. Introducing new forms of social economy and entrepreneurship”, *International Review of Social Research*, Vol. 2, Issue 2, pp. 141-161 (155).

<sup>4</sup> DAN BILEFSKY AND LANDON THOMAS JR., *Greece Takes Its Bailout, but Doubts for the Region Persist*, The New York Times, 2<sup>nd</sup> of May 2010. Available at: <https://www.nytimes.com/2010/05/03/business/global/03drachma.html?pagewanted=all>

<sup>5</sup> Cf. BBC NEWS, *Eurozone approves massive Greece bail-out*, 2<sup>nd</sup> of May 2020. Available at: <http://news.bbc.co.uk/2/hi/europe/8656649.stm> ENET.GR ELEUTHEROTUPIA (Ελευθεροτυπία), *Syntagma Square overflowing with indignation [Εξερίλισε αγανάκτηση το Σύνταγμα]*. Available at: <http://www.enet.gr/?i=news.el.ellada&id=279683>

Based on its explanatory report, the newly enacted law aimed at the creation of vacancies, including the social integration of persons belonging to vulnerable groups of the population. It also had as its goal to cover emerging social needs through the development of social economy, social entrepreneurship and social innovation, as well as to contribute to local development and social cohesion<sup>6</sup>.

With regard to its length and structure, L. 4019/2011 was a rather short legal text, consisting of 21 articles that could be divided into two categories a) the general provisions for the social economy sector as a whole, b) the special provisions that introduced a new type of legal entity, the social cooperative enterprise (SCE) (κοινωνική συνεταιριστική επιχείρηση-Κοιν.Σ.Επ.)<sup>7</sup>. Despite the law's references to social economy at its title and explanatory report, the vast majority of its provisions referred to the establishment and function of the social cooperative enterprises<sup>8</sup>. In the present article we shall focus on the general provisions, which were applicable to all social economy actors.

The legal text of L. 4019/2011 began with the definition of social economy as “a set of economic, entrepreneurial, productive and social activities undertaken by legal persons or associations of persons, the statutory purpose of which is the pursuit of the collective benefit and the wider social interest” (ar. 1 par. 1 L. 4019/2011).

The legislator went on and acknowledged as social economy actors the legal persons inscribed at the General Registry of Social Economy (ar. 14 L. 4019/2011). The latter consisted of: a) the Registry of Social Entrepreneurship, in which social cooperative enterprises and social cooperatives of limited liability<sup>9</sup> were obligated to register and b) the Special Registry of other Social Economy Actors, the inscription to which was on a voluntary basis for all existing legal forms, which cumulatively met the following criteria (ar. 14 par. 1 b L. 4019/2011):

- a) they have as their statutory purpose the social benefit through the production of goods or the provision of services of collective and social character,

<sup>6</sup> Cf. Explanatory Report of draft law “*Social Economy and Social Entrepreneurship and other provisions*”, 2011, 4<sup>th</sup> of August 2011, p.1-2. Available at: [https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law\\_id=7daab675-950f-436b-8b82-bc5eedb70d40](https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=7daab675-950f-436b-8b82-bc5eedb70d40)

<sup>7</sup> Under L. 4019/2011 the social cooperative enterprise was stipulated as a civil cooperative with a social objective, according to its ar. 2 par. 1. The law prescribed for three different types of social cooperative enterprises: a) the social cooperative enterprises of integration, focused on the integration of disadvantaged people, b) the social services' social cooperative enterprises, aiming at the management of specific services (such as social and healthcare services) and c) the social cooperative enterprises with a collective and productive purpose, the activities or employees of which were not limited to specific sectors or groups of population.

<sup>8</sup> Cf. NASIOULAS, *ibid.*, p. 156

<sup>9</sup> The social cooperatives of limited liability [κοινωνικοί συνεταιρισμοί περιορισμένης ευθύνης-ΚΟΙΣΠΕ] aim at the integration of people suffering from mental illnesses (ar. 12 L. 2716/1999).

- b) they give priority to individuals and labour over capital,
- c) they employ a democratic system of decision-making,
- d) they enjoy autonomy in the management of their activities,
- e) their profits are utilized primarily for the service of their statutory goals and secondarily for any limited profit distribution,
- f) they operate on the principle of sustainable development,
- g) their operations are exclusively described in par. 2 of ar. 2<sup>10</sup>.
- h) they have been active for 3 years at least before submitting an application of inscription to the register”.

In order to incite existing legal persons to register, the legislator provided them with access to the subsidiaries of the National Fund of Entrepreneurship and Development.

As we can observe from the above provisions, the legislator’s intension was not to limit the social economy sector to specific legal forms. Nevertheless, in practice, the vast majority of the registered legal persons were social cooperative enterprises<sup>11</sup>. As a consequence, the concept of the otherwise pluralistic social economy was mainly coincided and limited to the abovementioned legal form.

In addition, the legislator prescribed for two governmental advisory bodies for the social economy. The first body was the Special Office for Social Inclusion and Social Economy of the Ministry of Labour and Social Security (ar. 15 L. 4019/2011). Such body was in charge of designing and evaluating public policies on social economy. The second advisory body was the Inter-ministerial Committee with representatives of various ministries as its members. On occasion and if deemed necessary representatives from the public or private sector would be in-

---

<sup>10</sup> Ar. 2 par. 2 L. 4430/2016: “2. SCEs, depending on their specific purpose, are divided into the following categories: a) Integration SCEs, which focus on integration of individuals belonging to vulnerable (: ευάλωτες) population groups into the economic and social life. At least 40% of their employees must come from the vulnerable Population Groups. The Limited Liability Social Cooperatives (L.L.S.C.) are automatically considered as integration SCEs and are subject to the provisions of this law. The L.L.S.C.s are governed by the provisions of the ar. 12 of law 2716/1999 and additionally by the provisions of this law and by law 1667/1986, as well as by the ar. 12 of law 3842/2010. b) Social care SCEs, which focus on production and provision of goods and services of social / social-care character towards certain population groups, such as the elderly, the infants, the children, the disabled and the chronically ill. c) Social Cooperative Enterprises of Collective and Productive Purpose, which focus on the production of products and the provision of services to meet the needs of collectivity (culture, environment, ecology, education, social benefit services, promoting local products, saving traditional activities and crafts etc.) which promote local and collective interest, the development of employment, the enhancement of social cohesion and the strengthening of local or regional development.”

<sup>11</sup> Cf. SPECIAL SECRETARY OF SOCIAL AND SOLIDARITY ECONOMY, *National report 2017 and action plan for the development of an ecosystem of social and solidarity economy 2017-2023*, p. 33. Available at: <http://www.yeka.gr/>

vited, but with no voting rights (ar. 16 par. 4 L. 4019/2011). The Inter-ministerial Committee was responsible for providing an opinion for issues related to the public procurement with social clauses (ar. 16 par. 5 L. 4019/2011).

From the above, several remarks can be made. In the first advisory body there was an absence of participation of social economy representatives. The role of the second body was limited to issues on public procurement and the social economy representatives' participation would had been exceptional and non-decisive as no voting rights were acknowledged. Therefore, the first law on social economy had not fostered the social economy actors' active participation for co-constructing and evaluating public policies and, instead, it seemed to embrace a more top-down approach.

## 1.2 L. 4430/2016: The currently in force law on social and solidarity economy

The Syriza political party, in the strategic plans of which was the development of social and solidarity economy, won the elections of January 2015. In fact, with the financial support of some of its members- deutes a hub was established aiming at strengthening the relationship between social solidarity initiatives and social economy actors<sup>12</sup>.

Following the election's result, a coalition government was formed with Syriza as its main corpus. The change in the political scenery in Greece brought about fundamental reforms in the legal landscape of social economy. More specifically, the Ministry of Labour submitted to the Greek Parliament a new draft law that was voted by the deutes and became L. 4430/2016 with the title "Social and Solidarity Economy, the Development of its Actors and other provisions". The new law abolished L. 4019/2011 "*Social Economy and Social Entrepreneurship and other provisions*". We can observe from the title that the two legal texts differ considerably. The new law introduces the broader term social and solidarity economy, which was also the term used at the Syriza's strategy plans in order to emphasize and acknowledge the existence and important role that solidarity initiatives played during the crisis years<sup>13</sup>.

Based on the new law's explanatory report, the social and solidarity economy is perceived as a means to transform the current socio-economic relationships and not a precarious tool to minimize the crisis' impact. More specifically, the main goals of the new law are- among others- the following:

<sup>12</sup> Cf. SOFIA ADAM, *Social and solidarity economy and the crisis: Challenges from the public policy perspective*, East-West Journal of Economics and Business, Vol. XXI, Nos 1-2, pp.229.

<sup>13</sup> Cf. SOFIA ADAM, *ibid.*, pp. 229-230.

- a) the clarification of the social and solidarity economy concept, its traits, as well as its potential role based on the thus far national and international experience,
- b) the expansion of the social and solidarity economy sector to the all the spectrum of economy and not limit its role to integration and social services,
- c) the promotion of social and solidarity economy networks by enabling the formation of social and solidarity economy unions and provide incentives ) to this direction,
- d) the disassociation of social and solidarity economy to only one particular legal form, that of social cooperative enterprise,
- e) the introduction of the worker cooperative as a new legal form that would enable the worker takeover of bankrupted enterprises<sup>14</sup>.

The new law with its 75 articles is significantly extended and detailed compared to the previous one. With regard to its structure, L. 4430/2016 can be divided into three sections:

- a) the general provisions applicable to the whole social and solidarity economy (ar. 1-13 L. 4430/2016)
- b) the special provisions applicable explicitly to social cooperative enterprises (ar. 14-23 L. 4430/2016)
- c) the special provisions applicable explicitly to worker cooperatives (ar. 24-33 L. 4430/2016).

In this article, we shall focus on the first section, which consists of the general provisions that define the social and solidarity economy, its actors, the supportive measures for their development, as well as the formation of advisory boards, unions and networks.

In particular, pursuant to the definition of ar. 2 par. 1 of L. 4430/2016 the concept of the social and solidarity economy refers to all economic activities that introduce an alternative form of organization in production, distribution, consumption and reinvestment, based on the principles of democracy, equality, solidarity, cooperation, and respect to the humans and the environment. Compared to the definition of the previous law, we note that the new law introduces a broader, value-oriented, definition, while highlighting the social and solidarity economy's potential as an alternative model of organizing socio-economic relationships<sup>15</sup>.

<sup>14</sup> Cf. Explanatory report of the draft law “*Social Economy and Social Entrepreneurship and other provisions*”, pp.1-2, 10th of October 2016. Available at: [https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law\\_id=de53343e-dbb3-4c24-b7c9-a69700b7f2bb](https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=de53343e-dbb3-4c24-b7c9-a69700b7f2bb)

<sup>15</sup> Cf. SOFIA ADAM, *ibid*, p. 230.

One key provision of the new law is ar. 3 which identifies the social and solidarity economy actors. Specifically, the legislator divides the social and solidarity economy actors into two categories. The first category consists of legal persons that are *ope legis* acknowledged as social and solidarity economy actors. This *numerus clausus* category consists of only three legal entities which are: a) the social cooperative enterprises, b) the social cooperatives of limited liability and c) the worker cooperatives (ar. 3 par. 1 (a-c) L. 4430/2016). These legal persons are recognized by the legislator as social and solidarity economy actors, since their establishment and attribution of legal personality. The second category consists of collective legal persons that are obligated to fulfill specific criteria in order to acquire the status of the social and solidarity economy actor (ar. 3.1 (d) L. 4430/2016). The specific criteria are the following:

- a) to undertake collective and socially beneficial activities,
- b) to ensure the information and participation of their members and to implement a democratic decision-making system, according to the principle “one member one vote”, regardless of the contribution of each member,
- c) to distribute profit as follows:
  - i. at least 5% allocated for the formation of reserves,
  - ii. up to 35% attributed to the employees, unless 2/3 of the members of the General Meeting decide to allocate the above percentage to activities of passage iii,
  - iii. the rest of the profit shall be invested to the creation of new jobs and to expanding their production,
- d) to introduce a system of convergence on labour remuneration, for which the maximum net salary shall not exceed more than three times the minimum, unless 2/3 of the members of the General Meeting decide otherwise,
- e) to aim at networking on a horizontal and equal basis with other actors in order to undertake economic activities and maximize the social benefit,
- f) not to be established and managed by public entities.

The legislator by referring to collective legal persons excludes single-person companies from being recognized as social and solidarity economy actors. Indicatively, the legislator mentions agricultural cooperatives, civil cooperatives<sup>16</sup> and civil non-profit companies as potential candidates for the second category, as long as they fulfil cumulatively the aforementioned criteria.

Some of the above criteria received strong criticism by academics and practitioners for various reasons. On a first reading, the law seems to conceive the social

<sup>16</sup> Civil or urban cooperatives [αστική συνεταιρισμοί] are subject to L. 1667/1986 and may undertake any type of economic activity except agriculture (e.g. cooperative banks, consumer cooperatives).



and solidarity economy in broad terms and not attributing the status of a social and solidarity economy actor to specific legal forms. However, based on the above criteria there are several legal entities excluded, such as: a) the foundations, since they cannot fulfil the democratic governance principle, b) the anonymous societies due to the profit distribution constraints<sup>17</sup>.

Moreover, the social and solidarity economy criteria do not apply to the *ope legis* social and solidarity economy actors. Nevertheless, some of the criteria are also prerequisites for the establishment of legal persons of the first category (e.g. the democratic governance or the profit distribution constraints for the social cooperative enterprises and worker cooperatives). However, this is not the case for a number of criteria, such as the criterion of wage convergence, which is only required for the other legal entities and not for the *ope legis* social and solidarity economy actors, even though in this category worker cooperatives are included and according to the World Declaration on Worker Cooperatives wage convergence among the worker cooperative members should be encouraged and promoted<sup>18</sup>. In addition, the implementation of the criterion on networking seems to be troublesome. On one hand the social and solidarity economy sector is still in its embryonic stage in Greece and therefore the number of social and solidarity economy unions and networks remains rather low. Also, if a member of such union or network decides to withdraw, does it mean that its status as a social and solidarity economy actor may be jeopardised<sup>19</sup>? If such provision is interpreted in a strict manner, then the negative freedom of association may be infringed, since the right to become a member at a union becomes an obligation under L. 4430/2016. On the other hand, if such criterion is interpreted in a flexible manner and may be fulfilled by declaring in the bylaws the intention to participate in unions and other networks, then its application has a rather limited and non significant impact. Such criterion does not apply to *ope legis* social and solidarity economy actors, leading therefore to an unequal treatment in detriment of the non *ope legis* social and solidarity economy actors.

<sup>17</sup> Cf. SOFIA ADAM, AGGELOS KORNILAKIS & KAROLOS IOSIF KAVOULAKOS, *The legal framework of social and solidarity economy in Greece: The experience of public consultation and a critical evaluation of Law 4430/2016*, Heinrich Boll Foundation, 2018, pp. 47 ff.

<sup>18</sup> World Declaration on Worker Cooperatives, approved by the ICA General Assembly in Cartagena, Colombia, on 23 September 2005, p. 3, II (1): "In their internal operations, worker cooperatives must take into account the following rules. They shall: Compensate the work of their members equitably, taking in consideration the function, the responsibility, the complexity and the specificity requested by their positions, their productivity and the economic capacity of the enterprise, trying to reduce the difference between the highest and the lowest compensations". Available at: [https://cicopa.coop/wp-content/uploads/2018/02/world\\_declaration\\_on\\_worker\\_coops\\_en.pdf](https://cicopa.coop/wp-content/uploads/2018/02/world_declaration_on_worker_coops_en.pdf)

<sup>19</sup> Cf. SOFIA ADAM, AGGELOS KORNILAKIS & KAROLOS IOSIF KAVOULAKOS, *ibid*, pp. 50-51

With regard to the advisory boards, the new law prescribes for the formation of two bodies:

- a) the National Committee for Social and Solidarity Economy (ar. 12 L. 4430/2016),
- b) the Steering Committee for Social and Solidarity Economy (ar. 13 L. 4430/2016).

More specifically, the National Committee for Social and Solidarity Economy is responsible for promoting the social discourse on the public policies of social and solidarity economy, as well as for providing an opinion on the implementation of the National Action Plan for Social Economy (ar. 12 par. 3 L. 4430/2016). The legislator prescribes for a long list of representatives from the public and private sector that may participate at the above committee as members, including representatives from each union of social and solidarity economy actors (ar. 12 par. 1 L. 4430/2016). Although the latter is considered as a significant step forward that strengthens the social and solidarity economy actors' role with regard to monitoring and evaluating relevant public policies, the committee's heterogenous and multi-membered composition may become an obstacle to its formation and proper function<sup>20</sup>. Thus far, such committee remains inactive due to the fact that the ministerial decision for its formation has not been enacted.

The second committee, which is the Steering Committee for Social and Solidarity Economy, is competent of providing an opinion for the public policies and programs of social and solidarity economy (ar. 13 par. 3 L. 4430/2016). The Minister of Labour chairs at the above committee which members are representatives from other ministries (ar. 13 par. 1 L. 4430/2016). Representatives of other actors can also participate, if deemed necessary and depending on the nature of the subject (ar. 13 par. 3 L. 4430/2016). This committee, as with the previous one, has not been established thus far due to the fact that the ministerial decision for its formation has not been enacted.

One potential way to address the inactiveness of both bodies may be to enable a minority of actors, such as social and solidarity economy representatives, to request the convocation of both committees, that would exercise political pressure to the Minister of Labour to act accordingly. Otherwise, the formation of these committees shall mainly depend on whether the social and solidarity economy is high at the political agenda of the Ministry of Labour and the political party in power without the potential of counteractive actions.

As we have discussed previously, it is within the new law's goals to encourage cooperation among social and solidarity economy actors, as well as synergies

---

<sup>20</sup> Cf. SOFIA ADAM, AGGELOS KORNILAKIS & KAROLOS IOSIF KAVOULAKOS, *ibid*, pp. 79.

with other private or public actors. In particular, according to ar. 9 L. 4430/2016 at least ten social and solidarity economy actors may establish a union, which shall promote the principles of social and solidarity economy and the collective and social benefit of its members- social and solidarity economy actors by undertaking a variety of activities such as the provision of technical/legal assistance, of training and education, as well as of offering support to new or existing social and solidarity economy actors.

In relation to promoting economic collaborations among social and solidarity economy actors, the legislator prescribes for forming contracts, establishing consortiums, second degree cooperatives or European cooperatives and European grouping and networks that have a legal personality separate from their members (ar. 7 L. 4430/2016). Such synergies could take place by applying the general provisions of civil and commercial law. Therefore, the above provision has mainly an informative/pedagogic function, since there is no limitation to social and solidarity economy actors forming any type of enterprise they wish and drafting contracts with other economic actors.

With regard to the representation and cooperation of social and solidarity economy actors, a sharp division is perceived by the legislator who conceives unions as explicitly focused on advocacy, whereas other legal forms may be used by the social and solidarity economy actors for joint economic activities. The fact that the above unions are not awarded a commercial status and are in fact deprived from undertaking commercial acts is a rather unnecessary limitation set by the legislator without serving any obvious reason. Interestingly, practice has shown that organizations that represent social and solidarity economy actors tend to undertake also economic activities for their members and organizations for joint economic activities in the course of time may also represent their members and advocating for the social and solidarity economy sector<sup>21</sup>. For this reason, it is advisable to repeal any limitations set to social and solidarity economy actors and leave enough room to them to decide accordingly based on their needs and aspirations with regard to choosing the adequate legal form and define their pursued goals.

Furthermore, L. 4430/2016 prescribes for a number of supportive measures such as:

- a) access to funding and to programs supporting employment (ar. 5 par. 1&2 L. 4430/2016)

<sup>21</sup> Cf. GEMMA FAJARDO, "National Reports: Spain" in: Gemma Fajardo, Antonio Fici, Hagen Henry, David Hiez, Deolinda Meira, Hans Münkner, Ian Snaith, *Principles of European cooperative law: Principles, commentaries and national reports*, footnote 158, pp. 603. DAVID HIEZ, "National Reports: France" in: Gemma Fajardo, Antonio Fici, Hagen Henry, David Hiez, Deolinda Meira, Hans Münkner, Ian Snaith, *Principles of European cooperative law: Principles, commentaries and national reports*, p. 246.

- b) the use of movable and immovable public property (ar. 5 par. 3 L. 4430/2016)
- c) public procurement provisions (ar. 6 L. 4430/2016)
- d) tax exceptions (ar. par. L. 4430/2016).

In particular concerning the access to funding, according to ar. 5 par. 1. the actors of Social and Solidarity Economy have access to the National Fund for Entrepreneurship and Development. In addition, the law in ar. 10 stipulates the formation of a fund explicitly for the social and solidarity economy actors under the name “Social Economy Fund”. The Fund shall be established as a legal person of private law and shall be supervised by the Ministry of Labour, Social Security and Welfare. Its main purpose is to finance programs and actions of social and solidarity economy actors. The above fund shall be formulated with the enactment of a joint ministerial decision, which shall further its function. Until such a legal entity is established, a ministerial decision shall prescribe for the formation and management of an account entitled as “Social and Solidarity Economy Fund”. Until recently, the above provisions has remained a “dead letter” due to an inertia of enacting the required ministerial decisions depriving, therefore, the social and solidarity economy actors of benefiting from such a funding tool.

Apart from the above, the legislator mentions that social and solidarity economy actors may participate in programs for entrepreneurship and the Manpower Employment Organisation programs (OAED) to support the work (ar. 5 par. 2 L. 4430/2016). Usually such programs cover part of wage expenses of their employees and a number of social and solidarity economy actors have taken advantage of such programs offered to a variety of enterprises.

The use of public movable or/and immovable property is also one of the supportive measures for social and solidarity economy actors. Such use is permitted with the enactment of a joint ministerial decision between the minister of labour and the competent minister (ar. 5 par. 3 L. 4430/2016).

Concerning the public procurement, ar. 6 enables social and solidarity economy actors to conclude program contracts with the wider public sector and the local authorities. These contracts aim at designing and implementing projects and programs with a social interest and are subject to pre-contractual judicial review by the competent court (ar. 6 par. 1 L. 4430/2016). To carry out such program contracts the use of public property, plant, machinery and tools may be permitted (ar. 6 par. 4 L. 4430/2016).

With regard to taxation, a general remark is that social and solidarity economy actors are subject to the general tax provisions applicable to all legal persons with only a few exceptions, such as the fact that they are not taxed for the part of their profits, which is distributed as a bonus to their workers (: up to 35%) (ar. 72 L.

4430/2016), since it is not considered as an income generated from business activities, but instead it is a wage income<sup>22</sup>.

## 2 CONCLUDING REMARKS

The legal recognition of social economy in Greece occurred in 2011 in the midst of the financial crisis and public unrest. Although L. 4019/2011 on “*Social Economy and Social Entrepreneurship and other provisions*” referred to social economy at its title and explanatory report, the vast majority of its provisions regulated a new form of enterprise: the social cooperative enterprise. The legislator’s intension was not to limit the social economy sector to specific legal forms. Nevertheless, the vast majority of the registered legal persons were actually social cooperative enterprises. The above led the otherwise pluralistic social economy to be mainly identified with the above legal form. Moreover, the first law on social economy had not enabled the social economy actors’ active participation in the governmental advisory bodies that were in charge of designing and evaluating public policies.

After the 2015 elections, the change in the political scenery in Greece brought about fundamental reforms in the legal landscape of social economy. More specifically, L. 4430/2016 on “*Social and Solidarity Economy, the Development of its Actors and other provisions*” was promulgated and it substituted L. 4019/2011. The new law introduces the broader term of social and solidarity economy, in order to emphasize the important role that solidarity initiatives played during the crisis years and aim at disassociating the social and solidarity economy sector from a specific legal form, that of the social cooperative enterprise. Some of the social and solidarity economy provisions can be considered as an improvement of the previous law, such as the participation of social economy representatives at the National Committee for Social and Solidarity Economy. On the other hand, the provisions on both governmental advisory bodies remain inactive. In addition, the criteria that the collective legal persons are required to fulfil in order to be recognized as social and solidarity economy actors foster an unequal and unjustified legal treatment between them and the legal entities recognised *ope legis* as social and solidarity economy actors. Based on the above, a future reform of L. 4430/2016 most troublesome and ineffective provisions is needed, in order to provide a favourable legal environment for the development of the social and solidarity economy.

<sup>22</sup> ISIDOROS SARIDIS, “Aspects of the tax treatment of social and solidarity economy enterprises under the Income Tax Code” [Όψεις της φορολογικής μεταχείρισης των επιχειρήσεων της Κοινωνικής Οικονομίας στο πλαίσιο του Κώδικα Φορολογίας Εισοδήματος], Διοικητική Δίκη 1/2019, p. 50.

## BIBLIOGRAPHY

- BBC NEWS, *Eurozone approves massive Greece bail-out*, 2<sup>nd</sup> of May 2020. Available at: <http://news.bbc.co.uk/2/hi/europe/8656649.stm> ENET.GR ELEUTHEROTUPIA (Ελευθεροτυπία), Syntagma Square overflowing with indignation [Ξεχείλισε αγανάκτηση το Σύνταγμα]. Available at: <http://www.enet.gr/?i=news.el.ellada&id=279683>
- DAN BILEFSKY AND LANDON THOMAS JR., *Greece Takes Its Bailout, but Doubts for the Region Persist*, The New York Times, 2<sup>nd</sup> of May 2010. Available at: <https://www.nytimes.com/2010/05/03/business/global/03drachma.html?pagewanted=all>
- DAVID HIEZ, “National Reports: France” in: Gemma Fajardo, Antonio Fici, Hagen Henry, David Hiez, Deolinda Meira, Hans Münkner, Ian Snaith, *Principles of European cooperative law: Principles, commentaries and national reports*.
- Explanatory Report of draft law “*Social Economy and Social Entrepreneurship and other provisions*”, 2011, 4<sup>th</sup> of August 2011, p.1-2. Available at: [https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law\\_id=7daab675-950f-436b-8b82-bc5eedb70d40](https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=7daab675-950f-436b-8b82-bc5eedb70d40)
- Explanatory report of the draft law “*Social Economy and Social Entrepreneurship and other provisions*”, 10<sup>th</sup> of October 2016. Available at: [https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law\\_id=de53343e-dbb3-4c24-b7c9-a69700b7f2bb](https://www.hellenicparliament.gr/Nomothetiko-Ergo/Anazitisi-Nomothetikou-Ergou?law_id=de53343e-dbb3-4c24-b7c9-a69700b7f2bb)
- GEMMA FAJARDO, “National Reports: Spain” in: Gemma Fajardo, Antonio Fici, Hagen Henry, David Hiez, Deolinda Meira, Hans Münkner, Ian Snaith, *Principles of European cooperative law: Principles, commentaries and national reports*
- GILLES CAIRE, WILLY TADJUDJE, “Toward a global legal culture of the social economy enterprise? An international comparison of social economy legislation” [Vers une culture juridique mondiale de l’entreprisocial economy d’ESS ? Une approche comparative internationale des législations ESS], *RECMA* 2019/3 (No 353).
- INTERNATIONAL LABOUR ORGANIZATION, *Social and Solidarity Economy and the Future of Work*. Geneva: ITC/ILO/EURICSE, 2017.
- IOANNIS NASIOULAS, “Social cooperatives in Greece. Introducing new forms of social economy and entrepreneurship”, *International Review of Social Research*, Vol. 2, Issue 2, pp. 141-161.
- ISIDOROS SARIDIS, “Aspects of the tax treatment of social and solidarity economy enterprises under the Income Tax Code” [Όψεις της φορολογικής μεταχείρισης των επιχειρήσεων της Κοινωνικής Οικονομίας στο πλαίσιο του Κώδικα Φορολογίας Εισοδήματος], *Διοικητική Δίκη* 1/2019.
- SOFIA ADAM, AGGELOS KORNILAKIS & KAROLOS IOSIF KAVOULAKOS, *The legal framework of social and solidarity economy in Greece: The experience of public consultation and a critical evaluation of Law 4430/2016*, Heinrich Boll Foundation, 2018.
- SOFIA ADAM, *Social and solidarity economy and the crisis: Challenges from the public policy perspective*, East-West Journal of Economics and Business, Vol. XXI, Nos 1-2.
- SPECIAL SECRETARY OF SOCIAL AND SOLIDARITY ECONOMY, *National report 2017 and action plan for the development of an ecosystem of social and solidarity economy 2017-2023*, p. 33. Available at: <http://www.yeka.gr/>

World Declaration on Worker Cooperatives, approved by the ICA General Assembly in Cartagena, Colombia, on 23 September 2005, Available at: [https://cicopa.coop/wp-content/uploads/2018/02/world\\_declaration\\_on\\_worker\\_coops\\_en.pdf](https://cicopa.coop/wp-content/uploads/2018/02/world_declaration_on_worker_coops_en.pdf)