

Evaluación del impacto de veinte años de pertenencia a la UE y de la legislación europea sobre las cooperativas en Polonia

Aneta Suchon

University of Adam Mickiewicz (Polonia) 

<https://dx.doi.org/10.5209/REVE.110470>

Recibido: 09/01/2026 • Aceptado: 05/06/2026 • Publicado: 31/08/2026

ES Resumen. El 1 de mayo de 2024, Polonia celebró el vigésimo aniversario de su adhesión a la Unión Europea. Por lo tanto, vale la pena evaluar si, y en qué medida, la adhesión a la UE y la legislación de la Unión Europea influyen en las cooperativas en Polonia, así como analizar las disposiciones legales que regulan su creación y funcionamiento. Polonia tiene una larga tradición cooperativa, que incluye cooperativas lecheras, cooperativas agrícolas, cooperativas bancarias, cooperativas sociales, cooperativas de trabajadores y cooperativas energéticas. Polonia es un país en el que la agricultura tiene una gran importancia, con más de un millón de explotaciones agrícolas, y la política agrícola común es una de las políticas más importantes de la UE. Además, la política medioambiental, incluidas las medidas de promoción de las energías renovables, está cobrando cada vez más importancia. El objetivo de este artículo es determinar si, y en qué medida, los veinte años de pertenencia de Polonia a la Unión Europea y la legislación de la UE han influido en la normativa jurídica relativa a la creación y el funcionamiento de las cooperativas en Polonia. El artículo se refiere a los principios de la cooperatividad y a los valores y principios de la Unión Europea, incluye una breve historia de la cooperatividad en Polonia y, a continuación, se centra en la influencia de la adhesión de Polonia a la UE, la legislación y las políticas en la actividad de diferentes tipos de cooperativas, como las cooperativas de producción agrícola, cooperativas lecheras, grupos cooperativos de productores agrícolas, organizaciones cooperativas de productores agrícolas, cooperativas sociales y cooperativas de energía renovable. En resumen, el autor afirma que la adhesión de Polonia a la UE ha contribuido al desarrollo del cooperativismo en Polonia, por ejemplo, mediante la adopción de normas relativas a la creación y el funcionamiento de las cooperativas. Se han creado grupos y organizaciones cooperativas de productores agrícolas; se ha introducido y desarrollado en la legislación polaca la definición de cooperativas energéticas, lo que ha aumentado la participación de otros tipos de cooperativas en la producción de energía renovable; los fondos de la UE han contribuido a la modernización de las cooperativas de vivienda; y las cooperativas lecheras también han experimentado un desarrollo. Por un lado, las cooperativas forman parte de la consecución de los objetivos de la PAC y del Tratado de Funcionamiento de la Unión Europea. Por otro lado, las cooperativas están sujetas a obligaciones cada vez mayores en materia de protección del medio ambiente y eficiencia energética, incluidas las inversiones en energías renovables, y en el futuro algunas de ellas también estarán sujetas a la presentación de informes ESG, es decir, informes sobre desarrollo sostenible.

Palabras clave. Cooperativas, política de la Unión Europea, grupos y organizaciones cooperativas de productores agrícolas, cooperativas sociales, cooperativas energéticas.

Claves Econlit. J54, P13, K15, K32, K38.

ENG Assessing the impact of twenty years of Polish EU membership and European legislation on cooperatives in this country

ENG Abstract. On 1 May 2024, Poland celebrated 20 years of membership in the European Union. Poland has a long tradition of cooperatives and additionally is a country where agriculture is of great importance, with over 1 million farms, and the Common Agricultural Policy is one of the most important EU policies. The aim of this article is to determine whether and to what extent Poland's 20 years of membership in the European Union and EU law have influenced the legal regulations governing the establishment and operation of cooperatives in Poland. The article refers to the principles of cooperatives and the values and principles of the European Union, a brief history of cooperatives in Poland, and then focuses on the impact of Poland's EU membership, legislation and policies on the activities of various types of cooperatives, such as agricultural production cooperatives, dairy cooperatives, agricultural producer cooperative groups, agricultural producer cooperative organisations, social cooperatives and renewable energy cooperatives. In conclusion, the author states that Poland's EU membership has contributed to the development of cooperatives in Poland, e.g. Cooperative groups and organisations of agricultural producers were established; regulations concerning European cooperatives have been introduced, greater involvement of types of cooperatives in renewable energy

production; EU funds contributed to the modernisation of housing cooperatives; and dairy cooperatives also experienced growth. On the one hand, cooperatives are part of the implementation of the objectives of the CAP and the Treaty on the Functioning of the European Union. On the other hand, cooperatives are subject to increasing obligations related to environmental protection and energy efficiency, including investments in renewable energy sources and, in the future, some of them ESG reporting, i.e. reporting on sustainable development.

Keywords. Cooperatives, policies of the European Union, agricultural producer cooperative groups and organization, social cooperatives, energy cooperatives.

Summary. 1. Introduction. 2. Theoretical framework. 3. Research design. 4. Conclusions. 5. References.

How to cite: Suchon, A. (2026). Assessing the impact of twenty years of Polish EU membership and European legislation on cooperatives in this country. *REVESCO. Revista de Estudios Cooperativos*, 153, e110470. <https://dx.doi.org/10.5209/REVE.110470>.

1. Introduction

On 1 May 2024, Poland celebrated 20 years of membership in the European Union, which was preceded by a long period of preparation. On 16 December 1991, the Europe Agreement establishing an association between the Republic of Poland and the European Communities and their Member States was signed.¹ The process of Poland's integration began in Athens on 8 April 1994, when it submitted its application for membership of the European Union.² In the pre-accession period, many new laws were passed, introducing new institutions into agricultural law. Examples include the Act of 15 September 2000 on producer groups and their associations and amendments to other acts,³ the Act of 16 March 2001 on organic farming,⁴ and the Act of 25 July 2001 on the national system of registration of agricultural holdings and livestock and on amendments to certain acts.⁵ The Treaty of Athens, signed on 16 April 2003, provided the legal basis for the accession of 10 countries of Central and Southern Europe (Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) to the European Union.

According to the Central Statistical Office, in 2004 there were 18,488 cooperatives registered in Poland,⁶ though some were in liquidation. As agriculture is a key sector of Poland's economy, at the time of accession many cooperatives were operating in rural areas (agricultural production cooperatives, dairy cooperatives). In addition to these, in 2004, housing cooperatives, labour cooperatives, cooperative banks and Spółem cooperatives were common in Poland.

Following Poland's accession to the European Union, the rules governing agricultural activity underwent significant changes. Agricultural producers were able to apply for EU funding, including direct payments; however, firstly, these were often accompanied by obligations, and secondly, the prices of many agricultural products fell. Additional requirements regarding the processing of agricultural products were introduced, which apply to cooperatives. In the subsequent years of membership, environmental protection and renewable energy principles became increasingly important. In addition, social economy entities could apply for funding. New types of cooperatives are being established, such as agricultural producer cooperatives, agricultural producer organisations, social cooperatives and energy cooperatives.

The aim of this article is, firstly, to determine whether and to what extent Poland's twenty-year membership of the European Union and EU law have influenced the legal provisions governing the establishment and operation of cooperatives in Poland, and secondly, to indicate the directions of development of cooperatives over the last twenty years and their future in terms of EU policies and law. This is particularly important in view of the planned changes to the CAP, the energy and digital transition, and the achievement of climate neutrality. It should be noted that only selected issues of this broad topic will be addressed.

2. Theoretical framework

2.1. Cooperative principles and the values and principles of the European Union. EU policies affecting the establishment and operation of cooperatives

The establishment of the European Economic Community (now the European Union) in 1957⁷ and its subsequent development led to the emergence of specific EU policies (Miąsik, Półtorak, & Wróbel, 2012) including agricultural, social, regional, environmental and energy policies (COPA-COGECA). According to the Treaty of Rome, now the Treaty on the Functioning of the European Union,⁸ the competences shared between the Union

1 Journal of Laws 1994, No. 11, item 38.

2 *Poland's accession to the European Union*. (2025). muzHP.pl. <https://muzhp.pl/kalendarium/przystapienie-polski-do-unii-europejskiej> (accessed: 20 October 2025).

3 Journal of Laws 2000, No. 88, item 983, as amended.

4 Journal of Laws 2001, No. 38, item 452.

5 Journal of Laws 2001, No. 125, item 1363.

6 *Information on the cooperative sector in Poland. Report on the Cooperative Sector in Poland*. OWES – Ośrodek Wsparcia Ekonomii Społecznej. (2004). http://www.owes.info.pl/biblioteka/raport_o_sektorze_spoldzielczym.pdf (accessed: 20 October 2025).

7 Treaty establishing the European Economic Community (so-called Treaty of Rome), signed 25 March 1957 (entered into force 1 January 1958), consolidated version: *Journal of Laws of 2004, No. 90, item 864/2*.

8 Treaty on the Functioning of the European Union. *Journal of Laws of 2004, No. 90, item 864/2, as amended*.

and the Member States apply to the following main areas: social policy in relation to the aspects specified in this Treaty; economic, social and territorial cohesion; agriculture and fisheries; the environment; consumer protection; energy.

According to the Treaty of Rome, now the Treaty on the Functioning of the European Union,[11] the competences shared between the Union and the Member States apply to the following main areas: social policy in relation to aspects specified in this Treaty; economic, social and territorial cohesion; agriculture and fisheries; environment; consumer protection; energy. The individual policies of the EEC, and now the European Union, and policies related to their implementation have an impact on some of the rules governing the establishment and operation of cooperatives. For example, the Common Agricultural Policy has been part of the Treaty of Rome since the establishment of the EEC and includes a comprehensive catalogue of legal acts concerning, among others, agricultural markets, EU payments and rural development. Therefore, one of the most difficult negotiation issues was agricultural policy. Poland had to commit to introducing wide-ranging legal solutions concerning milk quotas, veterinary and phytosanitary standards for food products, registers, and agricultural producer associations (e.g. agricultural producer groups).

These principles apply to many cooperatives operating in the agri-food sector. The Treaty of Rome, the Treaty on the Functioning of the European Union, and the Treaty on European Union are among the most important legal acts of the European Union. It is worth highlighting certain provisions and principles contained therein that may be particularly important for the development of the cooperative movement and the implementation of cooperative principles,

The Treaty on European Union states, among other things, that:

Firstly, the EU is based on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities (Article 2) (Wróbel, 2023; Sozański, 2012). These values are common to the Member States in a society based on pluralism, non-discrimination and tolerance (Article 2).

Secondly, the Union's objective is to promote peace, its values and the well-being of its peoples. In addition, it combats social exclusion and discrimination while promoting social justice, including social protection, equality between women and men, solidarity between generations, and protecting the rights of the child (Article 3 of the Treaty on European Union).

Thirdly, the EU promotes economic, social and territorial cohesion and solidarity among Member States. The Union respects its rich cultural and linguistic diversity and ensures the preservation and development of Europe's cultural heritage. In all its activities, the EU aims to eliminate inequalities.

Fourthly, in defining and implementing its policies and activities, the Union takes into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health (Article 9). In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (Article 10).

Fifthly, Article 26 of the Charter of Fundamental Rights of the European Union states that the Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

When it comes to cooperatives on a global scale. The Declaration of Cooperative Identity, adopted by the 31st Jubilee Congress of the International Cooperative Alliance in Manchester, established the definition of a cooperative: "A cooperative is an autonomous association of persons who have voluntarily joined together to meet their common economic, social and cultural aspirations and needs through a jointly owned and democratically controlled enterprise." (ICA; Münkner, 2015; Henry, 2012).

Cooperatives should operate according to the following cooperative principles: 1. *Voluntary and open membership* – membership of a cooperative is based on the principle of voluntariness and openness to all, regardless of gender, race, social position, religion or political views. 2. *Democratic member control* – cooperative members actively participate in decision-making and control the activities of the cooperative. 3. *Member economic participation* – members themselves determine the amount of membership shares and decide on the distribution of surplus. 4. *Self-governance and independence* – the cooperative are an autonomous organisation controlled by its members. 5. *Education, training and information*. 6. *Inter-cooperative cooperation* – all cooperative organisations should cooperate with each other at local, national and international levels to best serve their members. 7. *Concern for the local community* (ICA; Münkner, H.-H. 2015; Zakrzewski, 2005). Cooperatives base their activities on the values of self-help, self-responsibility, democracy, equality, justice and solidarity. Members adhere to the following ethical values: honesty, openness, social responsibility and concern for others (National Cooperative Council (KRS); Henry, 2012). As far as the EU is concerned, reference should be made to EU values. Already in the preamble to the Treaty on European Union, emphasis is placed on the inspiration of Europe's cultural, religious and humanistic heritage, from which universal values, inviolable and inalienable human rights, as well as freedom, democracy, equality and the rule of law have emerged. It also highlights the economic and social progress of its peoples, the strengthening of cohesion and the protection of the environment.

One can therefore see many similarities between the principles of cooperativism and the fundamental values of the European Union. It can therefore be concluded that the principles and foundations of the EEC, and later

the EU, provide a solid basis for the establishment of cooperatives and the implementation of cooperative principles. It is worth noting that as early as September 1959, national cooperative organizations from the agricultural sector established the General Committee of Agricultural Cooperatives of the European Union, headquartered in Brussels. It represents agricultural, forestry, and fishing cooperatives (Tomkiewicz, 2011) and their interests within EU public institutions, as well as in European and international organizations. There are also other organizations operating in the European Union which raises the question of whether and to what extent the European Union supports cooperatives through legal regulations and other measures, and whether such support is sufficient or appropriate. The discussion in this article also aims to answer this question.

As far as the European Union is concerned, no legal provisions have been issued concerning cooperative law, with the exception of European cooperative law and Council Regulation No 1435/2003/EC of 22 July 2003 on the Statute for a European Cooperative Society. However, several European Union documents have emphasised the importance of cooperatives for economic, social and cultural life, as exemplified by the consultation document issued by the European Union entitled "White Paper on Cooperative Enterprises". In other studies, the European Commission emphasises that "the social economy and cooperatives contribute to the achievement of key European Union policy objectives, such as social and employment policy, enlargement, rural development and agriculture."⁹

Furthermore, the document "On the promotion of cooperatives in Europe"¹⁰ contains suggestions for Member States' governments on ways to support cooperatives, improve cooperative legislation and more fully integrate it into Community policy objectives. One of the key recommendations of this communication is as follows: "When drafting new legislation on cooperatives, legislators in individual countries should therefore base themselves on this cooperative definition, values and principles; it is also desirable that Member States be sufficiently flexible to allow cooperatives to compete effectively in their markets on equal terms with other forms of enterprise. Cooperatives do not need preferential treatment, but legislation that gives them equal opportunities."¹¹

Individual policies of the EEC and now the European Union, and the policies related to their implementation, have an impact on certain rules governing the establishment and operation of cooperatives. For example, the Common Agricultural Policy has been part of the Treaty of Rome since the establishment of the EEC and includes an extensive catalogue of legal acts related to agricultural markets, EU payments and rural development, among other aspects. Consequently, one of the most difficult negotiations concerned agriculture. Poland was required to commit to introducing extensive legal solutions related to milk quotas, veterinary and phytosanitary standards for food products, registers, and the association of agricultural producers (e.g. agricultural producer groups). These rules apply to many cooperatives operating in the agri-food sector. It is worth noting that as early as September 1959, national cooperative organisations in the agricultural sector established the Brussels-based General Committee of Agricultural Cooperatives of the European Union. It represents agricultural, forestry and fishing (Tomkiewicz, 2011) cooperatives and their interests in EU public institutions, as well as European and international organisations.

2.2. The Common Agricultural Policy (CAP), Social Policy, Cohesion Policy, Environmental Policy, Energy Policy

Policies of UE has the greatest impact on the functioning of agricultural cooperatives. They are important players in the agricultural markets, strengthening their position in the food chain (COPA, COGECA). According to the 1957 Treaty of Rome (now the Treaty on the Functioning of the European Union¹²), the main objectives of the CAP are: to increase agricultural productivity by promoting technical progress and rational development of agricultural production; to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture; to stabilise markets; to guarantee the security of supply; to ensure reasonable prices for consumers (Article 39). (Jurcewicz, Popardowski, Zięba, 2010; Jurcewicz 2012; Tomkiewicz, 2011).

The activities of cooperatives are also part of the implementation of the European Union's regional (Kokocińska, 2010). and energy policies. The former focuses on increasing the economic, social and territorial cohesion of the EU. In particular, the Union aims to reduce disparities in the levels of development of different regions and the backwardness of the least favoured regions. The regulations relating to this policy are contained in Articles 174-178 of the Treaty on the Functioning of the EU. (Kucharski, 2012). As emphasised in the literature, European regional policy aims at the harmonious development of the Union, levelling out differences, i.e. achieving cohesion between different areas in terms of socio-economic development (Grosse, 2000). Cohesion policy aims to make Europe socially stronger, more inclusive, and committed to implementing the European Pillar of Social Rights. A Europe closer to its citizens by supporting the sustainable and integrated development of all types of territories and local initiatives.

EU social policy is based on the assumption that all Member States safeguard the public good by providing their citizens, regardless of race, gender or religion, with social security and remuneration for work. The European Social Fund (ESF) is one of the five main funds through which the European Union supports the socio-economic development of all Member States. Its financial resources are invested in people, especially those who have

9 Ibid.

10 Commission of the European Communities. (2004). *On the promotion of co-operative societies in Europe* (COM(2004) 18 final). Brussels: Commission of the European Communities.

11 Ibid.

12 Consolidated version of 26 October 2012 (OJ EU C No. 326, p. 47). In accordance with the Treaty of Lisbon (Article 2), the Treaty establishing the European Community was amended into the Treaty on the Functioning of the European Union.

difficulty finding work (Machowska, 2020). Through the European Pillar of Social Rights, the EU seeks to protect the rights of citizens by ensuring them: equal opportunities and access to employment; fair working conditions; social protection and social inclusion. The EU's social policy has the main objective of equalising and improving the living and working conditions of European Union citizens.

Since the 1980s, increasing emphasis has been placed on environmental issues. Article 11 of the Treaty on the Functioning of the European Union stipulates that environmental protection requirements must be taken into account in defining and implementing Union policies and activities, in particular, with a view to promoting sustainable development. Environmental protection (Article 191) and energy (Article 194) are also important in the European Union's Common Agricultural Policy, which focuses currently on the related issue of the European Green Deal: e.g. Striving to make Europe the first climate-neutral continent through a modern and resource-efficient economy. Article 37 A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.

The specific objectives are set out in Article 191 TFEU. It is worth noting that the Treaty of Lisbon added the objective of promoting measures to combat climate change. The directions of development in the field of environmental protection in EU policy are determined by the requirements related to the dynamics of economic development and the development of international law (Grzelak, 2023)

Job creation and economic development are to be achieved through the promotion of employment, the modernisation of social welfare policies, the support of workers' adaptability and the ensuring of labour market flexibility (Sienicka & Van den Bogaert, 2009). Article 3 TEU stipulates that the Union must strive for full employment and social progress. The common objectives of the European Union and the Member States in the field of social and employment policy are promoting employment, better living and working conditions, social protection, dialogue between management and labour, the development of human resources to ensure a high and sustainable level of employment, and combating exclusion. The EU's energy policy, on the other hand, focuses on energy security, sustainable development and the integration of energy markets, with its key objectives being to increase the share of energy from renewable sources (to 42.5% by 2030), improve energy efficiency, and build a single energy market. Also, of importance for cooperatives is the EU principle that environmental protection requirements (Article 11) and consumer protection (Article 12) must be taken into account when defining and implementing Union policies and activities, in particular, with a view to promoting sustainable development.

3. Research design

3.1. Cooperatives in Poland – a brief history. Statistical data and regulations – general remarks

In Poland, Stanisław Staszic, founder of the Hrubieszów Agricultural Society for Mutual Aid in Adversity in 1816, became the precursor of cooperatives, especially in rural areas.¹³ Peasants cultivated their land individually, paid rent, and also paid a fixed fee for the common purposes of the Society, whose primary concern was mutual assistance among rural residents, for example, in rebuilding buildings after a fire, caring for victims of natural disasters, the elderly, the disabled and orphans. The cooperative movement, which was popular in Polish land, served various functions during the time when the country was partitioned. Among other things, it was a form of association and education of peasants by the landed gentry.¹⁴ Undoubtedly, it developed most rapidly in Greater Poland and, as is rightly emphasised in the literature, the specificity of the Greater Poland system was its far-reaching social solidarity, linked to efforts to maintain Polishness (Piechowski, p. 7 et seq.). Ultimately, just before the outbreak of World War I, there were approximately 3,400 cooperatives of various types with over 1.2 million members operating in all three partitioned areas of Poland. Immediately after the establishment of the Polish state at the end of World War I, work began on drafting a law on cooperatives. Some cooperatives in Poland functioned successfully, but operated under different legal frameworks in the three partitions (Jedliński, 2010). On 29 October 1920, a law on cooperatives was passed,¹⁵ an extremely modern piece of legislation for its time. Effectively a kind of constitution for cooperatives in Poland, as is rightly emphasised in the literature, it was based on rich historical experience from the various partitions (especially the Austrian and German ones, where conditions were conducive to developing this form of activity) (Piechowski, 2010).

In the interwar period, Polish cooperatives developed so dynamically that by 1930 they ranked 5th in Europe in terms of total membership (approx. 2.1 million), surpassed only by Germany, England, France and Czechoslovakia. The situation was even better in terms of the number of cooperatives themselves (3rd place behind Germany and France) – 22,600. (Kwiecień, 2022; Suchoń, 2023). After World War II in 1945, the many cooperatives operating in rural areas were co-opted to implement a command-and-distribution policy. As a consequence, the cooperative movement lost its self-governing and social character at that time. What is more, members exercised progressively less influence on the functioning of cooperatives and ceased to identify with their activities, instead treating them as part of the party-state apparatus. (Mroczek, 2012). After 1989, i.e. after the political transformation, many cooperatives were liquidated and the role of cooperatives in serving rural areas and agriculture was weakened. Farmers perceived cooperatives as a relic of a bygone era. However,

13 See [online]. KRS, available at http://krs.org.pl/index.php?option=com_content&view=article&id=27&Itemid=283 (accessed on 11 May 2013); Staszic, S. (1960). *Warnings for Poland*, Warsaw, p. 25 et seq.

14 See [online]. National Cooperative Council, available at <http://krs.org.pl> (accessed on 11 May 2013).

15 Journal of Laws No. 111, item 733, as amended.

membership of the European Union brought new opportunities for the development of cooperatives. (Suchon, 2019). The development of legal regulations concerning cooperatives has been influenced by various factors, primarily EU legislation (directly or indirectly), EU policies and the socio-economic changes that took place following Poland's accession to the European Union.

Table 1. Selected new legal regulations concerning cooperatives adopted during the pre-accession period and after Poland's accession to the European Union – a study currently

1.	Act of 15 September 2000 on agricultural producer groups, (consolidated text: Journal of Laws of 2023, item 1145, as amended)
2.	Act of 27 April 2006 on social cooperatives (consolidated text: Journal of Laws of 2026, item 48, as amended)
3.	Act of 4 October 2018 on farmers' cooperatives (consolidated text: Journal of Laws of 2025, item 443)
4.	Introduction of definitions and regulations concerning energy cooperatives in 2016 to the Acts on renewable energy sources
5.	Amendments to the Act of 16 September 1982 Cooperative Law (consolidated text: Journal of Laws of 2026, item 521).
6.	The Act of 22 July 2006 on the European Cooperative Society (consolidated text: Journal of Laws of 2026, item 438).
7.	Amendments to the Act of 15 December 2000 on housing cooperatives
8.	Amendments to the Act of 11 March 2004 on the Organization of Certain Agricultural Markets, which introduced organisations of agricultural producers into the Polish system;
9.	A series of legal regulations concerning EU funding and a series of requirements relating to the environment and energy 2004–2024 which are also important for cooperatives
10.	Amendments to the Act of 7 December 2000 on the operation of cooperative banks, their association and associating banks (consolidated text: Journal of Laws of 2026, item 618).

Source: table prepared by the author based on the Journal of Laws

Table 2. Selected cooperatives based on data from the National Cooperative Council and Statistical Yearbooks

Types of cooperatives in May 2004	Types of cooperatives in 2024, including new ones
Cooperative agricultural producer groups (Act of 15 September 2000 on agricultural producer groups 30 registered groups)	Cooperative agricultural producer groups Above 700 In total, over 2,500 have been established; the highest number was in 2013, with over 1,350 Currently, some have ceased operations
Social cooperatives – none	Social cooperatives Over 1,500 entities
Agricultural production cooperatives – over 1,500	Agricultural production cooperatives Over 600 entities
Dairy cooperatives 196, generally small entities	Dairy cooperatives Approx. 100 In recent years, a process of cooperative consolidation has taken place. Fewer entities, but increasingly larger ones, such as e.g. Mlekpól or Mlekovita
Housing cooperatives: over 3,000 cooperatives	Housing cooperatives: over 3,000 cooperatives
None in 2004	Other cooperatives: agricultural producer cooperatives; fruit and vegetable market cooperatives Energy cooperatives – new entities 2024 – 100 entities by March 2026, already over 630 entities
Cooperative banks: over 600	Cooperative banks: 489
Other cooperatives: e.g. workers' cooperatives, 'Społem' food cooperatives, disabled persons' cooperatives, craft cooperatives Cepelia, craft cooperatives, horticultural and Beekeeping, Agricultural circles' cooperatives – over 2,000	Other cooperatives: e.g. workers' cooperatives, "Społem" food cooperatives, disabled persons' cooperatives, handicraft cooperatives "Cepelia", craft cooperatives, horticultural and Beekeeping, Agricultural Circle Cooperatives – approx. 1,000

Source: table prepared by the author based on statistical data from the National Cooperative Council (www.krs.org) and the Polish Statistical Office

3.2. The European cooperative as a new type of cooperative in Poland

Poland's accession to the European Union influenced the adoption of the Act of 22 July 2006 on European cooperatives¹⁶ and the introduction of a new type of cooperative into the Polish legal system (Zakrzewski, 2008). This Act regulates the establishment, organisation and operation of European cooperatives in areas not covered by Council Regulation No 1435/2003/EC of 22 July 2003 on the Statute for a European Cooperative Society (SCE). It specifies that *a European cooperative is a European cooperative society (SCE)* as defined in Regulation No 1435/2003/EC. The main purpose of an SCE is to meet the needs of its members and/or support their economic and/or social activities, in particular, by concluding agreements with them for the supply of goods or services or the performance of work within the framework of the activities carried out or commissioned by the SCE. The legal structure of *a European Cooperative Society (SCE)* allows it to operate in several countries on the basis of uniform rules and facilitates access to larger markets, international cooperation and economies of scale.¹⁷

An SCE may be formed by at least five natural persons residing in at least two Member States, by a total of at least five natural persons and companies within the meaning of the second paragraph of Article 48 of the Treaty, or other legal persons governed by public or private law, established under the law of a Member State, who are resident in at least two different Member States or are subject to the law of at least two different Member States. It also allows an SCE to be formed by merging two existing cooperatives or by converting a national cooperative into a new legal form, without the need for prior liquidation, provided that the cooperative has its registered office and head office in one Member State and has a subsidiary or establishment in another Member State. The capital of an SCE is expressed in the national currency. The capital of an SCE whose registered office is outside the eurozone may also be expressed in euros. The subscribed capital shall be at least EUR 30,000. There is no doubt that the introduction of the European Cooperative Society into the Polish legal system has enriched and expanded the legal framework governing cooperatives. It has also been a popular topic in legal scholar publications. In practice, however, it has become apparent that, given the requirements an entity must meet to obtain the status of a European Cooperative Society, not many such cooperatives are being established. The first European Cooperative Society (SCE) in Poland was SCE "Flandria" (established in cooperation with Belgian partners), which, among other things, operated medical equipment rental services in the Kuyavian-Pomeranian, Pomeranian, and Greater Poland regions (Bogacz-Wojtanowska, Wrona, Kraków 2017). Currently, due to regulatory requirements, there is little interest in establishing such entities. It should be noted that European cooperatives are active in only a few EU countries. As of June 2024: 113 registered SCEs, of which 75 are active. Examples include Germany with 25 European cooperatives, Spain has 7, Greece and Croatia have 5, and Belgium has 6. There are countries where not a single cooperative has been established. There is no doubt that cross-border entities are necessary, and a *de lege ferenda* proposal to amend the regulations on the European Cooperative Society seems justified (Report on Council Regulation).

3.3. Cooperatives in the agri-food sector. The Accession Treaty of Poland and subsequent years of membership

During the 20 years of our country's European Union membership, agricultural regulations affecting the activities of cooperatives in the agri-food sector have changed, both for those that have been operating for many years, such as agricultural production cooperatives and dairy cooperatives, and for new types of cooperatives such as cooperative groups of agricultural producers or agricultural producer organisations.

3.4. Agricultural production cooperatives

According to Article 138 of the Cooperative Law, the object of a production agricultural cooperative (RSP) is to run a joint agricultural farm and to carry out activities for the benefit of its members' individual farms. Cooperatives may also carry out other economic activities. There are over 500 Agricultural Production Cooperatives operating in Poland. These are cooperative entities which, from the moment they became members, were subject to EU regulations to the greatest extent, especially if they were involved in milk production and cow breeding. For many years, the milk market in the European Union was one of the most regulated and subsidised (Rykaczewski, 2013). The national milk quota was set out in the Accession Treaty. On the one hand, the quotas limited cooperatives' milk production, while on the other, they provided stability in terms of milk collection.

The basic rules of trading are set out in the Act of 20 April 2004 on the organisation of the market for milk and milk products, which implemented EU legislation in Poland. These regulations allow for the transfer of quotas between milk producers under sales, lease or usufruct agreements. In practice, trading milk quotas cause legal problems, as evidenced by the extensive case law of administrative courts. As of 1 April 2015, milk quotas are no longer required when conducting agricultural activities in the field of milk production for sale, having been abolished by the EU.

Extensive legislation governing the functioning of agricultural production cooperatives after obtaining EU membership primarily focused on the financing of agriculture and is contained in EU and Polish regulations. However, while the total amount of funding for agriculture is high, Member States have limited freedom to transfer national funds to support the agri-food sector. The reasons for this include competition rules (Article 101

16 Act of 22 July 2006 on the European Cooperative Society (i.e. Journal of Laws of 2018, item 2043, as amended).

17 Establishment of a European Cooperative Society. Available online: https://europa.eu/youreurope/business/growing/expanding-across-borders/setting-up-european-cooperative-society/index_en.htm.

of the Treaty on the Functioning of the European Union)¹⁸ and state aid (Article 107 TFEU). The axiological basis of support for the agricultural sector rests on the productive and non-productive functions of agriculture, such as environmental protection and social objectives. Food is essential for human life. There is also an increasing emphasis on the sustainable development of agriculture, which can only be achieved if three objectives are met: environmental, economic and social.¹⁹ The first pillar of support consists of direct payments. These have been subject to change and currently comprise basic income support for sustainability purposes supplementary redistributive income support for sustainability purposes; payments under production-related income support, payments under climate, environment and animal welfare schemes. These are linked to additional *cross-compliance* requirements, i.e. the principle of mutual compliance (Jeziernicka, 2024: 167–182).

Another important aspect of agricultural support is the second pillar of the Common Agricultural Policy, which concern rural development. Programmes targeted at agricultural producers, included in successive Rural Development Plans and currently in the Strategic Plan, are diverse and tailored to needs (e.g. Areas with Natural Constraints (ONW), Modernisation of agricultural holdings, Restructuring of small farms and others, Aid for Young Farmers) (Dworniak, 2010).

In addition to pillars I and II of the Common Agricultural Policy, financial support includes so-called *de minimis aid* in agriculture. This type of aid is linked to membership of the European Union and does not require prior scrutiny by the European Commission through notification. Its admissibility is justified by the fact that it has only a negligible impact on competition and trade between Member States. For many agricultural producers, support under the *de minimis* rule in agriculture is an important instrument for subsidising their activities. It should be clearly emphasised that *de minimis* aid measures are financed from the national budget. At the same time, their payment, in accordance with Polish regulations, must comply with the general rules laid down in the EU Regulation. Examples of financial aid granted to agricultural producers under the *de minimis* rule include various support measures, such as subsidies for the purchase of seed, exemptions and reductions in agricultural tax.

Cooperatives involved in animal husbandry must also meet a number of EU requirements related to animal registers, ensuring appropriate conditions for rearing and breeding animals, and the humane treatment of animals. The use of EU funds is subject to inspections by the Agency for Restructuring and Modernisation of Agriculture, while animal husbandry and breeding are subject to inspections by the Veterinary Inspection.

3.5. Dairy cooperatives

In Poland, dairy cooperatives with a long history operate, some of which are over 100 years old and were established in the interwar period. In recent years, there has been a decline in the number of dairy cooperatives. For example, in 1989 there were 323 cooperatives, in 2000 there were 238, and in 2007 there were 188 dairy cooperatives. This is due to the fact that some dairy cooperatives have been consolidated, i.e. merged. The large Polish dairy cooperatives include the Mlekovita and Mlekpól (SM) groups, which are among the largest dairy companies in Central and Eastern Europe. Other regional dairy cooperatives include Piątnica OSM, Łowicz OSM and Koło OSM. A dairy cooperative primarily purchases milk from its members and processes it. However, in addition to these basic activities, some cooperatives undertake activities to develop the breeding and rearing of dairy cattle belonging to cooperative members, increase milk production and improve its quality, combat cattle diseases and promote hygiene and prevention in cattle breeding, cooperating and providing assistance in the organisation of farms specialising in milk production and supply.

The activities of dairy cooperatives are greatly influenced by the EU's Common Agricultural Policy and other regulations related to the functioning of food processing entities. As mentioned previously, in the first years of membership, milk quotas were introduced, which impose reporting obligations on cooperatives. Dairy cooperatives involved in milk processing must comply with food law requirements in accordance with EU regulations, including Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

In order to adapt production to EU requirements, many cooperatives took advantage of EU subsidies. These were obtained by meeting a number of requirements at the application stage and also during and after the implementation of the investment. In the pre-accession period, this was the SAPARD programme, followed by the SPO and PROW. The funds obtained contributed significantly to the expansion and modernisation of cooperative dairy plants. They were used to purchase machinery and equipment and to modernise existing facilities (Dworniak 2010, 203–213). Some of the larger cooperatives are required to take into account the sustainability reporting standards contained in Commission Delegated Regulation (EU) 2023/2772 of 31 July 2023 supplementing Directive 2013/34/EU of the European Parliament and of the Council, for example, with regard to sustainability reporting standards. MLEKOVITA cooperatives prepare a Sustainability Report, e.g. for the financial years 2023/2024, prepared using the SIN standard.

It is worth mentioning the involvement of dairy cooperatives in the implementation of the energy transition, and more broadly, the environmental transition, the introduction of renewable energy sources, solutions related to waste and sewage, and care for and energy efficiency. An example is the funding received by a dairy cooperative for the implementation of the project "SM Mlekpól – 1.2 MW cogeneration with a biogas plant in Grajewo", Operational Programme Infrastructure and Environment 2014–2020, Priority axis I Reduction of the economy's carbon intensity, Measure 1.6 Promoting the use of high-efficiency cogeneration of heat and

18 Journal of Laws of 2004, No. 90, item 864/2 of 30 April 2004.

19 *Sustainable food in Poland* (ASAP, Accenture report). Available online: https://rolnictwozrownowazone.pl/wp-content/uploads/2021/06/Raport_Zrownowazona_zywnosc_-_w_Polsce_ASAP_Accenture.pdf (accessed on 27 December 2022).

electricity based on the demand for useful heat. The project objectives are improving the efficiency of primary energy use, reducing dust emissions into the air, reducing CO₂ emissions, increasing the security of energy supplies to the plant, producing energy from renewable sources.²⁰ Starting in 2023, the Mlekovita Group organised the National Dairy Energy Congress, whose theme is energy transition and the latest techniques and technologies in this field. Other cooperatives, such as Mlekpól, are also striving to meet EU requirements related to energy transition, moving away from coal and focusing on renewable energy. For example, Mlekpól has not used hard coal since 2021 and produces its own electricity from low-emission fuels and renewable sources. Moreover, the goal of the Mlekpól cooperative is to meet 50% of the demand of all fourteen processing plants with this medium by 2030.²¹

It should also be noted that before 2004, the Polish agri-food sector had very weak links with foreign markets. (Pawlak, Poczta, 2025). Exports in 2002 did not exceed EUR 3.6 billion, and in 2023 they increased to EUR 51.8 billion. This represents a more than tenfold increase compared to the pre-accession period. The growth in exports was made possible by the modernisation of farms and the upgrading of agri-food processing with the use of EU funds. Consequently, in many production sectors, such as milk, poultry, fruit (especially apples) and vegetables (especially sugar beet), Poland is among the European leaders.²²

3.6. Cooperative groups of agricultural producers

Agricultural producer groups have their origins in EU legislation. Mansholt's second plan emphasised the need to develop regulations on producer organisations. Such associations were to have significant powers relating to determining the volume of production of individual agricultural crops, guaranteed prices and negotiations with processors (Lichorowicz, 1996). It is worth mentioning Council Regulation (EEC) No 1360/78 of 19 June 1978 on producer groups and associations thereof.²³ They take over some responsibilities from members engaged in agricultural activities in the field of primary agricultural production. These responsibilities relate to sales, commercialisation, the provision of certain agrotechnical services, and the purchase of means of production, for example. Poland's accession to the EU contributed to the development of such cooperative agricultural producer groups. In the pre-accession period, the Act of 15 September 2000 on agricultural producer groups was passed, although this was subsequently amended due to changes in EU regulations. In general, it can be said that natural persons, organisational units without legal personality and legal persons who, as part of their agricultural activities, run a farm within the meaning of the provisions on agricultural tax or special sections, may organise themselves into agricultural producer groups. The main tasks of such producer groups include adapting agricultural products and the production process to market conditions; joint marketing of products, in particular, preparing products for sale; centralising sales and deliveries to wholesalers; improving innovation processes; and protecting the environment. In the first stage, agricultural producers establish a legal entity (Baum, 2021), e.g. a cooperative, after which they submit an application for registration in the register currently maintained by the Agency for Restructuring and Modernisation of Agriculture. It is worth explaining that the adopted Act on agricultural producer groups also amended the Cooperative Law Act, introducing simplifications in the creation of agricultural cooperative producer groups. According to the added Article 6a of the Act on Agricultural Producer Groups, natural persons and legal entities running an agricultural holding may establish a cooperative with no fewer than five founders for the sole purpose of organising themselves: 1) into agricultural producer groups within the meaning of the Act of 15 September 2000 on agricultural producer groups and their associations and on amendments to other acts (Journal of Laws of 2023, item 1145), 2) preliminarily recognised fruit and vegetable producer groups and recognised fruit and vegetable producer organisations within the meaning of the Act of 19 December 2003 on the organisation of fruit and vegetable markets and the hop market (Journal of Laws of 2023, item 1318).

In addition, according to the amended Article 46a of the Cooperative Law, in the above-mentioned cooperatives, i.e. and in agricultural production cooperatives with no more than ten members, no council shall be appointed, unless the statutes provide otherwise. In this case, the powers of the council are exercised by the general meeting of members. Tax regulations have also been amended, e.g. the Corporate Income Tax Act and the Local Taxes and Fees Act, introducing exemptions or reliefs for agricultural producer groups. The Act on Agricultural Producer Groups itself, in addition to general provisions concerning groups operating in various legal forms, also contains provisions addressed only to cooperative agricultural producer groups. For example, Article 3a stipulates that a cooperative may also operate as a group: if all producers of a single product or group of products within the cooperative meet the requirements set out in Article 2(1); and (2), if its object of activity is consistent with at least one of the objectives referred to in Article 2(1); if it operates on the basis of a memorandum of association.

Financial resources available to registered groups are important for the development of agricultural producer groups. In the pre-accession period, these were Polish funds, and after accession to the European Union funds. Agricultural producer groups could benefit from financial support on the basis of national regulations issued in

20 Mlekpól. *Operational Programme Infrastructure and Environment*. Available online: <https://mlekpól.com.pl/index.php/o-firmie/ogloszenia/program-operacyjny-infrastruktura-i-srodowisko/>.

21 Mlekpól awarded for the construction of a biogas plant. Available online: <https://esgtrends.pl/mlekpól-wyrozniony-za-budowe-biogazowni/>.

22 Twenty years of transformation in Polish agriculture and rural areas. Available online: <https://www.gov.pl/web/rolnictwo/20-lat-przemian-w-polskim-rolnictwie-i-na-polskiej-wsi>. Two decades of transformation of Polish agriculture. Available online: <https://www.ppról.pl/dwie-dekady-przemian-polskiego-rolnictwa/>.

23 Official Journal of the European Communities, 1978, L 166, p. 1.

accordance with EU regulations. Agricultural producer groups and organisations have been able to benefit from EU funds for years. The legal basis is contained in EU regulations, e.g. Article 27 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD). Regulation of the Minister of Agriculture and Rural Development of 2 August 2016 on the detailed conditions and procedures for granting, paying and returning financial assistance under the measure "Establishment of producer groups and producer organisations" covered by the Rural Development Programme for 2014-2020²⁴ indicates that the order of eligibility for EU aid for groups is determined by the total number of points awarded on the basis of the following selection criteria, for example: the group is organised in the form of a cooperative (3 points); the group has at least 10 members (4 points, and 0.2 points for each additional member of the group). Unlike limited liability companies, cooperatives usually have a large number of members, especially those formed by pig farmers. As regards the new financing period, it is important to mention Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021²⁵ laying down rules on support for strategic plans drawn up by Member States under the common agricultural policy (CAP strategic plans) and financed by the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development. It allows for the inclusion of support for agricultural producer organisations and groups in strategic plans. Poland has implemented this programme as part of its strategic plan. On the basis of the plan, guidelines have been prepared by the Minister of Agriculture and Rural Development – Detailed guidelines on the granting, payment and reimbursement of financial aid under the Strategic Plan for the Common Agricultural Policy for 2023-2027 for intervention I.13.2 Creation and development of agricultural producer organisations and groups²⁶ of 13 February 2024.

Poland's accession to the European Union also led to the introduction of legal regulations for provisionally recognised fruit and vegetable producer groups and recognised fruit and vegetable producer organisations within the meaning of the Act of 19 December 2003 on the organisation of the fruit and vegetable market, the hop market, the tobacco market and the dried fodder market.²⁷ As was the case with agricultural producer groups, these organisations act on behalf of their members and represent their interests in economic matters, dealing not only with the sale of agricultural products produced on their members' farms, but also with their transport, storage, packaging, joint purchase of means of production and machinery.²⁸ The EU regulation stipulated that fruit and vegetable producer organisations should pursue a specific objective, which includes aspects such as the following: ensuring the planning and adjustment of production to demand, in particular in terms of quality and quantity; concentrating supplies and placing products produced by their members on the market; optimising production costs and stabilising producer prices, promoting and providing technical assistance in the use of environmentally friendly cultivation methods and production techniques. In general, it can be said that groups and organisations take over one or more stages of agricultural activity. In Poland, many fruit and vegetable producers have joined a preliminary recognised group and then a fruit and vegetable organisation.

A considerable number of provisionally recognised fruit and vegetable producer groups, and subsequently agricultural producer organisations, have been established in Poland. For example, in 2011 there were around 121 provisionally recognised groups, with a total membership of approximately 2,000. In 2022, there were 163 organisations operating in the country, and in 2023 only 150, of which just 11 were implementing operational programmes²⁹. This is low compared to other EU countries; only around 7% of Polish organisations implement operational programmes and thus benefit from EU funds. Such a low level of fund absorption poses a huge threat to the competitiveness of Polish producers within the European Union and beyond³⁰.

3.7. Cooperative groups of agricultural producers and geographical indications

Poland's membership of the European Union has prompted many entities to apply for EU Protected Designations of Origin, Protected Geographical Indications and Traditional Specialities Guaranteed (Kapła, 2023). As a rule, it is groups which may also be cooperatives that apply for protection. For example, Article 5 of Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ EU L 208 of 1992, p. 1, as amended) stipulates that only a group or, under certain conditions to be determined in accordance with the procedure laid down in Article 15, a natural or

24 Official Journal, item 1284, as amended.

25 OJ EU L 435, 6 December 2021, pp. 1-186, hereinafter referred to as Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021.

26 *Detailed guidelines on the granting, payment and reimbursement of financial assistance under the Strategic Plan for the Common Agricultural Policy for 2023-2027 for intervention I.13.2 Establishment and development of producer organisations and agricultural producer groups* [online]. GOV.pl. Available online: <https://www.gov.pl/web/rolnictwo/wytyczne-szczegolowe-w-zakresie-przyznawania-wypłaty-i-zwrotu-pomocy-finansowej-w-ramach-planu-strategicznego-dla-wspólnej-polityki-rolnej-na-lata-20232027-for-intervention-i132-creation-and-development-of-agricultural-producer-organisations-and-groups> (accessed on 3 March 2024).

27 i.e. Journal of Laws of 2011, No. 145, item 868, as amended.

28 See Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products, OJ EU L 299 of 16 November 2007, p. 1; Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors, OJ EU L 157 of 15 June 2011, p. 1.

29 <https://www.sad24.pl/sady/coraz-mniej-grup-producenckich-2628842>.

30 <https://www.sad24.pl/sady/coraz-mniej-grup-producenckich-2628842>.

legal person is entitled to apply for registration. For the purposes of this Article, "group" means any association, regardless of its legal form or composition, of producers and/or processors of the same agricultural product or foodstuff. Other interested parties may join the group. Similarly, the definition was included in Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ EU. L. 2006 No. 93, p. 12, as amended) and Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.³¹ The current new Regulation (EU) No 2024/1143 of the European Parliament and of the Council (EU) 2024/1143 of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products and on traditional specialties guaranteed and quality terms used on an optional basis for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012³² contains more provisions concerning groups. Article 7 on sustainability is particularly interesting. A producer group or recognised producer group, if such a group exists, may agree *to apply* sustainability practices in the production of a product bearing a geographical indication or in other activities subject to at least one commitment provided for in the product specification. The aim of such practices is *to apply* sustainability standards that are higher than those laid down in Union or national law on environmental, social or economic sustainability or animal welfare.

Poland's accession to the European Union has enabled cooperatives to form groups, including in the form of cooperatives, and to apply for EU-protected designations of origin, protected geographical indications, and traditional specialties guaranteed. Cooperatives can also produce such products. An example is the Tatra-Beskid Producers' Cooperative "Gazdowie," founded in 2007. It is made up of highlanders from Podhale, Spisz, and Orava, as well as the Żywiec, Silesian, and Sądecki Beskids, who raise sheep. Their main goal is to preserve traditional farms in the Carpathians. They sell regional products—bundz, bryndza, redykołek, gołek, and oscypek. Thanks to the cooperative's efforts, bryndza was the first regional product registered in the European Union. Today, the "Gazdowie" cooperative has 14 members—shepherds. In the summer, they graze their sheep traditionally in shepherd's huts and produce traditional regional sheep products. Off-season, they return home and produce dairy products. Together, they sell their products and promote themselves at fairs not only in Poland but also in other European Union countries. Although the cooperative has only 14 members, it assists approximately 200 shepherds—with product promotion and sales—and organizes the spring purchase of lambs, which are sold for consumption in Italy during the Easter season³³.

3.8. Cooperative organisations of agricultural producers

Agricultural producer organisations are currently the main instrument for the development of CAP agricultural markets. In the light of EU regulations (Common Agricultural Policy), they are intended to contribute to strengthening the position of farmers in the food supply chain, the development of farms and agricultural markets.³⁴ Recital 131 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007³⁵ states that: "Producer organisations and their associations can play a useful role in concentrating supply, improving marketing, planning and adapting production to demand, optimising production costs and stabilising producer prices, conducting research, promoting best practices and offering technical assistance, managing by-products and managing risk management tools available to their members." (Suchon, 2020).

The scope of the organisation's activities is also broadly defined in Regulation No 1308/2013. They may carry out one or more of the activities listed in Article 152 of that legal act. These activities are currently aligned with the challenges facing farms and agricultural markets; for example, they contribute to food and food security, improve the production capacity and competitiveness of EU agriculture, increase farmers' incomes, continue efforts to mitigate the effects of climate change, and support employment in rural areas.³⁶

Agricultural producers may set up a cooperative and then apply for entry in the register of agricultural producer organisations. The details of the requirements are set out, for example, in the Regulation of the Minister of Agriculture and Rural Development of 5 December 2022 on the detailed conditions for the recognition of producer organisations and the approval of their business plans, and for the recognition of associations of producer organisations and interbranch organisations operating in agricultural markets other than those for milk and milk products and fruit and vegetables.

There are currently not many agricultural producer organisations operating in Poland. This lack of popularity stems from several reasons. In the dairy market, there is no need to set up such organisations, as the dairy cooperatives are strong. Most dairy farmers supply milk to dairy cooperatives. However, smaller dairy cooperatives could apply for the status of an agricultural producers' organisation and access EU funds

31 OJ EU 2012, L. 343 of 14 December 2012, p. 1.

32 OJ EU L 2024, item 1143, as amended.

33 10 lat Tatrzańsko-Beskidzkiej Spółdzielni Producentów, „GAZDOWIE”, <https://modr.pl/wydarzenie/10-lat-tatrzańsko-beskidzkiej-spoldzielni-producentow-gazdowie>.

34 European Commission (2019). *Study of the best ways for producer organisations to be formed, carry out their activities and be supported*. [online]. European Commission website. Available online: http://real.mtak.hu/105490/1/report-producer-organisations-study_en.pdf (accessed on 30 May 2020).

35 OJ EU L of 2013, No. 347/671, as amended, hereinafter referred to as Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013.

36 For more details, see, e.g. art. 152, 153, 154 EU Regulation No 1308/2013

specifically allocated to such organisations. However, it is worth noting the development of agricultural producer organisations in markets other than milk. For example, in 2025, five entities were entered in the register of agricultural producer organisations in the Wielkopolska Province, all in the form of cooperatives, and their scope of activity covers beef, veal and pork³⁷.

3.9. Social cooperatives

As already indicated, social issues and social policy are important for the European Union, the main objective of which is to equalise and improve the living and working conditions of European Union citizens. Article 3 TEU already states that the Union must strive for full employment and social progress. Promoting employment, better living and working conditions, social protection, dialogue between management and labour, and the development of human resources with a view to ensuring a high level of employment and combating exclusion are common objectives of the European Union and its Member States in the field of social and employment policy, as set out in Article 151. The European Union's social policy – the European Social Fund (ESF) is one of the European Union's (EU) structural funds. It was established in 1957 to reduce disparities in prosperity and quality of life across all Member States and regions. It also supports social cooperatives, in addition to projects related to improving the labour market, education, health and social integration. In March 2021, the European Commission adopted a strategy for the rights of persons with disabilities for the period 2021-2030. Its aim is to ensure that all persons with disabilities in Europe (regardless of their gender, racial or ethnic origin, religion or belief, age) can enjoy their human rights. The strategy emphasises that they should have equal opportunities and access to participation in social and economic life and no longer experience discrimination. The European Commission calls on Member States to contribute to this new and strengthened strategy, which provides a framework for EU action and for the implementation of the UN Convention on the Rights of Persons with Disabilities.³⁸

Many authors emphasise that one of the key trends in European social policy programmes is the shift from a model of passive redistribution³⁹ towards an approach that emphasises social and professional participation. The idea underlying the European social model is that individuals will not be left to fend for themselves and the principles of the liberal market. This is particularly important in situations where people are unable to work due to illness, disability, accident, unemployment or old age (Jarre, 2007). Italy is one such country with extensive legal regulations and experience in the functioning of the entities in question (Fici, Strano, 2009).

Social cooperatives in this country offer an excellent example of effective measures to combat unemployment and social exclusion by combining economic and social objectives (Borzaga, Santuar, 2000). Crucial to this process were the first Italian social cooperatives, which appeared in 1970, and by the end of the 1990s had become the dominant form of social enterprise in many parts of the country (Gonzales, 2010). When drafting the law on social cooperatives, Polish legislators also drew on Italian experience and European Union social policy. According to the law of 27 April 2006 on social cooperatives, the purpose of a social cooperative is to run a joint enterprise based on the personal work of its members and employees. This provision emphasises the personal work of cooperative members and employees. This is important for unemployed and disabled people. Natural persons who are members of a cooperative are usually employees, while an employee does not necessarily have to be a member of the cooperative. Currently, there are over 2,000 social cooperatives operating in Poland.

The Act on Social Cooperatives defines the basic directions of activity of this entity. First of all, it is important to point out the activities geared towards the social reintegration of its members and employees. This should be understood as activities aimed at rebuilding or acquiring and maintaining the ability to participate in the life of the local community and to perform social roles in the workplace, place of residence or place of stay, including the social rehabilitation of persons with disabilities. Secondly, it serves the professional reintegration of its members and employees, which should be understood as activities aimed at acquiring new qualifications, competences, knowledge and skills in order to rebuild or obtain and maintain the ability to work independently on the labour market and to advance professionally, including the vocational rehabilitation of persons with disabilities.

At the end of 2006, there were 50 social cooperatives operating in Poland; by 2009, this number had increased to 187. At the end of 2021, the National Court Register listed 1,503 registered social cooperatives (not in liquidation and not struck off), however, by the end of 2022 this figure had fallen to 1,490 (a decrease of 13 entities), and by the end of 2023 to 1,421. In 2024, a further decline in the number of social cooperatives was recorded, with 1,354 active social cooperatives registered.

In 2023, the largest number of social cooperatives operated in the accommodation and food service sector (22.2%). The next most popular PKD section among social cooperatives in 2023 was administrative and support services (17.2%). Over 16% of social cooperatives reported healthcare and social assistance services as their

37 *Rejestry organizacji producentów, zrzeszeń organizacji producentów, organizacji międzybranżowych na rynkach innych niż rynki mleka i przetworów mlecznych oraz owoców i warzyw*, <https://www.gov.pl/web/arimr/rejestry-organizacji-producentow-zrzeszen-organizacji-producentow-organizacji-miedzybranzowych-na-rynkach-innych-niz-rynki-mleka-i-przetworow-mlecznych-oraz-owocow-i-warzyw>.

38 European Commission. *Employment, social affairs and social inclusion – Equality Union: Strategy for the rights of persons with disabilities 2021-2030*. Available online: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/enhancing-strategy-rights-persons-disabilities-2030_en (accessed on 9 May 2026).

39 There is a visible evolution from a welfare state to a caring community, which places strong emphasis on job creation and economic development, accompanied by changing state responsibilities towards citizens; (Sienicka Van den Bogaert, 2009).

main activity according to the PKD⁴⁰.

It is also worth mentioning the Act of 5 August 2022 on the social economy,⁴¹ which introduced new development opportunities for social cooperatives. According to Article 2 of this legal act, social economy entities include social cooperatives, workers' cooperatives, including cooperatives of disabled persons and cooperatives of blind persons, as well as agricultural production cooperatives, social integration centres and social integration clubs. The concept of the social economy covers the activities of social economy entities for the benefit of the local community in the field of social and professional reintegration, job creation for people at risk of social exclusion, and the provision of social services, carried out in the form of economic activity, public benefit activity, and other paid activities. A person at risk of social exclusion is defined as a person with a disability within the meaning of Article 1 of the Act of 27 August 1997 on vocational and social rehabilitation and employment of persons with disabilities,⁴² as well as an unemployed person and a long-term unemployed person. Social cooperatives that meet the requirements specified in the Act will be able to apply for the status of a social enterprise.

Upon obtaining this status, they are entered in the Register of Social Policy Entities (RJPS). Social cooperatives were keen to apply for social enterprise status. By the end of 2024, 430 social enterprises were social cooperatives (over 32% of all social enterprises). By March 2026, there were already 460⁴³.

3.10. Energy cooperatives and other cooperatives producing and using renewable energy sources

Poland is a country where coal has been the predominant source of electricity generation for many years. Therefore, after gaining membership, the country faced the important challenge of energy transition, an aspect crucial for the European Union. In accordance with Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, increased use of energy from renewable sources is also essential for supporting energy security, affordable sustainable energy, technological development and innovation, (...) as well as creating significant employment and regional development opportunities, especially in rural and isolated areas, in sparsely populated or partially deindustrialised regions or territories. Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources and repealing Directive (EU) 2015/652, sets a more ambitious target of 42.5% for the share of renewable energy in the EU's total energy consumption by 2030, along with additional sectoral targets for reducing greenhouse gas emissions and transitioning to cleaner energy sources.

The energy transition not only involves increasing the share of renewable energy but also greater public participation in its production and use. For these reasons, the Polish legislator has introduced a definition and legal regulations concerning energy cooperatives into the Renewable Energy Sources Act.

Energy cooperatives are popular in Germany, Spain and Austria, among other countries. It should also be added that REScoop.eu, a federation of citizen groups and cooperatives working for renewable energy in Europe, founded in 2011, has created a support network, providing assistance to cooperatives and facilitating communication between them. The importance of energy cooperatives for the energy transition is confirmed by documents from the International Labour Organisation (ILO), an agency associated with the United Nations. According to this definition, an "energy cooperative" is "a cooperative established for the production, sale, consumption or distribution of energy or other energy-related services" (Suchon, Marzec, 2025).

In 2016, the Polish legislature introduced a definition of an "energy cooperative" into the Renewable Energy Sources Act. This refers to a cooperative as defined in Article 1 § 1 of the *Act of September 16, 1982—Cooperative Law*—or a farmers' cooperative as defined in Article 4 (1) of the *Act of October 4, 2018, on farmers' cooperatives*, whose business activity consists of the production of electricity or biogas, or agricultural biogas, or biomethane, or heat in *renewable energy source* installations, as well as the trading or storage thereof, carried out as part of activities conducted exclusively for the benefit of these cooperatives and their members. It is worth noting the growth of energy cooperatives. There are currently over 600 such entities. Their popularity is driven, among other factors, by requirements to increase the share of renewable energy sources, lower energy prices, and the possibility of obtaining EU funding. The involvement of municipalities in establishing such entities is also important. The implementation of citizen energy communities in energy law in accordance with EU Directive No. 2019/944 also creates new opportunities for cooperatives to contribute to the energy transition. According to Article 3(13) of the Energy Law, they are entities with legal capacity, based on voluntary and open participation, in which decision-making and control powers are vested in their members, whose economic activity in the energy sector is not their core business, and which may engage in the following activities in relation to electricity: for example, generation, consumption or distribution, or sale, or trading, implementation of projects aimed at improving energy efficiency, or the provision of electric vehicle-charging services. Pursuant to Article 11zi of the Energy Law, an energy community may operate in the form of: a cooperative within the meaning of Article 1 § 1 of

40 Ministerstwo Rodziny, Pracy i Polityki Społecznej, *Informacja o funkcjonowaniu spółdzielni socjalnych działających na podstawie ustawy z dnia 27 kwietnia 2006 r. o spółdzielniach socjalnych za lata 2022–2024*, <https://www.ekonomiaspoleczna.gov.pl/wp-content/uploads/2026/04/Informacja-o-funkcjonowaniu-spoldzielni-socjalnych-za-lata-2022-2024.pdf>.

41 Journal of Laws 2022, item 1812.

42 The group of carers for persons with disabilities, as defined in accordance with Article 16a(1) of the Act of 28 November 2003 on family benefits (Journal of Laws of 2022, item 615), who were forced to give up their professional activity due to the need to provide care for a person with a disability.

43 Rejestr Jednostek Polityki Społecznej, <https://rjps.mrpips.gov.pl/RJPS/WJ/start.do?wersja=1>.

the Cooperative Law; a housing cooperative referred to in the Act of 15 December 2000 on housing cooperatives; a farmers' cooperative referred to in the Act of 4 October 2018 on farmers' cooperatives, for example.

4. Conclusions

The considerations presented above confirm that Poland's membership of the EU has contributed to the development of many cooperatives and legal regulations, although certain normative changes had already taken place in the pre-accession period. It is worth noting the interest in creating agricultural producer groups, including cooperatives operating for the benefit and in the interests of their members. Social cooperatives have developed, which is a move in line with the European Union's social policy. In turn, the introduction of the definition of energy cooperatives into Polish legislation and the enhanced involvement of other types of cooperatives in renewable energy production are in line with EU energy policy. Moreover, EU funds have contributed to the modernisation of housing cooperatives, and development of dairy cooperatives.

The considerations presented above confirm that Poland's EU membership has contributed, first of all, to the adoption of numerous new legal regulations concerning cooperatives. It should be emphasized that certain regulatory changes had already taken place during the pre-accession period. An example is the Act on Agricultural Producer Groups, second, EU membership has contributed to the emergence of new types of cooperatives or the development of existing ones (e.g., social cooperatives, energy cooperatives, cooperative agricultural producer groups, or agricultural producer organizations). Third, some cooperatives have been dissolved, changed their scope of activity, or have become less significant than before Poland's accession to the EU.

It should also be emphasized that EU membership contributes to a more positive public attitude toward cooperatives, which is of key importance in a post-communist country. There are also opportunities to learn about cooperative activities in other EU countries, including good examples of cooperatives from older EU member states, to exchange experiences, and to participate in projects. However, not all cooperatives are thriving in Poland. There are also less significant ones that play a smaller role and are fewer in number, such as employee cooperatives, agricultural cooperatives, "Samopomoc Chłopska" cooperatives, "Spółem" cooperatives, and some cooperative banks, especially in cities where there is strong competition from private banks (often with foreign capital). Two trends can still be observed in the development of agricultural cooperatives. First, cooperatives that support their members in agricultural and related activities—that is, those taking over various stages of their members' agricultural operations—are becoming increasingly important. Some of them are also involved in the processing of agricultural products produced by cooperative members. Second, there are cooperatives engaged in agricultural production that provide employment for cooperative members on farms. However, their significance is less compared to the period immediately following World War II.

It is worth noting the cooperatives whose establishment is directly linked to the implementation of EU regulations into Polish legislation. Examples include cooperative agricultural producer groups and cooperative agricultural producer organizations. It is worth noting the interest in establishing agricultural producer groups, including cooperatives operating for the benefit and in the interest of their members. Social cooperatives have developed, which is consistent with the European Union's social policy. The introduction of a definition of energy cooperatives into Polish legislation and the increased involvement of other types of cooperatives in renewable energy production are consistent with EU energy policy. Furthermore, EU funds have contributed to the modernization of housing cooperatives and the development of dairy cooperatives.

Dairy cooperatives had numerous administrative responsibilities related to milk quotas as milk purchasers, then adapting to the situation of the abolition of milk quotas, production to EU requirements. They have been obligated to introduction of a number of sanitary requirements in cooperatives and support for milk producers in the implementation of veterinary and other requirements concerning dairy cattle breeding. Agricultural production cooperatives were most likely required to make the most changes and adjustments to the new conditions. There have also been far-reaching changes in the financing of agriculture and the obligations of agricultural producers, which also include agricultural production cooperatives, e.g. animal husbandry, the direct payment system and its evolution, CAP-related registers, *de minimis aid* in agriculture, programmes under the Rural Development Plan, and environmental protection obligations.

On the one hand, cooperatives are entities that implement the objectives of EU policies, including the CAP, energy and social policies, and more broadly, the Treaty on the Functioning of the European Union. On the other hand, cooperatives are subject to increasing obligations related to environmental protection and energy efficiency, including investments in renewable energy sources, and in the future also ESG reporting, i.e. reporting on sustainable development.

Cooperatives have become more dynamic entities, in line with current trends in energy transformation and, more broadly, environmental and digital transformation, which also increasingly address social issues. An example of this is the activity of social cooperatives, but also the possibility of being recognised as a social enterprise. It is also important to note the growing importance of the economic method, which involves the use of economic instruments. Agricultural production cooperatives, dairy cooperatives, social cooperatives, energy cooperatives and other cooperative entities, understanding the principles of these instruments, independently make decisions regarding the direction and scope of applying for EU or national funds, changes in production or operation. The social impact method, on the other hand, focuses on shaping awareness, in particular, in terms of promoting environmental and health awareness by cooperatives and their members. EU membership

contributes to a more positive attitude towards cooperatives among the public, which is crucial in a post-socialist country. There are also opportunities to learn about the activities of cooperatives in other EU countries, including good examples of cooperatives from the older EU countries, the exchange of experiences, and participation in projects. However, not all cooperatives are developing in Poland. There are also those that are less significant, such as workers' cooperatives, agricultural cooperatives, "Samopomoc Chłopska" cooperatives, cooperatives "Społem" cooperatives and some cooperative banks, especially in cities where there is strong competition from private banks (often with foreign capital).

Finally, the following should be viewed positively: namely Regulation (EU) 2026/1739 of the European Parliament and of the Council of 8 July 2026 amending Regulations (EU) No 1308/2013, (EU) 2021/2115 and (EU) 2021/2116 as regards the strengthening of the position of farmers in the food supply chain⁴⁵. As early as paragraph 1 of the preamble to the regulation, it is stated that it is necessary to restore fairness and trust among actors in the food supply chain, strengthen the position of farmers and increase their bargaining power—including through producer organizations and cooperatives as value-adding entities—as well as protect farmers' incomes and increase young people's confidence in the farming profession. The regulation introduces a number of legal measures that can contribute to the development of agricultural cooperatives, organizations, and producer groups. However, changes to EU and Polish regulations concerning e.g. European cooperatives are necessary. Due to the stringent requirements for establishing and operating a European cooperative, few such entities are created, not only in Poland, but throughout the EU. Furthermore, it is not beneficial to refer to capital companies in certain aspects of the regulations. Germany and Spain have 7 each, Greece and Croatia have 5 each, and Belgium has 6, but some countries have no such European cooperatives.

Although the EU's principles and values align with those of cooperatives, it seems that the European Union does not pay enough legislative attention to cooperatives. Cooperatives contribute to the implementation of many EU policies, so changes to the legal framework governing their establishment and operation are required, as well as more support and incentives at the EU level.

Conflict of interest

The authors have no conflict of interest.

Statement on the Use of Generative AI:

I hereby declare that I did not use artificial intelligence in the preparation of this article.

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⁴⁵ Official Journal of the EU, L, 2026, Item 1739.

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