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▶ **The relations between Chambers of Commerce and Industry (CCIs) and Employers' and Business Membership Organizations (EBMOs) in OECD countries**



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The relations between Chambers of Commerce and Industry (CCIs) and Employers' and Business Membership Organizations (EBMOs) in OECD countries

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► Executive summary

This report intends to give an overview of the origins and characteristics of *Chambers of Commerce and Industry* (CCI) and their relationship with *Employers' and Business Membership Organizations* (EBMO) in the 37 member states of the OECD.

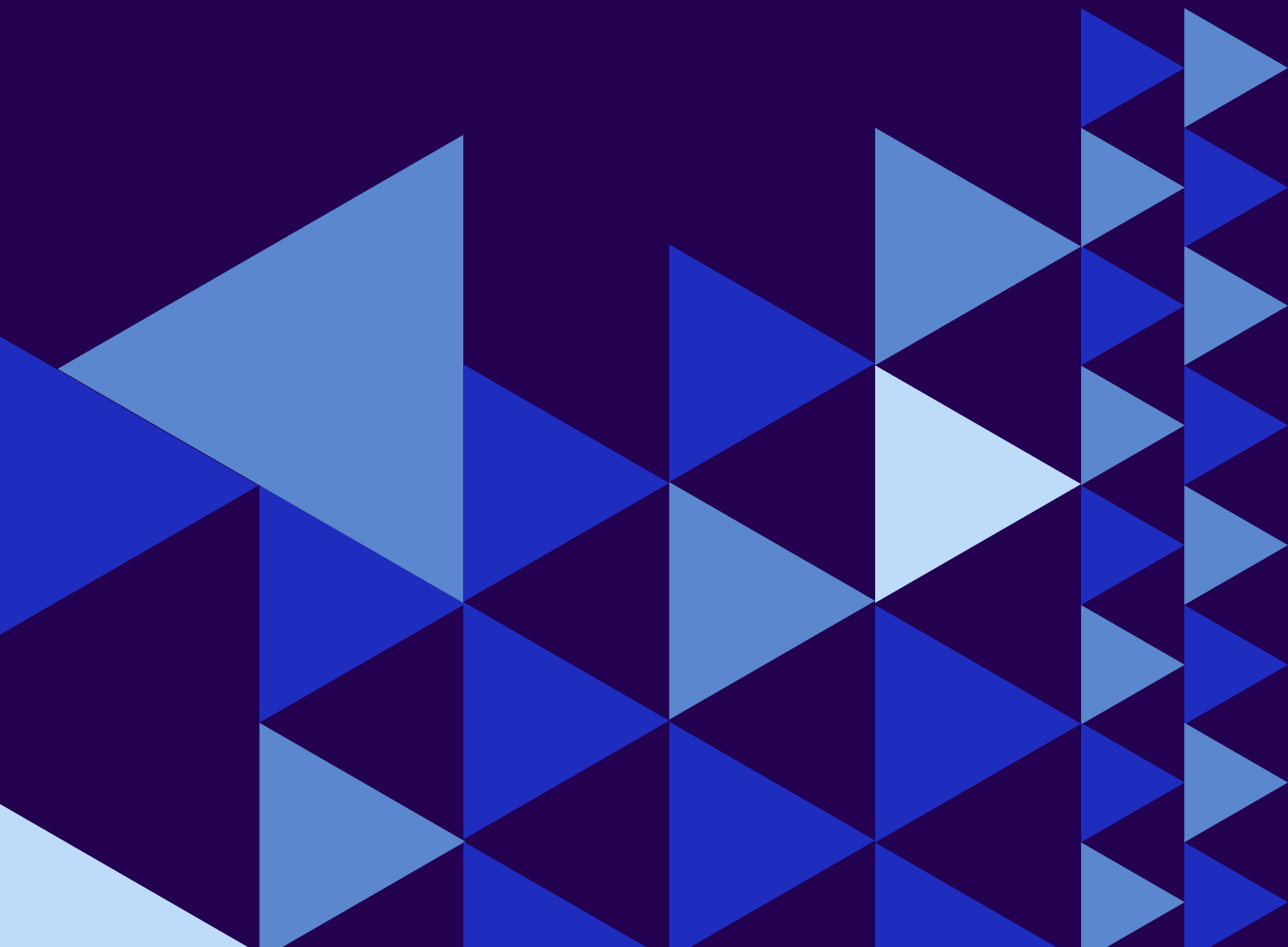
There is a wide spectrum of organization types amongst CCIs in OECD countries, ranging on the one hand from organizations the structure, membership and functions is regulated by law (public law CCIs) to independent organizations that have been set up on private initiative with a self-defined mandate (private law CCIs), with a grey zone in between (public law-hybrid CCIs).

This difference in the institutional nature of CCIs also has an impact on the relationship with EBMOs, which are always independent private-initiative organizations. While private law CCIs and EBMOs are at an equal level and the relationship does not raise issues, this is not always the case for the relationship between public law CCIs and EBMOs. In particular, where public law CCIs with compulsory membership engage in representation on labour matters, which is the terrain of EBMOs, there can be problems of freedom of association.

In order to prevent possible conflicts in this regard and to "protect" EBMO competences, laws in certain OECD countries with public law CCIs seek to limit public law CCI activities. Various legal approaches are used in this regard. Where such legal limits do not exist, EBMOs and public law CCIs have sometimes taken the initiative and agreed themselves on their respective mandates.

On the whole, with notable exceptions in few OECD countries, it appears that the respective competences of EBMOs and public law CCIs are sufficiently clearly demarcated from each other and that the relations between both types of organizations in practice are without major frictions.

Introduction



► Background

Throughout the industrialized world, business is organized in different kinds of interest organizations which often play a key role in the development of economies and societies, and have a long tradition in some countries. This report focuses on two major types of business interest organizations, i.e. *Chambers of Commerce and Industry* (CCIs) and *Employers' and Business Membership Organizations* (EBMOs), more specifically their co-existence and relations with each other in law and in practice. The report will shed light on the origins and characteristics of both types of organizations and the respective differences and commonalities. Given the comparable level of economic development and governance of the 37 countries that are members of the Organisation for Economic Co-operation and Development (OECD), the report will examine the situation in these countries.

Regardless of organizational and structural differences amongst different business interest organizations, both CCIs and EBMOs are an integral part of the institutional set-up in OECD countries. Still, relatively little research is available about the respective roles of the two types of organizations and, in particular, about their relationship with each other.¹ While both types of organizations provide services for businesses, as well as represent the interests of business, in many cases they significantly differ regarding their legal basis, structure and functions.² This report will portray organizations representing business and examine the potential conflicts that can arise in the representation of business interests, in particular where CCIs are organizations under public law. More precisely, this concerns the conflict between the representation of business by their own autonomous organizations on the one hand, and the representation of business by organizations which are set up by the state in the public interest and whose operations are regulated by law on the other. As will be seen, the situation in this respect differs significantly amongst OECD countries given the various historical origins, traditions and approaches regarding organizations representing business.

A more detailed analysis of the relationship between CCIs and EBMOs seems also important in the light of the evolution and transformation of both types of organizations. This concerns in particular discussions of the legal frameworks of CCIs relating to the question whether independent CCIs driven by private initiative or rather CCIs whose structure, membership and functions are regulated by law are the most appropriate type of institution for supporting enterprises.³ Reforms of CCIs in this regard have not only affected CCIs themselves but also their relationship with EBMOs. An example from outside the OECD is the establishment by a dedicated law in 2013 of the "National Chamber of Entrepreneurs" (NCE) in Kazakhstan. The new law endowed the NCE, which used to be a private, self-regulated organization, with compulsory membership for businesses, as well as an all-encompassing monopoly-like mandate to represent businesses, including in social and labour matters. This reform had severe consequences for the existing autonomous and independent EBMOs in Kazakhstan which were side-lined and weakened as a result. The ILO standards supervisory bodies considered this as an infringement of the employers' freedom of association, as set out in ILO Convention No. 87 (for more detail see the box "*Public Law Chambers of Commerce and Freedom of Association in ILO Standards Supervision*" on p. 16/17 below).

1 As far as can be seen, there are few systematic comparative studies on the organization, structure and role of EBMOs (i.e., Traxler et al., 2007; Carley, 2010; Brandl and Lehr, 2016) and only a few notable systematic studies on CCIs (such as reports by Pilgrim and Meier, 1995, and the Croatian Chamber of Economy, 2005). As regards the relationship between the two different types of organizations, only a few country-case studies are available (e.g., von Weitershausen, 2017; Yildiz, 2017).

2 In the following, we will use the term *business* as a synonym for companies and employers and as members of both CCIs and EBMOs. In line with this, we will also use *organization representing business* as a generic term for both EBMOs and CCIs.

3 See for instance, [Grahame Fallon, Public law status Chambers of Commerce: does Britain need them?](#), Journal of Small Business and Enterprise Development, Volume 6, Issue 3, September 1999, pp. 287 – 298; [Jacqueline Gilmour, Chambers of Commerce: private versus public law status](#), University of Strathclyde Glasgow Quarterly Economic Commentary, Volume 16, Issue No. 1, pp. 64 - 69

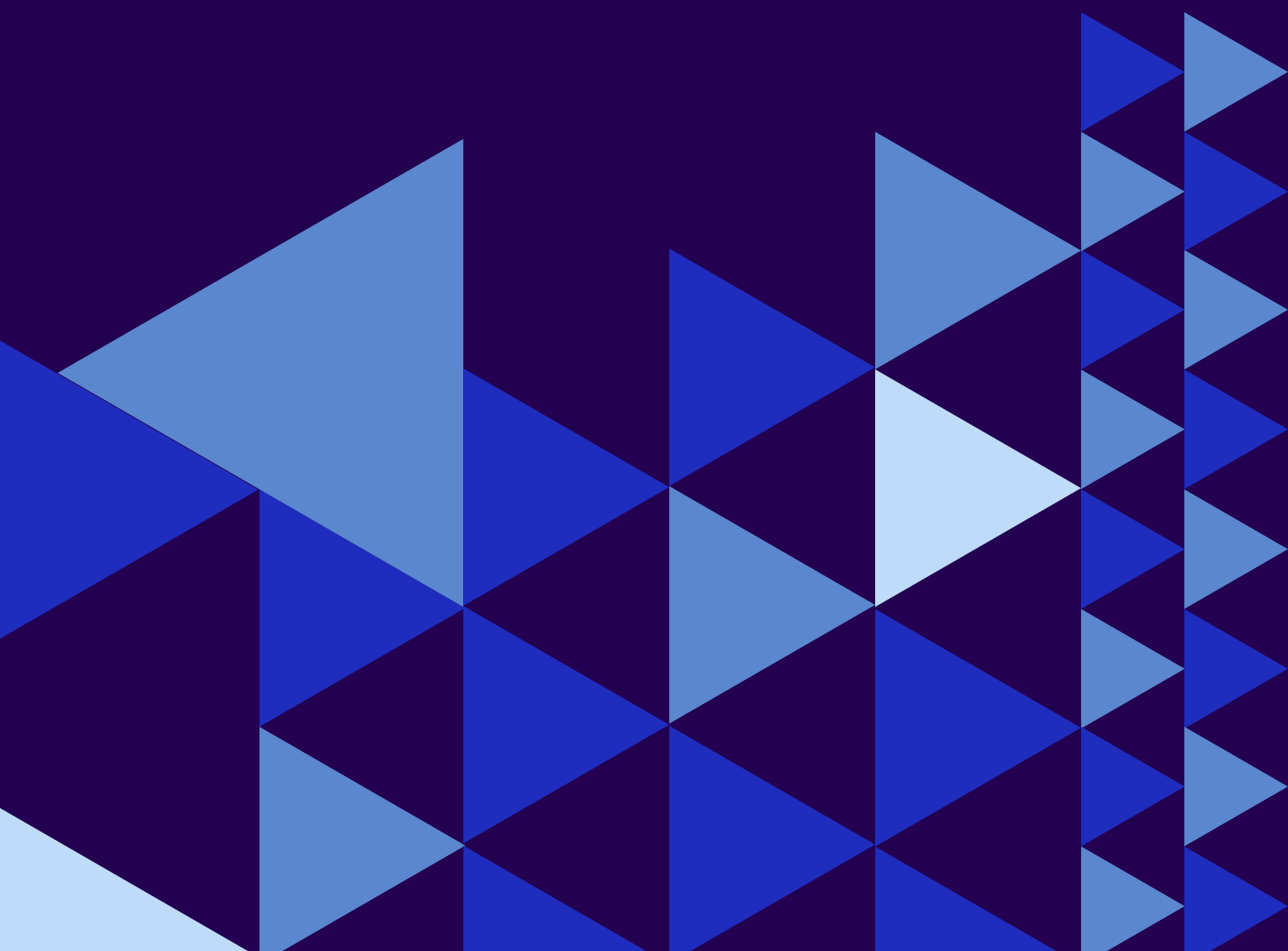
► Methodology

Methodologically and empirically the findings of the report are mainly based on an analysis of the legal bases of CCI laws and a collection of comparative data and information via desk research. Further information was obtained via a standardized questionnaire survey which was sent out to representatives of all organizations between December 2019 and March 2020, as well as telephone interviews with selected key representatives of CCIs and EBMOs.

► Structure

The report falls into three parts: First of all, we give a short historical overview of the origins of both types of organizations. The similarities and differences for both types of organizations depending on the traditions of individual countries and political developments over time will be considered here. In a further step, we portray existing structural and functional characteristics of and differences between CCIs and EBMOs, as well as between different types of CCIs. In this context, we also discuss possible overlaps in the mandate and activities of the two types of organizations, and the implications of these overlaps. On this basis we then examine the relationship between EBMOs and CCIs both in law and in practice. We end the study with conclusions and recommendations on possible ways to promote a smooth and productive interaction between the two forms of organisation, in particular ways that ensure effective representation and services for business while at the same time respecting the employers' right to freedom of association.

The origins of EBMOs and CCIs in OECD countries



► The origin of EBMOs

EBMOs are independent private-initiative organizations which represent the interests of businesses and provide related services to their members and beyond. Many business interest organizations we know today have their roots in the early 19th century responding to the need of businesses for the representation of their collective interests' vis-à-vis trade unions and the state. In particular, as the trade union movement increased its strength and power over time, collective action vis-à-vis trade unions became increasingly important and EBMOs were formed in order to counter strike action by trade unions. EBMOs engaged increasingly in collective bargaining and focused their interest on the labour market interests of their members.

At the same time, EBMOs became also specialized, with some organizations focusing predominantly on the labour market interests and collective bargaining, and others on the product market interests of their members⁴. Not least depending on the evolution of trade unions in the 20th century, specialization of EBMOs also changed and nowadays in all industrialized countries a variety of EBMOs with different degrees of specialization exist. As highlighted in literature⁵, they are often an integral part for the functioning of economies.

► The origins of CCIs

The historical traditions and origins are also important to understand the structure and functions of CCIs today.⁶ Three distinct groups of countries in the OECD reflecting different legal traditions and approaches towards CCIs have been identified, i.e. Anglo-Saxon countries, Continental European countries, as well as former communist countries.⁷

Continental European countries

In many Continental European countries, CCIs were created by the state or at least the state facilitated and initiated the forming of CCIs. The first Continental CCI was founded in Marseille (France) in 1599 because of the need to regulate business in the harbour. More specifically, the city's authorities initiated the formation of a CCI and delegated the regulation of the harbour activities to the CCI. Later, during the Napoleonic period, the idea that CCIs take care of specific state activities or tasks for business gained further momentum. Usually, CCIs were regionally organized and all businesses had to become member of a distinct CCI for the district, city, or region. After the end of the Napoleonic period, the state increasingly delegated functions and tasks to CCIs and the French CCI model spread out to other Continental European countries including Austria, Germany, the Netherlands, Italy, and Spain. Although, in all Continental European countries CCIs evolved along country specific contextual factors, all CCIs in these countries have common characteristics and features, most notably that state functions and tasks allocated to CCIs were regulated in dedicated laws, that membership was often mandatory, and that

4 e.g., Crouch, 1993; Müller-Jentsch, 1997

5 e.g., Huemer et al., 1999; Vatta, 1999; Duvanova, 2013; Schneider and Grote, 2006; Traxler, 2010; Brandl and Traxler, 2011

6 Crouch, 1993; Fedotov, 2007; Müller-Jentsch, 1997

7 Fedotov, 2007

CCIs received (financial) support from the state. Hence, in the Continental model, CCIs have not been independent business interest organizations but were part of the wider institutional structure of states.

Anglo-Saxon countries

Different from the Continental CCIs, the origin of Anglo-Saxon CCIs is not based on state initiative but on voluntary action by business. In this sense, Anglo-Saxon CCIs share similar origins with EBMOs. The term Anglo-Saxon model for CCIs stems from the fact that the first CCI of that type was formed in the homeland of Anglo-Saxon countries, i.e. in the UK, reflecting the "laissez faire" tradition in its economic policy. More specifically, the first British CCI was founded on the Island of Jersey in 1768 and further CCIs followed in Glasgow; Dublin and Belfast (1783); Edinburgh and Leeds (1785); and Manchester (1794). Soon after the first CCIs were formed on the British Isles, the first CCI was founded in New York in 1768 by British colonialists. Later in the 19th century in a number of countries which were under the (colonial) influence of the British Empire further CCIs were formed in order to promote trade and business. Even though CCIs in Anglo-Saxon countries have differed according to contextual factors, they had in common that they were set up on private initiative, that membership in them was voluntary, that there were no special laws that regulated their activities, and that they were independent from the state and did not fulfil designated public functions.

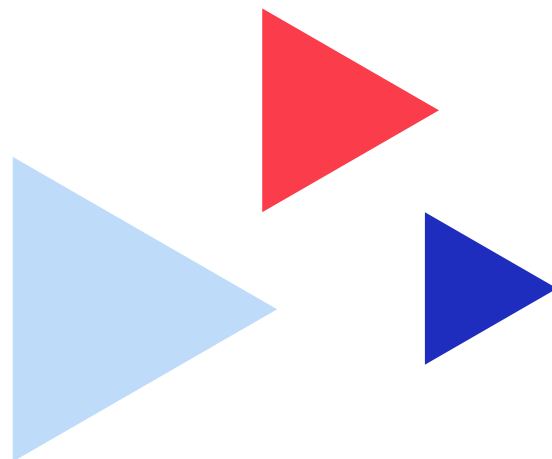
Former communist countries

Both in countries following the Anglo-Saxon or the Continental CCI model, the current institutional and legal framework within which CCIs operate, despite transformations and adaptations over time, reflects traditions and continuity. This is different for former communist countries where the communist era caused a fundamental change for the activities - and sometimes even for the existence - of CCIs. In the Baltic countries Estonia, Latvia and Lithuania, CCIs were set up in the 1920s but were again dissolved in 1940 when these countries were annexed by the Soviet Union. In the Soviet Union, an [All-Union Chamber of Commerce and Industry](#) with branch chambers in all Western Soviet Republics existed as part of the communist state structure. These communist chambers provided services within the context of the planned economy, such as organization of exhibitions, reception of foreign economic delegations, examination of goods, raw materials and equipment, etc. After the end of the Soviet Union, CCIs were re-established as distinct organizations in the three Baltic countries.

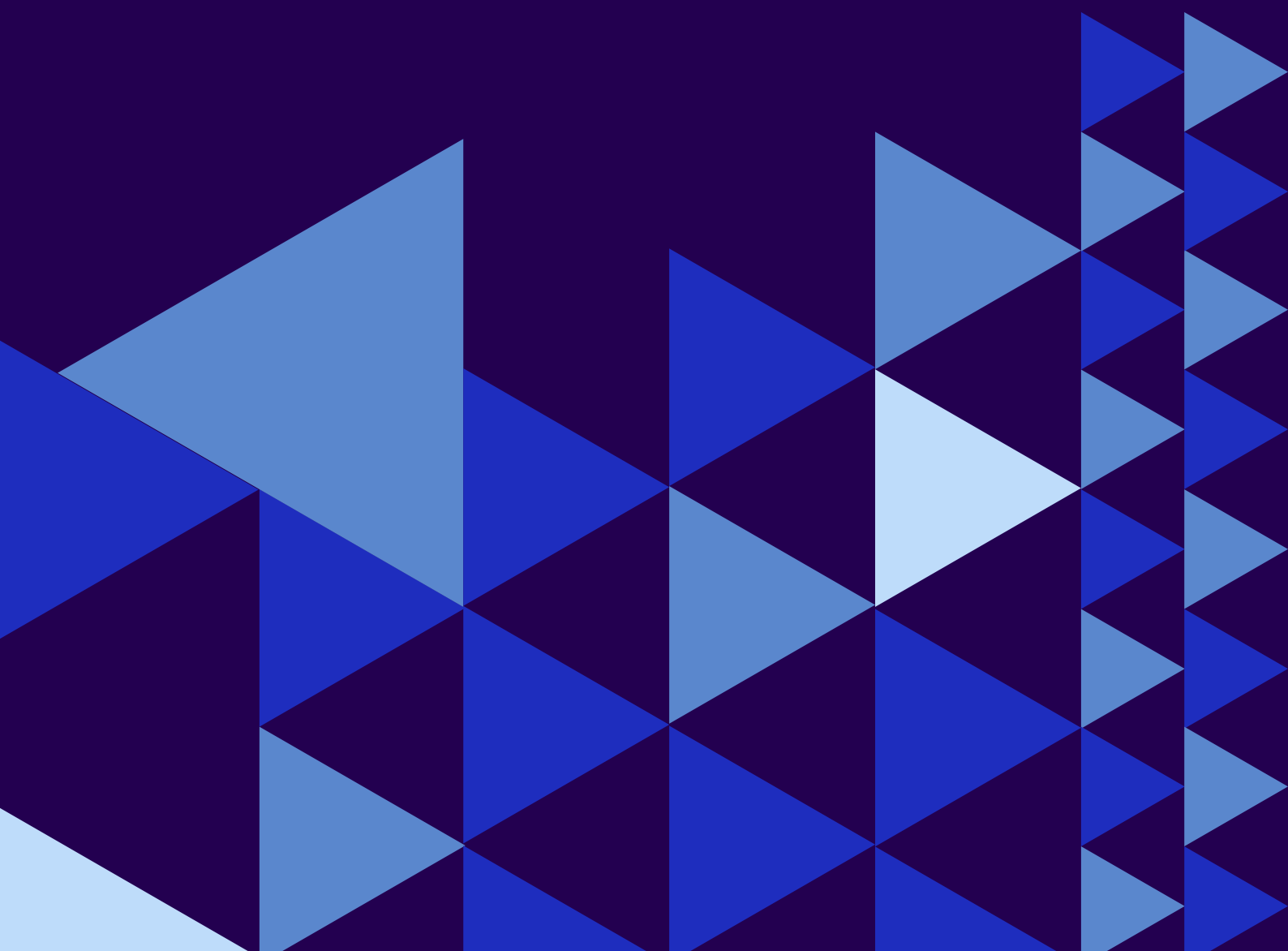
In other former communist countries, which were not part of the Soviet Union, CCIs also existed as part of the state administration, with competencies defined and regulated by the state. After the end of the communist era, CCIs were re-established but, in certain countries, ties with the state administration often remained in one or the other way. For instance, in the Czech Republic, Hungary, Poland, Slovakia, and Slovenia, state authorities still to a certain extent controlled the activities of these CCIs by means of dedicated laws determining their legal status, membership, competences/functions, territorial scope, resources, or supervision of their functioning. In this way, the communist past has somewhat overshadowed the development of CCIs in these countries, as reflected in the - sometimes significant - influence that the state continues to have on their operations.

► Differences and similarities in the origins of EBMOs and CCIs

The historic analysis has shown that even though there are clear differences between the origins of EBMOs and CCIs as institutions, the differences have been less accentuated in the countries with an Anglo-Saxon tradition. EBMOs while providing product market activities similar to those of CCIs, usually have also dealt with labour market issues. On the other hand, CCIs from the outset have concentrated on the facilitation of (international) trade for their members which also explains why nowadays many CCIs have counterparts and branches abroad. It is important to note that CCIs have not been established to deal with labour market issues and to get involved in collective bargaining.



The characteristics of EBMOs and CCIs in OECD countries



► The characteristics of EBMOs

In all member States of the OECD, EBMOs have existed even though their roles, organizational structures and representativeness have varied.⁸

EBMOs are typically independent, autonomous non-profit organizations, set up and maintained on the initiative of businesses. Different from CCIs in many countries, they are not set up by law or on the initiative of governments.

In order to have legal capacity, EBMOs have usually registered under existing regulation in private law that best suited their functioning, e.g. regulations for registered associations, companies with limited liability, or non-profit organizations.

The mandate of EBMOs is not defined by law but by their members and laid down in the statutes of the organizations. Usually, these statutes define the representation of members' needs and interests vis-à-vis the state, trade unions, and other institutions in society as the mandate of EBMOs. Apart from representation, EBMOs usually also provide member services related to the areas of representation of interests.

Depending on their statutes, EBMOs cover various areas of relevance to business. While many EBMOs have specialized on labour and social issues, others have focused on the economic policy or product market interests of particular sectors, such as industry, services, commerce or skilled crafts. In recent decades, there has been a certain tendency for EBMOs to join forces and to merge in order to increase political clout and visibility.⁹

Membership for businesses in EBMOs is voluntary. The kind of business membership depends on the scope and mandate given to the EBMO by its members. Where an EBMO is mandated to represent businesses in particular economic sectors, such as chemical industries, financial services or shipping, only businesses from these sectors will join the EBMO. Where an EBMO is mandated to conclude collective agreements on behalf of its members, only businesses interested in this kind of representation will be members of the EBMO.

EBMOs are non-profit organizations and are typically financed by members through membership fees, as well as fees for the provision of services. Different from many CCIs, EBMOs normally do not receive financial support from the state.

The structure and regional coverage of EBMOs depends on various factors, such as the size and political structure of a country, the importance of economic sectors, the strength of trade unions, etc.. While in many OECD countries, EBMOs emerged to respond to the increasing power of trade unions, they generally managed to maintain their strength and representativeness despite the structural changes in economies and related declining trade union influence in recent decades.¹⁰

8 Brandl and Lehr, 2018; Huemer et al., 1999; Traxler et al., 2010).

9 Examples are the mergers of national-level EBMOs in Finland, Ireland, Hungary and Australia.

10 Brandl, B. and Lehr, A. (2018). 'The strange non-death of employer and business associations: an analysis of their representativeness and activities in Western European countries'. *Economic and Industrial Democracy* (Forthcoming).

As EBMOs, different from CCIs in certain countries, do not have a legally protected subject or territorial area for their operations, they often compete with each other for members and influence.

► **Table 1. Typical functions and areas of activity of EBMOs**

- ▶ Engagement in bipartite or tripartite social dialogue, including collective bargaining
- ▶ Representation of business interests at regional, national and international level
- ▶ Typical areas of activity: product markets, economic policy, labour and social policy (labour law, OSH, social security, HR and vocational training)

► The characteristics of CCIs

CCIs have usually concentrated their activities on the representation of product market interest of their constituencies and the provision of related services accordingly. Product market representation and services that CCIs have typically provided are manifold - an overview is given in Table 2. While EBMOs have also dealt with product market issues and there has been hence an overlap in the representation of product market interests between CCIs and EBMOs, services such as issuing certificates (certificate of origin; ATA carnet) and maintenance of a company register have been predominantly provided by CCIs.

Another characteristics of CCIs is that, different from EBMOs, most of them have not engaged in the representation of the labour market interests of business, including collective bargaining with trade unions. While neither all EBMOs have engaged in representation of labour market interests and collective bargaining, labour and social policy nevertheless seems to have been the domain of EBMOs.

► **Table 2. Typical functions and areas of activity of CCIs**

- ▶ Assistance to entrepreneurs and start-ups
- ▶ Tasks in the context of vocational training
- ▶ Provision of expertise to state authorities on economic topics
- ▶ Promotion of the local infrastructure
- ▶ Issuing of certificates
- ▶ Organization of fairs
- ▶ Promotion of exports and international trade
- ▶ Maintenance of the company register
- ▶ Maintenance of statistics
- ▶ Arbitration
- ▶ Promotion of business ethics
- ▶ Research and studies on relevant topics

Having said that, as it emerged already from the section on the origins of EBMOs, CCIs in OECD countries are diverse as a result of historic traditions. Usually, a differentiation is made between private law CCIs, which have much in common with EBMOs, on the one hand, and public law CCIs, whose establishment, structure and functioning is regulated in public laws, on the other.¹¹ Within public law CCIs, a further differentiation can be made between "pure" public law CCIs and "hybrid" public law CCIs with the latter resembling in some respects private law CCIs. As regards the presence of these CCI categories in OECD countries, see below Table 3.

11 e.g., Rehker, 1982

► **Table 3. Presence of particular CCI categories in OECD member States**

Private law CCIs	Public law CCIs	
	Pure public law CCIs	Hybrid public law CCIs
<ul style="list-style-type: none"> ► Australia ► Belgium ► Canada ► Chile ► Denmark ► Estonia ► Iceland ► Ireland ► Israel ► Latvia ► New Zealand ► Norway ► Portugal ► Switzerland ► United Kingdom ► United States 	<ul style="list-style-type: none"> ► Austria ► France ► Germany ► Greece ► Italy ► Korea ► Luxembourg ► Netherlands ► Spain ► Turkey 	<ul style="list-style-type: none"> ► Colombia ► Czech Republic ► Finland ► Hungary ► Japan ► Lithuania ► Mexico ► Poland ► Slovakia ► Slovenia ► Sweden

► The characteristics of private law CCIs

Private law CCIs have existed in particular in the Anglo-Saxon OECD countries, but also some countries in continental Europe (e.g. Switzerland, Latvia and Estonia). As is the case for EBMOs there are no laws in these countries that specifically regulate the establishment, legal status, membership, regional competence and activities of CCIs. All these matters are autonomously determined in the CCI's own statutes. Like EBMOs, private law CCIs are non-profit organizations and, in order to acquire legal capacity, register under existing regulation that best meet their purpose, e.g. regulations on not-profit corporations, foundations, associations, incorporated societies, etc.. Membership in private law CCIs is voluntary and there can thus be competition for members amongst private law CCIs, as well as between private law CCIs and EBMOs. Given that most private law CCIs also see promotion of trade as one of their purpose, they offer related services, such as issuing of certificates, organization of fairs/trade mission and arbitration.

As private law CCIs usually do not enjoy state privileges, such as financial support from the state, legally protected competences or easier access to decision-makers in the government, they are at an equal level with EBMOs. Situations where such privileges for a particular type of business organization could unduly influence the decision of businesses to join this type of organization rather than another one, cannot arise therefore.

As can be seen from Table 3, in the OECD, in the majority of OECD countries (16), CCIs are private law CCIs. A special case is ACCI in Australia which, as a result of a merger some years ago, combines both the functions of a private law CCI and an EBMO. In line with this, members of ACCI are regional CCIs but also sectoral EBMOs. Interestingly, ACCI and its regional member CCIs also provide services in the field of labour and social matters, even though they are not engaging in collective bargaining on behalf of their members.

► The characteristics of public law CCIs

In a number of OECD countries in Europe, Asia and Latin America (21), CCIs are institutions that have been established on the basis of dedicated public laws on CCIs. These laws regulate, often in detail, the foundation, legal status, objectives, tasks, structure, resources/income, membership, regional scope, governance and state supervision of CCIs.

In some OECD countries (10), these public law CCI models have included elements of private law CCIs, e.g. voluntary membership or certain autonomy as regards objectives, tasks, resources and governance. They have therefore also been called "hybrid" CCIs. Nevertheless, all public law CCIs, including in the form of "hybrid" CCIs, have in common that their functioning is based on specific laws for CCIs which reflects public interest in the operation of these CCIs, as well as a certain "proximity" of these CCIs to the state. The very fact of the existence of specific laws on CCIs can be seen as giving CCIs a special status in comparison with EBMOs. While at times these laws could be seen as limiting CCI activity, more often they also allocate CCIs privileges and exclusive rights (legally secured income; legally secured mandate/competences; legally secured membership and representativeness; legally secured geographical scope) that put them in a stronger position vis-à-vis EBMOs. Therefore EBMOs (or private law CCIs) are often not at an equal level with public law CCIs. Engagement of the latter in typical EBMO fields of activity, such as labour matters and collective bargaining, can therefore lead to "squeeze-out" competition to the detriment of independent EBMOs.

ILO supervisory bodies have determined that representation of employers in labour matters and in collective bargaining by public law CCIs can be an infringement of the employer freedom of association (see box below). There are two aspects of freedom of association that can be impaired by public law CCI activity:

- The contractual freedom of employers: Employers should have the freedom to decide if they are bound by a collective agreement or not, and if so, whom they mandate to conclude collective agreements on their behalf. This freedom is threatened where membership in public law CCIs is compulsory for employers and where these CCIs have a statutory competence for collective bargaining on behalf of their members.
- Equal treatment of business member organizations: Where public law CCIs have specific legal or other government privileges (compulsory membership and other financial support from the state, preferential access to the government, etc.) and are active in areas that are typically carried out by EBMOs, they enter into uneven competition with EBMOs. This may weaken EBMOs and eventually side-line them. This situation is usually referred to as government favouritism.

► Public Law Chambers of Commerce and Freedom of Association in ILO Standards Supervision

ILO Convention No. 87 on freedom of association guarantees freedom of association both for workers and employers and their organizations. The two main operational provisions of Convention No. 87 state the following:

Article 2

Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Article 3

1. Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.

2. The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof."

ILO standards supervisory bodies have, on two occasions so far, established infringements of the employers' freedom of association in connection with the operation of public law chambers of commerce. The two cases concerned public law chambers with compulsory membership which engaged in activities typically exercised by - and seen as part of the core competence of - free and independent employers' organizations:

1. The first case of concerned the legal competences and activities of the Chamber of Commerce in former Yugoslavia in which membership was compulsory. This Chamber, among others, participated in the conclusion of collective agreements on behalf of its compulsory members and in this way competed with free and independent employers' organizations in this sphere. Upon a complaint of the then Yugoslav Union of Employers (UPJ), the ILO Committee on Freedom of Association, upon examination of the matter, made the following recommendations which were later adopted by the ILO Governing Body¹² (underlining added):
 - a. Considering that the powers and activities set forth in the Yugoslav Law on the Chamber of Commerce include those within the purview of employer organizations within the meaning given by Convention No. 87, the Committee requests the Government to take the necessary steps to repeal all provisions of this Law which would give rise to compulsory membership or financing. The Committee requests the Government to keep it informed of the progress made in this regard.
 - b. The Committee recalls the importance it attaches to the voluntary nature of collective bargaining and trusts that the Government will take the necessary measures to ensure that employers may freely choose the organization they wish to represent their interests in the collective bargaining process, and that the results of any such negotiations will not be subjected to the approval of the legislatively constituted Chamber of Commerce. The Committee requests the Government to keep it informed of the progress made in this regard."

12 [327th Report of the Committee on Freedom of Association, Governing Body, International Labour Organisation, 283rd Session, March 2002, GB.283/8](#), para. 848 – 898 (case No. 2146)

2. More recently, in 2013, the government of Kazakhstan, adopted a law on the “National Chamber of Entrepreneurs” (NCE) which provided for compulsory membership and an all-encompassing monopoly-like mandate for NCE to represent employers, including in social and labour matters. This law and its implementation severely weakened the existing independent EBMOs, in particular the Confederation of Employers (Entrepreneurs) of the Republic of Kazakhstan (KRRK). The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) felt that the competences and activities of the NCE, as regulated in the law, were not compatible with the employer freedom of association in C. 87. In its 2019 report, the CEACR stated the following¹³ (underlining added):

*“The Committee had previously urged the Government to amend the Law on the NCE, so as to eliminate all possible interference by the Government in the functioning of the Chamber and so as to ensure the full autonomy and independence of the free and independent employers’ organizations in Kazakhstan. The Committee recalls that the Law calls for the mandatory affiliation to the NCE (section 4(2)), and, during the transitional period to last until July 2018, for the Government’s participation therein and its right to veto the NCE’s decisions (sections 19(2) and 21(1)). The Committee had noted the difficulties encountered by the KRRK in practice, which stem from the mandatory membership and the NCE monopoly, and in particular, that the accreditation of employers’ organizations by the NCE and the obligation imposed in practice on employers’ organizations to conclude an annual agreement (a model contract) with the NCE, meant, for all intents and purposes, that the latter approved and formulated the programmes of employers’ organizations and thus intervened in their internal affairs. The Committee notes from the HLTM report and the Government’s information in its report that there is an agreement to amend section 148(5) of the Labour Code so as to delete reference to the NCE’s authority to represent employers at the national, sectoral and regional levels. The Committee further notes that the road map provides for the measures to be taken to address the above concerns culminating with the submission of the draft law to amend various pieces of legislation, including the Law on the NCE to Parliament in November 2018. The Committee notes with regret the lack of information on progress in amending the legislation. **The Committee urges the Government to take the necessary measures without further delay to amend the Law on the National Chamber of Entrepreneurs and any other relevant legislation so as to ensure the full autonomy and independence of the free and independent employers’ organizations. It requests the Government to provide information on all developments in this regard.**”*

As regards the existence and functioning of public law CCIs concerned, according to the above two sources, ILO supervisory bodies see in essence two possibilities to ensure compliance with the employers’ freedom of association in Convention No. 87:

- The public law status of CCIs and related privileges, for instance compulsory membership, financial support from the state; entitlement to preferential consultation by the government, etc. are removed so that CCIs in law and practice are at an equal level with free and independent EBMOs. As CCIs in this case do not have a different status from EBMOs, they may also engage in typical EBMO representation activities, such as social dialogue and collective bargaining.
- If the public law status of CCIs, including compulsory membership etc., is maintained, CCIs are prevented in law and practice from engaging in representation activities that are typically carried out by EBMOs (social dialogue; collective bargaining).

¹³ [Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III \(Part A\), International Labour Conference, 108th Session, Geneva, 2019, page 96](#)

Subsequently, particular characteristics of public law CCIs that are contained in public CCI laws and can give these CCIs a privileged position vis-à-vis EBMOs will be examined. For further detail, see Appendix 3 on the examined public CCI laws.

Special legal status

Overall, in the public CCI laws examined, some variety in the detail and approach of regulation of the legal status of public law CCIs can be noted, reflecting also differences in the purpose and characteristics of these CCIs. On one side of the spectrum, CCIs are in essence part of the administrative structure of the state and strictly confined to carrying out functions in the public interest. Cases in point are the CCIs in France and in the Netherlands. In both countries, as a result of reforms in recent decades, the CCIs are service institutions in the wider public administration without membership and enjoying some self-governance. On the other hand, CCIs in countries like Finland, Sweden or Lithuania, while still subject to regulation in dedicated CCI laws and supervision by state authorities, have more room for self-administration and more autonomy in determining their activities.

As part of the special legal status given to CCIs, public CCI laws often reserve and regulate the use of the name "Chamber ..." for CCIs that have been established in line with the respective CCI law; this name can therefore not be used freely.

Compulsory membership

In order to guarantee CCIs a stable income from membership fees for the delivery of their functions, compulsory membership for enterprises in CCIs has traditionally been a typical feature in public CCI laws. Amongst OECD countries, compulsory membership is provided for by the CCI laws in Austria, Germany, Greece, Italy, Luxemburg, Spain and Turkey. As was said earlier, in France and the Netherlands, CCIs are public service institutions without membership.

In the countries that follow a "hybrid" public law CCI model, in particular Colombia, Czech Republic, Finland, Hungary, Japan, Lithuania, Mexico Poland, Slovak Republic and Slovenia, membership in CCIs is voluntary. Countries, such as Hungary, Slovak Republic and Slovenia, where membership in CCIs used to be compulsory, moved to voluntary membership in recent years.

Looking more closely at the regulation of compulsory CCI membership, differentiated approaches can be noted which sometimes blur the lines between compulsory and voluntary membership:

- In Austria, the CCI law establishes mandatory membership for all legal entities including physical and legal persons that operate a business.¹⁴ However, there are also various exceptions, e.g. for freelancers.
- Also in Germany, while in principle all businesses have to become a member of a German CCI¹⁵, there are exceptions¹⁶. However, some of these exceptions concern business sectors for which specialized chambers, also with compulsory membership exist, e.g. for qualified craftsmen or advocates.

14 § 2 (1) of the WKG provides that membership is mandatory for "all physical and legal persons as well as other legal entities that legally independently operate or are entitled to operate enterprises of trade, handicraft, industry, mining, commerce, money, credit and insurance, transport, communications, broadcasting, tourism and leisure economy as well as other services".

15 More specifically § 2 (1) of the German CCI law states that membership in CCIs is compulsory for all natural persons, trading companies, other groups of persons and legal entities under private and public law which maintain a permanent establishment in the district of a CCI, insofar as they are subject to trade tax.

16 § 2 (2) - (5) of the CCI law defines exemptions for natural and legal persons in the liberal professions, agriculture and forestry, qualified craftsmen, agricultural co-operatives and enterprises owned by municipalities.

- In Greece, membership is mandatory for all legal and natural persons that have to register in the General Commercial Register.¹⁷ Even though mandatory membership covers a wide range of businesses in Greece there are exceptions including for cooperatives and branches of companies.¹⁸ The latter can nevertheless become member on a voluntary basis if they wish to benefit from the services provided by the CCIs.
- In Luxembourg, with a few exceptions¹⁹, membership in the CCI is mandatory for all businesses, i.e. commercial companies and natural persons who are doing business activities that are registered in the country.²⁰
- Turkey is another example where membership is mandatory for almost all businesses according to the Turkish CCI law²¹, even though, again, exceptions from membership exist.²²
- In Spain, the CCI law also provides for mandatory membership of enterprises in CCIs.²³ As in other countries, there are exemptions.²⁴ However, what is different to many other countries with mandatory membership is that there is no membership fee.²⁵
- While in Korea according to Art 10 (1) and (2) CCI Act, membership in CCIs is generally voluntary for enterprises, it is compulsory for businesses the annual net sales of which are bigger than the amount specified in the enforcement ordinance to the CCI Act (the amount, which is adjusted every three years, Art. 10 (4), varies between 1.800 and 12.500 € annually, depending on the region).

Not always is membership explicitly referred to in the CCI laws. In Italy, for instance, while there is no reference to compulsory CCI membership in the law, enterprises are obliged to register in the business register for the maintenance of which the CCIs are responsible, and registered enterprises are entitled to CCI services and have participation rights in the governance organs of the CCI.²⁶ This de facto membership for all businesses can be seen as functionally equivalent to formal membership.

17 Art 64 (1) of the Greek CCI law in accordance with Greek Law 3419/2005 specifies that all legal and natural persons who are obliged to register in the General Commercial Register become automatically a member from the time they are registered in it until they are deleted from the register.

18 According to the Greek CCI law, membership is not mandatory for (i) legal entities and cooperatives, if they have commercial status and a seat in the region of the Chamber; (ii) branches of domestic enterprises, including the branches of domestic banks, branches or agencies of foreign enterprises, if they are located in the region of the respective Chamber, as well as the production units of the above enterprises.

19 Art 4 (2) of Lux CCI law defines exceptions from the mandatory membership of CCIs, in particular craftsmen.

20 Mandatory membership within a CCI via registration is regulated by Art. 4 (1) of the Lux CCI law.

21 Art 9 of the Turkish CCI law provides that all "merchants registered in the trade registry and all real persons and corporate bodies possessing the title of industrialist and maritime merchants have to register and become member of a CCI.

22 Art 5 of the Turkish CCI law provides that craftsmen (tailors, bakeries, restaurants, retailers), businesses in the area of training and education, companies in maritime area and ship owners, as well as military industrial enterprises do not have to become CCI member, but can become member on a voluntary basis.

23 According to Art 7 (1) of the Spanish CCI law, all natural or legal persons that are doing business in Spain, i.e. are carrying out commercial, industrial, service or shipping activities within the national territory of Spain, shall become a member of a CCI.

24 Art 7 (3) of the Spanish CCI law states that business engaging in agricultural, livestock and fishing activities, the services of private insurance and reinsurance intermediaries, as well as the liberal professions, do not have to become members of a CCI.

25 According to Art 7 (1) and Art. 19 of the Spanish CCI law, members are not required to pay a membership fee as membership is not supposed to "give rise to any economic obligation or any type of administrative burden" which a membership fee certainly does.

26 According to Art 8 of the Italian CCI law, all business that are subject to registration with a CCI and have to pay an annual fee according to regulations in Art 18 (4) of the ICL. Registration entitles business to the services provided by CCIs.

It emerges from the above regulations that in all countries where compulsory CCI membership is foreseen by law, while the majority of businesses are covered, certain groups of companies, such as freelancers, liberal professions, craftsmen, farmers and special organization types such as co-operatives and non-profit organizations, are exempted. Moreover, compulsory CCI membership is often linked to the obligation for businesses to register in the business register which is administered by the CCI.

Legally defined purpose/functions/competences

Purpose, functions and competences of CCIs are regulated in all public CCI laws, however, there is significant variation as regards the detail of regulation. Overall the CCI functions defined in CCI laws correspond to the typical functions of all CCIs which are listed in Table 2 above, such as assistance to entrepreneurs and start-ups, promotion of exports, services related to (vocational) training for companies, conduct of research and maintenance of statistical information of importance for business. Sometimes, the CCI laws differentiate between functions that CCIs are supposed to carry out autonomously and others that have been delegated to them by the state (e.g. in Austria or Finland). Typical state-delegated functions, which are based on sovereign activity and the state monopoly to enforce laws, include the registration of enterprises, provision of arbitration, regulation of quality (minimum) criteria for goods and services, and the issuing of certifications.

While in some countries the CCI functions are exhaustively and in detail listed in the public laws, in others the respective public laws provide for some flexibility for CCIs to determine new tasks that fall within their mandate.

In virtually all OECD countries with public law CCIs, the statutory CCI competences also include the right/duty to provide views and represent the interests of business vis-à-vis state authorities on public policy matters such as for example on infrastructure, education and legislation of relevance to business. Sometimes, public law CCIs are also endowed with a formal advisory status with the government. This does not create problems related to freedom of association, as long as these statutory representation and consultation rights do not extend to labour and social matters.

Regional/territorial scope

In the laws of most public law CCI countries, the territorial scope of CCIs is fixed in order to ensure all businesses in the territory of a country are covered and can benefit from CCI services and, apart from that, to avoid overlapping in territorial competence between individual CCIs. For instance, in Japan the CCI law provides that, as a rule, a district of a chamber shall be a city and that the district of a chamber shall not overlap with a district of another chamber.²⁷ In Sweden, the regional/territorial scope of Swedish CoCs is regulated in the following way which stipulates: "The Chamber of Commerce Association shall have an appropriate geographical area of operation. This must not coincide in any part with the area of activity of any other association with an authorised Chamber of Commerce."²⁸

There is also a hierarchical dimension to the regional competence in that regional/city CCIs are usually responsible for the enterprises within their region/city, whereas the territorial scope of national-level/umbrella CCIs extends to the territory of the whole country. Most laws also provide some flexibility to adapt the regional/territorial scope of CCIs to take account of special needs/situations (e.g. through merger or split of CCIs).

27 Art 8(1) and 8(4) of the Chamber of Commerce and Industry Act (Act No. 143 of 1952)

28 § 6 Swedish law (1990: 515) on the Authorisation of Chambers of Commerce.

Guaranteed income/resources

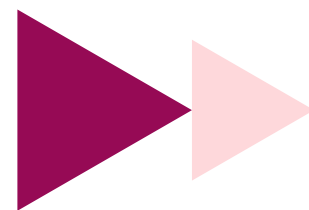
The income/resources of CCIs are regulated in most public CCI laws. Usually, CCIs have more than one source of income, namely membership fees, service fees (e.g. for arbitration), state transfers, interests from capital, donations, etc..

Where membership in CCIs is compulsory, membership fees are usually the major source of income. One exception is Spain where, despite compulsory membership for enterprises in the CCIs, according to the law, CCIs cannot charge membership fees to members and have to rely on other forms of income.²⁹ A special case is also Greece, where compulsory members only have to pay membership fees if they wish to make use of the services of the CCIs.³⁰ In other countries with compulsory membership, e.g. Germany and Austria, smaller enterprises (up to a certain amount of turnover) are exempt from paying membership fees. As was said earlier, in France and the Netherlands, where CCIs do not have membership and therefore no income from membership fees, the main income source is government tax transfers (see Box 1 below) and service fees respectively.

Vice versa, in Hungary, where membership in CCIs is voluntary, even enterprises that are not members have to pay a (small) compulsory CCI "contribution" meant to enable the CCIs to discharge their public functions.³¹ While this "contribution" is formally not a membership fee, it can be considered as a de facto equivalent.

Apart from the income from a mandatory membership fee, also state transfers/subsidies are important sources of income for CCIs. This source of income is of particular importance for CCIs in France where a tax income transferred to CCIs replaces member subscriptions (see box below). In the Netherlands, CCI expenditure that is not covered by service fees or other income, is charged to the government budget.³² Also in other countries, the CCI laws provide for government transfers/subsidies for CCIs for the delivery of their public interest tasks, in addition to membership fees, in particular in Czech Republic, Hungary, Korea, Lithuania, and Slovenia.

Even where compulsory membership in CCIs is absent, which is notably the case in countries following the "hybrid" CCI model, most CCIs usually have some "safe" income from exclusive services that they can provide upon authorization by the state, e.g. fees for issuing certificates; fees for registration in the business register; and fees for arbitration/mediation.



²⁹ Compulsory membership in the Chambers in Spain is not supposed to "give rise to any economic obligation or any type of administrative burden" which, among other things, means that members are not charged membership fees, Art 7 (1) Chamber law. In line with this, Art. 19 Chamber law, which lists the possible income of Chambers in Spain, does not refer to membership fees.

³⁰ Membership subscriptions are defined in Art 75 (7) of the Greek Chambers Law to mean the remunerative contributions of members who voluntarily wish to enjoy the services provided by the Chambers.

³¹ Section 34/A, Act CXXI of 1999 on Economic Chambers, as amended on 1 January 2012

³² Art 39 Chamber of Commerce Act (Wet op de Kamer van Koophandel) of 25 November 2013, as amended on 31 March 2020

► Regulations for tax based budget system of CCIs: the case of France

CCIs in France are financed by a specially dedicated tax, i.e. the *Taxe pour Frais de Chambre* (TFC), which is made up of two components:

a) The tax added to the business property tax, i.e. *Cotisation foncière des entreprises* (CFE). The CFE is owed by those enterprises who are not specifically exempt from it. It is based on the CFE tax base.

b) Additional tax on the business value added contribution, i.e. the *Cotisation sur la valeur ajoutée des entreprises* (CVAE). This tax concerns only companies with a turnover (excluding tax) of more than €500,000. Its rate is set at 1.73%. A management fee of 1% of the amount of the CVAE and the additional tax is added to it. The rate of the additional tax to the CFE is voted each year by the regional CCI. The income from this tax is allocated to the financing fund of the regional CCIs and CCI France up to a limit of 226,117 €.

The TFC is due for the entire year by the enterprises that carry out the taxable activities on 1 January. Owners who rent or sublet part of their main residence or those who occasionally and temporarily rent part of their personal residence are exempt from this tax. Professionals earning non-commercial profits (BNC), including the liberal professions, are also exempt from this tax.

In addition to the TFC, French CCIs benefit from public subsidies and contributions, as well as fees for the provision of services.

State supervision

State supervision is a typical feature that is regulated in the public CCI laws and that limits their autonomy. However, there is some variety in the extent of detail of the regulation. In certain cases, where CCIs are part of the state administration, they are subject to comprehensive supervision of the competent authorities, e.g. KVK in the Netherlands.³³ In other cases, CCIs have some room in determining their functioning and are subject to state oversight only in specific areas, e.g. financial matters, internal governance or delivery of public interest tasks.³⁴

► Differences and similarities in the characteristics of EBMOs and CCIs

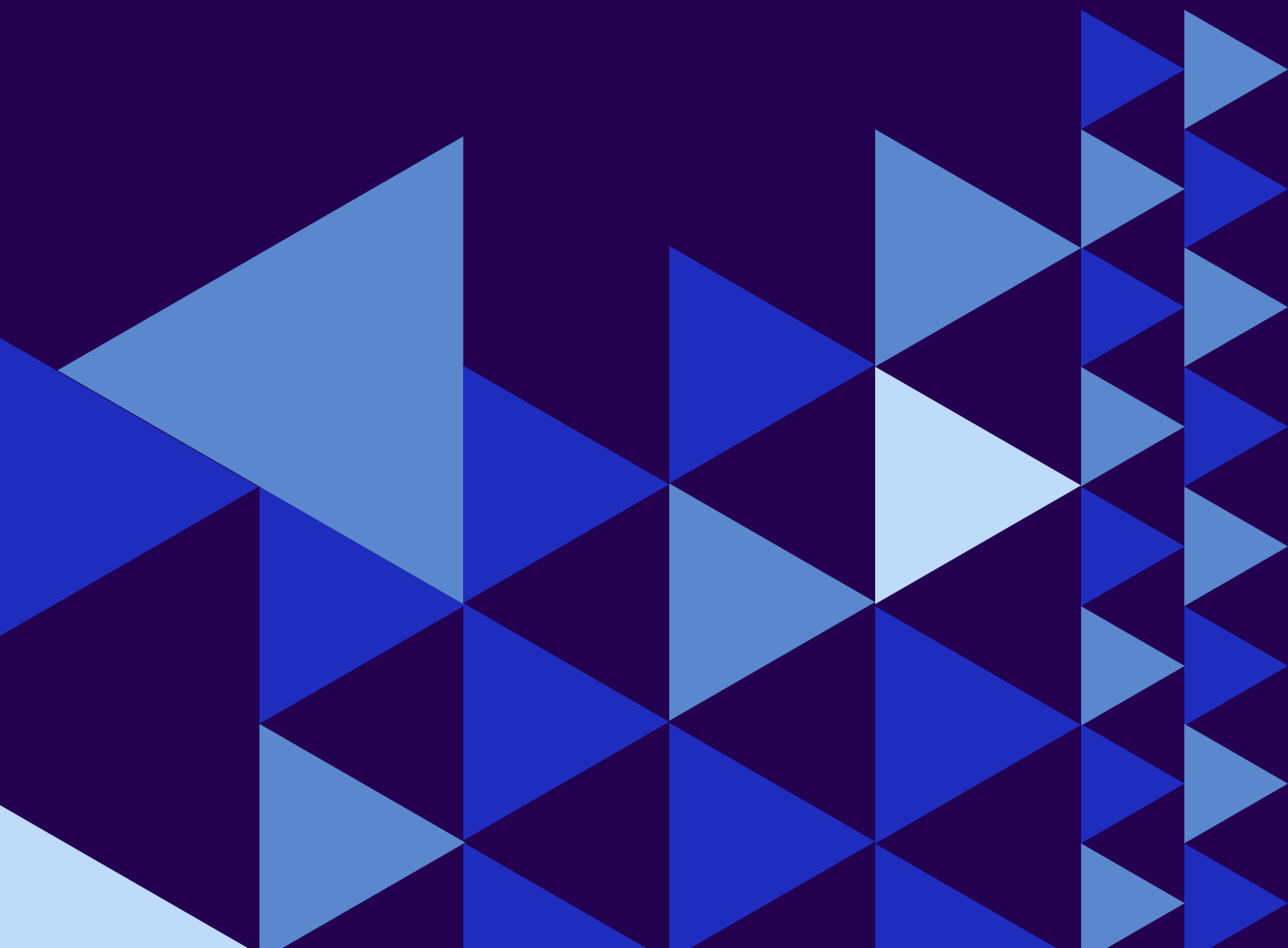
It appears from the above that, while private law CCIs and EBMOs have a comparable status and competition between them does not raise issues from the point of view of freedom of association, this is different for public law CCIs. Where public law CCIs, in particular "pure" public law CCIs with compulsory membership, engage in representation on labour matters (industrial relations, collective bargaining), there is a risk that the employer freedom of association is infringed. Subsequently, it will be examined how the potential conflicts that can arise from this are addressed in law and in practice in OECD countries.

³³ See for instance, Art 7 (3), Art 10, Art 17, Art 20, Art 31, Art 35, Art 42 and Art 46 Chamber of Commerce Act (Wet op de Kamer van Koophandel) of 25 November 2013, as amended on 31 March 2020

³⁴ See for instance, § 8 (amendments to the statutes require the approval of the Government or the authority designated by the Government) or § 12 (requirement to submit an annual report on the previous year's activities to the authority appointed by the Government before the end of May of each year) Swedish law (1990: 515) on the Authorisation of Chambers of Commerce

The co-existence of CCIs and EBMOs

As indicated above, the co-existence of EBMOs and private law CCIs, as they have equal legal status, does not raise issues regarding freedom of association and is therefore excluded from the further examination. Problems in this regard can in essence arise only between public law CCIs, in particular “pure” public law CCIs with compulsory membership and to a lesser extent “hybrid” CCIs, and EBMOs.



► The co-existence in law

While public law CCIs and EBMOs usually have different functions, there can be still certain areas of overlap. There seems to be wide recognition that interference by public law CCIs, in particular those with compulsory membership, in EBMO representation functions in the labour and social area, including collective bargaining, are not desirable. In many OECD countries, the law provides for safeguards aimed at avoiding or diminishing such interference. The following main case groups can be identified:

Explicit limitation of public law CCI competences

In certain OECD countries, there exist explicit provisions in the law that are meant to prevent interference by CCIs with the competences of EBMOs, in particular competences in the labour and social area, including collective bargaining:

- **France**, Art L710-1 Code de Commerce limits the competences of CCIs vis-à-vis other institutions, including EBMOs as follows: *"The institutions of the network of chambers of commerce and industry each have, as an intermediary body of the state, a function of representing the interests of industry, commerce and services to the public authorities or foreign authorities. Acting as an interface between the various players concerned, they carry out their activity without prejudice to the representation tasks conferred on professional or inter-professional organisations by the legislative or regulatory provisions in force and the tasks carried out by local authorities in the context of their free administration."* (underlining added). As regards the representation tasks of EBMOs, Article L2231-1 of the Labour Code assigns the competence to conclude collective agreements on the employer side to employers' associations formed in accordance with the provisions of the Act of 1 July 1901 on the Contract of Association. Both provisions, read together, mean that CCIs are not supposed to interfere with the activities of EBMOs in collective bargaining.
- **Germany**, Para. 1(5) Law of CCIs limits the functions of CCIs in relation to the competences of EBMOs by stipulating that: *"The tasks of the Chambers of Industry and Commerce do not include the representation of socio-political and labour law interests"*.
- **Hungary**, section 3(4) Act on Economic Chambers limits the functions of Chambers of Economy in Hungary in relation to the competences of EBMOs in the following way: *"Carrying out the duties of a chamber of economy shall not affect the implementation of freedom of association and, in particular, shall not restrict the right of social organizations to freely determine the objective of their activities in accordance with the provisions of the Right of Association Act."* Moreover, section 14 Act on Economic Chambers adds: *"Chambers of commerce may not represent professional, employers' or employees' interests"*.
- **Spain**, Art 3 (third sentence) of the Basic Law of Official Chambers limits the activities of Chambers in relation to the competences of EBMOs in Spain in the following way: *"The activities to be carried out by the Official Chambers of Commerce, Industry, Services and Navigation for the achievement of their purposes shall be carried out without prejudice to the freedom of trade unions and business associations, to the powers of representation of the interests of the businessmen assumed by this type of associations and to the actions of other social organisations that may be legally constituted."*(underlining added). A corresponding provision for the (national-level) Chamber of Spain is contained in Art 20 (2) (third sentence) of the Basic Law of Official Chambers.

Implicit limitation by exhaustive enumeration of CCI competences in the law

In other OECD countries, in particular in Greece, Italy, Japan, Korea, the Netherlands, Poland, Lithuania, and Turkey, the competences of CCIs are implicitly limited in the relation to the competences of EBMOs. This is done by exhaustively and precisely describing the CCI competences in the law while omitting typical EBMO competences, such as representation in labour and social matters, including collective bargaining.

For instance, the Chamber of Commerce Act in Poland provides that the functions that Chambers can define in their statutes must be *"within the limits of the competence set out in Articles 2 to 4"* of the Chamber of Commerce Act which, however, do not include typical EBMO functions, such as representation in the labour and social field or collective bargaining.

According to Art 5 (5) of the CCI law in Lithuania, representation of CCI members by the CCI is foreseen only vis-à-vis the state, government and management institutions, foreign economic entities and state institutions, but not vis-à-vis trade unions. While thus in Lithuania, like in most public law OECD countries, CCIs can still represent their members in other areas, in the Netherlands, any representation activity has been removed from the legal mandate of the CCI. In this way, too, the law largely prevents public law CCIs from performing representational tasks in the field of labour and social affairs, including in the conclusion of collective agreements.

EBMO representation in CCI bodies

In addition to the above possibilities or alternatively, in countries such as Greece, Italy and the Netherlands, public CCI laws provide for the participation of EBMO representatives in the governing organs of CCIs. While this may, first of all, be meant to ensure coordination of activities between EBMOs and CCIs, it may also help protect the traditional representation mandate of EBMOs in labour matters from possible interference by CCIs. By having a seat on the governing organs of the CCIs, the EBMO representatives are informed about the activities of the CCIs and can raise this and intervene if CCIs exceed their competences.

Special cases in this regard are the CCI laws in Italy and the Netherlands which provide not only for participation of EBMO representatives in the CCI governing organs but also for participation of trade union representatives. For instance, in the Netherlands, the national employers' and workers' organizations are consulted on the nomination of the Officers and the Central Council of the Chamber (KVK), Art 7 (2) KVK Act. The Central Council and the regional councils of the KVK are bipartite bodies, i.e. half of their twelve members are appointed by the (national and regional respectively) employers' and workers' organizations, Art. 10 (2), (3) and Art. 14 (2), (3) KVK Act.

Agreement on the respective competences between EBMOs and CCIs

In Czech Republic and Slovak Republic, the public CCI laws call upon CCIs to determine their relations and their cooperation with EBMOs on the basis of mutual agreement:

- § 7 of the Slovak CCI Act stipulates that *"The relations between the Chamber, civic associations and business associations operating outside the Chamber shall be defined by mutual agreement."*
- According to § 4 (1) (i) Czech Chamber of Commerce Act, Chambers are supposed to *"cooperate with business unions and associations on the basis of agreements concluded in accordance with the statute of the chambers."*

While the direction and the contents of such agreements is not specified in the law, CCIs are nevertheless obliged to enter into such agreements, which seems to be a way to ensure complementary relations between CCIs and EBMOs, including respect of the representation mandate of EBMOs in labour matters and in collective bargaining.

Legal preference for EBMOs in collective bargaining

In Austria, the public CCI law assigns the CCIs representation competences in labour and social affairs, including collective bargaining. According to § 19 (10) WKG, among others, federal state CCIs are responsible for advising and supporting their members in legal and economic matters, including representation in labour and social law matters. Moreover, according to § 43 (1) WKG, sectoral groups that can be set up by federal state CCIs shall represent the professional interests of their members in their own sphere of activity, including as regards: ... 7. *the conclusion of collective agreements*". Nevertheless, a limitation of CCI competences in relation to EBMOs exists insofar as federal state CCIs lose the competence to represent employers in collective bargaining where a collective agreement has been concluded by a professional association recognized as being capable of collective bargaining with regard to the members of the professional association, § 5 (1) and 6 Labour Constitution Act (ArbVG). Legally speaking, CCIs have therefore only subsidiary competence for collective bargaining. In other words, the CCIs' collective bargaining activities are based on a tacit authorisation by the EBMOs, which the EBMOs could theoretically withdraw at any time.

In conclusion, it can be said that there are various ways and legal pathways available and being used that can help avoid overlaps and interferences between CCIs and EBMOs.

► The co-existence in practice

In the previous section, elements in the legal framework of public law CCIs were presented that are meant to - or at least can help - ensure that the competence of EBMOs in the representation on labour and social matters, including collective bargaining, is respected by public law CCIs, and that EBMOs and public law CCIs are operating in a complementary way.

In this section, the co-existence of public law CCIs and EBMOs in practice is contemplated. This concerns in particular the question to what extent the legal safeguards described in the previous sections are considered relevant or are effective. This question will be examined from the perspective of EBMOs and, to this end, feedback has been obtained from top-level EBMOs in all the OECD countries with public law CCIs. Although this feedback is dependent on the specific perspectives of individual EBMO representatives, some indicative results can be reported.

Generally, in the majority of countries the relationship between public law CCIs and EBMOs is characterized by EBMO representatives as unproblematic, with few exceptions. While EBMOs in most public law OECD countries consider public law CCIs as partners and the relationship is described as co-operative or at least complementary, in a significant number of countries (one third) public law CCIs are also seen as competitors.

Perception of public law CCIs as privileged organizations

Most EBMOs consider that the position of public law CCIs in law and practice is privileged compared to their own position.

This concerns mainly the various forms of public financial support that these CCIs enjoy. In this regard, some EBMO representatives point out, however, that this advantage is made up by their own independence and the greater attachment of their own membership. Government funding seems to be seen more as an issue where public law CCIs compete with EBMOs over competences in labour matters whereas this is not the case where these CCIs focus on their traditional non-labour mandate.

Some EBMOs also describe as “difficult” the closer links between public law CCIs and the state. For instance, in certain cases governments, based on law or on tradition, nominate leadership positions in public law CCIs. In other cases, public law CCIs are privileged partners of governments in consultations, including on labour and social matters. Whereas in certain cases public law CCIs are members of national tripartite councils, they are not in others.

The fact that public law CCIs have competences that are “protected” by law, is considered by EBMOs to a lesser extent a problem. It seems that the legal definition of the CCI mandates are overall clear and effectively help prevent public law CCIs from interfering with EBMO representation competences in labour and social matters. However, there are also cases, even though very few, where the law is not sufficiently precise and CCIs also seek to take advantage of the vagueness of the law to extend their activities into the domain of EBMO competence, including collective bargaining. This has given rise to conflicts and rivalry between the EBMOs and the public law CCIs in these countries.

Perception of overlapping activities

Many EBMO representatives reported overlapping activities between EBMOs and CCIs. However, there are only few cases where public law CCIs “encroach on EBMO territory” and engage in activities in the labour and social field (e.g. industrial relations, employment issues, minimum wages, labour market policy, collective bargaining). Even where this occurs, in most cases, the overlapping is not considered problematic as either these overlaps are considered of minor importance, or CCIs respect the lead role that EBMOs have on these issues, or both organizations on the substance of the matter have the same views and mutually support each other.

The majority of overlapping seems to concern issues that are outside the core competence of EBMOs, for instance, taxation, economic policy, digitalization, education and training, international (trade) relations and new issues. Here, EBMOs and public law CCIs usually cooperate and complement each other. Overlapping is rather perceived positive and intended to increase the effect and to strengthen the representation of businesses interests. A prerequisite for such a positive perception of overlap, however, seems to be a clear regulation and understanding of the role and competencies of public law CCIs to ensure that they are not in a dominating position. Therefore, adequate regulation and delineation of public law CCI activity to ensure synergies and avoid duplications with EBMO competence is of the essence.

The only country, where a public law CCI with compulsory membership – in practice – represents employers in labour and social affairs, including in collective bargaining, is Austria. It was already indicated above that the competence of the Austrian CCI for collective bargaining is subsidiary to any existing collective bargaining by EBMOs. As in reality it is nevertheless the CCIs that deals with collective bargaining, it must be assumed that this transfer of a core EBMO competence to CCIs has been (tacitly) accepted by EBMOs. Apart from this, public law CCIs and EBMOs in Austria still appear to operate without major frictions.

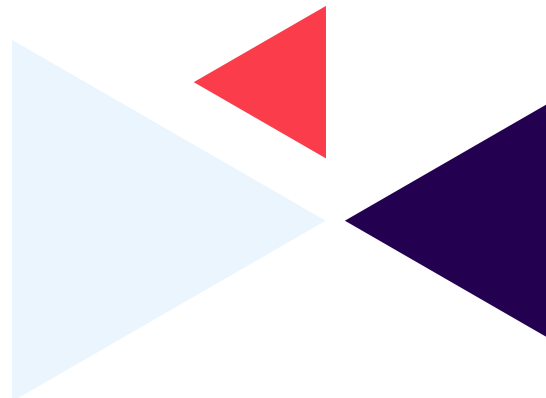
Coordination between EBMOs and public law CCIs

The law in a few public law CCI countries provides for the representation of EBMO representatives in the governing organs of CCIs. While this seems to be a practice also in a few additional countries on the basis of bilateral arrangements between public law CCIs and EBMOs, it is an option that is not used in the majority of countries.

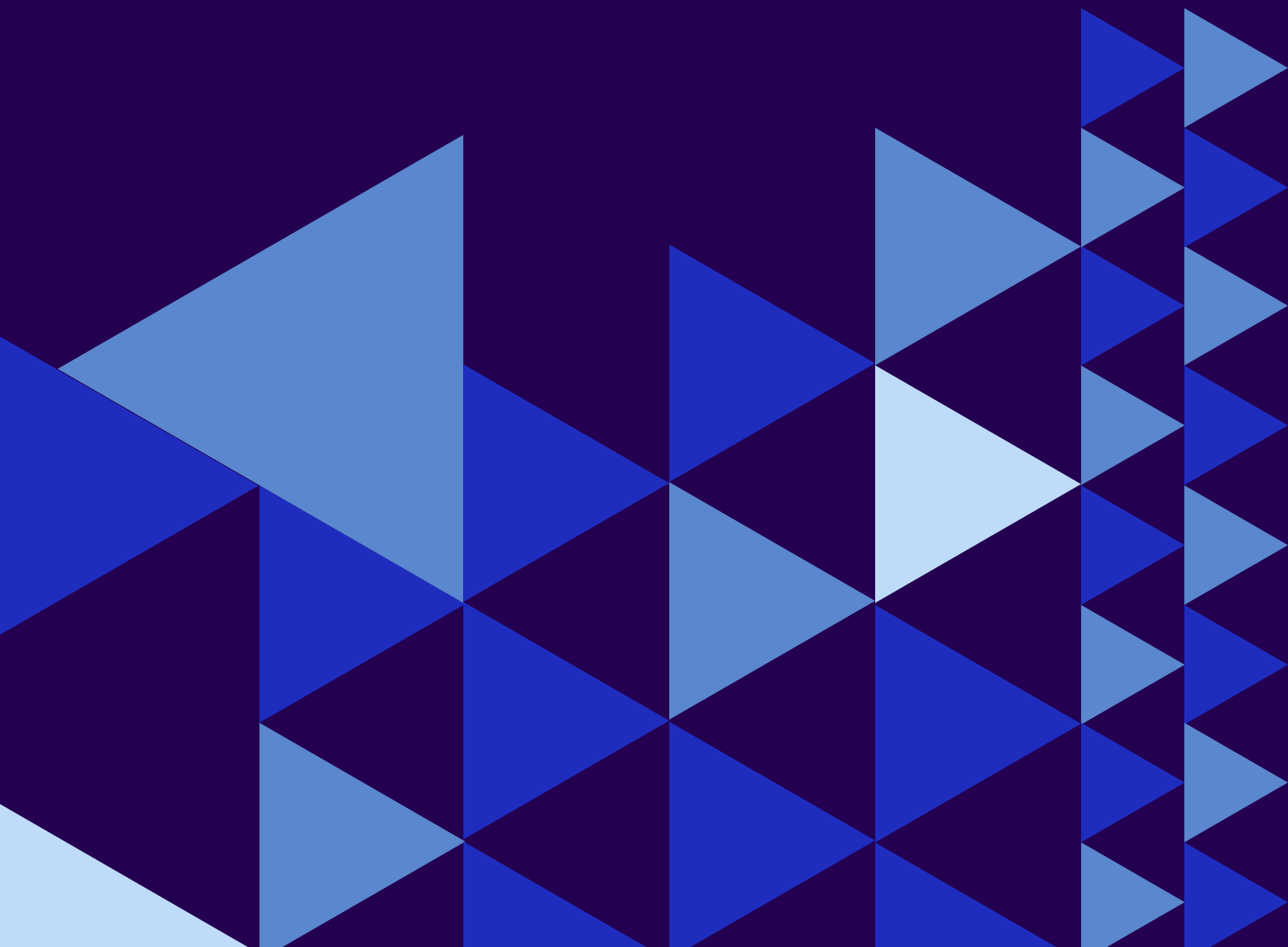
Similarly, formal agreements between public law CCIs and EBMOs to determine the mutual relations and competences between the two organizations do not appear to be a widely used method.

On the other hand, in a significant number of public law CCI countries, standing joint business councils have been set up on the initiative of public law CCIs and EBMOs in which both organizations are members. This is for instance the case in Korea (Council of Korean Economic Organizations), Lithuania (Business Council), Luxembourg (UEL – Union des Entreprises Luxembourgeoises), Mexico (CCE - Consejo Coordinador Empresarial) and Poland (Entrepreneurship Council). While the purpose of these councils has mainly been to coordinate policy positions amongst the participating organizations to ensure that they speak with one voice, they could also be used to determine and address divergences over competences or leadership on particular issues.

In practice, it seems that, apart from few countries, conflicts over competences between public law CCIs and EBMOs are largely absent. Either conflicts are avoided by active communication between the organizations, or they are settled via informal dialogue before they become publicly known.



Conclusions and Recommendations



In this report the characteristics of CCIs and EBMOs as well as their relationship in the 37 member states of the OECD was analysed. It was shown that the institutional and organizational structures of both types of organizations vary substantially across the OECD.

The analysis showed that in all OECD countries EBMOs are voluntary and independent organizations which represent the interests of businesses and provide related business services. On the other hand, while in most OECD countries CCIs are also voluntary and independent institutions, in certain others they are formed on the initiative or with support of the state. In these countries, via special laws, the status, structure, activities, resources and governance of these so-called public law CCIs is regulated. While there is much variety regarding the type and the depth of regulation of public law CCIs amongst OECD countries, the law often equips them with special rights and privileges that enable them to generate an income that allows them to fulfil their role, in particular mandatory membership or the provision of exclusive rights such as the possibility to issue certificates to companies to conduct business.

The differences between CCIs in OECD countries are often based on particular historic traditions and preferences which despite evolutions over time are still strongly reflected in the respective legal frameworks. More specifically, while in Anglo-Saxon countries CCIs never enjoyed a special status, in many Continental European countries the state allocated public functions, such as the registration of businesses, to CCIs and embedded their activities and organization within a special legal framework. The fact that the special legal framework endows CCIs with a special status and provides substantial support to some CCIs but not to EBMOs can be considered to be problematic for two reasons. First, because it may cause inefficiencies and redundancies and, more importantly, it may lead to an unbalanced and in this sense "unfair" interest representation as one type of business interest organization is favoured over the other. As explained in the report, the latter can be especially problematic since a public law CCI which receives support from the state is not necessarily independent and therefore might not be able to guarantee independent interest representation. Second, since a one-sided support might lead to biased competition in the representation of interests and restrain the setting up and operation of independent business organizations, it might also violate the principle of freedom of association, as laid down in ILO Convention No. 87. Hence, in order to guarantee independent interest representation and freedom of association, clear regulations, arrangements or practices need to be in place which safeguard the functioning of independent EBMOs. The report has identified the following possibilities that exist in certain OECD countries and that could offer guidance to other countries.

► Possible transformation of public law CCIs into private law or hybrid CCIs

Our analysis has shown that in 10 out of the 37 OECD countries (Austria, France, Germany, Greece, Hungary, Italy, Luxembourg, Netherlands, Spain, Turkey), CCIs are public law organizations, i.e. their foundation, structure, regional scope, functions, state supervision etc. is regulated in a dedicated CCI law. In most cases, membership is compulsory for business. In further 11 OECD countries (Colombia, Czech Republic, Finland, Japan, Korea, Lithuania, Mexico, Poland, Slovak Republic, Slovenia, Sweden) CCIs, while also based on public laws, show certain features of private law CCIs and are therefore hybrid organizations. In these cases, for instance, the CCI laws set a basic framework for the functioning of the CCIs, but otherwise enable autonomy as regards determination of CCI tasks or governance, and provide for voluntary membership. Finally, in 16 OECD countries (Australia, Belgium, Chile, Canada, Denmark, Estonia, Iceland, Ireland, Israel, Latvia, New Zealand, Norway, Portugal, Switzerland, UK, USA), CCIs, like EBMOs, are private law organizations, i.e. they are organisationally and financially independent of the government and autonomous regarding their foundation and functioning, and membership is voluntary.

What follows from this is that typical CCI functions regarding support of business and entrepreneurship are delivered in most OECD countries through private law CCIs or hybrid CCIs. The latter, because of their far-reaching autonomy and absence of compulsory membership, are often closer to private law CCIs than to public law CCIs. In other words, in the majority of OECD countries "pure" public law CCIs with compulsory membership are not considered necessary to deliver CCI functions. In line with this, there is no evidence from OECD countries that the provision of services by private law or hybrid CCIs has been less effective and less satisfactory than the provision of the respective services by "pure" public law CCIs. Neither is there evidence that in countries with private law or hybrid CCIs there is a lack of – or a lower level of supply with – business-related services. It therefore seems, that the existence of "pure" public law CCIs in certain OECD countries is more based on traditional preferences and national specificities than considerations of organizational efficiency. In any case, the delivery of typical CCI functions does not seem to require public institutions and could be left to private initiative. The advantage of having private law or at least hybrid CCIs is that they operate on an equal level, or an almost equal level respectively, with EBMOs. As a consequence, competition and conflicts over competence between EBMOs and CCIs in such circumstances would not give rise to concern and possible infringements of the employer freedom of association are mostly excluded in this case. This leads to the following recommendation:

Where CCIs are "pure" public law organizations, consideration may be given to transforming them into private law or hybrid CCIs.

► Abolition of compulsory membership or compulsory membership fees in public law CCIs

Conflicts between public law CCIs and EBMOs more generally are also based on the fact that CCIs enjoy "privileges", in particular compulsory membership as a way to guarantee resources for CCI activities. EBMOs, as private initiative organizations, do not have such a privilege and have to generate their own resources. According to our research, membership for enterprises in CCIs is compulsory in eight OECD countries (Austria, Germany, Greece, Italy, Korea, Luxembourg, Spain and Turkey), whereas it is voluntary in the other 29 OECD countries. Also, a certain trend to move from compulsory to voluntary membership can be observed insofar as Slovakia abolished compulsory membership in the CCI in 1996, and Hungary and Slovenia did the same in 2000 and 2006 respectively. It should also be noted that, while membership is compulsory in eight OECD countries, only in six of them (Austria, Germany, Italy, Korea, Luxembourg, Turkey) members have an obligation to pay membership fees. In two out of the eight countries, i.e. in Greece and in Spain, obligatory membership fees have been abolished. For instance, the Spanish CCI law provides that compulsory membership should not "*give rise to any economic obligation or any type of administrative burden*". The CCIs in these two countries rely on other sources, such as service fees, and are thus more exposed to competition. An abolition or significant reduction of compulsory membership fees may also lead to a greater focus of CCI activities on clear public functions, such as the registration of businesses or the provision of certificates. Another effect of the abolition or reduction of membership fees would be that enterprises are given more financial leeway to join organizations of their own choosing, e.g. independent EBMOs (and pay membership fees to them). In this way, the abolition of compulsory membership, or the abolition or significant reduction of compulsory membership fees also appears to be a step towards creating more equal conditions of operation between public law CCIs with EBMOs and helping avoid conflicts related to freedom of association. This leads to the following recommendation:

Where membership in public law CCIs is compulsory or where it involves compulsory membership fees, governments may give consideration to

- abolishing compulsory membership
- abolishing or significantly reducing compulsory membership fees (possibly in combination with concentrating CCI activities on strictly public tasks)

► Integration of public law CCIs into the public administration of the state

As a result of a reform of the public law CCI in the Netherlands in 2014, the organization, while retaining its name (KVK), was transformed into a service provider for the business community with no mandate to represent business, and integrated into the general public administration of the state. As a result, the CCI has no longer membership and consequently there is no obligation for enterprises to pay membership fees to it either. In this way, too, possible conflicts between EBMOs and CCIs over representation competences – and possible issues regarding employers' freedom of association – are excluded from the outset. This leads to the following recommendations:

Where CCIs are public law organizations, governments may give consideration to integrating them as service providers for business into the general public administration and removing business representation functions from their mandate.

► Protection of EBMO competences and functions in public CCI laws

Where none of the above institutional solutions have been adopted, public CCI laws in certain OECD countries nevertheless seek to protect the functioning of EBMOs and thus the principle of freedom of association. While public law CCIs and EBMOs in OECD countries to a significant extent carry out activities that do not conflict with each other, safeguards are in particular needed with regard of the core functions of EBMOs. Depending on the characteristics and features of the public law CCI system, the way to provide these safeguards differs. In our analysis we could distinguish the following options or models:

- *First*, in some countries (France, Germany, Hungary, Spain), there exist explicit provisions in the public CCI laws that are meant to prevent interference by public law CCIs with the competences of EBMOs, in particular competences in the labour and social area, including collective bargaining.
- *Second*, public CCI laws in other OECD countries (in particular in Greece, Italy, Japan, Korea, the Netherlands, Poland, Lithuania, and Turkey) enumerate precisely and exhaustively the functions of CCIs which do not include typical EBMO functions, in particular not representation functions in labour and social matters. As a result, public law CCIs in these countries are not authorized to take action in areas covered by EBMOs.

- *Third*, regulations exist that provide for coordination of activities between public law CCIs and EBMOs which can also help prevent interference by public law CCIs with EBMOs competences. One approach in this regard that has been followed by the public CCI laws in a number of countries (in particular, Greece, Italy and the Netherlands) is to provide for mandatory representation of EBMOs in the governing bodies/organs of public law CCIs. Where representatives from EBMOs have a legally guaranteed seat within a public law CCI governing body, they would be able to raise issues of possible CCI interference. In Italy and the Netherlands, the public CCI laws not only provide for representation of EBMOs but also of trade unions in the governing organs of the CCIs. Another approach that exists in the public CCI laws in Czech Republic and Slovak Republic is to stipulate that co-operation/relations between public law CCIs and EBMOs shall be defined by mutual agreement.
- *Fourth*, where exceptionally, because of long historical traditions, public law CCIs are assigned typical EBMO functions (in Austria), including the competence to conclude collective agreements, the exercise of this function by the public law CCI is only subsidiary and depends on the (tacit) consent of EBMOs. In other words, public law CCIs can carry out these functions only if EBMOs decide not to do so on their own.

This leads to the following recommendations:

Where CCIs are public law organizations, consideration may be given to including in the public CCI laws the following types of legal provisions, with a view to ensuring that there is no undesired interference by public law CCIs with the competences of EBMOs, and thus that there are no conflicts with the principle of freedom of association:

- provisions that explicitly exclude representation on labour/social matters from the public law CCI mandates
- provisions that contain precise and exhaustive definitions of public law CCI functions, which do not include EBMO functions, making clear that public law CCIs are only authorized to carry out these public law CCI functions
- provisions that provide for coordination between public law CCIs and EBMOs, either via representation by EBMOs in the CCI governance organs or via mutual agreement
- provisions which declare public law CCI activities in areas of EBMO competence as inadmissible in case EBMOs make use of these competences.

► Voluntary coordination between EBMOs and CCIs

Even where none of the above legal provisions in public CCI laws exist in OECD countries, it seems that disputes over competences between public law CCI and EBMOs are effectively avoided and that the relations between EBMOs and public law CCIs are overall smooth without major tensions and conflicts. According to EBMOs, competition and conflicts over competences range from minor overlaps, which are however considered normal in most cases, to stronger interference by public law CCIs with EBMO activities in very few instances. While in some cases, there is partnership/regular co-operation between EBMOs and public law CCIs, in other cases there is almost no interaction. The COVID-19 crisis seems to have led to more and closer co-operation between EBMOs and public law CCIs. More generally, in many cases, there seems to exist voluntary (tacit) coordination, mutual agreements or joint mechanisms that, among other things, can also serve to prevent or to address conflicts over competences. For instance, in certain OECD countries, standing joint business councils have been set up on the initiative of public

law CCIs and EBMOs in which both organizations are members (in particular, in Korea, Lithuania, Luxembourg, Mexico and Poland).

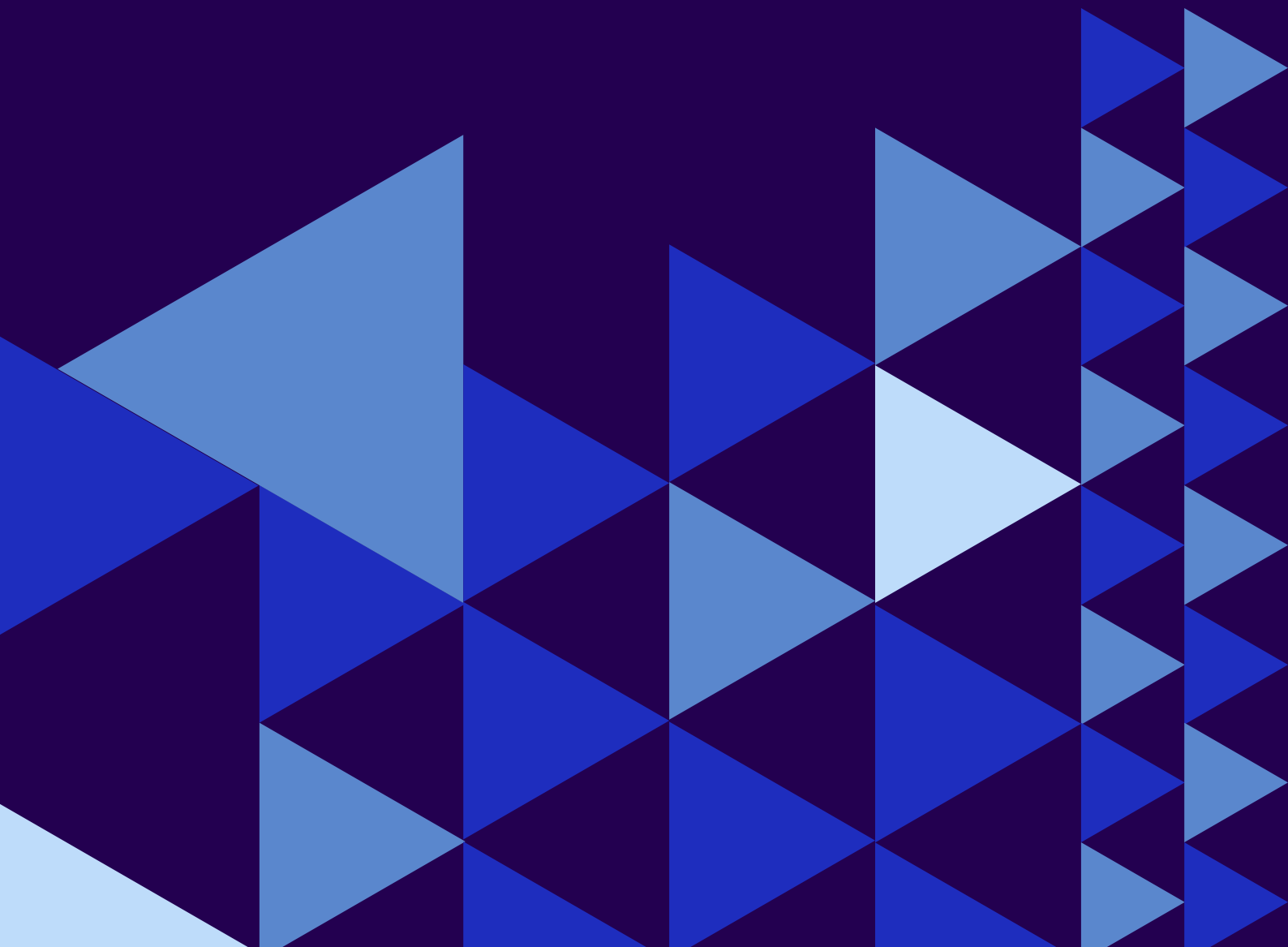
Governments should respect such agreements and the distribution of roles established there, and in any case not give preference to public law CCIs in areas that form part of the core EBMO competences.

This leads to the following recommendation:

Where CCIs are public law organizations and where no legal provisions that seek to prevent undesired interference by CCIs with the competences of EBMOs exist,

- ▶ **public law CCIs and EBMOs should take their own initiative and agree to mutually respect their respective areas of competences, e.g. by way of a coordination agreement, including on procedures to settle possible disputes over competences.**
- ▶ **governments should respect any agreements between EBMOs and public law CCIs over competences and should not involve public law CCIs in areas of EBMO competence.**

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- The relations between Chambers of Commerce and Industry (CCIs) and Employers' and Business Membership Organizations (EBMOs) in OECD countries

► Appendix 1. Top-level CCIs in OECD countries

Australia	Australian Chamber of Commerce and Industry (ACCI) <i>Note: ACCI is both a CCI and EBMO!</i>
Austria	Austrian Federal Economic Chamber/Wirtschaftskammer Österreich (WKÖ)
Belgium	Federation of Belgian Chambers of Commerce (FBCC)
Canada	Canadian Chamber of Commerce (CCC)
Chile	Camara Nacional de Comercio, Servicios y Turismo de Chile (CNC)
Colombia	Confederación Colombiana de Cámaras de Comercio (Confecámaras)
Czechia	Czech Chamber of Commerce (Komora)
Denmark	Danish Chambers of Commerce (Dansk Erhverv)
Estonia	Estonian Chamber of Commerce and Industry (ECCI)
Finland	Finland Chamber of Commerce (FCC)
France	Chamber of Commerce and Industry (CCI)
Iceland	Iceland Chamber of Commerce (ICoC)
Ireland	Chambers Ireland (CI)
Israel	Federation of Israeli Chambers of Commerce (FICC)
Germany	Association of German Chambers of Industry and Commerce / Deutscher Industrie- und Handelskammertag (DIHK)
Greece	Union of Hellenic Chambers of Commerce (K.E.E.)
Hungary	Hungarian Chamber of Commerce and Industry (MKIK)
Italy	Italian Union of Chambers of the Commerce, Industry, Craft and Agriculture (Unioncamere)
Japan	The Japan Chamber of Commerce and Industry (JCCI)
Korea	Korea Chamber of Commerce & Industry (KCCI)
Latvia	Latvian Chamber of Commerce and Industry (LCCI)
Lithuania	Association of Lithuanian Chambers of Commerce, Industry and Crafts (ALCCIC)
Luxembourg	Chamber of Commerce Luxembourg (CCL)
Mexico	Confederation of Industrial Chambers of the United Mexican States (CONCAMIN) Confederation of National Chambers of Commerce, Services and Tourism of Mexico (CONCANACO)
Netherlands	The Chamber of Commerce (KVK)
New Zealand	New Zealand Chambers of Commerce (NZCCI)
Norway	Association of Norwegian Chambers of Commerce (DNH)
Poland	The National Chamber of Commerce (KIG)
Portugal	Portuguese Chamber of Commerce and Industry (CCIP)
Slovakia	Slovak Chamber of Commerce and Industry (SOPK)
Slovenia	Chamber of Commerce and Industry of Slovenia (GZS)
Spain	Spanish Chamber of Commerce
Sweden	Sweden's Chamber of Commerce
Switzerland	Chamber of Commerce and Industry of Switzerland (CCIS)
Turkey	The Union of Chambers and Commodity Exchanges of Turkey (TOBB)
United Kingdom	British Chambers of Commerce (BCC)
United States	U.S. Chamber of Commerce (USCC)

► Appendix 2. Top-level EBMOs in OECD countries

Australia	Australian Chamber of Commerce and Industry (ACCI) <i>Note: ACCI is both a CCI and EBMO!</i>
Austria	Federation of Austrian Industry (IV)
Belgium	Fédération des Entreprises de Belgique (FEB)
Canada	Canadian Employers' Council (CEC)
Chile	Confederación de la Producción y del Comercio (CPC)
Colombia	Asociación Nacional de Empresarios de Colombia (ANDI)
Czech Republic	Confederation of Industry of the Czech Republic (SP)
Denmark	Confederation of Danish Employers (DA)
Estonia	Estonian Employers' Confederation - ETTK
Finland	Confederation of Finnish Industry (EK)
France	Mouvement des Entreprises de France (MEDEF)
Germany	Confederation of German Employers' Associations (BDA)
Greece	Hellenic Federation of Enterprises (SEV)
Hungary	Confederation of Hungarian Employers and Industrialists (BUSINESS HUNGARY) (MGYOSZ)
Iceland	Business Iceland (SA)
Ireland	Irish Business and Employers' Confederation (IBEC)
Israel	Manufacturers' Associations of Israel (MAI)
Italy	Confederazione Generale dell'Industria Italiana (CONFINDUSTRIA)
Japan	Japan Business Federation (Nippon Keidanren)
Korea	Korea Enterprises Federation (KEF)
Latvia	Latvian Employers' Confederation (LDDK)
Lithuania	Confederation of Lithuanian Industrialists/Lietuvos Pramonininku Konfederacija (LPK)
Luxembourg	Business Federation Luxembourg (FEDIL)
Mexico	Confederación Patronal de la República Mexicana (COPARMEX)
Netherlands	Confederation of Netherlands Industry and Employers (VNO-NCW)
New Zealand	Business New Zealand (BusinessNZ)
Norway	Confederation of Norwegian Enterprise (NHO)
Poland	Employers of Poland (EP)
Portugal	Confederação Empresarial de Portugal (CIP)
Slovakia	National Union of Employers (RUZ)
Slovenia	Association of Employers of Slovenia (ZDS)
Spain	Confederación Española de Organizaciones Empresariales (CEOE)
Sweden	Confederation of Swedish Enterprise (SVENSKT NÄRINGSLIV)
Switzerland	Union Patronale Suisse (UPS)
Turkey	Turkish Confederation of Employers Associations (TISK)
United Kingdom	Confederation of British Industry (CBI)
United States	United States Council for International Business (USCIB)

- The relations between Chambers of Commerce and Industry (CCIs) and Employers' and Business Membership Organizations (EBMOs) in OECD countries

► Appendix 3. Public CCI laws

Country	Main regulation and legal status
Austria	Wirtschaftskammergesetz 1998 – WKG (BGBl. I Nr. 103/1998 idF BGBl. I Nr 15/2020)
Colombia	Title VI, Articles 78 to 97, of the Código de Comercio de Colombia, Decree 410 from 1971
Czech Republic	Act No. 301/1992 of the Czech National Council on the Chamber of Commerce of the Czech Republic and the Agrarian Chamber of the Czech Republic
Finland	Chamber of Commerce Act No. 878 of 2002 and Association Act No. 503 of 1989 (applicable to all non-profit organizations)
France	Code de Commerce, Livre VII: Des juridictions commerciales et de l'organisation du commerce. Titre Ier : Du réseau des chambres de commerce et d'industrie
Germany	Act on the Provisional Regulation of the Law of Chambers of Industry and Commerce in the version of 22 December 2020 (BGBl. I p. 3256)
Greece	Law No. 4497 of 13.11.2017 on the Exercise of outdoor commercial activities, modernisation of the chamber legislation and other provisions (Part B) as last amended by Law 4782 of 09.03.2021
Hungary	Act CXXI of 1999 on Economic Chambers, as amended on 1 January 2012
Italy	Law n. 580 of 29 December 1993 on the Reorganization of the chambers of commerce, industry, crafts and agriculture, as last amended on 14 August 2020
Japan	<i>Main regulation</i> Chamber of Commerce and Industry Act (Act No. 143 of 1952)
Korea	Chambers of Commerce and Industry Act, 2011, as amended by Act No. 12293 of Jan 2014
Lithuania	Law of the Chamber of Commerce, Industry and Crafts of the Republic of Lithuania of 6, December 1995, as amended (consolidated version of October 1, 2019)
Luxembourg	Law of October 26, 2010 reorganizing the Chamber of Commerce
Mexico	Law on Business Chambers and their Confederations of 20 January 2005, as last amended on 12 April 2019
Netherlands	Chamber of Commerce Act (Wet op de Kamer van Koophandel) of 25 November 2013, as amended on 31 March 2020 and Trade Register Act of 22 March 2007, as amended on 4 December 2020
Poland	Act of 30 May 1989 on Chambers of Commerce (Dz. U. 1989 No. 35 item 195), as amended (uniform text released on 15 March 2019)
Slovakia	Act no.9/1992 of the Slovak National Council on Chambers of Commerce and Industry, as last amended by Act No. 61/2015
Slovenia	Chambers of Commerce Act- ZGZ (Official Gazette of the Republic of Slovenia, No. 60/06 of 9 June 2006), as last amended on 3 October 2011
Spain	Basic Law of 1 April 2014 of the Official Chambers of Commerce, Industry, Services and Navigation
Sweden	Swedish law (1990: 515) on the Authorisation of Chambers of Commerce
Turkey	Law No. 5174 of 18 May 2004 on the Union of Chambers and Commodity Exchanges of Turkey and the Chambers and Commodity Exchanges

► Appendix 4. Profiles of private law Chambers of Commerce and Industry (CCIs) in OECD countries

Australia

Top-level organization

[Australian Chamber of Commerce and Industry \(ACCI\)](#).

Legal basis

[Australian Capital Territory Corporations Act 1989](#).

Status

Company limited by guarantee (not-for-profit organization).

Membership

Voluntary.

Income

Membership fees; fees from provision of services.

Structure

ACCI members are state and territory chambers of commerce (e.g. the Victorian Chamber of Commerce and Industry), national industry associations (e.g. the Australian Federation of Employers & Industries) and individual companies.

Governance/decision-making

ACCI is governed by its [Constitution as amended \(November 2012\)](#). Governance organs are the Annual General Meeting, the Board and the General Council. Board members are elected from the membership at the Annual General Meeting. The General Council, comprising the Board and other member representatives, oversees ACCI's policy development.

Scope of operations

ACCI and its member chambers/associations are active in the following policy areas: economics (economy, tax, infrastructure and industry), employment, education and skills, small business, workplace relations, work health and safety, tourism, migration, energy, international trade and regulation.

ACCI focuses on a wider range of commercial services and policy advocacy, although industrial relations services remain key for membership and revenue.

History

The Chamber Movement started in Australia in the first half of the 19th century with the setting up of the Sydney Chamber of Commerce in 1826. Chambers of Manufacturers were formed in the second half of the 19th century, for instance in Victoria (1865), South Australia (1869), New South Wales (1885), Western Australia (1890) and Queensland (1911). In 1901, several Australia-wide bodies were formed to advocate national policies: the Australian Chamber of Commerce (ACC), the Associated Chambers of Manufacturers of Australia (ACMA) and the Australian Council of Employers Federations (ACEF).

In 1977 the ACMA and the ACEF merged to form the Confederation of Australian Industry (CAI). In 1992 the CAI merged with the ACC to form the Australian Chamber of Commerce and Industry (ACCI), thus combining the functions of CCIs and EBMOs. In particular, both ACCI member chambers and member associations provide services in the field of industrial relations and labour matters.

Belgium

Top-level organization:

[Federation of Belgian Chambers of Commerce \(FBCC\)](#).

Legal basis

The original Chamber was founded by a Royal Decree in 1841 which defined the activities, rights and duties of the Chamber. Since then there have been no new regulations.

Non-profit organisations/associations are governed by the Belgian Companies and Associations Code ([BCAC](#)) of 23 March 2019.

Status

Not-for-profit association.

Membership

Voluntary.

Income

Membership fees; fees from services.

Structure

The Federation of Belgian Chambers of Commerce (FBCC) is the umbrella organisation of all accredited Chambers of Commerce (CC) in Belgium and abroad. There are 13 accredited CCs in Belgium. Each CC has its own identity, depending on members and region. Accreditation is a prerequisite for membership in FBCC. Presently, FBCC has six CC members in Flanders, five CC members in Wallonia, one CC member in Brussels and one CC member in East Belgium.

Governance/decision-making

According to FBCC website info, CCs are run for and by companies. There is a [Board of Directors](#) for managing, administering and representing the FBCC.

Scope of operations

FBCC uses collaboration agreements with the FPS economy (Federal Public Service Economy) and General Administration of Customs and Excise to increase the competitive strength of Belgian companies. FBCC's activities include the issuing of non-preferential certificates of origin, ATA carnets and digital certificates. FBCC is also focusing on international and sustainable entrepreneurship, innovation, migration, resources, exports, internationalisation of companies and customs formalities. The CCs in Belgium bring entrepreneurs in touch with each other, offer training, guidance and advice.

All Belgian CCs have endorsed corporate social responsibility (CSR) charters. The FBCC also cooperates with the Federal Institute for Sustainable Development (FISD) and the Voka alliance (set up in 2004) which is a collaboration between Flemish CCs and the Flemish employers association.

History

CCs in Belgium were founded in 1665 as Caemere van de Negotie ende Commerce in Bruges. They were acknowledged as official organisations under the authority of the Dutch regime in 1815. A royal decree defined the activities, rights and duties of the chambers in 1841. In 1875, local chambers set up the National Federation of Chambers of Commerce and Industry of Belgium. An accreditation programme for local chambers of commerce resulted in several mergers among smaller chambers in 1998. The federation assumed activities from the Association of Belgian Chambers of Commerce Abroad in 1999. The accreditation programme for Belgian CCS abroad commenced in 2004. The Brussels Enterprises Commerce and Industry ([Beci](#)) was founded in 2006 as an alliance of the Brussels Chamber of Commerce and Industry and the Union des Entreprises de Bruxelles.

Canada

Top-level organization:

[Canadian Chamber of Commerce \(CCC\)](#).

Legal basis

[Canada Not-for-profit Corporations Act, 2009](#).

Status:

Not-for-profit corporation.

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

The Canadian Chamber of Commerce (CCC) consists of a network of over 450 local and regional chambers of commerce (e.g. Abbotsford Chamber of Commerce) and boards of trade, representing 200,000 businesses of all sizes in all sectors of the economy and in all regions. It is the largest business association in Canada.

Governance/decision-making

The CCC is governed by its [Bylaws](#).

The Board of Directors is the governing body of the CCC. It is mandated to conduct the business of the CCC and to oversee its financial transactions. The Board of Directors is responsible for the implementation, interpretation and promotion of policies approved by the membership.

The CCC has several working groups, comprised of Canada's leading companies and organisations that are interested in development and advocating public policy changes. These working groups include: National Agriculture and Agri-food Working Group; National Cannabis Working Group; National Circular Economy Working Group; National Pharmacare Working Group; National Utilities Working Group; and National Workforce Strategies Working Group.

Scope of operations

The CCC advocates for public policies in sectors including agriculture, food and beverage, construction and engineering, manufacturing, retail trade, transportation and logistics, utilities, small and medium sized businesses, information technology, resource and financial services.

The CCC's most recent public policy initiatives at government level include cyber security, intellectual property, and innovation, international trade, labour market, skills, and training, entrepreneurship, indigenous peoples and transportation and infrastructure.

History

In 1750, a group of business leaders met in Halifax to form the first chamber of commerce in North America. In 1925, a group of businessmen met to form the CCC, then known as the Canadian Board of Trade. In 1929, the CCC was incorporated under the Companies Act by letters patent, issued by the Canadian Secretary of State.

Chile

Top-level organization:

[Camara Nacional de Comercio, Servicios y Turismo de Chile \(CNC\).](#)

Legal basis

[Decree Law No. 2757 of 1979 on Trade Associations \(Decree law\).](#)

The CNC is governed by its [Statutes](#) and by the rules of Decree Law No. 2757 of 1979, and its subsequent modifications. The Reform of the Statutes was approved by the Extraordinary General Assembly of Members on September 25, 2012.

Status:

Non-profit association

CNC is a federation of trade associations in the areas of trade (national and international), services or tourism.

Membership

Voluntary (Art 2 Decree Law).

Income

According to Art 37 Statutes, income of chambers shall be mainly made up of: the ordinary/extraordinary member dues/contributions; donations; proceeds of goods or services; and sale of assets.

Structure

Members of CNC include regional chambers (e.g. Cámara de Comercio de Santiago A.G.), specialised associations (e.g. Asociación Logística de Chile), binational chambers, and other businesses.

Governance/decision-making

According to Art.7 Statutes, the highest authority of the CNC is the Assembly of Members, which is made up of the active members and the representatives of the business members elected in accordance with the statutes. The Board of Directors is in charge of the representation and administration of the CNC, for which it has the broadest powers, with the exception of those that correspond to the General Assembly, the Council or the President.

Scope of operations

The objectives of chambers are to be determined in their statutes (Art 7b Decree Law). Federations of chambers are responsible for representing their affiliates and for promoting, coordinating and directing the actions that they develop (Art 30 Decree Law). The essential purpose of Confederations of chambers is to look after the general interests of the sectors they represent (Art 31 Decree Law).

The activities of the Chilean chambers are focused on trade, services and tourism, encouraging good practices, collaboration, competitiveness, productivity, innovation, responsible consumption and the experience of services that add economic value from the union representation, social, political and environmental to their activities to advance towards sustainable development. Further activities (Art 3 of the Statutes) are: mediation and arbitration activities, promotion and defence of the social market system, the freedom to engage and the right to property, and the provision of certifications.

History

The first Chilean chamber was founded in 1858 in Valparaíso. It was established as the Central Chamber of Commerce in Chile and incorporated provincial chambers and other specialised union associations in 1925. The services area was incorporated in 1989 and the tourism area was incorporated in 1991.

Denmark

Top-level organization:

[Danish Chambers of Commerce \(Dansk Erhverv\)](#).

Legal basis

Charitable and non-profit organizations, like chambers, in Denmark must be approved pursuant to [s. 8A and s. 12\(3\) of the Danish Tax Assessment Act](#).

Status:

[Private non-profit organisation](#).

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

Dansk Erhverv is a member of the Confederation of Danish Employers (DA).

Dansk Erhverv is a business organization formed by 17.000 member companies and more than 100 trade associations (e.g. AV Brancheforeningen) in areas such as retail, wholesale, food, IT and telecommunications, transport, tourism and knowledge services, creative professions, counselling, health and welfare.

Governance/decision-making

The Board of Directors consists of 40 members who are elected at the general meeting of Dansk Erhverv.

Scope of operations

Dansk Erhverv has a political focus on lobbying in the following areas: labour market, corporate social responsibility, digitisation, e-commerce, energy and climate, the EU and globalisation, consumers, innovation and entrepreneurship, environment and resources, public-private cooperation, education, research, economics and society.

Dansk Erhverv has been a member of the UN Global Compact since 2009 and contributes to the UN's World Goals since 2015.

History

Dansk Erhverv was founded in 2007, following a merger between Dansk Handel and Service and the Chamber of Commerce.

Estonia

Top-level organization:

[Estonian Chamber of Commerce and Industry \(ECCI\)](#).

Legal basis

[Non-profit Associations Act](#), other legal acts, international agreements and [Articles of Association](#).

Status:

Non-profit association.

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

ECCI has over 3.300 members the majority of which are small and medium sized businesses (e.g. PIVOTEX BALTI OÜ or ERS TRUMLITAGASTUS OÜ). Members account for over 85% of Estonia's exports. According to its [Articles of Association](#), the structure of ECCI is determined by the Board. The structure includes the main office and regional representative agencies. ECCI can establish different divisions by a relevant resolution of the Board.

Governance/decision-making

ECCI is governed by its [statutes](#). The governing bodies of ECCI are the General Meeting (which is the supreme body) and the Management board, led by the chairman of the board and the director general respectively.

Scope of operations

ECCI provides business-related services in the areas of legal, foreign trade, EU consultation, business networking, including trade missions and business to business meetings, information services, training and foreign trade document processing. ECCI hosts the Arbitration Court of Estonia.

History

ECCI was originally founded in 1925. It was accepted as a member of the International Chamber of Commerce in 1927. ECCI was closed down after the Soviet occupation in 1940 and was re-established in its current form in 1989 after independence of Estonia.

Iceland

Top-level organization:

[Iceland Chamber of Commerce \(ICoC\)](#).

Legal basis

No info available on laws used as a basis; [ICoC Statutes](#).

Status:

Non-governmental organization.

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

The ICoC is a platform for parties to participate in any type and form of work aimed at reforming and improving their business environment and enhancing prosperity.

Membership in the Icelandic Chamber of Commerce may include private companies (e.g. Arctica Finance), associations of companies (e.g. Actavis Group), associations and individuals doing business on a competitive basis from all regions and sectors within the country.

Governance/decision-making

According to the [ICoC Statutes](#) (chapters 3 and 4), the governing body are the ICoC Board of Directors and the ICoC General Assembly. The Board of Directors consists of 38 members (37 members and the President, who is elected separately in a single ballot). The Board of Directors sets ICoC's policies and oversees the operations and offices of the ICoC.

Scope of operations

ICoC provides certificates of origin, ATA carnets for goods temporarily exported from Iceland and, through the regularly updated publication of "The Icelandic Economy", overviews of the current economic, business and political issues, events, developments and future prospects of the economy.

ICoC works also in areas such as economics (customs and duty, capital controls, tax), education, labour market and workplace relations, international relations, communication, innovation, environment and resource use or productivity.

ICoC represents the interests of its members via the media and in regular and ad hoc consultations with state authorities.

History

ICoC was established in 1917.

Ireland

Top-level organization:

[Chambers Ireland \(CI\)](#).

Legal basis

[Part 18 of the Companies Act 2014 1172 and 1176](#).

Status

Company Limited by Guarantee (non-profit company).

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

CI, according to its own website info, is Ireland's largest business network. It is the umbrella group for affiliated chambers (e.g. Galway Chamber and Dublin Chamber) which exist in every major town and region in Ireland. Each member chamber retains its independence and a right to adopt its own policy and policy position. CI's federal structure enables a bottom-up mandate.

Governance/decision-making

The [board of CI](#) acts as the organisation's governing body, meeting monthly to provide strategic leadership and to oversee activities and volunteer structures at the national level. Executives of every member chamber are entitled to attend the quarterly CI Executive's Forum, which is a self-governing structure that addresses issues of concern to its members with an advisory capacity to the board on issues affecting local chambers.

Scope of operations

CI's main activities include the lobbying of the government on policy to create a better business environment for its members to operate in, supporting SMEs, facilitating trade (e.g. issuing of certificates of origin) and overall strengthening and development of the chamber network. CI, via Peninsula, offers services for small to medium-sized businesses on HR, employment law, employee well-being, and health & safety support.

History

The first chamber of commerce in Ireland was founded in Dublin in 1783 after the weakening of the merchants' guilds. The establishment of the Dublin Chamber led to the formation of other chambers of commerce in Ireland. The first British federation, the Association of Chambers of Commerce, began in 1860 and included the Irish chambers.

Chambers of Commerce in Ireland were founded in 1923, one year after the country's independence.

Israel

Top-level organization:

[Federation of Israeli Chambers of Commerce \(FICC\)](#).

Legal basis

[Associations Law, 1980](#), [The Amutot \(Non-Profit Organizations\) Law, 5740-1980](#), and regulations made pursuant thereto.

Status

Non-profit entity.

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

FICC is the umbrella organisation for the six regional Chambers of Commerce in Israel (Tel Aviv, Jerusalem, Haifa, Beer Sheva, Eilat and Nazareth). According to its website, it is the leading economic organization representing the trade and service sector, the largest sector in Israel. FICC represents over 5000 businesses in various economic branches, including export, import, trade, real estate, financial and business services.

Governance/decision-making

As provided by the Amutot Law, chapter 4, every amuta (non-profit entity) shall have a general meeting, a board and a control committee, and it may have additional agencies as provided in its rules.

According FICC's website, governance organs are the management and the presidium, including the President.

Scope of operations

Activities of FICC include services in a range of areas, business networking, identification of new markets and business opportunities, company information, local and international tenders, meetings with representatives of international trade missions, approval of documents and certificates, rules and regulations on international trade, preliminary legal advice, labor relations and wages, economic advice, taxation, business courses, arbitration, goods and benefits, and professional forums.

FICC indicates on its website that activities in the last decade, among others, concerned "Petitioning against strikes initiated by employees of essential public services."

History

First steps towards setting up chamber organizations in Israel date back to 1919. In the 1950s, the Chambers of Commerce in Tel Aviv, Haifa and Jerusalem jointly set up the FICC.

Latvia

Top-level organization:

[Latvian Chamber of Commerce and Industry \(LCCI\)](#).

Legal basis

[Associations and Foundations Law of the Republic of Latvia, 2004](#) (no specific legal regulation exists for chambers).

Status

Non-profit organization.

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

The LCCI, according to information on its website, is the largest association of entrepreneurs in Latvia, with more than 6.000 (3.000 individual companies and 3.000 via business associations) micro, small, medium and large enterprises of all regions and industries as members.

Governance/decision-making

According to § 5.1 of the LCCI [Statutes](#), the Members' Meeting shall be the supreme decision-making body of the LCCI. The members of the LCCI have equal voting rights.

The LCCI Council governs the organization and consists of 18 to 22 members, including the Chair (President) and Deputy Chairs (Vice-Presidents).

Scope of operations

LCCI represents the interests of entrepreneurs and advocates for a conducive business environment in Latvia. Main fields of activity of LCCI are: business environment, competitiveness of enterprises, export. LCCI provides various [member services](#), including: training for entrepreneurs, legal advice, issuing of certificates (ATA carnet, certificate of origin, force majeure certificate), arbitration, and apprenticeship support.

History

LCCI was founded in 1934, with three other economic chambers being founded soon afterwards, including the Chamber of Agriculture (founded in 1935), the Chamber of Crafts (founded in 1935) and the Chamber of Labour (founded in 1936). LCCI was dissolved in 1940 after the establishment of Soviet rule in Latvia. From 1948, it operated in Latvia as a structural unit of the All-Union Chamber of Commerce and Industry of the USSR. In 1990, LCCI was re-founded as an independent organization.

New Zealand

Top-level organization:

[New Zealand Chambers of Commerce \(NZCCI\).](#)

Legal basis

[Incorporated Societies Act, 1908](#) (no specific legal regulations exist for chambers).

Status

Non-for-profit business membership association.

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

According to the NZCCI [website](#), the 30 Chambers in New Zealand support over 22.000 members who are active in their business environment both nationally and internationally. Each Chambers' role is to influence and inspire business and deliver success.

The Chambers enjoy close relationships with industry bodies within the local and national business communities including government, institutions, other associations and the media.

NZCCI is divided into 4 hubs for administrative purposes: Northern, Central, Canterbury and Southern; and affiliated with the International Chamber of Commerce (ICC), providing members with access to the ICC business network in the world.

Governance/decision-making

NZCCI Board is composed of: the CEOs of the Auckland, Wellington, Canterbury and Otago Chambers, another Director from each region and a ninth board member who is elected by the representatives of all the accredited Chambers at the NZCCI annual general meeting. NZCCI's registered address is at the Wellington Employers' Chamber of Commerce offices.

Scope of operations

The Chambers seek to positively influence the business environment through the provision of training, advice, information and support whilst acting as a voice and advocating to assist members, in particular by maintaining close relationships with industry bodies, local and national business communities, government institutions, the media and other associations.

The Chambers also provide a range of opportunities, products, services and membership savings. In particular, they provide international trade assistance, including the provision of certificates of origin and manufacture.

History

The first Chambers in New Zealand were created in the 1850s, e.g. the Auckland and the Wellington Chambers of Commerce in 1856. The umbrella Association NZCCI was created in 1915.

Norway

Top-level organization:

[Association of Norwegian Chambers of Commerce \(DNH\)](#).

Legal basis

[Company Law](#) (no specific legal regulations exist for chambers).

Status

Private non-commercial (non-profit) association.

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

According to its website, DNH is the umbrella organizations for the 15 regional chambers of commerce (e.g. Bergen and Oslo) and trade associations in Norway, representing a total of 10.000 companies and 300.000 employees.

Governance/decision-making

No info available.

Scope of operations

DNH member chambers seek to promote and safeguard the interests of their members by contributing through advocacy with government and other actors. They also provide services such as: networking; arbitration; relocation/immigration; competence enhancement; counselling; and provision of export documents (e.g. ATA carnet).

Main tasks of the DNH are: assistance in the establishment of new chambers; representation of chambers in national and international fora; development of cooperation between the chambers, where necessary, with regards to their service procedures; and establishment/further development of cooperation with the public authorities and business societies in the country, as well as between the chambers themselves.

History

Local chambers of commerce were founded in Norway at the beginning of the past century, e.g. the Oslo Chamber of Commerce was set up in 1908. DNH was founded in 1990.

Portugal

Top-level organization:

[Portuguese Chamber of Commerce and Industry \(CCIP\)](#).

Legal basis

[Framework Law of the Statute of Public Utility, Law No. 36/2021 of June 14, 2021](#), see also [here](#)

(no specific legal regulations exist for chambers).

Status

According to its [Statutes](#), CCIP "is a legal entity of public utility, endowed with legal personality, not for profit ..."

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

According to its website, CCIP has more than 1000 member companies from all branches and regions.

Governance/decision-making

Pursuant to art.14 of its Statutes, the governing bodies of CCIP are:

- a. The General Assembly
- b. The Executive Committee
- c. The Fiscal Council.

These bodies ensure implementation of their respective action, each in accordance with its powers.

Scope of operations

CCIP lobbies on behalf of its members' interests through the European-related subjects that impact the national economy through a partnership of a consultancy company.

CCIP offers the following services: support for the internationalization and issuance of export documents (certificates of origin; carnet ATA); conference facilities, events and training; guidance on legal, tax or financial issues; studies and special projects. On the basis of the country's arbitration law of 1986, CCIP also runs a Commercial Arbitration Centre.

History

The first chamber in Portugal was established in Lisbon in 1834 to ensure the representation of the region's business community at national and international level. In 2014, the chamber took its current name, the Portuguese Chamber of Commerce and Industry (CCIP).

Switzerland (CCIS)

Top-level organization:

[Chamber of Commerce and Industry of Switzerland \(CCIS\)](#).

Legal basis

[Art 60 et al. of the Swiss Civil Code](#) (no specific law for chambers of commerce)

Status

Private association with a non-commercial purpose.

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

CCIS is the union of the 19 cantonal and regional Chambers in Switzerland (e.g. Geneva Chamber of Commerce, Industry and Services) and the Liechtenstein Chamber of Commerce.

Governance/decision-making

The Committee of CCIS is the main decision making body and consists of the President and five representatives of member chambers. The presidency of the CCIS rotates among the individual chambers.

Scope of operations

The Swiss cantonal and regional chambers provide services to its members related to: issuing of export documents (certificate of origin, ATA Carnet), legal advice (including on labour law), arbitration/mediation, promoting the business development, and maintenance of the company network.

CCIS represents the political and economic interests of its members in European committees.

History

Regional chambers of commerce in Switzerland were set up in the second half of the 19th century and the beginning of the 20th century. For instance, the Geneva Chamber of Commerce, Industry and Services was founded in 1865 with the main task *"to enlighten the Cantonal and Federal governments with its information and to formulate requests and suggestions (...) it will also have to disseminate our principles of free enterprise throughout Switzerland."*

United Kingdom

Top-level organization

[British Chambers of Commerce \(BCC\).](#)

Legal basis

[Companies Act 2006](#) (no specific legal regulations exist for chambers).

Status

Company limited by guarantee (not-for-profit organization).

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

The BCC network consists of 53 accredited regional/local chambers (e.g. Cornwall Chamber of Commerce) representing some 80.000 businesses from all sectors that employ around six million people across the UK.

Accreditation by regional/local chambers in the BCC involves a bi-annual assessment by an independent third party against a special set of quality criteria that accredited chambers are expected to meet in three areas: Governance, Resources, and Services.

Governance/decision-making

The Executive Leadership of BCC consists of the Director, two Co-Executive Directors and the Finance Director.

Scope of operations

BCC represents its members' interests with policymakers and parliamentarians. It helps facilitate networking opportunities, share best practice, and develop new opportunities for businesses. It also provide support to help businesses trade locally, nationally and internationally.

BCC also runs the Quarterly Economic Survey and maintains an active programme of policy research, focus groups and events.

Regional/local chambers provide services related to trade (certificates of origin, ATA carnets, export guidance, preferential trade documentation), training (management training; export procedures) and info and advice (e.g. on legal matters, OSH, tax, HR). See also [here](#).

History

The Association of Chambers of Commerce of the United Kingdom (later on renamed Association of British Chambers of Commerce) was founded in 1860. These Chambers of Commerce were set up throughout Britain as local, independent, non-profit making and non party-political organisations, and were funded by membership subscriptions.

United States of America

Top-level organization

[U.S. Chamber of Commerce \(USCC\)](#).

Legal basis

There is no specific law for chambers. [Non-profit entities](#) are organized under state law. For non-profit corporations, some states have adopted the Revised Model Non-Profit Corporation Act (1986).

Status

Non-profit-organization.

Membership

Voluntary.

Income

Membership fees; fees for provision of services.

Structure

USCC claims to be the world's largest business organization. Its members are local chambers, industry and trade associations, and companies of all sizes and from all sectors in the U.S. Overall, the USCC represents more than three million business organizations and individuals.

Governance/decision-making

USCC's Executive Leadership team consists of 20 persons, including the Chief Executive Officer and the President.

According to its website, the Board of Directors is the principal governing and policy making body of the USCC. The Board's membership is very diverse with corporate, non-profit, and small business leaders serving from all sectors and sizes of business, and from all regions of the country.

Directors determine the USCC's policy positions on business issues and advise on appropriate strategies to pursue. Through their participation in meetings and activities held across the nation, Directors help implement and promote USCC's policies and objectives.

Scope of operations

USCC's main activity is advocacy to strengthen the competitiveness of the U.S. economy. In this regard, it focuses on key challenges, such as: tax and entitlement reform, energy, health care, international trade and investment, a competitive workforce, immigration, capital markets, reliable and secure infrastructure, environment and climate change, legal reform, innovation, and regulatory reform.

Local chambers of commerce offer a range of programs and services to their members, including information and advice on timely business matters, opportunities for networking, and a variety of publications.

History

The first chamber of commerce in the US was created in 1768 in New York City. The USCC was founded in 1912 by 700 delegates from businesses, chambers and associations, responding to an earlier suggestion by U.S. President William Howard Taft.

► Appendix 5. Profiles of public law Chambers of Commerce and Industry (CCIs) in OECD countries

Austria

Top-level organization

[Austrian Federal Economic Chamber/Wirtschaftskammer Österreich \(WKÖ\)](#).

Legal basis

Main regulation is the [Wirtschaftskammergesetz 1998 – WKG \(BGBl.I Nr. 103/1998 idF BGBl. I Nr 15/2020\)](#) (hereinafter, WKG). The WKG comprehensively regulates the status and activities of the Federal Economic Chamber and the nine economic chambers at federal state level in Austria (hereinafter, ECs).

The WKÖ website also provides info about [Basics, ordinances & announcements of the WKÖ](#).

Status

According to § 3 (1) WKG, the federal state ECs and the Federal EC are public law corporations.

They are independent economic entities that have the right, within the limits of the general federal and federal state laws, to own, acquire and dispose of assets of all kinds, to render services against payment, to operate economic enterprises and, within the framework of the provisions of the WKG, to manage their budget independently and to prescribe levies, § 3 (2) WKG.

According to § 9 (1) WKG, the use of the name “Chamber” with an addition referring to the economy or to a branch of the economy by other legal entities is only permitted with the approval of the Federal Minister of Economy, Family and Youth.

Membership

Compulsory, § 2 WKG. According to § 2 (1) WKG, EC members are *“all physical and legal persons as well as other legal entities that legally independently operate or are entitled to operate enterprises of trade, handicraft, industry, mining, commerce, money, credit and insurance, transport, communications, broadcasting, tourism and leisure economy as well as other services”* (underlining added)

Income

The income/resources for ECs is regulated in the WKG as follows:

First of all, members must contribute to the financing of the ECs by means of levies, § 121 – 123 WKG. While, in principle, all members have to pay levies, members with a turnover of less than 150.000 € are exempted, § 121 (6), (4) WKG. The levies are collected by the federal levy authorities and transferred to the Federal EC which, in turn, transfers to the federal state ECs the shares that are attributable to them, § 121 (6) and (7) WKG.

In addition, fees may be set and collected by the federal state EC and the Federal EC for special services rendered by them or their bodies, in particular examination fees, fees for certification in interstate trade in goods and services, especially certificates of origin and the processing of ATA carnets, fees for issuing copies in matters relating to the register of designs, fees for extracts from the files (directories, registers, cadastres, etc.) of the ECs, § 125 WKG.

Purpose/functions/competences

The competences of both the federal state ECs and the Federal EC are regulated in detail in the WKG. A differentiation is made between tasks in the own sphere of action and in the delegated sphere of action. In matters within their own sphere of action, instructions from state organs are excluded, § 7 WKG.

Tasks of *federal state ECs* in their own sphere of action according to § 19 WKG include in particular:

1. to represent the economic and legal interests of their members, to work towards the maintenance of industrial peace and to promote measures aimed at this end, in particular through appropriate institutions;
2. to submit reports, expert opinions and proposals to the authorities and legislative

bodies within its sphere of action on the concerns of its members and on all matters relating to the economy;

3. to give expert opinions on the establishment and organisation of institutions which have as their object the promotion of the economy or the education system serving it, and to take measures in this respect and to create appropriate institutions;
4. to promote the economy, in particular also by offering education and further training as well as by granting general, technical and business promotion through appropriate institutions, in particular through economic promotion institutes;
5. to delegate representatives to other bodies and agencies and to propose appointments to such bodies and agencies;
6. to maintain regional relations with foreign interest groups, institutions as well as international organisations after informing the Federal EC in advance;
7. to handle EU programmes promoting the economy;
8. to participate in statistical recordings and surveys concerning the economy and to keep statistics of this kind;
9. to keep the registers of members, former members and potential entrepreneurs;
10. to advise and support its members in legal and economic matters, including representation in labour and social law matters, and to work towards the maintenance of fair competition, including in particular the prevention of unauthorised practice of the trade (combating bungling);

11. to provide information on all matters relating to the establishment and expansion of enterprises, to operate facilities for the provision of advice on setting up enterprises and to keep registers of potential founders with regard to the data collected for the provision and improvement of services to them; and

12. to support authorities and members as well as former members as far as possible by providing information such as, in particular, information on periods of membership, functionary activity or secondment as well as by issuing confirmations, for example, on completed training, courses, examinations and participation in competitions.

In their delegated sphere of action, according to § 20 WKG *federal state chambers* have the task to participate in the administration of the State in the cases provided for by special legal provisions and act at the request of international organisations. They are also responsible for the issuing of non-preferential certificates on the origin of goods and, as regards the performance of this task, are subject to the instructions of the Federal Minister of Finance.

The tasks of the *Federal EC*, in its own and its delegated sphere of action, are similarly regulated in § 31 and § 32 WKG respectively.

Regional/territorial scope

According to § 6 (1) and (2) WKG, the territorial scope of each federal state EC shall extend to the federal state concerned, whereas the territorial scope of the Federal EC shall extend to the entire federal territory.

State supervision of the functioning of CCIs

According to § 24 and 36 WKG respectively, the federal state ECs and the Federal EC are self-governing bodies with autonomy and independence in professional and sectoral matters. On a number of issues, chambers are subject to state control and supervision, in particular:

- ▶ According to § 78 (2) WKG, the chairman and the deputy of the main election commission for the election of the organs of the ECs has to be appointed by the Federal Minister of Economics and Labour on the proposal of the Extended Presidium of the respective EC.
- ▶ According to § 136 WKG, ECs are supervised by the Federal Minister of Economics and Labour as regards lawful conduct of business and the maintenance of the orderly course of administration.
- ▶ According to § 151, the Federal Minister of Economics and Labour (and as regards § 146, the Federal Minister of Finance) is entrusted with the enforcement of the WKG.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

According to the WKG, ECs in Austria have a wide mandate to represent members and to provide services to them.

Among others, federal state ECs are responsible for advising and supporting their members in legal and economic matters, including representation in labour and social law matters, § 19 (10) WKG. Moreover, sectoral groups that can be set up by federal state ECs shall represent the professional interests of their members in their own sphere of activity, including as regards: "1. the promotion of the economic, social and humanitarian affairs of the members, ... 7. the conclusion of collective agreements", § 43 (1) WKG.

A limitation of competences in relation to EBMOs exists insofar as federal state ECs lose the competence to represent employers in collective bargaining where a collective agreement has been concluded by a professional association recognized as being capable of collective bargaining with regard to the members of the professional association, § 5 (1) and 6 Labour Constitution Act (ArbVG).

Legally speaking, ECs have therefore only subsidiary competence for collective bargaining. In practice, in the absence of collective agreements concluded by EBMOs, collective bargaining is nevertheless a task assumed by the ECs on the employer side. In this sense, EBMOs have implicitly empowered the ECs to represent employers in collective bargaining.

History

In 1848, Austria's first Chamber of Commerce was established in Vienna, but there was no a definitive law until 1868. In 1946 the Federal Chamber of Commerce was established, involving specialised organisations with their own legal personality and budgetary sovereignty and this was the beginning of social partnership. In 1991 the rights of membership, minority and control rights were included. The current organisational structure came into force in 2010.

Colombia

Top-level organization

[Confederación Colombiana de Cámaras de Comercio \(Confecámaras\)](#).

Legal basis

The establishment, operations and supervision of chambers of commerce (hereinafter, CoC) in Colombia is regulated in the [Code of Commerce of Colombia, Decree 410 of 1971, First Book, Title VI, Art 78 – 97](#), as amended (hereinafter, CoC Code).

Amending regulation is contained in [Law 1727 of 2014 “Whereby the Code of Commerce is reformed, rules are established to strengthen the governance and operation of the Chambers of Commerce and other provisions are enacted”](#) and [Decree 1074/2015](#).

Status

Art 78 CoC Code defines CoCs as *“legal institutions with legal personality, created by the National Government, ex officio or at the request of the merchants of the territory where they are to operate.”*

According to Confecámaras' website, CoCs in Colombia, as legal delegates of public functions, constitute a model of public-private collaboration through which the constitutional aims of promoting the general prosperity of the business community, freedom of enterprise as the basis for national development, solidarity and participation in national economic life are realised.

Membership

Voluntary. According to Article 92 of the CoC Code, *„Merchants who have fulfilled and are fulfilling the requirements of a merchant may become members of a chamber of commerce upon application with the support of a local bank or three registered merchants from the same place.”* (underlining added) Voluntary. Article 12 Law 1727 (amending Article 92 of the CoC Code) stipulates that natural or legal persons may be affiliated to a CoC if they:

1. requested it.
2. have been registered for at least two consecutive years in any CoC.

3. have exercised commercial activity during this period of time, and

4. have permanently fulfilled their obligations derived from their status as merchants, including the timely renewal of their commercial registration in each period.

Income

According to Art 93 CoC Code, each chamber shall have the following ordinary income:

1. The income from fees authorised by law for registrations and certificates.
2. The annual fees that the regulations establish for members and registered traders, and
3. The fees generated by its own goods and services.

According to Article 23 of Law 1727, the Board of Directors of the CoCs shall be responsible for establishing, modifying or adjusting the membership fees.

Purpose/functions/competences

The law stipulates the functions to be delivered by CoCs in detail. According to Art 86 CoC Code, a CoC shall exercise the following functions:

1. Serve as an organ of the general interests of the trade vis-à-vis the government and the traders themselves.
2. Carry out economic research on specific aspects or branches of domestic and foreign trade and to make recommendations to the state and semi-official bodies responsible for the implementation of the respective plans.
3. Keep the commercial register and certify the acts and documents registered therein, as provided for in this Code.
4. Give notice in its gazettes or publicity organs of entries made in the commercial register and of any modification, cancellation or alteration of such entries.

5. Record the trade customs of the places under its jurisdiction and to certify the existence of the collected customs.
6. Appoint an arbitrator, arbitrators or amiable conciliators when requested to do so by private parties.
7. Serve as arbitration tribunal to settle disputes brought before it by the contracting parties, in which case the tribunal shall be composed of all the members of the board.
8. Lend its good offices to traders in making arrangements between creditors and debtors, as amiable conciliators.
9. Organise exhibitions and conferences, edit or print studies or reports related to its objectives.
10. Issue its internal regulations, which must be approved by the Minister of Industry and Commerce.
11. Submit in January of each year a report or report to the Minister of Industry and Commerce on the work carried out during the previous year and his opinion on the economic situation of their respective zones, as well as a detailed account of their income and expenditure.
12. Any other duties assigned to them by law and by the National Government.

According to Art 96 CoC Code, the confederations of chambers of commerce shall serve as a consultative body of the affiliated chambers as far as their functions and attributions are concerned, with the aim of unifying the exercise of the same, compiling the customs that have a national character and tending to the improvement of the chambers in terms of modernization, efficiency and agility in the rendering of their services. As such, they shall convene meetings or congresses of the member chambers, when they deem it convenient, to agree on action programmes and adopt conclusions on organisation and functioning of the chambers of the country.

Regional/territorial scope

The regional scope of CoCs is regulated in Art 1 Law 1727 (Amending Article 79 of the Code of Commerce), which reads as follows:

“The National Government shall determine the jurisdiction of each Chamber, taking into account the geographical continuity and the commercial links of the municipalities it groups together, within which it shall exercise its functions”.

State supervision

CoCs are subject to state supervision in various respects, for instance the following ones:

- According to Art 80 CoC Code, the National Government shall be represented in the Boards of Directors of the CoCs up to one third of each Board.
- The National Government shall fix the number of members that shall make up the Board of Directors of each CoC, including the representatives of the Government, taking into account the number of members in each CoC and the commercial importance of the corresponding district. The Board of Directors shall be composed of between six (6) and twelve (12) members, as determined by the National Government.
- According to Art 87 CoC Code, compliance with the functions of the CoC shall be subject to the supervision and control of the Ministry of Industry and Commerce. The latter may impose fines or decree the suspension or closure of the CoC, according to the seriousness of the infraction committed.
- According to Art 88 CoC Code, the Office of the Comptroller General of the Republic shall exercise control and oversight of the collection, management and investment of the income of the CoC, in accordance with their budget, previously approved by the Ministry of Industry and Commerce.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit provisions in the CoC Code that prevent CoCs from interfering with the competences of EBMOs. However, according to Art 86 CoC Code, the competences of CoCs are precisely and exhaustively enumerated and they do not include typical EBMO competences such as representation in labour and social matters and collective bargaining. In this way, the CoCs are hindered to carry out activities that fall within the core competences of EBMOs.

History

The Bogotá Chamber of Commerce, the first one in Colombia, was established in 1878. Afterwards, Law 111 of 1890 determined the rules for the creation of CoCs and further CoCs were established. Until 1931, they were institutions of traders, focusing almost exclusively on the solution of business problems and in some cases on civic activities.

In the last 30 years, there has been a renewal in most of the CoCs, one of the results of which was the creation of Confecámaras and the adoption of uniform criteria regarding CoC objectives, which are primarily to promote the economic development of the respective regions.

Czech Republic

Top-level organization

[Czech Chamber of Commerce \(Komora\).](#)

Komora is one of the major business associations in the Czech Republic, with over 15.000 members in 62 regional CoCs and 100 branch associations.

Legal basis

[Act No. 301/1992 of the Czech National Council on the Chamber of Commerce of the Czech Republic and the Agrarian Chamber of the Czech Republic](#) (hereinafter, Czech CoC Act).

This law covers the establishment, competences and governance of chambers of commerce and agrarian chambers in the Czech Republic (hereinafter, CoC).

The aforementioned legal regulation stipulates that the Czech Chamber of Commerce protects the interests of Czech entrepreneurs from all regions and in all sectors except agriculture, food and forestry (this activity is carried out by the Agricultural Chamber of the Czech Republic).

Status

CoCs are legal entities, registered in the Commercial Register, § 2(4) Czech CoC Act. The seat of the Czech CoC is the capital city of Prague, § 2 (5) Czech CoC Act.

Membership

[Voluntary](#), § 5(3) Czech CoC Act.

CoCs are associations of entrepreneurs (legal and natural persons) that are accepted as their members, § 2(3) Czech CoC Act. Joining a chamber can mean either membership or partnership with less access to services.

Income

According to § 18(4), the revenues of the Czech CoCs are composed of membership fees, subsidies, gifts and other revenues. The latter probably also include fees for the issuing of certificates (see § 4(1g) Czech CoC Act).

The Czech CoC also has fee income from services provided by the arbitration court, which is attached to it, § 19(4) Czech Coc Act.

Structure

The Czech CoC consists of district CoCs, and the district CoC in the capital city of Prague, § 3(1) Czech CoC Act. District CoCs are also legal entities and are registered in the Commercial Register § 3 (2).

Purpose/functions/competences

The law stipulates as the main objective of the CoCs the following: to support business activities outside agriculture, food industry and forestry, to promote and protect the interests and to meet the needs of its members, § 2(1) Czech CoC Act.

More specifically, according to § 4(1) Czech CoC Act, CoCs have the following competences/tasks:

1. Provide their members with advisory and consulting services in matters related to business activities.
2. Issue statements pursuant to special regulations and expert opinions.
3. Organize educational activities and cooperate with state administration bodies in providing information services, vocational training and forms of retraining and in solving employment problems.
4. With the prior consent of the members, ensure the promotion and dissemination of information about their business activities.
5. Ensure that their members carry out business activities professionally and in accordance with generally binding legal regulations.
6. Establish and develop contacts with chambers and similar institutions abroad and conclude agreements with them, spread knowledge about economic conditions and legal regulations concerning trade relations with foreign countries and in connection with this issue and disseminate informative and professional publications.
7. Issue certificates of facts relevant to legal relations arising in international trade.

8. Establish and manage facilities and institutions to support the development of business and education.
9. Cooperate with business unions and associations on the basis of agreements concluded in accordance with the statute of the CoCs.
10. Establish permanent conciliation commissions to prevent commercial disputes between their members.
11. Carry out their own economic activity in support of the proper performance of their tasks and in accordance with their mission.
12. Participate in vocational training and support school facilities established for this purpose.
13. Keep records of members of the CoCs.

According to § 19 Czech CoC Act, the Arbitration Court is attached to the Czech CoC and acts as a permanent independent tribunal for resolving disputes in accordance with arbitration regulations.

Regional/territorial scope

There are no legal provisions specifying the regional/territorial scope of CoCs. It can be assumed that the territorial scope of the Czech CoC is the territory of the Czech Republic, and the territorial competence of district CoCs should be the respective district. District CoCs in a region may merge into regional CoCs, and regional CoCs can be divided into district CoCs, § 3(3) Czech CoC Act.

State supervision

There are no provisions regarding state supervision of the functioning of CoCs except that, in the process of the establishment of a CoC, according to § 20 Czech CoC Act, the Board of Directors of the CoC shall submit to the Government the statutes, rules of procedure, election and contribution rules of the CoC for approval, within 15 days of adoption by its Assembly. The Government will not approve these documents if they are in conflict with

generally binding legal regulations or if they have been adopted in violation of the CoC Act. If the CoC does not negotiate a remedy within 45 days of the Government's decision, the Government shall submit the matter to the Czech National Council for a decision.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the CoC Act that limit the competences of CoCs in relation to EBMOs.

Nevertheless, a limitation emerges from the fact that the tasks of CoCs are relatively precisely described in § 4(1) Czech CoC Act (see above) and representation tasks, in particular in the field of labour and social affairs are not listed among them.

Moreover, according to § 4(1)(i) Czech CoC Act, CoCs are supposed to *"cooperate with business unions and associations on the basis of agreements concluded in accordance with the statute of the chambers"*. This legal provision intends to promote cooperation and co-ordination between CoCs and EBMOs and could also help prevent undesired interference by CoCs with EBMO functions and activities.

History

The history of the Czech CoC is closely linked to the history of the Austrian Empire chambers of commerce. These chambers were established on the basis of Act No. 122 of the Reich Code dating from 18 March 1850.

In the commercial sphere, the CoC have their roots in the medieval guilds in the 14th century and even earlier. At that time, the first guilds began to emerge in the towns of the Czech kingdom, associating and representing the interests of individual craft professions. It is precisely the protection and representation of the interests of the craft trades that links the old guilds with the present-day mission of the CoC. The current CoC organization was established in 1992.

Finland

Top-level organization

[Finland Chamber of Commerce \(FCC\)](#)

The Finland Chamber of Commerce (FCC) represents 21,000 companies, accounting for approximately 50% of business turnover and 40% of jobs in Finland. The FCC operates on a national level along with the 19 regional chambers of commerce that cover all of Finland.

Legal basis

There are the following legal bases for the Finnish Chamber of Commerce:

- The [Association Act No. 503 of 1989](#) is applicable to all non-profit organizations, including chambers of commerce (hereinafter, CoC).
- Specific regulation on the public functions of CoCs and the Central Chamber of Commerce (hereinafter, Central CoC) in Finland is contained in the [Chamber of Commerce Act No. 878 of 2002](#), as amended (hereinafter CoC Act).

Status

According to § 1 CoC Act, the main chamber is the Central CoC, which is a non-profit association formed by CoCs. The Central CoC acts as a joint body of CoCs and supports them in the performance of their duties. Both CoCs and the Central CoC also have to perform public duties (see below).

CoCs, upon authorization of their establishment, have to be registered in the register of associations, with a separate entry to be made in the register about their function as a CoC, § 7 CoC Act.

According to § 9 CoC Act, only associations referred to in the CoC Act and entered in the register of associations as a CoC may use the name "chamber of commerce" or an equivalent foreign language name, and the name of the joint body of CoCs "Central Chamber of Commerce" or an equivalent foreign language name respectively.

Membership

Voluntary, there are no provisions on compulsory membership in the CoC Act.

Income

There are no regulations on income/resources in the CoC Act except that the Central CoC has the right to charge fees for the performance of its public duty of appointing arbitrators and applying for the appointment of a trustee, § 6 CoC Act.

The obligation to pay membership fees is to be regulated, like for any other no-profit association, in the statutes of the CoC, Art 8 Association Act.

Functions/competences/activities

The general function of CoCs is to develop the operating conditions of the business community in their areas of operation and to perform the public tasks prescribed and assigned to them, § 1 CoC Act.

The general function of the Central CoC is to develop the operating conditions of business life throughout the country, to award medals in recognition of Finnish business life and to perform the public tasks prescribed for it.

§ 2 CoC Act regulates the public duties of the CoCs and the Central CoC. The public task of CoCs is to certify foreign trade documents. The public tasks of the Central CoC are:

- to appoint arbitrators and to apply for the appointment of a person entrusted for arbitration in redemption situations separately provided for in the [Companies Act \(624/2006\)](#);
- to perform the duties provided for in the Act on [Real Estate Agencies and Rental Apartment Intermediaries \(1075/2000\)](#);
- to perform the duties provided for it in this Act and the [Real Estate Fund Act \(1173/1997\)](#).

Regional/territorial scope

As regards territorial scope, the area of operation of CoCs is "the area approved by the Central CoC", whereas the area of operation of the Central CoC is "throughout the country", [§ 1 CoC Act](#).

State supervision

There are no regulations regarding state supervision of the operations of CoCs in the CoC Act. However, according to § 3 CoC Act, the establishment of a CoC requires the permission by the Ministry of Employment and the Economy on the proposal of the Central Chamber of Commerce. The permission will be granted to an entity which has the financial and operational capacity to perform the public tasks assigned to the CoC. The Ministry of Employment and the Economy may also revoke the permission if the essential conditions for the issue of the permission are no longer met.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There is no explicit legal provision in the CoC Act that limits the functions of CoCs in relation to those of EBMOs. Nevertheless, in view of the public duties determined in the § 2 CoC Act and related other laws, which do not include typical EBMO functions, such as representation in labour and social matters and collective bargaining, it seems that CoCs are not supposed to be – and actually are not – active in these areas.

History

Chambers of Commerce in Finland were created in the 16th Century to fight the threats of piracy.

In its current structure, the CoCs in Finland have operated from the start of the country's independence in 1917, when CoCs were founded in Helsinki, Turku and Vaasa. At the beginning of 1918, CoCs were set up in Tampere, Viipuri, Kuopio and Oulu. Also in 1918, the Finland Chamber of Commerce was founded.

France

Top-level organization

[Chamber of Commerce and Industry \(CCI\)](#)

Legal basis

Detailed specific regulation on the Chambers of Commerce and Industry in France (hereinafter, CCIs). is contained in the [Code de Commerce, Livre VII: Des juridictions commerciales et de l'organisation du commerce. Titre Ier : Du réseau des chambres de commerce et d'industrie](#) (hereinafter, Code de Commerce).

Status

According to Art L710-1 of the Code de Commerce, CCI France, regional CCIs, territorial CCIs and inter-consular groupings are public institutions placed under the supervision of the State and administered by elected business leaders. Local CCIs, attached to a regional CCI, and departmental CCIs in the Ile-de-France region attached to the Paris-Ile-de-France CCI, do not have legal personality.

According to the same provision, CCI France, regional CCIs and, by delegation, territorial CCIs recruit private law staff to carry out their missions. The present network of CCIs includes 125 local, territorial, and regional CCIs, departmental CCIs in the Isle-de-France region, as well as the umbrella organization CCI France.

Membership

There is no reference to compulsory membership in the Code de Commerce. While CCIs in France do not seem to be membership organizations in a proper sense, some kind of compulsory attachment of enterprises implicitly follows from Art L713-1 (II) Code de Commerce which stipulates that voters in the elections of the representatives of the territorial and regional CCIs are, among others, the businesses registered in the Trade and Companies Register in the district of the CCI, and from Art 123-1-3 Code de Commerce which determines the obligation for businesses to register.

Income

The income of CCIs is regulated in Art L710-1 of the Code de Commerce which states:

The resources of the public establishments in the network are provided by:

1. Income from tax of any kind assigned to them by law and any other legal resource
2. The sale or remuneration of their activities or the services they manage;
3. Dividends and other income from the shares they hold in their subsidiaries;
4. Subsidies, donations and legacies granted to them.

Given that CCIs in France are not membership organizations in a proper sense, member subscriptions are not foreseen as a source of income.

As regards source 1, there is tax income from the *Taxe pour Frais de Chambre (TFC)*, which is made up of two components, i.e. the *Cotisation foncière des entreprises (CFE)* and the *Cotisation sur la valeur ajoutée des entreprises (CVAE)*.

Purpose/ functions/competences/activities

The competences of CCIs are regulated in Art L710-1 of the Code de Commerce as follows:

CCIs, as intermediary bodies of the state, have the function of representing the interests of industry, commerce and services to the public authorities or foreign authorities.

To this end, each establishment in the CCI network may provide, by any means, including the provision of digital services, and in compliance, where appropriate, with the sectoral schemes applicable to it:

1. Tasks of general interest entrusted to it by laws and regulations.
2. The tasks of support, assistance, networking and advice for entrepreneurs setting up and taking over businesses and enterprises, in compliance with legislative and regulatory provisions in competition law.
3. A task of support and advice for the international development of companies and exports of their production, in partnership with

the agency mentioned in article 50 of the law n° 2003-721 of August 1st, 2003.

4. A task in favour of initial or continuing vocational training thanks, in particular, to public and private educational institutions that it establishes, manages or finances.
5. A task of creation and management of facilities, in particular port and airport facilities.
6. Tasks of a competitive nature which have been entrusted to it by a public person or which prove to be directly useful for the accomplishment of its other missions.
7. Any expertise, consultation or study mission requested by the public authorities on a matter relating to industry, trade, services, economic development, vocational training or regional planning, without prejudice to any work it may initiate.

Regional/territorial scope

The territorial scope of the CCIs at different levels follows from Art L710-1 of the Code de Commerce:

"The network of chambers of commerce and industry is made up of CCI France, regional chambers of commerce and industry, territorial chambers of commerce and industry, local chambers of commerce and industry, departmental chambers of commerce and industry in the Ile-de-France region, as well as inter-consular groupings that may be formed by several regional or territorial chambers among themselves.is determined in the Code de Commerce." (underlining added).

State supervision

State supervision of CCIs is regulated in particular in Art L710-1 of the Code de Commerce which stipulates in this regard:

"CCI France, regional chambers of commerce and industry, territorial chambers of commerce and industry and inter-consular groupings are public establishments placed under the supervision of the State and administered by elected business leaders." (underlining added).

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

The competences and activities of the CCIs vis-à-vis other institutions, including EBMOs are limited by Art L710-1 of the Code de Commerce:

"The institutions of the network of chambers of commerce and industry each have, as an intermediary body of the state, a function of representing the interests of industry, commerce and services to the public authorities or foreign authorities. Acting as an interface between the various players concerned, they carry out their activity without prejudice to the representation tasks conferred on professional or inter-professional organisations by the legislative or regulatory provisions in force and the tasks carried out by local authorities in the context of their free administration."

In this regard, Article L2231-1 of the Labour Code stipulates that a collective agreement, on the employer side, can be concluded by one or more representative employers' organisation ("*organisations syndicales d'employeurs*"), or any other employers' association, or one or more individual employers.

Moreover, it is said that employers' associations formed in accordance with the provisions of the Act of 1 July 1901 on the Contract of Association are competent to negotiate agreements and conventions (and shall be treated in the same way as trade union organisations). In other words, CCIs are not supposed to interfere with the activities of EBMOs in collective bargaining.

Apart from that, a further limitation emerges from the fact that the tasks of CCIs are exhaustively and precisely enumerated in Art L710-1 of the Code de Commerce - and notably tasks in the field of labour and social affairs are not listed among them. Also in this way, interference by CCIs with the operations of EBMOs seems to be prevented.

History

The first Chamber of Commerce in France was founded in Marseille in 1599. In 1802, 22 Chambers of Commerce were established throughout France. In 1898, the Boucher law established the administrative, legal and financial regime of the Chambers and confirmed their status of public institutions. In 1938 Economic regions were set up establishing the scope of the chambers. In 1964, the Permanent Assembly of Chambers of Commerce and Industry was created.

Germany

Top-level organization

[Association of German Chambers of Industry and Commerce / Deutscher Industrie- und Handelskammertag \(DIHK\).](#)

Members of DIHK are 79 regional CICs to which overall some 3 million enterprises are affiliated.

Legal basis

[Federal Law for the Provisional Regulation of Matters regarding Chambers of Industry and Commerce](#) (hereinafter Law of CICs).

The Law of CICs contains specific regulation on the status, purpose, functions, and organization of the chambers of industry and commerce in Germany (hereinafter, CIC). It is complemented by CIC laws of the federal states in Germany.

The organization, procedures and powers of the top-level organization DIHK, which is a private law organization (!), are set out in the [Articles of Association DIHK](#).

Status

CICs are corporations under public law, § 3 Law of CICs.

Different from the (regional) CICs, the umbrella organization DIHK is an organization under private law (registered association under §§ 21 et al. of the Civil Code). According to § 3 of the DIHK Statutes, DIHK is an association with legal capacity and is registered in the register of associations.

Membership

Membership in CICs is compulsory for all natural persons, trading companies, other groups of persons and legal entities under private and public law which maintain a permanent establishment in the district of a CIC, insofar as they are subject to trade tax, § 2 (1) Law of CICs.

Exemptions concern natural and legal persons in the liberal professions, agriculture and forestry, qualified craftsmen, agricultural co-operatives and enterprises owned by municipalities, § 2 (2) - (5) Law of CICs. There are special chambers under public law for persons/companies in these sectors, e.g. chambers for skilled crafts, with compulsory membership for skilled craftsmen.

On the other hand, Membership of CICs in the DIHK is not compulsory. § 3 of the DIHK Statutes state:

1. CICs can become members of DIHK.
2. Membership in the DIHK does not affect the independence and the right of initiative of the CICs.
3. The General Assembly decides on admission as a member.

Income

The costs of the establishment and operation of CICs, unless otherwise covered, have to be met by contributions of the members of the CIC in accordance with a contribution regulation, § 3 (2) Law of CICs. Contributions of members are divided into basic contributions and apportionments of costs, §3 (3) Law of CICs.

Functions/competences/activities

CICs have the task of looking after the overall interests of the tradesmen affiliated to them in their district, to work for the promotion of trade and industry and, in doing so, to weigh and balance the economic interests of individual branches of trade or businesses; it is their duty, in particular, to support and advise the authorities by means of proposals, expert opinions and reports and to work for the preservation of the decency and manners of the honourable merchant, § 1 (1) Law of CICs.

CICs shall also be responsible for issuing certificates of origin and other certificates serving commercial transactions, unless legal provisions assign these tasks to other bodies, § 1 (3) Law of CICs.

As set out in § 1 (2) Law of CICs, CICs may in addition

- establish, maintain and support facilities and institutions which serve to promote the commercial economy or individual branches of trade and industry;
- take measures to promote and conduct commercial and industrial vocational training in compliance with the applicable legal provisions;

- advise the tradesmen affiliated to them in their district on matters relating to the early detection of corporate crises and their management.

Further tasks may be assigned to CICs by law or by statutory order, § 1 (4) Law of CICs.

In accordance with § 1 (1) of its Statutes, DIHK represents the overall interests of its CIC members vis-à-vis decision-makers at federal and EU level, as well as in international organizations. It supports and coordinates CIC cooperation in the field of promoting trade and industry, ensures a regular exchange of experience, and carries out projects on behalf of the CICs. It also coordinates the work of the worldwide network of the German Chambers of Commerce Abroad.

Regional/territorial scope

The territorial scope of CICs is regulated as follows:

CICs have the task of looking after the overall interests *"of the tradesmen affiliated to them in their district"*, § 1 (1) Law of CICs.

The establishment, dissolution and the alteration of the districts of CICs is regulated in supplementary legal provisions at federal State level (e.g. § 1 of the Law on the Chambers of Industry and Commerce in the State of North Rhine-Westphalia), § 12 (1) and (2) Law of CICs.

State supervision

CICs are subject to state supervision to ensure that, in the exercise of their activities, they comply with the legal provisions applicable to them (including the statutes, the electoral/contribution/special contribution regulations). The supervision is exercised by the supervisory authority of the federal State in which the CIC is located, § 11 (1) Law of CICs.

Further activities of CICs, in particular resolutions of their general assembly (for instance on regulations on elections and member contributions) require the approval of the supervisory authority, § 11 (2) Law of CICs.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There is an explicit legal provision in the Law of CICs that limits the functions of CICs in relation to the competences of EBMOs:

"The tasks of the Chambers of Industry and Commerce do not include the representation of socio-political and labour law interests.", § 1 (5) Law of CICs.

This means that the activities of CICs must not interfere with the representation activities of EBMOs in the labour and social matters, in particular collective bargaining.

History

The predecessor of DIHK (DHT) was founded in 1861 by 91 chambers of commerce and associations with the aim of discussing and achieving improvements for the economy. After the founding of the German Empire in 1871, DHT focused its attention on regulations concerning mail, traffic, exports and, in particular, protective tariffs. In 1943, all CICs were dissolved. Soon after World War II, CICs resumed their activities as institutions of the economy with a public law basis. After reunification, the DIHK helped with the "reconstruction" of CICs in the new federal states.

Greece

Top-level organization

Union of Hellenic Chambers of Commerce (K.E.E.)

Members of K.E.E. are 59 regional Chambers in Greece to which over 900.000 enterprises are affiliated.

Legal basis

Main regulation: [Law No. 4497 of 13.11.2017 on the Exercise of outdoor commercial activities, modernisation of the chamber legislation and other provisions \(Part B\) as last amended by Law 4782 of 09.03.2021](#) (hereinafter Chambers Law).

This law contains detailed provisions on the legal status, purpose, functions, and organization of the Chambers in Greece (hereinafter, Chambers), including the national level organization, K.E.E..

Status

According to Art 61 Chambers Law, Chambers are legal entities under public law which exercise their powers and activities in a certain territorial unit. They are independent, mandatory associations of natural and legal persons engaged in commercial activity.

K.E.E. is also a legal person governed by public law and is based in Athens, Article 5 (1) of [Law No. 2081/1992](#), (this provision in the previous Chambers Law No. 2081/1992 was not repealed by the present Chambers Law).

According to Art 80 Chambers Law, Chamber Staff shall consist of permanent civil servants, officials with a private employment relationship and staff with a paid mandate.

Membership

According to Art 64 (1) Chambers Law Chambers, Greek Chambers have both compulsory and voluntary membership:

- Members of Chambers shall be automatically legal and natural persons who are obliged to register in the General Commercial Register (G.E.M.I.), in accordance with Law 3419/2005, from the time they are registered in it until they are deleted from it.
- Legal and natural persons who do not necessarily register with the G.E.M.I. but engage

in an economic or professional activity are entitled to be registered with the Chambers.

Compared with the preceding Chambers Law No. 2081/1992, compulsory membership for the following groups of enterprises is no longer foreseen in the present Chambers Law, i.e.:

- Legal entities and cooperatives, if they have commercial status and a seat in the region of the Chamber.
- The branches of domestic enterprises, including the branches of domestic banks, branches or agencies of foreign enterprises, if they are located in the region of the respective Chamber, as well as the production units of the above enterprises.

All Chambers must be members of K.E.E., Art 61 Chambers Law.

Income

The individual resources of the Chambers are listed in Art 75 (1) Chambers Law:

- a. The annual subscriptions of members are paid within the year to which they relate.
- b. Grants, aid of all forms, such as those paid for the implementation of European Union programmes or programmes of international organisations, donations, legacies and bequests.
- c. Annuities from their property or from their activity of any kind.
- d. Income from the activities of persons registered in Registers other than the General Commercial Register maintained by the Chamber concerned.
- e. The remunerative fees collected by delegation of more specific provisions.
- f. Any other revenue provided for by a provision of law.

Subscriptions are defined in Art 75 (7) Chambers Law to mean the remunerative contributions of members who voluntarily wish to enjoy the services provided by the Chambers. In other

words, there are no compulsory membership subscriptions - members need to pay them only if they wish to take advantage of the services of their Chamber.

Of interest is that, according to Art 75 (2) Chambers Law, part of the annual subscriptions of the Chambers is transferred to Greek national-level EBMOs, i.e. 1% of the annual revenue from the subscriptions of the members of manufacturing departments of Chambers is made available to the SEV (Hellenic Federation of Enterprises); 4% of the annual revenue from members' subscriptions is made available to GSEBEE (General Confederation of Professional Craftsmen and Small Manufacturers of Greece); 3% of the annual revenue from members' subscriptions is allocated to the ESEE (the National Confederation of Greek Traders); and 3% of the annual revenue from the subscriptions of members of manufacturing or export departments of Chambers is transferred to the Associations of Industries and Exporters' Associations.

Art 75 (6) further explains that Chambers shall not be subsidised by the State Budget for operating expenditure.

State supervision

As reflected in numerous provisions of the Chambers Law, there is significant state supervision covering various aspects of the structure and functioning of the Chambers. For instance,

- According to Art 62 (2) Chambers Law, Chambers are established and abolished by presidential decree, which is issued following a proposal by the Minister of Economy and Development.
- According to Art 77 (1) Chambers Law, the Minister for Development and Investment shall exercise management supervision over the Chambers as to the legality of their acts relating to the management of their financial resources and the remunerative fees they collect.
- According to Art 77 (4) Chambers Law, the Chamber budget for each financial year has to be submitted, for final approval, to the Ministry of Development and Investment.
- According to Art 85 (1), by decision of the Minister of Economy and Development on a

proposal from the General Assembly of the K.E.E., the percentage of the subscriptions of the Chambers, which goes to the K.E.E., is determined.

Purpose/responsibilities/activities

According to Art 62 Chambers Law, the purpose of the Chambers, within the boundaries of the territorial unit where they exercise their responsibilities, is:

- a. the protection and development of trade, industry, handicrafts, professions, services, exports and every branch of the economy, in accordance with the interests and objectives of the national economy for its development and progress,
- b. the provision to the State of substantiated suggestions for every economic issue, always guided by the economic development of the territorial unit where they exercise their responsibilities and the service of the general interest of the national economy,
- c. the provision to their members and to any interested party of advisory suggestions and information on every financial issue,
- d. the provision of support services for the activity of their members, as well as the authorized exercise of responsibilities under public law concerning issues of establishment, licensing and operation of companies.

Purpose of K.E.E. is the representation of the Greek Chambers abroad, the study of issues of development of the national economy and the provision to the public authorities of opinions on any issue that is related to the purposes of the Chambers, Art 5 (1) Law No. 2081/1992 (Article is still in force).

The responsibilities and activities of Chambers are regulated in Art 65 Chambers Law. According to Art 65 (1), Chambers shall exercise all competences relating to their purpose, as well as delegated powers governed by public law relating to entrepreneurship. They also contribute to the processes of uniform and simplified economic activity and undertake initiatives to train technical professions, as well as to promote new production processes.

More specifically, according to Art 65 (2), Chambers have the following responsibilities:

- a.** Submit to the State proposals of an advisory nature on matters of primary production and processing, commercial activities and services or in general on the national economy.
- b.** Hold a referendum among its cash-strapped members on any matter of the local or national economy falling within its advisory powers.
- c.** Participate in committees and bodies for the design of infrastructure projects and, by all means, ensure the development of entrepreneurship, manufacturing, the service sector with an emphasis on exports and in general on increasing the productivity of their members.
- d.** Issue to their members certificates of registration and origin of products, systematically record commercial and professional customs, provide information to their members and the State on foreign markets, international economic developments and other related issues; inform their members of development, investment and financing programmes; study trends and developments in the local, regional and national economy and submit relevant documented proposals with particular emphasis on the development of the competitiveness of the Greek economy; carry out studies for their members in specific geographic markets in which they operate, and regularly issue sectoral studies, depending on the specific orientation of each Chamber and in cooperation with K.E.E., and the relevant Regional Chamber Council.
- e.** Operate and support the G.E.M.I. undertakings established in their territorial unit of competence; in particular, take the necessary steps for the proper functioning of the G.E.M.I. Service and the One Stop Service (M.S.A.).
- f.** Carry out expert opinions and sampling and resolve, by arbitration, commercial disputes;

- g.** Set up committees and working groups of their members, officials or third parties and entrust specialised persons with studies and other work related to their purposes.

- h.** Undertake and carry out delegated and any other work related to their purpose, following a decision of the Minister of Economy and Development and the Minister responsible where appropriate.

According to Art 65 (3), Chambers shall also carry out the following activities in order to achieve their objective:

- a.** Undertake, alone or in cooperation with other bodies,
 - i. the management of business parks, business reception areas and organised reception facilities for manufacturing and business activities,
 - ii. permanent exhibitions and exhibitions of premises, stations, ports, auction rooms, general warehouses, laboratories for the analysis and examination of goods.
- b.** By decision of the Governing Council, constitute, either independently or with other bodies, non-profit-making companies which do not fall within the wider public sector, for the purposes of:
 - i. development of information and communication technologies,
 - ii. the provision of non-formal training to their members,
 - iii. implementation of all types of co-financed programmes and
 - iv. supporting development and business activities, as well as promoting business innovation and extroversions.
- c.** By decision of the Governing Council, may participate in capital companies whose activity serves a specific purpose of public interest and which they enjoy all the benefits of national or EU financing or grant.
- d.** Participate in the capital of the companies referred to in subparagraphs (b) and (c) and in any increase thereon.

- e. Hold seminars, organise conferences and issue relevant certificates at home or abroad in cooperation with recognised institutes.
- f. Publish periodicals or books or sponsor such publications, mainly business and development content, and arrange for corresponding electronic publications.
- g. By decision of the Board of Directors, grant initiatives that contribute to the economic development of their region or the national economy in general, award prizes or other honors for distinguished business activities.
- h. Implement communication and information actions for their members on the work they do. For the exercise of this responsibility, Chambers must maintain a website on which, as specified, their financial statements, information on the services of G.E.M.I., the annual planning and the reporting of actions, as well as any other information concerning the mission of the Chambers, are published.
- i. Contribute to the response to emergencies, in particular natural disasters, affecting their territorial unit of competence, neighbouring region or territory as a whole.

As set out in Art 66 Chambers Law, Chambers are also in charge of the operation and coordination of the Business Support Centres (C.Y.E.P.C.) which are mandated to provide administrative information and to support companies in the handling of public law procedures.

Regional/territorial scope

According to Art 63 (2) Chambers Law, the Presidential Decree establishing a Chamber defines the seat and the territorial unit of activity of the Chamber.

Art 63 (4) adds in this regard that the territorial unit of activity of each Chamber corresponds at least to that of a Regional Unit and may not exceed that of a region as defined in Law 3852/2010 (A' 87).

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There is no legal provision in the Chambers Law that explicitly limits the functions of Chambers in relation to competences of EBMOs.

However, the responsibilities of the Chambers are listed in detail in Art 65 Chambers Law and do not refer to representation in labour and social matters or collective bargaining. This is an indication that Chambers must not be and are not active in this field.

Moreover, among others, the President of the Greek industry associations, such as the Federation of Hellenic Industries (SEV), may participate in all meetings of the board of directors of all Chambers, Art 69 (8) Chambers Law. This should facilitate the coordination of activities between EBMOs and Chambers, and could also help prevent interference with each other's competences.

History

The Union of Chambers of Commerce and Industry was established in 1934 with the participation of all Central and Regional Chambers of the country. Creation of chambers in the prefecture capitals commenced in 1980, with the aim of protecting and promoting the commercial and industrial interests in their districts. The Central Union of Chambers, as it appears in its current form, was established in 1992. The current legislative framework was regulated in 2005, providing for a Central Service of the General Register of Commerce in the K.E.E..

Hungary

Top-level organization

[Hungarian Chamber of Commerce and Industry \(MKIK\)](#)

MKIK has 23 regional Chambers as members.

Legal basis

Main regulation is the [Act CXXI of 1999 on Economic Chambers, as amended on 1 January 2012](#) (hereinafter, CE Act) which contains detailed rules on establishment, structure and functioning of chambers of economy in Hungary, which can be chambers of commerce and industry or chambers of agriculture (hereinafter, CEs), including the national-level Hungarian Chambers of Economy, which is represented by the MKIK and the Hungarian Chamber of Agriculture.

The name "chamber" is protected in Section 43 CE Act.

In addition to this, the MKIK has its own [Statutes](#).

Status

CEs in Hungary are self-governing public corporations that have the right to register as primary non-profit organizations, Preamble of CE Act.

There are two types of CEs, i.e. a) chambers of commerce and industry, and b) chambers of agriculture, Section 3 (1) and (3) CE Act.

Membership

Membership in CEs in Hungary is voluntary. This follows from the legal definition of the term "member" in Section 2 b) CE Act, according to which "member" is an economic organization that agrees to voluntarily assume the rights and obligations afforded by membership and has been granted membership and registered as such by a CE. In line with this, Section 8 (1) CE Act stipulates that applications for membership may be rejected only on certain defined grounds in the law.

Income

Section 34 (1) CE law stipulates that CEs cover their operating expenses, including what is required to fulfill their public duties, from the following resources: a) membership dues; b) chamber contributions; c) fees received for services

provided; d) revenues generated by their business associations; e) other revenues, including voluntary contributions; f) aid received as designated in the act on the annual budget (for the fulfilment of public duties).

While only members of CEs have to pay membership dues, all "economic operators", including non-members (!) have to pay a "chamber contribution" to enable CEs to discharge their public functions. CE members are entitled to deduct the amount of chamber contribution from their membership dues. Unpaid chamber contributions can be enforced as outstanding public dues by the state tax authority. 10 % of the chamber contribution is to be transferred to the MKIK, see Section 34/A CE Act.

Functions/competences/activities

The purpose of CEs is to promote the development and organization of the country's economy, fair market practices, and to enforce the general and common interests of those engaged in business activities, Section 3 (2) CE Act. CEs shall carry out duties "*common to economic organizations engaged in agricultural and forestry activities and to economic organizations engaged in commerce, industrial activities, and crafts and trades, respectively*", Section 3(3) CE Act.

Moreover, Section 8 (2a) CE Act stipulates that the basic services that CEs are required to provide free of charge to economic operators registered in the chamber's records are: a) advice in economic, financial, taxation and credit matters; b) finding new business partners; and c) monitoring tender announcements.

The duties of CEs are defined in great detail in the CE Act within three categories:

- *Economic Development*, Section 9 and 9A CE Act (in particular, promotion of infrastructure development; promotion of the development of the economy; provision of legal and economic info and promotion of economic cooperation; participation in regional development plans and programs; discharge of legal duties in the field of vocational training, including training and examination of master craftsmen; provision of info related to international trade; organization of fairs, exhibitions, conferences and other

events of the like; provision of info and training regarding Hungary's EU membership in so far as it affects enterprises and sectors; provision of assistance relating to standardization, quality control and industrial property rights; gathering and making available of economic, technical, environmental and legal info from national, European Union and international sources; participation in the preparation of decisions related to the utilization of government funds and budget subsidies of relevance to the objectives of CE duties).

- *Security of Business Transactions*, Section 10 CE Act (in particular, issuing and authentication of documents and certificates of origin pertaining to goods, as well as other documents required for commercial transactions; compilation and publishing of business practices; development and monitoring of a code of ethics regarding fair market practices and fair business-to-consumer commercial practices; issuing and publishing of warnings to members that violate the EC's code of ethics; initiation of appropriate measures to be taken by the competent body in case of violation of legal provisions in this field; operation of qualification and certification systems; operation of arbitration boards; participation in the handling of damage claims relating to quality and shipping in international trade).
- *Enforcement of the General Interests of the Economy*, Section 11 CE Act (in particular, assistance in drafting legal regulations pertaining to the economy and enterprises; gathering of relevant data in accordance with Act on Statistics; preparation and publication of analyses of economic processes on the basis of such data; initiation of the enforcement of the right of enterprise and the freedom of economic competition, and of the amendment or repeal of legal regulations and measures preventing or restricting the market economy from functioning).

The duties of MKIK are regulated in particular in Section 12 CE Act and include the following: evaluation and commenting on economy-related propositions and legislative bills; maintenance of contact with the national organizations of foreign CEs and international economic organizations; coordination of the manner in which the CEs

disseminate economic information and publicity in foreign countries, from Hungary to foreign countries, and in Hungary for foreigners; organization of events showcasing the Hungarian economy; development of a uniform system for registering members in CEs; drafting of a code of ethics containing the rules of ethics governing unfair market practices; participation, in accordance with the provisions of other laws, in the work of national councils and bodies; laying down of the principles for dividing the central subsidies provided for the fulfilment of public duties among the CEs; drawing up of the self-administration rules providing a single platform for the fulfilment of public duties conferred upon the CEs; conveying of an opinion on whether a standard term in a consumer contract should be treated unfair, unless the standard contract conditions in question is prescribed mandatory by law; operation of permanent arbitration tribunals.

Regional/territorial scope

Regional CEs shall operate in the counties, in cities with county-level rights other than county seats, and in Budapest, Section 4 (1) CE Act. These regional CEs may merge or may be divided, Section 4 (1) and (2) CE Act. Moreover, regional CEs may set up local branches, Section 5 CE Act.

The MKIK has nationwide jurisdiction, Section 6 (1) CE Act.

State supervision

State supervision is regulated in articles 121-124 of the MKIK Statutes. The public prosecutor's office exercises judicial supervision over the Chamber, according to separate applicable statutory provisions. It covers neither the Permanent Arbitration Court nor the matters in which a court or, according to separate statutory provisions, a public administration procedure lies.

The public prosecutor's office exercising judicial supervision checks whether the Chamber's

- a. Statutes and other self-government regulations or their amendments correspond to the statutory provisions.
- b. Activities and decisions fail to violate the statutory provisions, the Statutes or other self-government regulations.

If the legal nature of the Chamber's operations may not be guaranteed in a different way, the public prosecutor's office may turn to a court acting within its scope of authority as a judicial supervision organisation.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There exist explicit legal provisions in the CE Act that limit the functions of CEs in Hungary in relation to the competences of EBMOs:

- *"Carrying out the duties of a chamber of economy shall not affect the implementation of freedom of association and, in particular, shall not restrict the right of social organizations to freely determine the objective of their activities in accordance with the provisions of the Right of Association Act.",* Section 3(4) CE Act.
- *"Chambers of commerce may not represent professional, employers' or employees' interests."* Section 14 CE Act.

In other words, the activities of CEs must not interfere with the representation activities of EBMOs in the labour and social matters, for instance collective bargaining.

History

Chambers of Commerce and Industry in Hungary were established in 1850. The first chamber law was published in 1868 and during its term (until 1934) membership in the Chambers was compulsory. After WW II, a government decree abolished the Chambers and their assets were transferred to the Treasury. In 1948, the Hungarian Chamber of Commerce, a body closely aligned to the State, was established. Renamed Hungarian Chamber of Economy in 1985, it was charged with reconciling and representing the interests of Hungarian economic operators, and also had to perform the classical functions of a chamber. As of 1991, regional chambers were set up again. In 1994, the law re-introduced Chambers of Economy as bodies of public law with compulsory membership and defined their functions, for instance, fostering the development and organization of the economy and encouraging business growth. As a result of the adoption of a new Chamber Act, compulsory chamber membership was abolished in 2000.

Italy

Top-level organization

[Italian Union of Chambers of the Commerce, Industry, Craft and Agriculture \(Unioncamere\).](#)

Legal basis

Main regulation on the status, functions and organization of the chambers of commerce, industry, crafts and agriculture in Italy (hereinafter, CCICAs) is

[Law n. 580 of 29 December 1993 on the Reorganization of the chambers of commerce, industry, crafts and agriculture, as last amended on 14 August 2020](#) (hereinafter, Law of CCICAs).

The Italian chamber system consists of: CCICAs; regional unions of CCICAs; and Unioncamere, Art 1 (2) Law of CCICAs.

According to Art 22 (2) Law of CCICAs, the use of the name "Chamber of commerce" ("camera di commercio") is prohibited for institutions not regulated by the law of CCICAs.

Unioncamere is in addition governed by its [Statutes](#).

Status

CCICAs are public bodies with functional autonomy, Art 1 (1) Law of CCICAs.

According to Art 7 (1) Law of CCICAs, Unioncamere is a body with legal personality under public law.

Membership

Although the law does not explicitly refer to the terms "membership" or "compulsory membership", it seems that all enterprises that are subject to registration (Art 8 Law of CCICAs) have a kind of compulsory membership status: They have to pay an annual fee to their CCICA, Art 18 (4) Law of CCICAs, they are entitled to the services provided by CCICAs, Art. 2 Law of CCICAs, and their representatives are eligible for participation in the main governance organ ("consiglio") of their CCICA, Art 10 and 11 Law of CCICAs.

Income

According to Art 18 of the Law of CCICAs, there exist the following sources of income for CCICAs:

- the annual membership fee;
- revenues from the management of activities and the provision of services and those of an asset nature;
- secretarial fees for the certification activity carried out and for the inscription in lists, registers and rolls kept in accordance with the provisions in force;
- voluntary contributions, legacies and donations from citizens or public and private bodies;
- other revenues and contributions.

The financial resources of Unioncamere shall consist of a share of the revenues from contributions, state transfers, taxes, annual fees and secretarial fees of the CCICAs, Art 7 (7) Law of CCICAs.

Purpose/functions/competences

CCICAs carry out, within their territorial jurisdiction, on the basis of the principle of subsidiarity referred to in Article 118 of the Constitution, functions of general interest for the business system, taking care of its development within the local economies, Art 1 (1) Law of CCICAs. More specifically, CCICAs, according to Art 2 (2) Law of CCICAs, individually or in association within their territorial area of competence, carry out functions relating to:

- a. the keeping of the register of companies, the Economic and Administrative Register, pursuant to Article 8, and the other registers and lists attributed to the chambers of commerce by law;
- b. establishment and management of a company's electronic register in which data relating to the establishment, start-up and operation of a company's activities are collected, as well as functions of single electronic access point in relation to administrative events concerning a company's activities, where such functions are delegated on a legal or contractual basis;

- c. protection of the consumer and of public faith, supervision and control of the safety and conformity of products and instruments, recording of prices and tariffs, issuing of certificates of origin of goods and documents for export as specifically provided for by law;
 - d. support for the competitiveness of enterprises and territories through economic information activities and technical assistance for the creation of enterprises and start-ups, information, training, organisational support and assistance to small and medium-sized enterprises to prepare them for international markets; promotion of internationalisation of Italian enterprises; promotional activities carried out directly abroad are in any case excluded from the tasks of the CCICAs;
 - d-bis.** enhancement of cultural heritage as well as development and promotion of tourism, in cooperation with the competent bodies and organisations; promotional activities directly carried out abroad are in any case excluded from the duties of the CCICAs;
 - d-ter.** competences in the field of the environment attributed by the legislation and support to small and medium-sized enterprises for the improvement of environmental conditions;
 - e. orientation to work and professions also through the collaboration with the competent public and private bodies, in particular by:
 - i. maintenance and management, at no cost to the parties required to register, including the secretarial fees charged to the companies, of the national register for work-school alternance;
 - ii. collaboration on the implementation of the certification system for skills acquired in non-formal and informal contexts and within the framework of school-to-work alternation courses;
 - iii. supporting the matching of labour demand and supply, through information services, including forecasts, aimed at promoting job placement and facilitating business access to the services of the Job Centres;
 - iv. support for the transition from school and university to work, through guidance and the development of services, in particular electronic services, to support the placement processes carried out by universities;
 - f. assistance and support to companies in free competition to be carried out under accounting separation. These activities are limited to those that are strictly necessary for the pursuit of the institutional aims of the Chamber system and cannot be financed outside the provisions of Article 18, paragraph 1, letter b);
 - g. without prejudice to those already underway or to be completed, activities subject to agreements with the regions and other public and private entities, in accordance with EU legislation. These activities concern, among other things, the areas of digitalisation, business and product qualification, placement and guidance support, and alternative dispute resolution. These activities may be financed with the resources referred to in Article 18, paragraph 1, letter a), exclusively in co-financing with charges to be borne by the counterparties of not less than 50%.
- Regional unions of CCICAs can be set up to exercise functions and tasks for the pursuit of the common objectives of the chamber system within the regional reference territory, in particular representation of the common interests of associated CCICAs, coordination of relations with other regions, and implementation of common services, Art 6 Law of CCICAs.
- Unioncamere at national level looks after and represents the general interests of the CCICAs; it promotes, implements and manages, directly or through its own special companies or participation in other bodies, services and activities. Unioncamere also exercises functions that may be delegated to it by the Ministry of Economic Development, Art 7 (1) and (2) Law of CCICAs.

Regional/territorial scope

CCICAs execute functions "within their territorial jurisdiction", Art 1 (1) Law of CCICAs. According to Art 1 (3) Law of CCICAs, the territorial competence of the CCICAs has been re-determined (in order to limit the number of CCICAs to 60) by [Decree of 16 February 2018 of the Minister for Economic Development](#).

State supervision

CCICAs are subject to supervision: by the Ministry of Economic Development for the functions and tasks falling within the competence of the State; and by the regions in matters falling within their competence. Supervision of CCICAs concerns, in particular, the areas relating to administrative and accounting activities, the functioning of the bodies, and the performance of general interest tasks, Art 4 (1) and (2) Law of CCICAs.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There is no legal provision in the Law of CCICAs that explicitly limits the functions of CCICAs in relation to the competences of EBMOs.

Nevertheless, there is an indirect demarcation in that the law precisely regulates the tasks of the CCICAs and in doing so, does not mention typical EBMO activities, such as representation in labour and social matters or collective bargaining.

Moreover, the law stipulates that the members of the CCICA "consiglios" are to be nominated, among others, by the sectoral EBMOs and the trade unions, Art 12 (1) Law of CCICAs. In this way, EBMOs have some influence on the direction of activities of CCICAs and, if need be, can try to prevent undesired interference by CCICAs with their EBMOs' representation activities.

History

The first Chambers of Commerce in Italy were set up during the Napoleonic period on the model of the French "Chambres". In 1862, Chambers were regulated for the first time via laws in 1910 and 1924 reorganized in a centralistic sense. Under Mussolini, as of 1926, the Chambers were abolished and replaced by the Provincial Councils of the Economy. In 1944, the Chambers were reconstituted and in 1966 they acquired their current name: Chambers of Commerce, Industry, Crafts and Agriculture (CCICA).

A reform of 1993 introduced a certain autonomy for the CCICAs vis-à-vis the central government (attribution of statutory power and financial autonomy) and a further reform of 1998 established so-called "functional autonomies". A more recent decree of 2017 re-determined the territorial structure, among others limiting the maximum number of Italian CCICAs to 60 and guaranteeing the presence of at least one CCICA per region.

Japan

Top-level organization

[The Japan Chamber of Commerce and Industry \(JCCI\)](#)

JCCI is the central organisation and national umbrella body for the 515 local and regional Chambers in Japan which in total have 1.25 mio. members.

Legal basis

Establishment, structure and functioning of chambers of commerce and industry in Japan are regulated in the [Chamber of Commerce and Industry Act \(Act No. 143 of 1952\)](#), last revised in 2019 (hereinafter, CCI Act). JCCI is also governed by its [Statutes](#).

The names "Chamber of commerce and industry" (hereinafter, CCI) and "Japan Chamber of Commerce and Industry" (hereinafter, JCCI) are reserved for the chambers set up under the CCI Act, Art 3 CCI Act.

Status

CCIs in Japan are not-for-profit corporations that must be politically neutral, Art 2 and 4 CCI Act.

Membership

Membership in CCIs in Japan is not compulsory for businesses.

Any commercial or industrial firm which has had a place of business, an office, a factory or a workplace for six months or more continuously in a district may join the CCI in the district, Art 15 CCI Act. Membership of eligible companies must not be rejected without justifiable grounds by a CCI, Art. 16 CCI Act. All CCIs may, in turn, become members of the Japan CCI, Art 66 CCI Act.

Income

CCIs are entitled, with the permission of the Minister of Economy, Trade and Industry, to charge companies a fee to cover the expenses required for the preparation, management and operation of the business registry, Article 12 CCI Act. CCIs may also levy other fees or charges, as provided for in their statutes, Art 14.

Purpose/functions/competences

The purpose of a CCI is to promote the comprehensive improvement and development of commerce and industry in its area and to contribute to the promotion of the general welfare of society, Art 6 CCI Act. Moreover, CCIs are supposed to promote the sound development of the national economy and at the same time to contribute to the development of the international economy, Art 1 CCI Act.

More specifically, a CCI has the following tasks, Art 9 CCI Act:

- to make public the CCI opinions and present them to the parliament, administrative agencies, etc.;
- to submit reports in response to consultations with administrative agencies, etc.;
- to conduct research and studies on commerce and industry;
- to collect or publish information or materials concerning commerce and industry;
- to certify, appraise or inspect the quality or quantity of goods, the nature of the business of commercial and industrial operators and other matters pertaining to commerce and industry;
- to certify the origin of exported goods;
- to establish, maintain, or operate facilities related to commerce and industry;
- to hold lectures or seminars on commerce and industry;
- to disseminate or certify technologies or skills relating to commerce and industry;
- to hold expositions, trade fairs, etc. or to act as an intermediary for the holding thereof;
- to act as an intermediary in connection with commercial transactions;
- to act as an intermediary, mediator or arbitrator in disputes concerning commercial transactions;
- to provide consultation and guidance with regard to commerce and industry;

- to investigate the creditworthiness of commercial and industrial operators;
- in relation to commerce and industry, to promote the improvement and development of tourism;
- to carry out any business which contributes to the promotion of the general welfare of society;
- to conduct affairs entrusted to it by administrative agencies;
- to carry out any other business necessary to achieve the objectives of the CCI.

CCIs are also in charge of setting up and maintaining a registry of business operators, Art 10 CCI Act.

The purpose of JCCI is to promote the sound development of CCIs and to contribute to the promotion of commerce and industry in Japan by comprehensively coordinating all CCIs throughout Japan, representing their opinions, and cooperating with domestic and foreign economic organizations, Art 64 CCI Act. More specifically, JCCI has the following tasks, Art 65 CCI Act:

- to synthesize the opinions of all CCIs throughout Japan and to publicize them, or to present them to the parliament, administrative agencies, etc.;
- to respond to the advice of administrative agencies, etc.;
- to conduct research and studies on the national economy and the international economy;
- to collect or publish information or materials on the national economy and the international economy;
- to liaise with CCIs with regard to the business conducted by the CCIs with regard to domestic and international commercial transactions;
- to hold expositions, trade fairs, etc. or to act as an intermediary for the holding thereof, both in Japan and abroad;
- to act as an intermediary, mediator or arbitrator in disputes on international commercial transactions;

- to provide guidance on the dissemination or examination of technologies or skills related to commerce and industry conducted by the CCIs;
- to provide guidance on the commercial and industrial consultation services provided by the CCIs;
- to cooperate or liaise with economic organizations in Japan;
- to form alliances or liaise with chambers of commerce and industry and other economic organizations in foreign countries;
- to promote the comprehensive improvement and development of tourism business in relation to commerce and industry;
- to carry out business relating to international goodwill;
- to carry out any other business necessary to achieve the objectives of JCCI.

Regional/territorial scope

As a rule, a district of a CCI shall be a city, Art 8(1) CCI Act. A district of a CCI shall not overlap with a district of another CCI, Art 8(4) CCI Act.

State supervision

CCIs have internal autonomy but are subject to supervision by the Ministry/ Minister of Economy, Trade and Industry, e.g. as regards the following:

- The application for the establishment of a CCI must be approved by the Minister of Economy, Trade and Industry, Art 27 CCI Act; the same goes for the dissolution of a CCI, Art 60 CC Act, and the merger of CCIs, Art 60-2 CCI Act.
- Amendments to the statutes of a CCI require approval of the Minister of Economy, Trade and Industry, Art 46(3) CCI Act.
- CCIs have to report, after the end of each business year, to the Minister of Economy, Trade and Industry on the settlement of accounts, the status of business and other matters specified by an Ordinance of the Ministry of Economy, Trade and Industry, Article 57 CCI Act.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There is no legal provision in the CCI Act that explicitly limits the functions of CCIs and JCCI in relation to the competences of EBMOs in Japan.

However, the tasks of CCIs and JCCI are listed in great detail in Art 9 and 65 CCI Act and do not specifically refer to typical EBMO functions, such as representation in labour and social matters or in collective bargaining. This can be seen as an indicator that CCIs in Japan are not supposed to be active in these areas.

History

The first "Chambers of Commerce" in Japan were established in 1878 in Tokyo, Osaka, and Kobe. In 1892, 15 chambers of commerce formed the "Chamber of Commerce Federation". In June 1922, the "Japan Chamber of Commerce and Industry" was set up. 1954 after the war, it was reorganized as a specially authorized corporation based on the current "Chamber of Commerce Law".

Korea

Top-level organization

[Korea Chamber of Commerce & Industry \(KCCI\)](#)

KCCI has 73 regional Chambers of Commerce and more than 100 major institutions and organisations related to commerce and industry in Korea, representing some 180,000 member companies of all sizes, sectors and nationalities.

Legal basis

The establishment, structure and functioning of chambers of commerce and industry in Korea (hereinafter, CCIs) is regulated in the [Chambers of Commerce and Industry Act, 2014](#) (hereinafter, CCI Act). The name "chamber of commerce and industry" and "Korea Chamber of Commerce and Industry" is reserved for the chambers set up under the CCI Act, Art 52 CCI Act.

Status

According to Art 2 CCI Act, CCIs in Korea are juristic persons established pursuant to the CCI Act.

The setting up of (regional) CCIs is optional (application by at least 30 persons eligible for membership and authorization by the Minister of Trade, Industry and Energy is required), Art 6 CCI Act. The same goes for the KCCI (application by at least five regional CCIs and consent by at least ten CCIs is required), Art 34 CCI Act.

Membership

According to Art 10 (1) and (2) CCI Act, membership in CCIs is voluntary for eligible persons/ organizations, as follows:

- A party operating commerce who acts to obtain business income under Articles 19 (1) (2) - 14 of the Income Tax Act may become a member of the CCI which has jurisdiction over the location of the factory or business.
- Non-profit organizations and organizations that work in the commercial industry may become special members of the CCI which has jurisdiction over the location of the office.

A CCI must not reject the applications for membership of eligible persons without justifiable grounds, Art 11 CCI Act.

According to Art 10 (3) CCI Act, membership in CCIs is, however, obligatory for businesses the net sales of which are bigger than the amount specified in the enforcement ordinance to the CCI Act (the amount, which is adjusted every three years, Art. 10 (4)), varies between 12.500.000 and 1.824.000 €, depending on the region.

Income

Members, when they join a regional CCI, have to pay membership fees, Art 38 CCI Act. CCIs may also collect rental fees and charges for services provided, Art 53 CCI Act. Local governments may provide subsidies to CCIs within their budgetary limits, Art 54 CCI Act.

Purpose/competences/activities

The purpose of CCIs, according to Art 4 CCI Act, is to develop the nation's commerce and industry by representing the commerce and industry circles in its jurisdictions, to speak for the rights and interests of such commerce and industry circles, to provide its members with technology and information and to elevate the economic and social status of its members.

The competences of regional CCIs are set out in detail in Art 3 CCI Act and include:

- consultation on commerce and industry-related policies by central and local government(s);
- surveys and research on the commerce and industry;
- formulation and implementation of plans to support the commerce and industry;
- collection and publication of information and materials on the commerce and industry;
- guidance concerning commerce and industry and assistance/intermediation with transactions;

- ▶ verification, inspections and evaluation concerning commerce and industry;
- ▶ distribution and authorization of technology and skills concerning commerce and industry;
- ▶ cooperation and coordination between conglomerates and small and medium enterprises;
- ▶ cooperation with domestic and foreign institutions concerned with commercial arbitrations;
- ▶ advancement of welfare and interests of those who are engaged in commerce and industry;
- ▶ holding and assistance in holding fairs and exhibitions in order to advance the commerce and industry;
- ▶ installation/operation of exhibition and training facilities, etc. concerned with commerce and industry;
- ▶ establishment of economic ethics and enhancement of business morality;
- ▶ promotion of international commerce and trade, and international economic cooperation;
- ▶ development of occupational capabilities, and occupational education and training;
- ▶ works commissioned by the State and local governments;
- ▶ others incidental to those referred to before.

The competences of the KCCI are regulated in Art. 33 CCI Act and include the following: advancement of common interests of its members and strengthening and stimulation of the competitiveness of commerce and industry by making recommendations to the central and local governments,

CCIs have to observe political neutrality in performing their tasks, Art 55(2) CCI Act.

Regional/territorial scope

A regional CCI is competent for a particular administrative area, e.g. a Special Metropolitan City; exceptionally, it can also cover two adjoining administrative areas, Art 5 CCI Act.

State supervision

KCCI has to provide a report on its activities and its budget to the Minister of Trade, Industry and Energy; the Minister may also request KCCI to submit further necessary info, Art 51 CCI Act.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the CCI Act that limit CCI action/competences in relation to the competences of EBMOs in Korea. While CCIs seem to have a relatively wide mandate covering interest representation and membership services on various matters, typical EBMO functions, such as representation in labour and social matters, as well as collective bargaining, are not listed in the CCI Act as statutory tasks of CCIs in Korea. This may be seen as an indicator that CCIs in Korea are not supposed to be active in these areas.

History

The first chamber established in Korea was the Hansong (Seoul) Chamber of Commerce in 1884. In 1895 the first Chamber of Commerce Act was adopted. In 1953, KCCI and 24 local CCIs were authorized as public juristic persons.

Lithuania

Top-level organization

[Association of Lithuanian Chambers of Commerce, Industry and Crafts \(ALCCIC\)](#)

ALCCIC has as members five regional Chambers in Kaunas, Klaipėda, Šiauliai, Panevėžys and Vilnius.

Legal basis

Objectives, organization, resources, and internal governance of the chamber of commerce, industry and crafts in Lithuania (hereinafter, CCIC) are regulated in the

[Law of the Chamber of Commerce, Industry and Crafts of the Republic of Lithuania of 6, December 1995, as amended \(consolidated version of October 1, 2019\)](#) (hereinafter, CCIC law).

Status

CCICs were established by the CCIC law in five towns in Lithuania (Vilnius, Kaunas, Klaipėda, Šiauliai and Panevėžys), Art 1 CCIC law.

The Chamber is a voluntary association of legal and natural persons engaged in commercial and economic activities in accordance with the procedure established by the laws of the Republic of Lithuania, implementing the principles of business self-government. Their activities are determined by CCIC Law, the Statutes of the Chamber and other legal acts. Art 2 CCIC.

According to Art 9 CCIC law, on the initiative of at least three regional CCICs, an Association of CCICs can be established. This has happened with the setting up of ALCCIC.

Membership

Membership in CCICs is voluntary.

Members of a CCIC may be, in essence, all types of enterprises registered in the Register of Enterprises of the Republic of Lithuania, Art 3 CCIC law.

Income

According to Art 7 CCIC law, the funding of a CCIC consists of:

1. membership fees;
2. income for services provided;

3. state funds intended for the implementation of state-supported programs;
4. borrowed funds, charitable funds and property transferred free of charge by natural and legal persons;
5. other legally received funds.

Objectives/functions/competences/activities

The objective of CCICs is to promote the development of trade, industry, crafts and other businesses in the respective regions of the Republic of Lithuania, Art 1 CCIC law.

More specifically, according to Art 5 CCIC law, a CCIC performs the following main functions:

1. promotion of the development of trade, industry, construction, transport, communications, crafts and other branches of business and economy;
2. research and development of new business areas, encouragement of the creation of additional jobs in the region;
3. promotion of foreign trade;
4. preparation and consideration of proposals on economic development issues, representation of its members, preparation of proposals on the development of economic activities in the region;
5. representation of its members in the co-operation with state, government and management institutions, foreign economic entities and state institutions;
6. on its own initiative or upon receipt of an order from state institutions, performance of the examination of documents regulating economic activities and submission of proposals;
7. provision of consulting, information and other services;
8. maintenance of the trade register;
9. issuing of documents of various forms of origin of goods and certificates certifying

force majeure circumstances in accordance with the procedure established by the government;

10. certification of the authenticity of documents used in foreign trade;
11. establishment of the arbitration of the CCIC;
12. collection and dissemination of information on foreign trade and provision of foreign partners with information on the activities of Lithuanian companies;
13. in accordance with the procedure established by the laws, assistance in the organization of vocational training and adult education;
14. organization of exhibitions, fairs, conferences and other events;
15. engagement in publishing;
16. performance of official translations of non-governmental documents into Lithuanian and foreign languages;
17. establishment of various types of enterprises that implement the functions of a CCIC;
18. establishment of branches and representative offices of a CCIC in its region and abroad.
19. the CCIC may also perform other functions that do not contradict the principles of its activity and the laws of the country.

Regional/territorial scope

The law regulates in detail the territorial boundaries of the CCICs in Lithuania, Art 4 CCIC law. For instance, the area of activity of the Vilnius Chamber of Commerce, Industry and Crafts is determined to include the county regions of Vilnius (Vilnius city, Šalčininkai, Širvintos, Švenčionys, Trakai, Ukmergė and Vilnius districts) and Alytus (Alytus and Druskininkai cities, Alytus, Lazdijai and Varėna district).

State supervision

While the functioning of a CCIC is regulated in significant detail, there are no specific provisions in the CCIC law that specifically address state supervision. Nevertheless, Art 10 CCIC law regulates that in performing their duties, a CCIC

and their Association have to cooperate with state institutions, city and district self-government bodies on the basis of the CCIC law and other laws and legal acts of the country.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the CCIC law that limit CCIC competences in relation to the competences of EBMOs in Lithuania.

On the other hand, the list of functions in the CCIC law does not include typical EBMO functions, such as representation in labour and social matters or collective bargaining. In particular, according to Art 5 (5) CCIC law, representation of CCIC members is foreseen only vis-à-vis state, government and management institutions, foreign economic entities and state institutions, but not vis-à-vis trade unions.

The CCIC therefore does not appear to be given legal competences in this area.

History

When chambers of commerce started to function in other countries, Lithuania still belonged to the Russian Empire. In this context, manufacturing and trade councils and industry and exchange committees were established in the middle of the 19th century. Later the first official document legitimising such organisations was the Russian export chamber regulation signed by Emperor Nicholas II in 1910.

The first Lithuanian Chamber of Commerce and Industry was established in 1924. In the interwar years, the Lithuanian Chamber of Commerce, Industry and Crafts was active in developing trade, industry and other businesses. In 1940, when Lithuania was again annexed to the Soviet Union, the Lithuanian Chamber of Commerce was dissolved. It was not until 1991, after the independence, that the Lithuanian Chamber of Commerce and Industry was re-established and the Federation of Chambers of Commerce was formed in 1992. The new Chamber of Commerce, Industry and Crafts was established in 1996.

Luxembourg

Top-level organization

[Chamber of Commerce Luxembourg \(CCL\)](#).

Legal basis

Objectives, organization, resources, and internal governance of the Chamber of Commerce of Luxembourg (hereinafter, CCL) is regulated in the [Law of October 26, 2010 reorganizing the Chamber of Commerce](#) (hereinafter, CCL law).

Status

According to Art 1 and 3 CCL law, the CCL is a public establishment that has legal personality and enjoys financial and administrative autonomy.

Membership

Membership in the CCL is compulsory for all commercial companies having their registered office in the Grand Duchy of Luxembourg, as well as all natural persons exercising a commercial, industrial or financial activity in the Grand Duchy of Luxembourg, and all subsidiaries established in Luxembourg and having a commercial, industrial or financial activity, of foreign companies.

CCL membership is an automatic result of the registration in the trade and companies register, Art. 4 (1) CCL law. Craftsmen are not members of the Luxembourg CCL, Art 4 (2) CCL law.

Income

To meet its expenses, the CCL is authorized to collect from its (compulsory) members an annual subscription, as well as fees for the services it provides, Art 16 CCL law.

Purpose/ competences/activities

The mission and competences of the CCL are regulated in detail in Art 2 CCL law:

The general mission of the CCL is the articulation, the safeguard and the defence of the interests of its members. In issuing opinions, making proposals and developing initiatives it may have to take into account sectoral interests, on condition that these are not prejudicial to those of all of its members.

The CCL has the right to make proposals to the Government, which the latter must examine and

submit to the Chamber of Deputies, when their object falls within the competence of the latter.

Moreover, for all laws and all draft grand-ducal and ministerial regulations which mainly concern professions belonging to the CCL, the opinion of the CCL must be requested. The CCL also gives its opinion on the State budget to be submitted to the deliberations of the Chamber of Deputies and presents its observations to the Chamber of Deputies on the use of the appropriations of the State budget allocated for the years elapsed in the interest of commerce, industry, finance and services and gives its opinion on the new allocations to be proposed for the following financial year. It can take action to formulate any advice to the Government on matters relating to its purpose or its missions.

In particular, the CCL has the following tasks:

- promotion of entrepreneurship and assistance in the creation, development and sustainability of businesses;
- promotion of a legislative and regulatory framework conducive to economic development;
- promotion of economic and trade relations at regional, European and international levels;
- promotion of the Luxembourg economy in Luxembourg and abroad;
- work in favour of anything that contributes to the defence and promotion of the interests of its;
- members;
- guidance and support for Luxembourg companies in their efforts to internationalize and access foreign markets;
- development and promotion of initial and continuing vocational training;
- development of proposals for the content and supervision of vocational training;
- raising awareness of compliance with commercial and industrial legislation.

Regional/territorial scope

The competence of the CCL extends to the territory of the country. This follows implicitly from the regulation of its mandate and its membership, Art 2 and 4 CCL law.

State supervision

There is significant government oversight of the functioning of the CCL, in particular as follows:

- ▶ The appointment of the CCL Director-General by the plenary assembly is subject to approval by the government, Art. 7 CCL law.
- ▶ The Director-General of the CCL has to draw up a report for each meeting of the plenary assembly which also has to be brought to the attention of the Government, Art 14 CCL law.
- ▶ The Government may send a delegate to participate in the meetings of the CCL. The Government is also authorized to dissolve the plenary assembly of the CCL for serious reasons. In this case, until the constitution of a new plenary assembly, the current affairs of the CCL is managed by its Director-General with the approval of the Government, Art. 15 CCL law.
- ▶ The CCL's subscription regulations containing the methods of calculating the annual subscriptions have to be submitted for approval to the Government, Art 16 CCL law.
- ▶ The Government determines day and time of the elections for the CCL plenary assembly, Art 24 CCL law.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the CCL law that limit the CCL competences in relationship to the competences of EBMOs in Luxembourg. Moreover, the functions of the CCL as contained in Art 2 CCL law are formulated in relatively broad terms. On the other hand, there is no mentioning in the Luxembourg CCL's mandate of typical EBMO functions, such as representation in labour and social matters and collective bargaining. Such tasks do not seem to fall within the range of CCL competences which focus on promotion of entrepreneurship and trade and respective services. The CCL therefore does not appear to be given tasks in the areas in which EBMOs in Luxembourg are competent.

History

After the independence of the Grand Duchy of Luxembourg, a decree based on the French model established the Chamber of Commerce Luxembourg in 1841. The role and tasks of the Chamber of Commerce were first confirmed by the law in 1924, creating the elected professional chambers in Luxembourg. The legal framework of the Chamber of Commerce was reformed and modernized by the law of October 26, 2010.

Mexico

Top-level organization

[Confederation of Industrial Chambers of the United Mexican States \(CONCAMIN\)](#)

[Confederation of National Chambers of Commerce, Services and Tourism of Mexico \(CONCANACO\)](#).

Legal basis

The organization and operation of Business Chambers in Mexico (hereinafter, BCs), i.e. the Chambers of Commerce, Services and Tourism and the Chambers of Industry, as well as their Confederations is regulated in the [Law on Business Chambers and their Confederations of 20 January 2005, as last amended on 12 April 2019](#) (hereinafter Law on BCs). In addition, CONCAMIN is governed by its [Statutes](#).

The terms "Chamber" and "Confederation" are legally protected, Art 5 Law on BCs.

Status

Art 4 Law on BCs states that Chambers and their Confederations are autonomous institutions of public interest, with legal personality and their own assets, constituted in accordance with the provisions of the Law on BCs and for the purposes established therein.

Membership

Membership in BCs is voluntary. This follows from Art 10 Law on BCs which regulates the following: BCs are obliged to admit as members all merchants who request it, without exception, provided that they pay the corresponding fee and undertake to comply with the BC's Statutes.

Income

According to Art 25 Law on BCs, BCs have the following resources or revenues:

- movable and immovable property;
- cash, securities and interest on capital, credits, surplus and income by any legal title;
- ordinary or extraordinary fees payable by their members;
- donations and legacies received;

- proceeds from the sale of their property;
- income from the provision of services;
- revenues derived from services under concession or authorisation; and
- income obtained from any other source.

Purpose/functions/competences

The general purpose of BCs is to represent, promote and defend nationally and internationally the activities of industry, commerce, services and tourism and collaborate with the government to achieve socio-economic growth, as well as the generation and distribution of wealth. BCs are bodies for consultation and collaboration with the State. The government must consult them on all matters related to the activities they represent, Art 4 Law on BCs.

More specifically, as set out in detail in Art 7 Law on BCs, BCs have the following functions:

- to represent, promote and defend the general interests of commerce, services, tourism or industry, placing the public interest above the private;
- to be a consultative and collaborative body of the government for the design, dissemination and implementation of policies, programmes and instruments for the promotion of national economic activity;
- to promote participation in associations by traders and industrialists;
- to operate the Mexican Business Information System (SIEM) under the supervision of the Ministry;
- to act as mediators, arbitrators and experts, nationally and internationally, in respect of acts related to commercial, service, tourism or industrial activities in terms of the applicable legislation and regulations deriving from this Law;
- to collaborate with the Tax Administration Service;

- to collaborate with the Ministry in the assessment and issuing of certificates of origin for exports;
- to provide public services under concession by government, aimed at meeting needs of general interest related to trade, services, tourism and industry;
- to collaborate with the Ministry in international trade negotiations, when so requested;
- to provide the services determined by its Constitution for the benefit of its members;
- to work with the government in the design/ dissemination of socio-economic development strategies;
- to promote, guide and provide training on the performance of all kinds of mandatory administrative procedures related to business and commercial activity carried out by its members, in order to generate a social culture of responsibility and observance of the legislation regulating their activities as a productive sector;
- to defend the particular interests of the affiliated companies at their express request;
- to promote ethical principles among its members to prevent corruption actions government and other agencies of the public sector;
- to carry out any other activities derived from its nature, from its statutes and those indicated by other legal regulations.

The Confederations of BCs have the following purpose and functions, as set out in Art 9 Law on BCs:

- to represent the general interests of commercial or industrial activity;
- to bring together and coordinate the interests of their member BCs, contributing to their union and development;
- to perform the function of arbitrator in the disputes of its members, by means of a body constituted expressly for such purpose;

- to establish cooperation relations with similar institutions abroad;
- to design, together with its members, the procedures for the self-regulation of the quality levels of the services provided by the BCs, and to apply them;
- to promote a healthy development of the activities they represent, seeking to raise business ethics in business;
- to propose to the Ministry the creation of new BCs; and
- to comply with the purpose established by this Law for the BCs.

Regional/territorial scope

Art 2 Law on BCs defines "district" to be the geographic area authorized for a BC to operate. The name of the BC has to include words that allow the identification of their district, Art 5 Law on BCs. According to Art 10 Law of BCs, BCs have a regional jurisdiction corresponding to one or more neighbouring municipalities in a state, and one or more of the administrative branches in the Federal District.

State supervision

There is close supervision by the Ministry of the Economy over the operations of BCs, Art 6 Law of BCs. Among others, the Ministry of the Economy has the following supervisory competences:

- to authorise the constitution of new BCs;
- to call the respective general assembly when so required under the terms of the law;
- to authorize the fees that the BCs may charge for registration and updating in the Mexican Business Information System (SIEM);
- to request from BCs and Confederations of BCs annual reports on their operations, the results of programs and actions assigned to them, and financial information regarding the SIEM;
- to monitor and verify compliance with this Law, as well as to sanction cases of non-compliance.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the Law on BCs that limit the competences of BCs in relation to the competences of EBMOs in Mexico. However, the mandate and functions of BCs are defined in great detail in the Law of BCs (in particular, in Art 7) and there is no mention of typical EBMO functions, such as representation on labour and social matters or collective bargaining. This is an indication that BCs do not appear to be given tasks in these areas.

History

Chambers of Commerce were formally founded in Mexico at the end of the 19th century; they were called National Chambers of Commerce to distinguish themselves from those that already existed but represented the commerce of other countries. At the beginning, CONCAMIN and CONCANACO were integrated into a single organisation, but in 1941 decided to separate.

Nowadays CONCAMIN is the main organization representing the different industrial sectors and activities of high importance for the economic development of Mexico, and it's composed of 47 National Chambers, 14 Regional Chambers, 3 Generic Chambers and 59 Associations.

CONCANACO is presently made up of 255 Chambers representing the various regions of the country, and has a presence in 600 cities, representing around 700,000 companies in organised commerce, services and tourism.

The Netherlands

Top-level organization

[The Chamber of Commerce \(KVK\).](#)

Legal basis

Establishment, organization, working methods, tasks and resources of the Chamber of Commerce in the Netherlands, i.e. the Kamer van Koophandel (hereinafter, KVK) are regulated in the [Chamber of Commerce Act \(Wet op de Kamer van Koophandel\) of 25 November 2013, as amended on 31 March 2020](#) (hereinafter KVK Act) and the [Trade Register Act of 22 March 2007, as amended on 4 December 2020](#) (hereinafter, TR Act).

Status

The KVK is a public law organization that according to Art 2 KVK Act has legal personality and is located in Utrecht.

Membership

The KVK Act does not contain provisions on membership and KVK therefore is not a membership organization. While according to Art 5 TR Act all companies in the Netherlands have an obligation to register in the Trade Register, and the KVK according to Art 3 TR Act is in charge of keeping the Trade Register, registration in the Trade Register cannot be considered membership in the KVK.

Income

Art 34 KVK Act provides that, for the performance of its services, the KVK can charge and enforce fees. Given that KVK is in charge of keeping the Trade Register, there is a (non-recurring) fee for registration in the Trade Register, Art 49 TR Act. Given that KVK does not have "membership" in the proper sense, there are no membership fees. Costs of the KVK that are not covered by fees for services or by income from activities or cooperation with third parties, are charged to the state budget, Art 39 KVK Act.

Functions/competences/activities

The general objective of KVK is to stimulate economic development by providing information and support in the field of entrepreneurship and innovation to individuals who run a business or are

considering setting up a business, Art 2 KVK Act. More specifically, KVK is charged with the following tasks and services:

- Maintenance of the Trade Register, Art 3 TR Act; responsibility for the proper availability, functioning and security of the Trade Register, Art 4 TR Act, as well as for its completeness, correctness and up-to-date-ness, Art 40 TR Act.
- Establishment and management of the regional business platforms/centres, Art. 24 KVK Act.
- Provision of information in the legal and economic field for companies or those considering setting up a business, Art 25 and 26 KVK Act.
- Advising companies on innovative developments, Art 27 KVK Act.
- Stimulating economic development in a region through the promotion of research, consultation and cooperation, and to inform public bodies, on request, on matters affecting the economic development of trade, industry, crafts and services, Art 28 KVK Act.
- Issuing certificates for the benefit of trade, industry, crafts and services, as well as validation of signatures of persons involved in trade, industry, crafts and services, Art 30 KVK Act.
- Other tasks that fit within the objectives set out in Art 2 KVK Act.

It is to be noted that representation functions do not appear to be part of the KVK competence.

Regional/territorial scope

It is for the KVK to define regions and to establish one or more regional branches per region, Art 3 (1) KVK Act.

State supervision

The autonomy of the KVK seems rather limited in view of the fact that it is subject to close rule-making and oversight by the government, in particular the Minister of Economic Affairs and Climate Policy. The KVK Act contains for instance

the following provisions concerning state supervision:

- rules may be set by ministerial regulation regarding the establishment/discontinuation of regions and regional offices, Art 3 (4) KVK Act;
- appointment of the officers of the KVK to be made by the Minister, Art 7 (3) KVK Act;
- appointment/suspension/dismissal of the Central Council of the KVK to be made by the Minister, Art 10 KVK Act;
- determination to be made by the Minister of the compensation for members of the Central Council, Art 11 KVK Act, and for the members of the regional councils, Art 15 KVK Act;
- approval of the KVK's multi-annual programme by the Minister, Art 17 KVK Act;
- need for the KVK to submit its annual activity plan to the Minister, Art 20 KVK Act;
- decision by KVK to carry out tasks within its mandate other than those stated in Art 30 requires approval by the Minister, Art 31 KVK Act;
- rules on the structure of KVK's annual report may be made by ministerial regulation, Art 35 KVK Act;
- the Minister may withhold approval of the KVK's budget under certain conditions, Art 42 KVK Act;
- KVK's code of conduct on the promotion of the integrity in the behaviour of KVK members and the KVK's working methods requires the approval of the Minister, Art 46 KVK Act.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the KVK Act that limit KVK competences in relation to the competences of EBMOs in the Netherlands. However, limitations emerge from the fact that the KVK Act restricts the tasks of the KVK in essence to provision of information and services, for instance in the field of entrepreneurship and innovation, as well as to the issuing of certificates. Advocacy and representation of employer interests, in particular in social dialogue, including collective bargaining, are not foreseen in the KVK Act and thus are not part of the KVK's mandate.

Of interest in this connection is that the national employers' and workers' organizations are consulted on the nomination of the Officers of the KVK and the Central Council, Art 7 (2) KVK Act. Moreover, the Central Council and the regional councils of the KVK are bipartite bodies, i.e. half of their twelve members are appointed by the (national and regional respectively) employers' and workers' organizations, Art. 10 (2), (3) and Art. 14 (2), (3) KVK Act. In this way, in addition to the restrictions of the mandate and tasks of the KVK in the KVK Act, Dutch EBMOs appear to have influence in ensuring that there is no undesired interference by KVK with their own organizations' competences.

History

In 1803, the first Chamber of Commerce was opened in Rotterdam following the French model. In 1815, King William I issued a Royal Decree establishing the office of the Chambers of Commerce and Industry. Initially, these Chambers of Commerce had only a consultative function. In 1920, the Chambers of Commerce became independent of the municipalities and were organised into 36 regional chambers. With the Trade Register Act of 1921, they were assigned public administrative tasks. In 2008, a new Commercial Register Act entered into force and, as a result, "entrepreneurs" who were not yet subject to registration (companies, dentists, farmers and public bodies) were registered. In 2013, the annual fee for registered entrepreneurs and legal entities (the Commercial Register fee) was abolished. The government wanted to achieve a tax reduction for the business community.

In 2014, all regional chambers were merged into one organisation and became the KVK.

Poland

Top-level organization

[The National Chamber of Commerce \(KIG\)](#)

KIG claims to be the largest independent business organisation in Poland, representing in total 160 industry associations, regional chambers and other business organizations.

Legal basis

The functions, governance, and resources of the Polish chambers of commerce (hereinafter, CoC) and the national level umbrella organization, the National Chamber of Commerce (KIG) are regulated in the

[Act of 30 May 1989 on Chambers of Commerce \(Dz. U. 1989 No. 35 item 195\), as amended \(uniform text released on 15 March 2019\)](#), (hereinafter, CoC Act).

In addition to this law, the KIG has its own [Statutes](#).

Status

CoCs in Poland are self-governed organizations set up and regulated under the CoC Act, Art 2 CoC Act. They acquire legal personality upon entry in the National Court Register, Art 8 (2) CoC Act.

Membership

The CoC Act does not provide for compulsory membership of enterprises in CoCs. Also membership of CoCs in the KIG is on a voluntary basis, Art 11 (1) CoC Act.

Income

The income of CoCs, their organisational units and the KIG is generated from membership fees, donations, inheritances, bequests, their activities and income from assets, Art 14 (1) CoC Act.

Objectives/functions/competences

The objectives and duties of the [CoCs](#) are regulated in the CoC Act:

- CoCs are organizations that represent the economic interests of their member entrepreneurs, in particular towards public authorities, Art 2 CoC Act.

- CoCs shall shape and disseminate the principles of ethics in business activities, in particular, they shall develop and improve the standards of fair conduct in business transactions, Art 3 CoC Act.

- CoCs are entitled to express their opinions on draft solutions on the functioning of the economy; they may participate, in line with the law, in the preparation of draft legal acts, Art 4 (1) CoC Act.

- CoCs may make assessments of the implementation and functioning of legal regulations concerning business activity, Art 4 (2) CoC Act.

- Within the competences laid down in Art 2 – 4 CoC Act, CoCs may define the following tasks in their statutes:

- to contribute to the creation of conditions for the development of economic life and support the economic initiatives of its members;

- to support, in cooperation with the competent educational authorities, the development of vocational training, support in-company apprenticeships and in-service training for employees;

- to assign its representatives, at the invitation of state bodies, to participate in the work of advisory and consultative institutions in matters of manufacturing, trade, construction and service activities;

- to organise and create conditions for the settlement of disputes by amicable and conciliatory proceedings and participate, on separately defined terms, in court proceedings in connection with the economic activity of its members; -

- to issue opinions on existing practices concerning business activity;

- to inform of the operations of entrepreneurs and express opinions on the state of economic development in the CoC's area of operations, Art 5 (1) and (2) CoC Act.

- CoC should also act to adapt production, processing and trade to market requirements, in particular in terms of quantity and quality of products, Art 5 (2a) CoC Act.
- At the request or upon the consent of the CoC, the Council of Ministers may, by regulation, also entrust the CoC with the performance of certain tasks reserved by law for the state administration, Art 5 (3) CoC Act.

It is also regulated that the competent state administration authorities shall provide the CoC with the information necessary for the performance of their statutory tasks, Art 6 CoC Act.

The purpose of the **KIG** is to represent the common economic interests of its affiliated members, Art 11 (2) CoC Act. To this end, the KIG may undertake and perform the tasks referred to in Article 5, Art 12 (2) CoC Act, and shall also, with respect to the promotion of foreign trade, establish a functionally and organisationally separate Polish Chamber of Foreign Trade, Art. 12 (2) CoC Act. Through the Polish Chamber of Foreign Trade, the NCoC is competent to carry out activities in the area of promotion of foreign trade specified in Art 12 (4) CoC Act and may also issue certificates confirming the non-preferential origin of goods, Art 12 (5) CoC Act.

Regional/territorial scope

CoCs have normally as their area of operation the territory of a province, Art 7 (1) CoC Act. It is also stipulated that a minimum number of 50 entrepreneurs is required for setting up a CoC.

State supervision

CoCs, while enjoying significant autonomy and self-governance, are still subject to state supervision. The law regulates in this regard that if it is found that the activities of a CoC are not in conformity with the law or its statutes, the Minister competent for the subject of the CoC's activities or the provincial Governor competent for the seat of the CoC may request the competent organs of the CoC to remedy those irregularities within a specified period of time or to apply to the court

to apply further measures, such as: a warning to the competent CoC authorities; the revocation of a resolution of the CoC authorities that is contrary to the law or its statutes; or the dissolution of the CoC if its actions grossly violate the law or the provisions of its statutes, Art 13 (1) and (2) CoC Act.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the CoC Act that limit the competences of CoCs in relation to the competences of EBMOs in Poland. However, indirect limitations exist insofar as the functions of CoCs set out in the CoC Act, including those that CoCs can define in their statutes "*within the limits of the competence set out in Articles 2 to 4*", do not include typical EBMO functions, such as representation in labour and social field or collective bargaining. This can be seen as an indication that CoCs are not supposed to be active in these areas.

History

The origins of chambers of commerce and industry in Poland date back to the 19th century. The Councils of Commerce formed in the Duchy of Warsaw in 1809 are considered to be the forerunners of the chambers. Their task was to advise the government on commercial, industrial and handicraft matters. Chambers of commerce and industry in the Austrian and Prussian partitions on Polish soil were established in the second half of the 19th century. They dealt with issues such as industry, trade and vocational training.

Modern chambers of commerce and industry started their activity in independent Poland in 1927. Their rules of operation were based on French standards. Chamber membership was compulsory at that time. In 1950 the chambers of commerce and industry were liquidated. The revival of independent economic chambers took place in 1989, with the change of the political system in Poland.

The Chambers in their current form were established in 1990.

Slovak Republic

Top-level organization

[Slovak Chamber of Commerce and Industry \(SOPK\).](#)

Legal basis

Status, establishment and operations of the Slovak Chamber of Commerce and Industry (hereinafter, Slovak CCI) and the regional Chambers of Commerce and Industry set up by it are regulated in [Act no.9/1992 of the Slovak National Council on Chambers of Commerce and Industry, as last amended by Act No. 61/2015](#) (hereinafter, CCI Act).

In addition to this law, the SOPK is governed by its [Statutes](#).

Status

According to § 1 CCI Act, Chambers of Commerce and Industry are public institutions. § 2 (1) CCI Act specifies that the Slovak CCI is a legal entity based in Bratislava which is established by the CCI Act.

Membership

Membership in the Slovak CCI is voluntary. The law states in this regard *“Legal entities and natural persons registered in the Commercial Register who perform business activities in all economic sectors may become members of the Chamber”*, § 3 (1) CCI Act. According to § 3 (8) CCI Act, the details of the admission of members to the Slovak CCI is to be regulated by its statutes.

It should be noted that, until 1996, membership in the Chamber was compulsory.

Income

According to § 4 (1) CCI Act, the activities of the Slovak CCI are financed from the contributions of members, revenues from its own activities, or subsidies from international funds and organizations.

Objectives/functions/competences

The objectives of the Slovak CCI are: to develop activities to support and protect the business of its members in the country and abroad, § 2 (2) CCI Act, to represent and coordinate the common interests of its members in matters of business activities in the country and abroad, and to provide them with

services and to perform other tasks pursuant to this Act, § 5 (1) CCI Act.

In terms of tasks, § 5 (2) CCI Act prescribes that the Slovak CCI, within its competence,

- a. participates in the preparation of generally binding legal regulations and measures in the field of business,
- b. cooperates in the coordination and implementation of economic relations of the Slovak Republic with foreign countries,
- c. helps to reconcile the interests of its members in the field of business activity and protects them from unfair business relations,
- d. establishes and develops contacts with chambers and similar institutions in the country and abroad and concludes agreements with them, organizes economic and trade missions and delegations,
- e. collects and disseminates knowledge and information on trade-political, legal, customs, ecological and economic conditions abroad and for this purpose publishes professional publications,
- f. ensures the promotion of its members in the country and abroad, including participation in exhibitions and fairs,
- g. issues certificates of facts relevant in legal relations arising in international trade,
- h. organizes conciliation proceedings in economic disputes between its members,
- i. performs the function of an information and mediation centre for searching for business partners in the country and abroad,
- j. provides members with advisory and consulting services in all matters related to business in the economic sphere,
- k. organizes educational activities,
- l. establishes and manages facilities and institutions to support the development of business and education in this field,

- m. carries out its own economic activity in support of the proper performance of its tasks and in accordance with its mission,
- n. promotes ecologically suitable forms of production, products and business,
- o. performs tasks in the field of vocational education and training according to a special regulation.

According to § 6 (1) CCI Act, the Slovak CCI and the relevant state authorities shall cooperate with each other in the performance of their tasks to the extent and under the conditions laid down by the CCI Act and other generally binding legal regulations. In particular:

- the public authorities and the Slovak Chamber shall provide each other with the necessary information;
- the public authorities shall enable the Slovak Chamber to take an active part in the formulation and implementation of economic and social policies affecting the Chamber's areas of activity, in particular by inviting it to prepare development concepts, economic instruments, generally binding legislation, organizational arrangements and implementing measures; opinion and appoint its representatives to their advisory bodies.

Finally, the Slovak Chamber has the right to establish an arbitration court as a permanent independent body for the resolution of property disputes arising from domestic and international commercial and civil relations by independent arbitrators, § 16 (1) CCI Act.

Regional/territorial scope

§ 5 (3) CCI Act states that the competence of the Slovak CCI extends throughout the territory of the Slovak Republic. Furthermore, the Slovak CCI shall establish regional CCIs on the territory of a higher territorial unit of the Slovak Republic, if so requested by at least two thirds of the members

of the relevant higher territorial unit, § 2 (2) CCI Act. After their establishment, the regional CCIs shall take over from the Slovak CCI the activities, the scope of which they shall regulate by mutual agreement. The regional CCIs carry out their activities in relation to the members in the territory for which they were established, § 5 (4) CCI Act.

State supervision

The Slovak CCI enjoys self-government, third part CCI Act. There are only a few provisions in the law that foresee state supervision. For instance, the law determines that the public authorities shall have the right to send representatives to meetings of the bodies of the Slovak CCI, § 6 (1c) CCI Act, which suggests some indirect control of the Slovak CCI by the state.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the CCI Act that limit the competences of the Slovak CCI in relation to the competences of EBMOs. Nevertheless, the law prescribes that *"The relations between the Chamber, civic associations and business associations operating outside the Chamber shall be defined by mutual agreement."*, § 7 CCI Act. The intention of the latter provision seems to be to ensure coordination of roles and activities between the Slovak CCI and EBMOs which may also help avoid situations where the Slovak CCI interferes with core EBMO activities.

History

The history of the Commercial and Industrial Chambers on the territory of the Slovak Republic dates back to the first half of the last century. Chambers of Commerce and Industry in Bratislava, Banská Bystrica and Košice were the driving forces of entrepreneurial development in Slovakia. After the fall of communism, the Slovak CCIs were set up on the basis of Act No. 9/1992 of the Slovak National Council in 1992. In 1996, compulsory membership in the Slovak CCIs was abolished.

Slovenia

Top-level organization

[Chamber of Commerce and Industry of Slovenia \(GZS\)](#).

GZS has as members 24 branch associations representing all sectors and operates a network of 13 regional chambers.

Legal basis

The status, establishment and operations of Chambers of Commerce in Slovenia (hereinafter, CoC) is regulated in the [Chambers of Commerce Act- ZGZ \(Official Gazette of the Republic of Slovenia, No. 60/06 of 9 June 2006\), as last amended on 3 October 2011](#) (hereinafter, ZGZ).

In addition, GZS is governed by its [Statutes](#).

Status

Art 2 and 3 ZGZ state that the CoC is an independent, voluntary, interest-bearing and non-profit association of legal and natural persons who independently perform gainful economic activity on the market and that the CoC is a legal person under private law.

It is also specified that the name of the CoC must contain the word "chamber" and express the purpose of the CoC or the common characteristic of the members, Art 5 (2) ZGZ.

Membership

Membership in the CoC is voluntary.

Membership in the CoC is voluntary. Art 4 (1) ZGZ states that *"In accordance with the statute of the chamber, companies and sole proprietors or sole proprietors may become members of the CoC. The statute cannot stipulate that the members of the CoC are only from a certain branch or that they perform only a certain economic activity."*, (underlining added).

Until the adoption of the ZGZ in 2006, membership in the then Slovenian Chamber of Commerce and Industry was compulsory. Art 27 of the transitional and final provisions of the ZGZ determines in this regard that a member of the Slovenian Chamber of Commerce and Industry may withdraw from its legal successor.

Income

According to Art 19 ZGZ, the financial resources for the operation of the CoC shall be provided from: membership fees; payments for services provided by the CoC; donations; other sources; from the state budget (for the performance of tasks performed in accordance with a special law on the basis of a public authorization).

Objectives/functions/competences

The objectives of the CoC are to promote the economic activities of its members and the realization of their other common interests, defined in the statute of the CoC, Art 6 (1) ZGZ.

In particular, according to Art 6 (2) ZGZ, the CoC shall perform the following tasks for its members:

- representation of interests of its members before state authorities;
- organization of education and training;
- organization of visits of business delegations, trade fair presentations, seminars and conferences, and other presentation events;
- sending of business information to members and advising them on business;
- participation in establishing business contacts and connections;
- professional assistance to members.

The CoC is also supposed to plan vocational and professional education, to participate in practical education, and to conduct examinations in accordance with the law, Art 6 (3) ZGZ.

In addition to these tasks, according to Art 4 (4) ZGZ, the CoC shall participate in

- the creation of economic system and economic policy,
- international chamber organizations.

The CoC may be also given the competence to exercise public authority on the basis of a law, Art 8 ZGZ.

Regional/territorial scope

There are no provisions in the law that regulate the regional/territorial scope of the CoC but it seems obvious that the territorial competence of the CoC covers the territory of Slovenia.

State supervision

Article 25 ZGZ determines that the implementation of the provisions of the ZGZ is supervised by the Ministry responsible for the economy.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the ZGZ that limit the competences of the CoC in relation to the competences of EBMOs in Slovenia. However, indirect limitations exist insofar as the possible functions of the CoC are listed in the CoC Act and do not contain typical EBMO functions, such as representation functions vis-à-vis trade unions in labour and social matters or collective bargaining. This can be seen as an indication that CoCs are not supposed to be active in these areas.

History

The first Chambers in Slovenia were founded in 1851 as part of the chamber system in the Austrian Empire. The Slovenian chamber system continued to exist in the period of socialism at both regional and national level. After introducing the free market economy in 1991, a new Chamber Law was adopted that followed the pattern of the Austrian public law chamber system with compulsory membership. In 2006, a [new Law on Chambers of Commerce and Industry](#) was adopted which abolished compulsory membership in the chambers.

Spain

Top-level organization

[Spanish Chamber of Commerce.](#)

Legal basis

The legal status, purpose, functions, organization, internal governance and resources of the Official Chambers of Commerce, Industry, Services and Navigation (hereinafter, Chambers), including the central organization at national level, the Official Chamber of Commerce, Industry, Services and Navigation of Spain (hereinafter, Chamber of Spain) is regulated in the [Basic Law of 1 April 2014 of the Official Chambers of Commerce, Industry, Services and Navigation](#) (hereinafter, Chamber law).

The names "Official Chambers of Commerce, Industry, Services and Navigation" and "Official Chamber of Commerce, Industry, Services and Navigation of Spain" are protected, Art 4 Chamber law.

In addition to that, the Chamber of Spain is governed by its [Internal Regulations](#).

Status

According to Art 2 (1) Chamber law, the Chambers are public law corporations with legal personality and full capacity to act for the fulfilment of their purposes.

Membership

Membership in the Chambers is compulsory. According to Art 7 (1) Chamber law, all natural or legal persons, both national and foreign ones, that carry out commercial, industrial, service or shipping activities within the national territory of Spain shall form part of the Chambers within whose district they have establishments, delegations or agencies.

However, this is not supposed to "give rise to any economic obligation or any type of administrative burden" which, among other things, means that members are not charged membership fees, Art 7 (1) and Art. 19 Chamber law. See also below under "*Income*".

Moreover, exempted as Chamber members are agricultural, livestock and fishing activities, the services of private insurance and reinsurance intermediaries, as well as the liberal professions, Art 7 (3) Chamber law.

Members of the Chamber of Spain, are the representatives of the Chambers of the Autonomous Communities and the cities of Ceuta and Melilla, the large companies with the greatest contribution, the business and self-employed organizations, the Ministries in charge of competition and the Federations of the Spanish Official Chambers abroad, Art 20 (3) Chamber law.

Income

The Chambers have various resources at their disposal, in particular: income from the services they provide, income from their patrimonies, voluntary contributions from companies; legacies and donations, and any other income attributed to them by law or agreement, Art 19 Chamber law.

The Chamber of Spain has similar income, Art 31 Chamber law.

It should be noted that membership fees are not listed amongst the possible resources of the Chambers, in other words, while all companies are compulsorily members of the Chambers, Art 7 Chamber law, they are not charged membership fees.

Income from services relates partly to official services that have been entrusted to the Chambers by law.

Purpose/functions/competences

The purpose of the Chambers is to represent, promote and defend the general interests of commerce, industry, services and navigation, as well as to provide services to companies that carry out the aforementioned activities. Moreover, the Chambers have to exercise the powers of a public nature attributed to them in the Chambers law and those that may be assigned to them by the Public Administrations, Art 3 Chambers law.

- ▶ The relations between Chambers of Commerce and Industry (CCIs) and Employers' and Business Membership Organizations (EBMOs) in OECD countries

The functions of the Chambers, including rules of conduct, are defined in detail in Art 5 Chambers law and include the following, among others:

- ▶ issue certificates of origin and other certifications;
- ▶ act as an advisory body for the public administrations;
- ▶ support and encourage foreign trade;
- ▶ assist in the organization of practical training in work centres;
- ▶ manage a public register of all companies;
- ▶ promote the competitiveness of SMEs;
- ▶ promote the digitalization of companies;
- ▶ prepare statistics;
- ▶ promote and cooperate in the organization of fairs and exhibitions;
- ▶ contribute to the promotion of tourism;
- ▶ carry out mediation activities.

The functions of the Chamber of Spain, according to Art 21 Chambers law, include, among others:

- ▶ promotion of the general interests of commerce, industry services and navigation at the state level;
- ▶ execution of the Chamber Plan for Internationalization (in collaboration with the Ministry of Economy and Competitiveness);
- ▶ representation of the Chambers at various state and international level;
- ▶ exercise of the Chambers functions in Art 5 at state level.

Regional/territorial scope

While Chambers can be established at regional, provincial and local level, there will be at least one Chamber per province; the territorial scope of Chambers can be adapted to the economic and business realities, Art 6 (1) OCCISN law. At the state level, there exists the Chamber of Spain, Art 20 Chamber law.

State supervision

The Chambers are subject to supervision of the exercise of their activity, in particular their income and expenses, by the General Administration of the State or by the respective Autonomous Communities, Art 34 Chambers law. Possible supervisory measures also include the suspension and dissolution of the governing bodies of the Chambers, Art 37 Chambers law.

The supervision of the Chamber of Spain is carried out by the Ministry of Economy and Competitiveness, Art 33 Chambers law.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

Art 3 (third sentence) Chambers law explicitly limits the activities of Chambers in relation to the competences of EBMOs in Spain: *"The activities to be carried out by the Official Chambers of Commerce, Industry, Services and Navigation for the achievement of their purposes shall be carried out without prejudice to the freedom of trade unions and business associations, to the powers of representation of the interests of the businessmen assumed by this type of associations and to the actions of other social organisations that may be legally constituted."* (underlining added).

In other words, the activities of the Chambers must not interfere with the activities of EBMOs, trade unions and other legally constituted social organizations. A corresponding provision for the Chamber of Spain is contained in Art 20 (2) (third sentence) Chamber law.

History

The Chambers of Commerce, Industry and Navigation were created in Spain at the end of the 19th century as a way of representing the general interests of companies. Their first legal regulation dates back to 1886, when the royal decree containing their legal regime was approved. In 1911, it was made compulsory for persons carrying out business activities to join chambers and to pay dues to them. In 2010, the compulsory membership fee was abolished. The Basic Law of the Official Chambers of Commerce, Industry, Services and Navigation was adopted in 2014. Nowadays there exist 85 Chambers in Spain and 44 Spanish Chambers abroad.

Sweden

Top-level organization:

[Sweden's Chamber of Commerce \(Sveriges Handelskamrar\)](#)

Sweden's Chamber of Commerce is a network of eleven regional Chambers of Commerce (hereinafter, CoC) located in Sweden.

Legal basis

Sweden's Chamber of Commerce is regulated by [Swedish law \(1990: 515\) on the Authorisation of Chambers of Commerce](#) (hereinafter, Swedish CoC law).

Status

According to Sweden's Chamber of Commerce website, the Swedish CoC are "private and independent member organizations". However, given that their setting up requires government authorization, § 1 and 3 Swedish CoC law, and that their purpose, structure and functions are to some extent regulated by law and subject to government supervision (see below), Swedish CoC rather seem to have public law status (hybrid CCI).

Membership

Membership in the Swedish CoCs is voluntary. According to § 7 Swedish CoC law, "any trader within the area of activity of the Chamber of Commerce Association who has not shown himself to be manifestly unsuitable in his business activities shall be admitted to membership of the Chamber of Commerce Association."

Income

Income of the Swedish CoC is not regulated in the Swedish CoC law. It may be assumed that income consists in particular of membership fees and fees for the provision of services.

Purpose/functions/competences

According to § 2 Swedish CoC law, the purpose of CoCs is "to promote trade, industry and other business in the area and to represent their interests in relation to the public."

More specifically, according to § 9 Swedish CoC law, the Government or the authority designated by the Government may instruct CoCs to issue

- certificates and other documents for commercial purposes as may be required by international agreements or foreign regulations concerning the import or export of goods;
- certificates for individuals relating to the actual exercise of activities which are required for the exercise of activities in the European Economic Area or in Switzerland.

Regional/territorial scope

The regional/territorial scope of Swedish CoCs is regulated in § 6 Swedish CoC law which stipulates: "The Chamber of Commerce Association shall have an appropriate geographical area of operation. This must not coincide in any part with the area of activity of any other association with an authorised Chamber of Commerce. When authorising a chamber of commerce, the Government may decide to change the area of operation of any chamber of commerce association other than the applicant."

Presently, Sweden's Chambers of Commerce network consists of eleven regional Chambers (e.g. the Chamber of Commerce in Norrbotten) located in the country with an overall membership of around 10.000 companies.

State supervision

Apart from the requirement of government authorization for the setting up of CoCs, there is the following state supervision:

- § 8 Swedish CoC law: Amendments to the statutes of CoCs require the approval of the Government or of the authority designated by the Government in order to be valid.
- § 11 Swedish CoC law: As regards the issuing of certificates under § 9 Swedish CoC law and other certification for commercial purposes, the CoC is under the supervision of the authority determined by the Government.
- § 12 Swedish CoC law: CoC are required to submit an annual report on the previous year's activities to the authority appointed by the Government before the end of May of each year.
- § 13 Swedish CoC law: If an authorised CoC no longer fulfils the conditions for authorisation, the Government may revoke the authorisation.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the Swedish CoC law that limit the competences of Swedish CoCs in relation to the competences of EBMOs in Sweden. However, indirectly limitations exist insofar as the functions of Chambers are described in the Swedish CoC law as promotion of trade, industry and other business in the area and representation of their interests in relation to the public, as well as the issuing of certificates, which does not appear to conflict with the representation competences of EBMOs in labour and social matters, in particular collective bargaining.

History

The first chamber of commerce in Sweden was set up in 1902 in Stockholm with voluntary membership. In 1916, a royal decree was issued whereby the chambers of commerce would be authorised by the government, which also decided on the geographical area for each chamber.

Turkey

Top-level organization

[The Union of Chambers and Commodity Exchanges of Turkey \(TOBB\).](#)

TOBB has 365 regional Chambers and commodity exchanges as members.

Legal basis

The establishment, competences, governance, working methods and resources of the Turkish Chambers (hereinafter, Chambers) and of the national level umbrella organization, the Union of Chambers and Commodity Exchanges of Turkey (hereinafter, TOBB) are regulated in the [Law No. 5174 of 18 May 2004 on the Union of Chambers and Commodity Exchanges of Turkey and the Chambers and Commodity Exchanges](#) (hereinafter, Chamber Law).

Status

According to Art 4 Chamber Law, Chambers are occupational establishments having the status of public legal entities. TOBB, according to Art 54 Chamber Law, is a public entity having the nature of superior professional organization with legal status. It has its seat in Ankara.

Membership

Art 9 Chamber Law provides for compulsory affiliation with the local Chambers for *“merchants registered in the trade registry and all real persons and corporate bodies possessing the title of industrialist and maritime merchants”*. Certain groups, such as craftsmen (tailors, bakeries, restaurants, retailers), training and education institutions and military industrial enterprises are exempted, Art 5 Chamber Law. Moreover, shipowners and other enterprises in the maritime area may be voluntarily members of a chamber of maritime commerce, Art 5 Chamber law.

Income

According to Art 23 Chamber Law, Chambers dispose of the following kinds of income: registration fees; annual membership fees; cumulative fees; fees collected in consideration of the services rendered; documentation fees; publication fees; donations and aids; penalties; participation profits; fees collected from vessels;

overdue increases; movable and real estate capital revenues, company profits and foreign exchange incomes; tariff approval fees, other income.

Chamber members are especially obliged to pay a registration fee and annual membership fees during their Chamber membership; registration fee and annual subscription fee cannot be less than ten percent or more than half of the gross amount of the monthly minimum wage applied for those over the age of sixteen, Art 24 Chamber Law.

Objectives/functions/competences

The general objectives of the Chambers are: to meet the common needs of their members, to facilitate such members' occupational activities, to ensure the development of occupations in line with common benefits, to maintain occupational discipline, ethics and cooperation so as to ensure honesty and trust among their members and in their public relationships, and to perform the services indicated in the Law and the duties that chambers have been conferred by the relevant legislation, Art 4 Chamber Law.

According to Art 12 Chamber Law, Chambers have the following duties, among others:

- a. To protect and progress professional ethics, discipline and solidarity, to work for the progression of the commerce and industry in conformity with public interest.
- b. To compile information and news regarding commerce and industry and to give them to persons concerned, to provide information that is requested by official authorities in accordance with relevant laws and especially to provide any kind of information that may be needed by the members during the performance of their work upon their request or to make it easy for their members to acquire such information, to take initiatives to lead their members with regard to electronic commerce and internet network, and to establish and put into operation the required infrastructure for these activities.
- c. To make all kinds of researches with regard to commerce and industry, to keep records of indexes and statistics concerning

- economical, commercial and industrial activities, to follow and record the market prices of main products and distribute them with proper instruments.
- d.** To issue and approve the documents set out in article 26.
- e.** To make offers, requests and applications to official authorities with regard to their professional activities, to bring a suit, by a decision from the assembly, on behalf of himself or members when all or some of the members have professional interest.
- f.** To determine commercial and industrial customs in their professional fields, to submit them to the Ministry for approval, and to announce them.
- g.** To take professional decisions that the members are obliged to comply with.
- h.** To participate in domestic and overseas fairs and expositions.
- i.** When deemed necessary, to determine and approve the maximum price tariffs for goods and services for their members listed in article 125 of Law No. 507 on the Craftsmen and Tradesmen in conformity with the regulation that will be enacted by the Ministry.
- j.** To work for the improvement of maritime commerce in accordance with public interest, national transportation and maritime commerce policy.
- k.** To make examinations concerning national and international maritime commerce and provide information on this subject, to collect information concerning the freight, agency commissions and fees and port expenses etc. between the ports of Turkey and overseas ports and distribute them as rapidly as possible with appropriate instruments, to monitor current affairs in world maritime commerce, to keep the statistics and to announce them to relevant persons.
- l.** To determine and announce the customs and applications regarding maritime commerce, to prepare the standard forms of freight agreements, bill of lading and similar documents.
- m.** To give information to foreign ship owners, freight owners, and institutions related to maritime business concerning advantages, working types, tariffs, of the ports, and port expenses and to acquire the similar information from them.
- n.** To become a member of international organizations relating to maritime commerce and have delegates in such organizations.
- o.** To act as an arbitrator over the disputes concerning maritime commerce, if requested by the relevant persons,
- p.** To prepare service price tariffs for maritime agencies and to submit them to the Ministry for approval.
- q.** To perform the duties assigned by other legislations and the duties that will be assigned by the Ministry and the Union in accordance with the relevant laws.
- r.** To keep the members' record in accordance with the standards set out by the Union and to save the documents with regard to the membership dues and to submit them to the Union whenever it is requested.
- s.** In case where the works, which are given to the ministries and other public institutions by the legislation, are given to the chambers in the framework of their establishment purpose and working fields that are stated in this Law, these chambers shall carry out these works.
- t.** To give the documents needed by the members and to render the services regarding those documents.
- u.** To assess the applications for the fairs organized domestically and to make an offer to the Union in that regard.
- v.** To examine the consumer's complaints regarding their members and to do other activities in line with their establishment purposes.

- w. To issue capacity reports for industrialists by the chambers of commerce and industry, and at the provinces where the commerce and industry chambers are separated, by the chamber of industry.

In addition, Chambers, within the framework of the provisions of legislation, perform other duties as follows:

- a. To establish or to participate in laboratories oriented to determine the quality of the commercial goods, to establish or participate in international calibration, testing laboratories, to render certification services.
- b. To open courses regarding commercial, maritime business and industry, to assist the courses that have already opened, to train students abroad or domestically for required areas and to provide trainees under the permission and supervision of the Ministry of National Education; to work on improvement and orientation of the professional and technical education and training, to issue documents related to the 8 foregoing application of the profession branches that are not covered by the Law No. 3308 on Professional Education Law to the limits of the offices of their members.
- c. To be an arbitrator in commercial and industrial disputes and to form arbitration boards, upon the request of the relevant persons.
- d. To participate in exhibitions, fairs, public warehouses, storages, museums and libraries that are already opened or will be opened.
- e. To establish and manage industrial sites, industrial zones, organized industrial zones technology improvement zones, techno-parks, technology centers in places where the Ministry finds appropriate; to be a founder and manager or just manager of free zones, operate warehouse and to establish and operate fair areas, congress centers and commercial centers or to participate to the already established ones in the framework of Law No. 3218 on Free Zones.

The objectives of TOBB, according to Art 54 Chamber Law, are: to provide the unity and the solidarity between chambers and commodity exchanges, to provide the profession to be developed in accordance with the general interests of the profession, to facilitate the professional activities of the members of the chambers and commodity exchanges, to protect the professional discipline and moral in order to provide the honesty and confidence in relation with the members of chambers and commodity exchanges and the public, to make necessary studies so as to the development of the country, improvement of the economy and to perform the services envisaged by the Chamber Law.

The duties of TOBB which concern in particular coordination tasks at national level, are set out in great detail in Art 56 Chamber Law.

Regional/territorial scope

Chambers, as a rule, are established for the territory of provinces which is their area of operation; there cannot be another chamber within the same area of operation, Art 6 Chamber Law. Members have to register with the chamber that is competent for their location, Art 9 Chamber Law.

State supervision

While Chambers and TOBB, within the very detailed regulation of their activities and governance, enjoy autonomy, there are provisions in the Chamber Law that establish the supervision of the Ministry of Industry and Trade over the Chambers and TOBB in particular areas, such as:

- Execution of particular duties, e.g. in the field of consumer protection and creation of a healthy competition environment, Art 56 i) Chamber Law, or the issuing of the Turkish Trade Registry Gazette, Art 56 m) Chamber Law.
- Dissolution of bodies of Chambers and TOBB that have not met their duties, Art 94 Chamber Law.
- Liquidation of Chambers, Art 95 Chamber Law.
- Auditing of the Chambers and TOBB, Art 100 Chamber Law.

Limitation of CCI competences - in general or specifically vis-à-vis EBMOs

There are no explicit legal provisions in the Chamber Law that limit the competences of the Chambers and TOBB in relation to the competences of EBMOs in Turkey. However, indirectly limitations exist insofar as the duties and functions of Chambers and TOBB are listed in great detail in the Chamber Law and these duties do not include typical EBMO functions, such as representation in the labour and social field or collective bargaining. This is an indication that Chambers and TOBB are not supposed to be active in these areas.

History

In 1879, trade, industrial and agricultural guilds were established in Turkey. The first chamber of commerce was established in 1880 following the French model and was called Ticaret Odasi. In 1950, a new Law #5590 on the Chambers, Commodity Exchanges and Union was promulgated and entered into force. Today, TOBB has 365 members in the form of local chambers of commerce, industry, commerce and industry, maritime commerce and commodity exchanges.



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