

SOME REFLECTIONS ON THE BOOK: “LOS PRINCIPIOS COOPERATIVOS Y SU INCIDENCIA EN EL RÉGIMEN LEGAL Y FISCAL DE LAS COOPERATIVAS [THE COOPERATIVE PRINCIPLES AND THEIR IMPACT ON THE LEGAL AND TAX REGIME OF COOPERATIVES]”<sup>1</sup>

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This work, edited by Professors Marina Aguilar Rubio and Carlos Vargas Vasserot and coordinated by Professor Daniel Hernández Cáceres, all from the University of Almería, is an indispensable read for anyone interested in the legal framework of cooperatives. It is a true treatise on Cooperative Law, consisting of over eight hundred pages and twenty-nine chapters, which bring together experts from various universities and countries across different areas of knowledge. It includes contributions from twenty authors, all leading specialists in the field and researchers with an international and interdisciplinary approach. The editors have made a significant effort to systematize these works into a high-quality monograph. Consequently, this book undoubtedly represents a substantial compilation of theoretical and reflective contributions, ranging from broader aspects to specific issues in the corporate and fiscal realms of cooperatives. The book's importance and timeliness are especially noteworthy, given that no updated monographic studies are addressing these topics comprehensively. The book “Los Principios Cooperativos y su incidencia en el régimen legal y fiscal de las cooperativas” [The Cooperative Principles and their impact on the legal and tax regime of cooperatives] is divided into four main sections: the cooperative principles and values of the International Cooperative Alliance; the legal reception of various cooperative principles; emerging cooperative principles; and the cooperative principles and the taxation of cooperatives. The first section, titled “The Cooperative Principles and Values of the International Cooperative Alliance”, presents the origin and development of the cooperative principles and values of the ICA, including their debated status as a legal source and their required adherence by national legislators. This section consists of eight chapters authored by eight researchers. The first chapter, authored by Carlos Vargas Vasserot, is entitled “The Cooperative Principles and their Legislative Reception”. This chapter examines the temporal and spatial relativity of cooperative principles, shedding light on the challenges faced by the ICA in creating universally applicable principles. The second chapter analyses the “Origin and Evolution of the Cooperative Principles of the ICA”, authored by Daniel Hernández Cáceres. The author reviews the various iterations of the ICA principles, concluding with the 2015 guidance notes.

<sup>1</sup> Aguilar Rubio, M., y Vargas Vasserot, C., (2024). Los Principios Cooperativos y su incidencia en el régimen legal y fiscal de las cooperativas. Dykinson: Madrid. ISBN: 978-84-1170-758-9. Available: <https://repositorio.ual.es/handle/10835/16274>

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The third chapter, written by Dante Cracogna, reflects on “The Cooperative Principles Before and After Seoul 2021”. With mastery, the author reflects on the role of the ICA and its numerous revisions of cooperative principles. The chapter culminates with insights from the XXXIII ICA Congress and its most immediate repercussions. The fourth chapter, titled “The Cooperative Principles in International Public Law: Significance and Effects for Cooperative Law”, was authored by Hagen Henry. A profound reflection is offered by the author on the citations of cooperative principles found in texts from international, regional, and national organizations, alongside comparative cooperative law. Additionally, the diverse regulations and recommendations of the ICA are deftly analysed, evaluating their potential as legal sources. Subsequently, “The Non-Legal Nature of Cooperative Principles: their Moral Essence” was written by Miguel Ángel Santos Domínguez. Here, the cooperative legal structure is analysed by the author, along with the juridical nature presented by cooperative principles concerning their defining elements. Thereafter, the chapter authored by Antonio José Macías Ruano titled “Cooperative Values” is presented. In this section, the author reflects on the significance of cooperative values, devoting a section to the analysis of each of them. Following this, it is the encounter of the contribution “Influence of Cooperative Values and Principles on the Configuration of the Social and Solidarity Economy (SSE)” by Manuel García Jimenez. Concluding this first section is the final chapter titled “Cooperatives as a Paradigm of Social Innovation”, which was developed by Jaime Alcalde Silva. Various reflections on social innovation are encompassed here, including the emerging phenomenon of Benefit Corporations and the complex landscape of social enterprises. The second section, titled “The Legal Reception of Various Cooperative Principles”, focuses on Spanish positive law, with specific reference to national legislation and cooperative regulations in Andalusia. Across its seventeen chapters, this section critically examines the seven cooperative principles defined by the ICA, evaluating their integration—or absence—into cooperative legislation. Regarding the first cooperative principle of voluntary and open membership, the discussion addresses legal exceptions that challenge the practicality of this principle, particularly the increasing limitations on members’ exercise of their voluntary withdrawal rights. This principle is explored in two chapters authored by Carlos Vargas Vasserot: “Formulation and Legal Reception of the Principle of Voluntary and Open Membership: Voluntary Withdrawal and Legal Limitations” and “Open Membership in Cooperative Legislation: A Principle Under Scrutiny Today”. Subsequently, the second cooperative principle of democratic member control is examined, focusing on topics such as the possibility of weighted plural voting, delegate assemblies, and corporate governance practices in the board of directors and general assembly. This section comprises four chapters, the first by Carlos Vargas Vasserot titled “Weighted Plural Voting vs. Democratic Management Principle”, the second by Cristina Cano Ortega “Corporate Governance in the General Assembly”, the third by Fernando Sacristán Bergia on “Delegate Assemblies and Their Configuration”, and the final chapter by Trinidad Vázquez Ruano and Ángel Martín Gutiérrez on “Corporate Governance in the Board of Directors”. Next, the third principle of economic participation is discussed, focusing on the

economic regime, the share capital of cooperatives, and the establishment of reserves and fund allocation. This principle is divided into three chapters: the first two by Manuel Paniagua Zurera titled “Share Capital in the Cooperative Society” and “Economic Regime of the Cooperative Society”, and the concluding chapter by Daniel Hernández Cáceres on “Establishment of Reserves and Fund Allocation”. The fourth principle, autonomy and independence, is addressed in a chapter titled “The Principle of Autonomy and Independence” by Dante Cracogna. The fifth principle, education, training, and information is explored in a chapter of the same name authored by Antonio José Macías Ruano. The sixth principle, cooperation among cooperatives, is addressed by Cristina Cano Ortega in a contribution bearing the same title. Lastly, the seventh principle, concern for community, is explored in a chapter also titled similarly and written by Daniel Hernández Cáceres. The third section, titled “New Cooperative Principles”, meticulously examines the additional cooperative principles acknowledged by Law 14/2011 of Andalusian Cooperative Societies, which complement the original seven principles established by the ICA. These newly recognized principles include business and environmental sustainability, the equal rights and obligations of members, gender equality, and the promotion of stable and quality employment. Each principle is thoroughly analysed in dedicated chapters authored by Sonia Rodríguez Sánchez, Antonio José Macías Ruano, Encarnación García Ruiz, and Juan Escribano Gutierrez. The final section: “Cooperative Principles and the Taxation of Cooperatives”, comprises four comprehensive chapters. The initial two chapters provide a broad overview, discussing the tax system and cooperative principles, as well as the limited profit principle as it pertains to cooperative taxation. The subsequent chapters address more specific issues, such as the taxation of urban capital gains concerning the principle of cooperation among cooperatives, and the taxation frameworks applicable to social initiative cooperatives and other entities within the social economy. These chapters are authored by distinguished experts: Marina Aguilar Rubio (contributing the first and the last chapters), Juan José Hinojosa Torralvo, Miguel Ángel Luque Mateo, and Juan Jesús Gómez Álvarez.

The collective volume presented herein is of unequivocal interest, constituting a seminal reference in the cooperative sector, both for research and for dissemination beyond the cooperative movement. Indeed, this study, elucidating the essence of a cooperative society, transcends referenced community, offering invaluable support to any scholarly inquiry at both national and international levels. This work does not focus on a static view of the current legal framework; instead, it provides the keys to understanding the uniqueness of the cooperative structure and regulations, as well as the evolution in the appreciation of the content and projection that cooperatives should possess. It alerts us to the deficiencies, needs, and capitalist tendencies in the legislative policies, which will serve to understand and improve the legislative projection of cooperative values.

In conclusion, we must extend our congratulations to the editors and authors of this work for their meticulous and comprehensive examination of the subject. It is without doubt that we are

presented with an authentic treatise on Cooperative Law. Its scientific rigor, exceptional quality, and profound value are indisputable, ensuring its status as a pivotal reference for many years to come. Finally, it is noteworthy that the work has been published by the prestigious Dykinson publishing house in both print format and open access, allowing all interested parties to download it from the Institutional Repository of the University of Almería (<https://repositorio.ual.es/handle/10835/16274>).