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APPEAL
TO THE COMMISSION OF THE EUROPEAN UNION
DUE TO NON-OBSERVANCE OF UNION RIGHTS

Summary

1. The complainants, five German companies and one Austrian company, all of whom are members of a Chamber of Industry and Commerce in Germany, are opposed to their membership being compulsory under existing law.
2. The complainants are contesting violations against the freedom of establishment (Art. 49 Para. 1 of the AEU), against the free movement of services (Art. 56, 57 of the AEU), against the services directive (Art. 14 No. 2 of Directive 2006/123/EC) and against the principle of democracy (Art. 2 Para. 1, Art. 10 EU and Art. 2 Line 1 in conjunction with Line 2, Art. 12, Art. 49 Para. 1 EU).
3. Compulsory membership greatly limits the freedom of establishment, without any justification being provided for this as is required by the European Court of Justice - which has yet to specifically rule on German Chambers of Industry and Commerce - for similar limitations. The same applies to the free movement of services. The tasks ascribed to Chambers of Industry and Commerce do not warrant compulsory membership, because on the one hand they are non-specific and, on the other, because of their technical and organisational character, they can be readily undertaken by private citizens. The main task of the Chambers of Industry and Commerce is to represent the overall interests of its members, which is too unspecific and likewise wholly anachronistic under the terms of a democratic organisation. The advisory capacities of the Chambers of Industry and Commerce and their subordinate involvement in training provided by the government do not warrant compulsory membership.
4. The services directive is being violated in so far as Germany also provides for compulsory membership of those service providers that are already registered with a comparable chamber in another member state, for example Austria. The services directive prohibits double registration without exception (Art. 14 No. 2 of Directive 2006/123/EC of the European Parliament and the Council of December 12th 2006 concerning service in the domestic market (Services Directive)).
5. The European Union's principle of democracy is being violated because, in the Chambers of Industry and Commerce, Germany is maintaining public facilities that are largely being stripped of democratically legitimate governmental control. Added to this is the fact that the internal structure of the Chambers of Industry and Commerce does not meet the minimum democratic requirements. The entitlement to group selection in elections at the plenary assembly of the Chambers of Industry and Commerce is in contravention of the basic principle of equal choice.