

THE “EUROPEAN BUSINESS REGISTER EEIG” AS A NETWORK OF EUROPEAN TRADE REGISTERS – A PUBLIC REGISTER WITHOUT DEMOCRATIC LEGITIMATION?

Thomas RATKA

Within the European Union, Trade Register is (although partly harmonized by EU directives) is still a national matter: There are 27 (quite different) registers. In some countries they are administrated by (independent) courts, other countries have created special public authorities, in some parts of the EU the National Chambers of Commerce were entrusted with the guidance of Trade Registers, other countries have declared the Economics Ministry as competent for that issue. Although there have been several attempts, an “EU-wide unified Trade Register” (or at least a conjunction between national registers by an official EU initiative) is still pending. Since there exists nevertheless a big public interest in easy to access all national registers “as if they were one”, it was surprisingly up to a private initiative to create such a common network of national Business Registers and Information Providers, the EBR (“European Business Register”). It connects the domestic registers and transmits the information online from the (national) source register directly to the user; the legal basis for the cooperation between national Business Registers is the so-called “Information Sharing Agreement”. The “EBR EEIG” not only manages the network of activities between information distributors, technical partners and national registries: Over the years, the EBR (which is conducted by a private “European Economic Interest Group” based in Brussels) reached some kind of market power: It issues only one licence per country to access the EBR network (normally to a national internet provider).

The question arises if a private network agreement like an EEIG gives sufficient democratic legitimation to the only “European Register” that enables EU citizens to cross-border enter other countries’ registers.