

EWC case studies

Südzucker AG

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The case studies was not submitted to the standard Foundation editorial process.

It is available in electronic format only.

Overview of company and EWC

The company

Südzucker is currently the largest European sugar enterprise and is marked leader both in the European Union and in the countries of Eastern Europe. The Group has more than 50 sugar factories across Europe and operates predominantly within Europe

The foundations were laid in 1926 when 5 sugar companies merged towards the Süddeutsche Zucker AG with headquarters in Mannheim. Based on the merger with the sugar factory Franken GmbH in the year 1988 and further shares in the Austrian ARGNA, with the Belgian refinery Tirlemontoise and the French Saint Louis Sucre the company developed from a regional sugar producer to an international group. The Group has share investments in companies in Poland, Hungary, Romania, Moldavia, Czech Republic, Slovakia.

The board of the group has seven members of which 4 come from Südzucker AG.

In Germany there are two headquarters. One is in Mannheim and one in Ochsenfurt. While Mannheim is more in charge of the commercial side Ochsenfurt is more in charge of the technical side.

The production is regionally relatively decentralised in medium-sized factories.

Recently, major restructuring of the group took place with the disposal of the Schöller Group and the acquisition of Saint Louis Sucre in 2001.

Besides the core division of sugar production the division of highly refined specialities grew during the last years. Besides Palatinit and Orafti (both food ingredients for functional food products), these are starch (for food and non food areas), Portion Pack Europe, Surafti (bread, cakes, and pastries ingredients) and the Freiberger Group (Frozen Italian specialities).

The divisional structure has four areas: sugar, palatinit, agriculture, animal food and by-products. The division sugar is divided in four sub-divisions: raw material, production, special production and sales. This system is flanked by central departments, that are not subordinated to the divisions. The division can request services by these central departments.

Tables 1 to 3 give an overview on the development of the turnover, sugar beet processing and sugar manufacturing and the sales of sugar during the last decade.

The turnover increased in this period, and in particular in foreign countries. (Table 1)

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Year	Turnover total	Turnover in foreign countries
2002/2003	4384	3024
2001/2002	4776	2672
2000/2001	4664	2404
1999/2000	4517	2407
1998/1999	4504	2404
1997/1998	4187	2075
1996/1997	3885	1923
1995/1996	3826	1852
1994/1995	3203	1731
1993/1994	2677	1256
1992/1993	2685	1191

Table 1: Turnover (total and in foreign countries)in Mio €

Source: Südzucker AG, Konzernbericht über das Geschäftsjahr 2001/02 and 2002/03

Sugar beet processing, sugar manufacturing (Table 2) and sales of sugar (Table 3) increased steadily and considerably.

Table 2: Sugar beet processing and sugar manufacturing in 1000 tons

Year	Sugar beet processing	Sugar manufacturing
2002/2003	29744	4707
2001/2002	25030	4010
2000/2001	22251	3491
1999/2000	23432	3596
1998/1999	21224	3078
1997/1998	20294	3169
1996/1997	19718	3103
1995/1996	19416	2819
1994/1995	17978	2666
1993/1994	16804	2562
1992/1993	15787	2309

Source: Südzucker AG, Konzernbericht über das Geschäftsjahr 2001/02 and 2002/03

Year	Sales of sugar
2002/2003	4 514
2001/2002	4 694
2000/2001	3 617
1999/2000	3 414
1998/1999	3 282
1997/1998	3 149
1996/1997	2 816
1995/1996	2 851
1994/1995	3 093
1993/1994	2 404
1992/1993	2 239

Table 3: Sales of sugar in 1000 tons

Source: Südzucker AG, Konzernbericht über das Geschäftsjahr 2001/02 and 2002/03

Despite the acquisition of Saint Louis Sucre, the disposal of Schöller Holding, with its large number of employees (more than 9 000), led to a sharp decline in the number of employees in the Group. On average there were 14,855 persons employed in the Group in 2002/03. (Table 4)

Table 4: Number of employees in the group (annual average)

Year	Number of employees
2002/2003	14855
2001/2002	23638
2000/2001	28415
1999/2000	29579
1998/1999	25619
1997/1998	20394
1996/1997	19239
1995/1996	19539
1994/1995	12597
1993/1994	10243
1992/1993	10985

Source: Südzucker AG, Konzernbericht über das Geschäftsjahr 2001/02 and 2002/03

About 4000 employees work within Germany. About 22 % of the German employees are female. Women work predominantly in the administration in the headquarter and in research. In the factory the proportion of women is below 20 %.

Table 5 gives an overview on the structure of the workforce and their distribution across Europe.

Groups of employees	2002/03	2001/02	2000/01
Blue-collar	9 677	12 549	14 291
White-collar	4 797	10 659	13 612
Apprentices	381	430	512
	14 855	23 639	28 415
Regions			
Germany	4 058	9 503	12 147
Other EU countries	5 180	5 845	6 385
Eastern European countries	5 609	8 018	9 500
Other countries	8	272	383
	14 855	23 639	28 415

Table 5: Structure of the workforce (annual average)

Source: Südzucker AG, Konzernbericht über das Geschäftsjahr 2001/02 and 2002/03

Adjusted by the Schoeller Group the comparable number of employees for 2001/2002 amounts to 15 034

Table 6 gives an overview on the number of employees in different companies.

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	·	2002/03	2001/02
Sugar		11 543	12 148
Sugar EU		6 335	6 494
	Südzucker AG und GmbH	2 946	3 040
	Raffinerie Tirlemontoise (sugar)	849	930
	Saint Louis Sucre	1 673	1 616*
	ARGANA	903	908
Sugar Eastern Europe		5 208	5654
Specialities		3 312	2 886
Group		14 855	15 034**

Source: Südzucker, Die Südzucker-Gruppe, Unternehmenspräsentation 2003

* For comparison 12 months SLS ** Without the Schöller Group

The EWC

The agreement had been achieved in 1996 based on Art. 13 of the EWC directive. It had been signed by Südzucker and the company works councils and also by a trade union representative on behalf of the EAL/IUL. The agreement had not been modified except an adaptation regarding the number of members after the sales of the Schöller Holding in Germany with subsidiaries in the Netherlands, Belgium, and Austria and the acquisition of Saint Louis Surce in France.

According to the adapted agreement from 2002 Germany has 5 members in the EWC, Belgium 2 members, France 2 members and Austria 1 member. In the original and in the modified regulation one seat of the German EWC members is reserved for a representative of the trade union Food, Beverages and Catering (NGG). This consideration of a trade union member in the EWC is exceptional in the German context. The EWC has no female member. In contrast the local works council has more female than male members.

On the management side the labour director and the board spokesperson are involved in the EWC activities.

The agreement had been concluded between Südzucker and the company works council of Südzucker in Germany. In the amendment from 2002 it is called 'works agreement'. According to the agreement only companies with 150 employees and more are represented in the EWC. The seats across the countries are allocated according to the number of employees.

According to the agreement employees in companies that are not represented in the EWC are informed based on the minutes translated into the respective national language. This provision has no significance currently.

The purpose of the agreement is the information and consultation between the board of Südzucker or its representatives and the EWC on the issues listed in the agreement as far as these have a cross-country impact.

The agreement provides for a select committee of a maximum of three members. This select committee is supposed to meet with representatives from the corporate management is an information or consultation is required between the meetings of the EWC. As examples are mentioned larger cross-country investments, programmes of restructuring, closures etc.. This select committee should also take care of pursue further activities that possibly will be agreed on in the EWC with Südzucker.

However, although members are selected the committee did never meet until now. The committee is not in charge of the management of the EWC.

Union density within Germany is about 90 % for blue-collar workers and about 25 % for white-collar workers. Data for the other countries is not available.

The French representatives have two seats in the EWC. The EWC member interviewed is the representative from the CGT the leading union (around 40 to 45 %) in the subsidiary Saint Louis Sucre. The other seat is taken by a member of the CFDT.

Methodology

This case study is based on interviews with 6 interviewees of the company, company material, and literature on the company.

The interviews were conducted with:

Parent company:

- 1 insider employee representative (ER)
- 1 outsider employee representative
- 1 insider management representatives (MR)
- 1 outsider management representative

Subsidiary in France (Saint Luis Sucre)

- 1 insider employee representative
- 1 management representatives

The interviews in the subsidiary in France have been carried out by the French team in the project.

When the interview took place the representatives on the EWC from Saint Louis Sucre have only attended one meeting. Thus the representative interviewed has only restricted experiences with the EWC.

Influences

The industrial relations in Germany are traditionally cooperative.

The German MR describes industrial relations at Südzucker as the natural interest conflicts accepting and constructive relationship to employee representatives being without equal.

We try to respect and to shape the influence on the side of the employees. But also to restrict the administrative side to the bare essentials. Therefore, there was nobody who said 'What do we need the stupid EWC for?'

The operation of the EWC

Establishment of the EWC

The interviewees had different views on who took the initiative for establishing the EWC.

According to the chair the initiative for establishing an EWC came from the trade union Food, Beverages and Catering (NGG) and the head of the company works council. The

management representative is of the view the initiative came from the management side in order to tailor the EWC to the traditions and cultures in the company instead of implementing the legal provisions.

The agreement had been developed jointly between the head of the company works council, a trade union representative and the management.

A meeting took place at Frankfurt Airport with the intention to bring together the employee representatives. However, not all participants invited showed up. In particular, in subsidiaries outside Germany tensions between the trades unions hindered a participation. For example for Belgium a representatives did not come because the other representative was also invited.

The interviewee travelled to Belgium to win the representatives for the EWC. These 'beated' him as if he was the managing director of the group.

Before the EWC had been established there had been cross-country contacts in particular between Germany and Austria.

Resources of the EWC

The costs of the meeting and the organisation of the EWC are covered by Südzucker. Travelling cost for the members of the EWCs are covered by the particular companies.

Interpretation is covered. The minutes are translated in the required languages.

A special office for the EWC is not provided. The tasks are covered by the existing infrastructure for the company works council. The interviewee has a full-time release from work in his functions as head of the local and the company works council.

Access to internet and e-mail is provided.

EWC meetings

The meetings take place once a year. The venue rotates between the companies.

Preparatory meetings and follow-up meetings are considered. Pre-meeting for the employee representatives took place twice. Follow-up meeting had not been requested.

The French employee representative describe his experiences with the meeting of the EWC in which he took part for the first time in 2002. According to his description the French management, on the practical level, did not really facilitate participation in the meeting that was held in Germany. This mirrored in the late information on the date of the meeting, the absence of a preparatory file, and a lack of logistical support to organise travel.

A preparatory meeting on the eve of the plenary session allowed him to meet foreign colleagues (German, Belgian and Austrian).

The essential point that struck French representatives relates to the difference of culture in labour relations. This difference is particularly obvious in the following points as summarised by the French project team:

- The president of the European Works Council is a 'personnel representative'.
- German union representatives have more time, as they are permanent and do not work concurrently with their union activity. The question asked by the French about the number of hours they may be authorised was therefore not immediately understood by their German counterparts.
- The operation of the Council is based on the principle of 'trusting relations' between management and unions (set out in the agreement) which does not really correspond to the French spirit where there is always a strong protest element. This principle gives the meetings of the Committee a rather friendly and soft tone that the French are not used to.

Participation of the management

HR director from the subsidiaries do not take part in the meeting.

Breakouts

Breakouts would be possible but did not take place yet.

Extraordinary meetings

The agreement provides for extraordinary meetings for special reasons in agreement between management of Südzucker and the spokesman of the EWC. Until now no extraordinary meeting took place.

Agendas of the meetings

The agenda is worked out between the head of the works council and the corporate management. There had never been any conflicts with the management regarding the agenda.

The interviewee emphasises that if other members of the EWC would have any proposals for the agenda these would be included but until now there had never been such proposals.

In contrast, the interviewee from the French subsidiary stress that the French representatives would have liked to have added questions to the agenda considering their recent inclusion on the Council but it was not possible, at least formally. However, discussions did take place during the plenary session.

In terms of content, the meeting provided the opportunity to take stock of the situation after the takeover of Saint Louis, to present the group's accounts and discuss issues linked to the development of European sugar regulation. This was not really new information but this agenda allowed the French to ask questions about ongoing restructuring and synergies within the group.

The German insider MR emphasises that the information at the meetings is open and encompassing. There are no restrictions.

Issues of the meeting cover all themes listed in the agreement:

- structures of the group,
- economic and financial situation,
- anticipated development of the business activities,
- situation and trends regarding employment and investment,
- relocation of production, mergers, reduction of production or closure of companies and impact for the workforce,
- working and environmental conditions.

The members of the EWC are satisfied with the information provided. If there would be further questions these would be answered and not would not be left open.

The participants receive the annual reports (that are agreed to in the supervisory board but not approved by the shareholder's meeting) with their invitations. Thus the members of the EWC have time to prepare themselves for the meeting.

The insider ER emphasises that the information given is good and sufficient.

The German insider MR stresses that as there had not been fundamental transnational changes the meetings deal predominantly with a report by the board regarding the most important changes and development and is than available for all questions that often have been prepared in advance.

Beyond the themes regarding the development other issues are sometimes discussed but not in detail dealt with.

One important issue is the sugar market order and what this implies for the company.

Agreements, declarations etc.

Agreements have not been concluded in the EWC.

Experts

Until now experts have not been invited beyond the trade union.

The management side did not consult any experts.

Minutes of the EWC meetings

The minutes are prepared by the management. The head of the EWC reviews it before it is sent to the participants. Before the next meeting he questions if there are any alterations wanted by the participants. Until now there had not been any modifications be requested by the EWC members.

Once the head of the EWC thought the minutes prepared by the management were too sketchily and plead for a revision. The minutes had than been revised before they were sent to the participants.

The minutes are translated in different languages. The minutes are send to the headquarters of the different companies with the plea to communicate it to the employees.

Communication into the committees of employee representation, management, and workforce

In general, the content and results of the EWC meetings are not communicated beyond the EWC. At the following meeting of the company works council there is a short report on some issues.

The outsider ER assumes that the EWC is not really noted by the workforce.

Interactions

Interactions between employee reps. and central/corporate management

The German insider MR states that the EWC is not informed in advance in the context of difficult, lengthy processes. Some actors are informed that are also involved in these processes in the supervisory board. This is some kind of 'bridge function'. The EWC is very well informed in general. Up to now no extraordinary meeting was required. There had always been a summary reporting on investments, restructuring, or acquisitions.

However, this does not take place in the phase of initiation, not in the phase of negotiations. Most of the relevant employee representatives are informed as they are members of the supervisory board and in the EWC. Regarding the question if foreign EWC members are informed early enough he states, that if the head of the EWC would consider this as necessary he would take the initiative.

If this is always one all correct, the way how we handle this, had not been discussed yet because it functions well. Well, it might be that we probably should inform more, but we do this always very detailed at the meetings. Therefore we did not have any problems.

In the case of acquisition of Saint Louis Sucre the EWC had been informed afterwards i.e. at the next meeting. The head of the EWC emphasised that it had to remain secret otherwise the acquisition could have failed. In principle, the EWC should have been informed earlier and this had not been blocked by the management. The employee representatives at Südzucker had been involved in the decision.

He states that until now the EWC did not have any impact on transnational decisions. None of the decisions had been rethought on the background of the EWC meetings.

The German insider MR emphasised that there had not been any controversy between the central management and the EWC on the acquisition of Saint Louis Sucre. In the meantime 2 employee representatives took part in an EWC meeting. It had been reported to him that the French representatives expressed positively their view about the openness of the board.

The case of the sales of Schöller was also a transnational issue on which the EWC had not been informed in advance. However, no conflicts occurred.

Interaction between employee reps., the EWC and the national subsidiary

Tension are less evident between the countries than within the countries. The competition between the trade unions was obvious yet in the phase of the establishment of the EWC in Belgium and currently similarly in France.

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Different understandings between the employee representatives from Germany and the representatives from France concern the principles of cooperation with the management. When the French representatives joint the EWC they wanted the paragraph in the agreement that lays down the principle of 'trustful cooperation' with the management to be deleted from the agreement.

Within management

The German insider MR sees the development of a stronger European orientation of personnel management. The reason for this a stronger Europeanisation independent of the EWC. The existence of the EWC is a further element in the development.

Viewpoint German outsider MR:

The EWC did not have an impact regarding management structures or an exchange between management representatives between different countries.

Viewpoint manager SLS:

The role of the HRD of Saint Louis Sucre is limited to good logistical support, in particular for the preparation of the forthcoming European Works Council which will be held in Paris (organisation of the meeting and accommodation).

Outsider perspective

The outsider employee representative is aware about the existence and role of the EWC based on his experiences in the company works council. As he is in the company works council only for year he had not been involved in the history of the EWC. The activities of the EWC came to his attention in the context of the acquisition of Saint Louis Sucre and the required adaptations of the EWC. In this context he became really aware of the existence of the EWC and the according agreement for the first time.

The minutes of the meetings are not circulated but there is a chance to see them on request. However, as far as there are any decisions concerning the entire company the member of the company works councils are informed. Therefore the minutes of the EWC meetings do not offer anything really new. As far as required he receives these information from the head of the EWC who is also head of the local and the company works council.

In a concretes case as with Saint Louis Sucre this information was concrete and encompassing. However, it was not clear in which of his functions the head of the EWC informed the members of the company works council.

As there are still only a few issues of transnational character he does not have a further need of information.

Until now his personal impression is that the thinking still ends a the borders. I.e. the flow of information strived for in the EWC does not function respectively cannot function in that way yet because this is not the approach of thinking. (Translation AW)

All in all he consider an increasing significance of the EWC in the context of the further development of the company.

All in all he does not consider the German representation in the EWC as dominant but there is a strong German impact.

The different committees for employee representation within the company are considered as clear cut in their functions. In this context he sees the EWC as an addition to employee representation.

The interviewee sees a clear advantage in the EWC as this committees offers information to employee representatives in the other countries, it can promote an exchange between the representatives and allows the employee representatives from all countries to develop a position with regard to the management.

His impression is that all in all the information from the management improved in general during the last years. He relates this improvement to the need of establishing committees for information. He sees a more European perspective emerging.

I also observe a quite open policy of information in the company and this is most likely also influence by the *EWC*. The practice is to inform in an early stage including single employees. The attitude in the company is very cooperative i.e. the employer inform voluntarily. (Translation AW)

For the future he assumes that more general questions as for example the 'Sugar market regulations' will be of increasing importance and offer a chance for a joint approach of employee representatives and the management.

The German management outsider is comparably good informed about the EWC directive and the process of national implementation. He explains this with his professional background routed in management qualifications. In the years 1994/1995 the issue of the EWC had been communicated within the management. At a meeting the management representative had been informed about the need to establish an EWC and the approach of the company to achieve an agreement with the general works council. There had been information on the establishment in form of a common circular. All in all he has general information about the establishment and the function of the EWC but not on the meetings or activities. Minutes of the EWC meetings are not circulated.

Outcomes and Impacts

Employees

For the employee representation within Germany the EWC does not have an impact. There are other committees and sources for information. But from the viewpoint of EWC representatives from other countries the EWC doubtless offers a source of information that would otherwise not be available.

Until now the EWC did not develop to a platform for increased exchange between the EWC members from the different countries. Despite the contacts with the Austrian representatives that existed yet before the EWC had been established.

The interviewee would prefer if more activities within the EWC would develop. This would be the central contribution to a further development of the EWC. His position is that as long as the legal regulations do not change nothing really important will develop. Therefore a number of modifications of the laws have to take place.

The French representatives emphasised that a very positive point was the possibility of discovering the activity of the site hosting the meeting and seeing another way of working.

The European dimension did not seem to be very present in the preoccupations of the Germans, apart, perhaps, from the national union expert. The overriding impression is of a sort of extended national Works Council rather than a body developing a truly European approach.

The problems raised for the future are as follows:

- There is no coordinated preparation of this agenda between union members in the different countries. Everyone is invited to field questions that they would like to see discussed but there are no prior inter-union contacts.
- The agreement was designed to fit in with German logic, which differs from the French situation. The interpretation and implementation of the agreement are then left up to each country, which can cause difficulties. It would be useful to clarify certain points (means, procedures) and harmonise operating rules.
- The third point concerns the development of inter-union discussions between meetings. For the time being, these discussions boil down to the preparatory meeting the eve of the plenary session. This allows a harmonisation of the way the meeting will be run but does not allow a real transnational union approach. The French representatives would like to organise meetings before the Council meeting itself.
- The French representative plead for an opening up to other themes. Over and above conventional questions concerning accounts and the group's situation, the role of the EWC could be to find out more about a certain number of practices (and circulate some of them). It appears that approaches can differ from one country to another on issues such as subcontracting, production and work methods, training, etc. And it is a shame not to know and circulate this difficulty.

Management

According to the German insider management representative the EWC does not have an impact on cross-national management coherence, tendencies of centralisation or decentralisation of management structures, benchmarking etc..

EWC does not improve the information of the employee representatives in Germany as these are very well informed in the works council. It is an improvement for the employee representatives in the other countries as the EWC is the only source of information.

The existence of the EWC does not have an impact on the management decision in difference to the supervisory board or the German works council.

The EWC does not slow down and decisions in the company.

Regarding future perspectives it could be considered to use more the select committee.

German outsider MR assumes that the company works council achieves a more intensive insight into the companies transnational activities.

He also assumes that structural decisions will be discussed more intensively although he cannot judge if this has an impact on the decisions.

Like the German outsider employee representative he describes his impression that the communication between management and employee representation improved and information on transnational issues takes place at a very early stage. The management died not have huge expectations with regard to the EWC. The most important factor is to develop a joint direction with the employee representatives and this functions quite well at Südzucker.

Viewpoint manager SLS:

There is for the time being no identifiable impact on labour relations in France. In any case, the French management representative insists on the fact that economic and social issues are already broadly tackled, including in their European dimension, in the national bodies. For the takeover by Südzucker, several meetings of the Central Works Council were dedicated to the presentation of the German Group and to questions raised by integration in the Group. As the Central Works Council holds about ten meetings per year, it is possible to develop an 'economic educational' approach in the long term.

It is undeniable however that, for both French union representatives attending the European Works Council, the possibility of discovering other social practices is useful.

Discussion and analysis

In view of the fundamental restructuring of the company with the disposal of Schöller and the acquisition of Saint Louis Surce the EWC did not play a major role in employee representation. Due to the fact that the chair of the EWC and further members of the EWC are in the supervisory board and key figure in the company works council were involved in the processes the EWC had only been informed in detail at the next meeting.

No extraordinary meeting had been convened nor the did the select committee provided for in the agreement come into being on these strategic decisions of the company.

Both sides stress the extraordinary cooperative industrial relations and the endeavours to find a reconciliation of differing interests.

Although a communication about the EWC into the workforce does not take place the outsiders both form the employee representation and the management are comparably well informed about the EWC. This is most likely related to communication processes within the company and the size of the company. The company is still strongly influenced by the situation in Germany.

The 'distance' and different understanding between the German representatives and the French members reflects in particular in the perception of the French members that the head of the EWC is a 'personnel representative'.

Conclusions from the French team:

The European Works Council, from the French standpoint, is seen as an implementation body, mainly set up to respect European law.

Its concrete operation is directly inspired by German labour relations practices and shows no strong determination to develop a new approach to the European dimension.

On the French level, it is not possible to say for the time being that this Council has any effect on the content and form of labour relations at Saint Louis.

Despite everything, this body seems to be a positive element which needs to be 'upgraded' by a broader opening to the European dimension and themes besides finance.

Dr. Anni Weiler, ArbeitsWelt - Working World (AWWW) Research and Consultation

Interviewees

Parent company

Management insider:

Head of personnel department in the company about 13 years involved in the development of the EWC agreement

Management outsider:

Head of the auditing department He is in the company since 1990

Employees representative insider:

He is a member and head of the local works council for 27 years. For 13 years he is head of the company works councils. For more than 20 years he is an employee representative in the supervisory board. The interviewee is head of the EWC. He is in the company for 37 years. involved in the development of the EWC agreement

Employees representative outsider:

He is employee representative in the works council for about 8 years He is the deputy head of the local works council in the headquarter in Mannheim. He is a member of the company works council for one year. He is not a works councillor with full-time release from work. in the company about 11 years

Subsidiary Saint Louis Sucre in France:

Employees Representative insider

Permanent representative on the Works Council of the Etrepagny site (Eure) and union representative (CGT), substitute on the Central Works council, representative of the Saint Louis Sucre Supervisory Committee, central union delegate for the CGT and member of the European Works Council

Management outsider:

Human Resources Director of Saint Louis Sucre since 1991

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