

Opinion of the Economic and Social Committee on 'The 2000 Intergovernmental Conference — The role of the European Economic and Social Committee'

(2000/C 117/06)

On 24 November 1999, the Bureau of the Economic and Social Committee instructed an ad hoc group, made up of co-rapporteurs Ms Sigmund, Mr Little and Mr Piette, to draft the Committee's Opinion on 'The 2000 Intergovernmental Conference — The role of the European Economic and Social Committee'.

At its 370th plenary session on 1 and 2 March 2000 (meeting of 1 March), the Economic and Social Committee adopted the following opinion by 137 votes to 10, with 25 abstentions.

1. Introduction

Imminent major scale enlargement has presented the European Union with an unprecedented challenge, and it is up to the European institutions to find an appropriate response.

Before enlargement, the European Union needs institutional reform, to enable it to continue the function effectively, consistently and transparently, while safeguarding the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles that are common to the Member States.

The European Union's institutions and bodies are therefore each required to reflect on means for reform, and to make proposals accordingly.

The ESC is aware of its responsibility as the forum for civil society organisations.

It is in this spirit that the ESC has prepared its contribution to the 2000 IGC, with a view to preparing for enlargement and contributing effectively to European integration.

2. The current role of the committee

The Economic and Social Committee was established by the Treaty of Rome as the only European-level consultative body to gather together the 'various categories of economic and social activity'. The representatives of these categories reflect the whole gamut of civil society organisations and the Committee offers them a forum for debate and reflection.

The ESC currently consists of 222 members drawn from organisations representing employers, employees, farmers, carriers, SMEs, craft industries, the professions, cooperatives, consumers, environmental interests, the voluntary sector, families and young people. The proportion of representatives from each domain varies from country to country. The Committee is, therefore, a non-political assembly which encompasses a broad swathe of experience and high-level, well-respected expertise.

The Committee's consensus-based procedures for making decisions are a mirror image of the communication methods inherent to civil society organisations. At the ESC, the representatives of civil society organisations receive direct information and are able to express their views and defend their interests. Its proximity to the public enables the ESC to contribute directly and effectively to the transparency and democratisation of European integration. It is more than just an institutional framework for consulting the economic and social operators, it is also a bridge between Europe and the diverse and complex world of civil society organisations.

3. The need for change

The Committee has always stressed that European integration should not be treated as being static but as a constantly evolving process. At previous IGCs, the Committee has, therefore, always suggested reforms that advance this process.

Enlargement is more than a challenge, it is also an opportunity for the European Union to reform its institutions. The Committee hopes to acquire the appropriate means to enable it to enhance its contribution to European integration, ensure enlargement is successful and respond to the changes in and expectations of civil society organisations.

4. Recommendations

4.1. Membership

The Committee is made up of representatives of the various components of organised civil society.

Its membership must take account of the need to ensure proper representation of the various categories of economic and social activity and of the general interest.

Furthermore, regarding internal organisation, the Committee is resolute as to the need to maintain its three-group structure. Groups I and II bring together representatives of social partners, while Group III represents the other European civil society organisations, and completes the ESC's diverse membership.

4.2. *Method of appointment*

The current method of appointment must be maintained for reasons of subsidiarity and transparency and to preserve the necessary direct communication link between the civil society organisations of the Member States and the ESC.

Nonetheless, the ESC does not rule out the possibility at some time in the future of additional direct and limited appointment by representative European organisations recognised by the EU institutions, taking account, where necessary, of similar changes which may occur in other institutions. Thought must be given to the rules to be adopted to govern such appointments.

4.3. *Number of members*

The Committee acknowledges fully that membership increases arising from enlargement will have to be limited.

With this in mind, the general principle of the equal treatment of the Economic and Social Committee and the Committee of the Regions must apply.

Geographical balance, and in particular an adequate level of representation of the smaller Member States, should be maintained.

4.4. *Period of office*

The period of office of Committee members should be lengthened to five years, in order to bring the Committee into step with the Commission and the Parliament.

Appointments must remain renewable.

4.5. *Tasks*

There is room for improvement on a number of scores.

The principle of compulsory referral must be maintained. It should even perhaps be extended to cover areas such as culture, migration policy or possibly questions relating to non-discrimination. However, the Committee could be left to judge for itself whether a Commission proposal merits an opinion; it would then inform the Commission of the reason for its decision.

The Committee places particular importance on performing its advisory role at the early and exploratory stages of developing new legislation. To give that emphasis and to concentrate on the key areas of strategic importance, the Committee intends to be more selective in its work.

To ensure greater transparency in the decision-making process, opinions produced by the ESC at the request of a European institution should be followed up. Institutions that have consulted the ESC should inform it of their response to the opinions requested.

Furthermore, the Committee's consultation role should be improved to increase the added value it offers the other institutions and to enable it to act as the contact point for civil society organisations. This could be achieved by:

- offering the Commission a pre-legislation 'exploratory' option for consulting the Committee,
- giving the Committee responsibility for organising or coordinating consultation on specific complex subjects,
- setting up the Committee as a suitable meeting point for the civil dialogue that should be built up between the civil society organisations,
- and strengthening the role of the ESC as the framework for consultation between the economic and social partners.

On its own initiative the ESC will also pay more attention to monitoring and promoting follow-up to its opinions.

4.6. *Establishing the committee as a fully fledged institution*

(p.m.)

5. Proposal on the articles of the treaty concerning the Economic and Social Committee

Current text of EC Treaty	ESC proposals																														
<p>Article 257 (ex-article 193)</p> <p>An Economic and Social Committee is hereby established. It shall have advisory status.</p> <p>The Committee shall consist of representatives of the various categories of economic and social activity, in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations and representatives of the general public.</p>	<p>Article 257</p> <p>A European Economic and Social Committee is hereby established. It shall have advisory status.</p> <p>The Committee shall consist of representatives of the various economic and social components within organised civil society.</p> <p>Its membership shall take account of the need to ensure adequate representation of the various categories and of the general interest.</p>																														
<p>Article 258 (ex-article 194)</p> <p>The number of members of the Economic and Social Committee shall be as follows:</p> <table> <tr><td>Belgium</td><td>12</td></tr> <tr><td>Denmark</td><td>9</td></tr> <tr><td>Germany</td><td>24</td></tr> <tr><td>Greece</td><td>12</td></tr> <tr><td>Spain</td><td>21</td></tr> <tr><td>France</td><td>24</td></tr> <tr><td>Ireland</td><td>9</td></tr> <tr><td>Italy</td><td>24</td></tr> <tr><td>Luxembourg</td><td>6</td></tr> <tr><td>Netherlands</td><td>12</td></tr> <tr><td>Austria</td><td>12</td></tr> <tr><td>Portugal</td><td>12</td></tr> <tr><td>Finland</td><td>9</td></tr> <tr><td>Sweden</td><td>12</td></tr> <tr><td>United Kingdom</td><td>24.</td></tr> </table> <p>The members of the Committee shall be appointed by the Council, acting unanimously, for four years. Their appointments shall be renewable.</p> <p>The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Community.</p> <p>The Council, acting by a qualified majority, shall determine the allowances of members of the Committee.</p>	Belgium	12	Denmark	9	Germany	24	Greece	12	Spain	21	France	24	Ireland	9	Italy	24	Luxembourg	6	Netherlands	12	Austria	12	Portugal	12	Finland	9	Sweden	12	United Kingdom	24.	<p>Article 258</p> <p>The total number of members of the Economic and Social Committee shall be equal to</p> <p>[...] to be decided</p> <p>The number of members from each Member State shall be as follows:</p> <p>[...] to be decided</p> <p>The members of the Committee shall be appointed by the Council, acting by qualified majority, for five years. Their appointments shall be renewable.</p> <p>The members of the Committee may not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the general interest of the Community.</p>
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<p>Article 259 (ex-article 195)</p> <p>1. For the appointment of the members of the Committee, each Member State shall provide the Council with a list containing twice as many candidates as there are seats allotted to its nationals.</p> <p>The composition of the Committee shall take account of the need to ensure adequate representation of the various categories of economic and social activity.</p> <p>2. The Council shall consult the Commission. It may obtain the opinion of European bodies which are representative of the various economic and social sectors to which the activities of the Community are of concern.</p>	<p>Article 259</p> <p>1. For the appointment of the members of the Committee, each Member State shall provide the Council with a list containing twice as many candidates as there are seats allotted to its nationals.</p> <p>The composition of the Committee must take account of the need to ensure adequate representation of the various economic and social components within organised civil society and geographical balance.</p> <p>2. The Council shall consult the Commission. It may obtain the opinion of European bodies which are representative of the various economic and social sectors to which the activities of the Community are of concern.</p>																														

Current text of EC Treaty	ESC proposals
<p>Article 260 (ex-article 196)</p> <p>The Committee shall elect its chairman and officers from among its members for a term of two years.</p> <p>It shall adopt its Rules of Procedure.</p> <p>The Committee shall be convened by its chairman at the request of the Council or of the Commission. It may also meet on its own initiative.</p>	<p>Article 260</p> <p>The Committee shall elect its chairman and officers from among its members for a term of two and a half years.</p> <p>It shall adopt its Rules of Procedure.</p> <p>The Committee shall be convened by its chairman.</p>
<p>Article 261 (ex-article 197)</p> <p>The Committee shall include specialised sections for the principal fields covered by this Treaty.</p> <p>These specialised sections shall operate within the general terms of reference of the Committee. They may not be consulted independently of the Committee.</p> <p>Subcommittees may also be established within the Committee to prepare on specific questions or in specific fields, draft opinions to be submitted to the Committee for its consideration.</p> <p>The Rules of Procedure shall lay down the methods of composition and the terms of reference of the specialised sections and of the subcommittees.</p>	<p>Article 261</p> <p>The Committee shall include specialised sections for the principal fields covered by this Treaty.</p> <p>The Committee shall determine its own working procedures.</p> <p>It shall lay down procedures for obtaining the views of the various economic and social components representing organised civil society at European level when drawing up its opinions.</p>
<p>Article 262 (ex-article 198)</p> <p>The Committee must be consulted by the Council or by the Commission where this Treaty so provides. The Committee may be consulted by these institutions in all cases in which they consider it appropriate. It may issue an opinion on its own initiative in cases in which it considers such action appropriate.</p> <p>The Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time-limit which may not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time-limit, the absence of an opinion shall not prevent further action.</p> <p>The opinion of the Committee and that of the specialised section, together with a record of the proceedings, shall be forwarded to the Council and to the Commission.</p> <p>The Committee may be consulted by the European Parliament.</p>	<p>Article 262</p> <p>The Committee must be consulted by the Council or by the Commission where this Treaty so provides.</p> <p>The Committee shall issue an opinion on a Commission legislative proposal or any other question if it considers it appropriate. The Committee may also be consulted by the European Parliament, the Council and the Commission.</p> <p>The European Parliament, the Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time-limit which may not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time-limit, the absence of an opinion shall not prevent further action.</p> <p>The opinion of the Committee together with a record of the proceedings shall be forwarded to the European Parliament, the Council and to the Commission.</p> <p>The institutions shall inform the Committee of their response to the opinion requested.</p>

Brussels, 1 March 2000.

The President
of the Economic and Social Committee
 Beatrice RANGONI MACHIAVELLI

APPENDIX

to the Opinion of the Economic and Social Committee

The following draft amendment, which received at least a quarter of the votes cast, was rejected in the course of the discussions:

Amendment tabled by Mr Malosse, Mrs Pari, Mr Rodríguez García Caro and Mr Vever.

Point 2, second paragraph

Amend to read as follows:

'The ESC currently consists of 222 members drawn from organisations representing employers, employees, farmers, carriers, SMEs, craft industries, the professions, co-operatives, consumers, environmental interests, the voluntary sector, families and young people. The proportion of representatives from each domain varies from country to country. Many members also carry out activities and have responsibilities in representative European organisations recognised by the EU institutions. The Committee is, therefore, a non-political assembly which encompasses a broad swathe of experience and high-level, well-respected expertise.'

Result of the vote

For: 47, against: 100, abstentions: 12.
