

Opinion of the Economic and Social Committee on the place and role of the Committee (28 March 1974)

Caption: Opinion of the Economic and Social Committee of 28 March 1974 on the place and role of the Economic and Social Committee in the institutional machinery of the Community in the context of a possible evolution thereof.

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Opinion of the Economic and Social Committee on the place and role of the Economic and Social Committee in the institutional machinery of the Community in the context of a possible evolution thereof (28 March 1974)

The Opinion of the Committee is not based on any text.

A. Legal basis for the Opinion

At its 118th plenary session held on 28 and 29 January 1974 the Committee, acting on a proposal from the Bureau, decided to deliver an opinion on the abovementioned subject on its own initiative.

B. Opinion of the Economic and Social Committee

The Economic and Social Committee prepared its Opinion on the above matter at its 119th plenary session, held in Brussels on 27 and 28 March 1974.

The full text of the Opinion is as follows:

THE ECONOMIC AND SOCIAL COMMITTEE

Having regard to the Decision of the Heads of State or Government at their meeting in Paris on 21 October 1972, inviting the Community Institutions to 'recognize in future the right of the Economic and Social Committee to advise on its own initiative on all questions affecting the Community';

Having regard to the Decision to this effect adopted by the Council of Ministers on 12 February 1974;

Having regard to Article 20 of its revised Rules of Procedure, which was approved by the Council on 4 March 1974;

Having regard to the decision of the Heads of State or Government to transform 'before the end of the present decade and with the fullest respect for the Treaties already signed, the whole complex of the relations of Member States into a European Union', and calling upon the Institutions 'to draw up a report on this subject before the end of 1975 for submission to a Summit Conference';

Having regard to the decision taken on 28 February 1974 by the full Committee, on a proposal from the Bureau, to deliver an opinion on this matter on its own initiative and to set up, in accordance with Article 17 of the Rules of Procedure, a subcommittee responsible for preparing a draft opinion for submission to the Committee;

Having regard to the draft Opinion adopted by the subcommittee for institutional questions on 21 March 1974;

Having regard to the oral report made by the Rapporteur, Mr De Bruyn;

Having regard to its discussions during the 119th plenary session of 27 and 28 March 1974 (sitting of 28 March);

Has adopted, by 104 votes in favour but with six abstentions

THE FOLLOWING OPINION:

The Economic and Social Committee considers that attainment of European Union presupposes, in particular, a real improvement in the effectiveness of the institutional machinery and also its democratization by, on the one hand, strengthening the European Parliament and, on the other, increasing the participation of the various categories of economic and social activity in Community decision-making.

The Committee would stress that the proposals it makes below have been deliberately kept within the limits of the existing Treaties, although in its view the Treaties do not allocate to the Committee the place and role in the institutional machinery of the Communities to which it can lay claim.

I. General comments

The Treaty of 25 March 1957 establishing the EEC set up four institutions: the European Parliament, the Council, the Commission and the Court of Justice. In addition, the Treaty established an Economic and Social Committee with advisory status, which must be consulted by the Council or by the Commission where the Treaty so provides and can also be consulted by these institutions in all cases in which they consider it appropriate to do so. The Committee would observe first of all that the basic texts establishing the institutional machinery have sometimes been interpreted and applied in a restrictive way. The second observation it has to make is that a great many committees and bodies have been progressively set up. On the basis of these two observations, the Committee feels justified in asserting that the functions of making proposals, consultation, decision-making, implementation, supervision and imposing sanctions are no longer clearly distributed between the institutions and organs.

The Economic and Social Committee has already pointed this out in its Opinion on the Overall Situation in the Community of 26 and 27 February 1969 ⁽¹⁾, when it concluded that there had been a ‘dilution of responsibilities’.

Up till now, little progress has been made towards remedying these grave defects.

However, the Economic and Social Committee would draw attention to a number of recent public statements advocating faster progress towards European unification and achievement of a more balanced distribution of powers between the institutions and organs of the Communities.

Particular mention should be made of an explicit statement in the communiqué issued by the Heads of State or of Government of the Member States after their meeting in Paris from 19 to 21 October 1972:

‘Economic expansion is not an end in itself. Its first aim should be to enable disparities in living conditions to be reduced. It must take place with the participation of all the social partners’.

In this communiqué, ‘the Heads of State or Heads of Government emphasized that they attached as much importance to vigorous action in the social field as to the achievement of the Economic and Monetary Union. They thought it essential to ensure the increasing involvement of labour and management in the economic and social decisions of the Community’.

The Heads of State or of Government also ‘recognized that the structures of the Community had proved themselves, though they felt that the decision-making procedures and the functioning of the institutions should be improved, in order to make them more effective’. They consequently ‘invited the Community institutions to recognize the right of the Economic and Social Committee in future to advise on its own initiative on all questions affecting the Community’.

‘They were agreed in thinking that, for the purpose in particular of carrying out the tasks laid down in the different programmes of action, it was desirable to make the widest possible use of all the dispositions of the Treaties, including Article 235 of the EEC Treaty’.

At the Copenhagen Conference, the Heads of State or of Government, after reaffirming their commitment to the goal of European Union, stressed these same needs, namely:

— to make the functioning of the institutional machinery more effective;

— to bring about a ‘growing participation by the social partners’ in Community decisions.

II. The Economic and Social Committee and the institutional machinery

The Economic and Social Committee cannot disregard or remain indifferent to the development of the roles of the European Parliament, the Commission, the Council and the Court of Justice.

1. In a large number of its opinions, the Committee has advocated that the operation of these institutions should be better balanced and more democratic.

(a) In its Opinion on the Overall Situation in the Community adopted at the plenary session of 26 and 27 February 1969, the Committee stressed that it was

‘indispensable that democratization of political power becomes a reality and that supervision of the action of the executive by the European Parliament be guaranteed’.

Similarly, in its Opinion on Economic and Monetary Union adopted at the plenary session on 13 December 1973, the Committee recommended that the European Parliament be given ‘powers to approve and check the Community budget, in addition to the powers of the various national parliaments in the economic and monetary field which will have progressively been transferred to the Community’.

In the same Opinion the Committee also recommended democratic appointment procedures for members of the Parliament and called for a date to be fixed:

‘for direct elections to the European Parliament which could take place, at the latest, at the beginning of the final stage of economic and monetary union’.

(b) Under Article 155 of the EEC Treaty the *Commission* is responsible for ensuring the proper functioning and development of the common market and is invested for this purpose with its own power of decision. On many occasions, and in particular in its abovementioned Opinion of February 1969, the Economic and Social Committee has stressed:

‘the Commission’s initiatory function and the role it plays in the preparation of Community decisions, a role which continues to be of crucial importance for the development of the Community’.

(c) According to Article 148 of the Treaty establishing the EEC, the *Council* should normally act by a majority of its members. The continuing failure to implement this provision has paralysed the Council to a large extent.

(d) Article 164 states that the *Court of Justice* is to ‘ensure that in the interpretation and application of this Treaty the law is observed’.

(e) In the Committee’s view, the function of consultation between Heads of State or of Government at *summit conferences* should be to strengthen political resolve and to provide the momentum necessary for the achievement of European union. Such consultation should not, however, take the place of institutions.

2. In order to make these various bodies work more effectively, the Committee regards it as urgent that Community decision-making procedures be speeded up. Growing procedural complexity impedes and retards the process whereby decisions are reached and the end result might be a total breakdown in the machinery established by the Treaties. In particular, the Committee considers that the collaboration between the Commission and the Council in this process must not impair the Commission’s initiatory function. The procedures governing this collaboration should be designed in such a way as to avoid having the texts of proposals which have been prepared by the Commission in consultation with government experts subjected to a further, identical scrutiny by the same experts in the Council.

The Committee also requests that the various stage in the decision-making process be better synchronized between the relevant bodies, in order that the Commission's, Economic and Social Committee's and Council's functions of making proposals, consultation and taking decisions may be carried out in that order and with full knowledge of the facts.

3. In this connection, the *Economic and Social Committee*, mindful of the value and implications of the formal pledges made at summit conferences, reaffirms its will to play its full role as a consultative body and to develop this role.

(a) The Committee expresses satisfaction at the decision of the Council to recognize the Committee's right to advise on its own initiative, as urged by the Conference of the Heads of State or of Government held in Paris in October 1972.

In practical terms, the Economic and Social Committee, which represents the various categories of economic and social activity in the Community, intends to make use of this right in order to voice the views of the various sections of the population on major economic and social goals pursued by the Community in respect of which it has not been consulted.

In terms of principles, the Committee regards the recognition of this fundamental prerogative by the Heads of State or of Government as a formal expression of the new importance they attach to representation of the economic and social categories in the Committee, as well as of their wish to see these categories make a bigger contribution to the construction of Europe.

(b) As a logical consequence, significant improvements should be made in the Economic and Social Committee's status.

Thus, it should be accepted that the Economic and Social Committee can tailor its Rules of Procedure freely to the requirements of a proper organization of its work. It should also have a measure of budgetary autonomy within the framework of the general budget of the Communities. The size of its budget should be commensurate with the rise in expenditure its expanded role would entail.

(c) The purpose of the extensive consultative function assigned to the Committee by the Treaties is to involve the 'representatives of the various categories of economic and social activity' to a greater extent in the preparation of Community decisions. Under these circumstances, and in order to give form and substance to the official undertakings given at the Paris and Copenhagen Summit Conferences, it would be fitting to grant the Economic and Social Committee the status of an institution, in which case its name should be changed to the Economic and Social Council.

This would strengthen the role and position of the Economic and Social Committee and make it better equipped to fulfil in all respects the function assigned to it in the Treaties, such a step would undoubtedly also increase the interest of broad sections of the public in the building of Europe.

III. Consultation and the Economic and Social Committee

In order to upgrade its consultative function, the Committee must, in accordance with the Treaties, be the usual partner of the Commission and the Council in the dialogue of consultation. The Committee should therefore be consulted by these institutions sufficiently in advance on both policymaking and the practical implementation of policy.

1. The Committee is afraid, however, that the present tendency to set up more and more specialized consultative bodies may weaken its pre-eminent position as a consultative body and lead to a dilution of consultation in the Communities. It regards this tendency as detrimental to the proper functioning of the Institution and damaging both to the authority of the overall representation of socio-economic interests which the Committee was set up to provide, and to the value of the fragmented views which can be gathered

elsewhere.

(a) The Economic and Social Committee is fully aware of the differences between its own institutionalized function, which covers a vast spectrum of socio-economic issues, and those of the specific consultations which may take place at the initial stage of the decision-making process.

Thus, the Committee does not claim a monopoly of consultation at all stages in the preparation of decisions, nor in all areas.

In fact, the Committee regrets that it has often to expend an excessive amount of effort on minor technical questions and acknowledges that specific consultations of highly specialized committees by the Commission can be justified.

It is therefore prepared to accept the existence of committees of this sort (committees of officials, management committees and committees for individual products) advising on matters of this order.

(b) On the other hand, the Committee, which is anxious to devote more of its attention in future to general issues and thereby develop its real function, is afraid that the setting up of certain committees will in practice break up the overall responsibility for economic and social matters which the Treaties have specifically conferred upon it.

The Committee therefore urges the Commission and the Council to consult it before setting up any further organs with either similar membership to that of the Committee or terms of reference which represent an unwarranted amputation of its overall responsibility.

(c) The Committee considers furthermore that by virtue of its role as the representative of socio-economic interests, it also has a duty to advise at the stage of the drafting of documents, where these deal for example with important matters, the formulation of broad economic and social guidelines and, above all, the shaping of new common policies.

The Commission should request the Committee for an initial assessment before it finalizes its proposals to the Council, a step which would not rule out a formal consultation for an opinion before the Council takes a decision. This procedure would make cooperation between the Commission and the Committee more efficient. The Commission's proposals would enjoy greater authority in the eyes of the Council and the Committee's standing in the circles it represents and among the general public would be enhanced.

(d) Moreover, in future there must be an appropriate coordination of the work of the Economic and Social Committee and that of the existing committees, apart from the committees of officials and committees for products.

2. With its role strengthened as indicated above, the Economic and Social Committee must also have the opportunity to invite leading figures from outside the Committee to speak before it whenever necessary and according to appropriate procedures. The Committee would thus, in accordance with its duty and purpose, be better equipped to cover certain aspects of economic and social issues.

3. In order to be able to gauge the effectiveness of its contribution to the work of the Community institutions, the Committee should be able to ascertain what action is taken on its opinions by the proposing and decision-making bodies. To do this, it must be given access to all the requisite information. This would make it easier to publicize the Committee's work outside the institutions, especially in the mass media, and thereby to increase the part played by public opinion in the life of the Community.

4. Given the growing interpenetration between national economies, the Economic and Social Committee intends to establish contacts with national consultative bodies wherever they exist, in order to build up a regular exchange of information about each other's activities.

The Economic and Social Committee and joint committees for individual sectors

It is stated in the social policy section of the communiqué issued at the Paris Summit Conference that the social programme 'should aim, in particular... at facilitating on the basis of the situation in the different countries the conclusion of collective agreements at European level in appropriate fields'. The statement encourages the setting up of joint committees for individual sectors.

Such committees are totally different from both the Economic and Social Committee and the consultative committees mentioned above. They are mandatory and can only be set up if the representative social partners in a branch of activity so wish.

In order to function normally, these joint committees for individual sectors should have complete autonomy in decision-making and an independent administrative secretariat.

The Economic and Social Committee would stress that there is a sharp distinction between the functions assigned to the Committee by the Treaties and those vested in these committees. Nevertheless, provided that the requisite financial means were put at its disposal, the Committee could meet the above requirements of these committees and offer them facilities.

The enlargement of task resulting from the proposals made in this Opinion would require an adaptation of the Committee's structure and improvement of its working procedures. The practical implications of this for the running of the Committee and for the Rules of Procedure will be studied by the Committee in more detail at some later date, in accordance with the normal procedures therefor.

In conclusion, the Committee would make it clear that it regards the above proposals as its initial contribution, within the framework of the existing Treaties, to the discussion which has begun, in the Community, at the instigation of the Heads of State or of Government about the future shape of European union.

It asks that the present Opinion be included in the interim report to be submitted to the next summit conference, which is to be held before the end of the first half of 1974.

The Economic and Social Committee reserves the right to enlarge upon its work on this matter at a later date, because it intends to play a part in its own right in the forthcoming discussions in the institutions with a view to preparing the final report on European union before the end of 1975.

The Economic and Social Committee stresses that progress towards European union will depend on the simultaneous development of the various common policies, especially social policy. These policies will be judged by the concrete measures evolved and introduced following genuine and effective consultation of the economic and social circles for which the Economic and Social Committee is the sole institutional spokesman at Community level.

Done at Brussels, 28 March 1974.

*The Chairman
of the Economic and Social Committee
Alfons LAPPAS*

[...]

(¹) OJ No C 47, 10. 4. 1969, p. 1 *et seq.*