



EUROPEAN
COMMISSION

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2014/0129 (NLE)

Proposal for a

COUNCIL DECISION

determining the composition of the Economic and Social Committee

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Article 301 of the Treaty on the Functioning of the European Union (TFEU) provides that the number of members of the Economic and Social Committee, called “the European Economic and Social Committee” in accordance with its Rules of procedure (hereinafter “the Committee”), shall not exceed 350.

Until the entry into force of the Lisbon treaty, the composition of the Committee was laid down in the Treaties. Henceforth, the second paragraph of Article 301 provides that the Council, acting unanimously on a proposal from the Commission, shall adopt a decision determining the Committee's composition.

Article 7 of the Protocol (No 36) on Transitional Provisions maintained the composition of the Committee as it was previously determined in Article 258 EC treaty “until the entry into force of the decision referred to in Article 301 TFEU”.

From 1 July 2013, the composition of the Committee was adapted by Article 23(1) of the Act concerning the conditions of accession of the Republic of Croatia. Article 23(2) of that Act provides that the number of members of the Committee “shall be temporarily increased to 353 to take account of the accession of Croatia for the period running from the date of accession until the end of the term of office during which Croatia accedes to the Union or until the entry into force of the decision referred to in Article 301, second paragraph, TFEU, whichever comes first”.

The current term of office of the Committee will come to an end on the 20th of September 2015. Therefore, it is necessary that the Council adopts the decision on the composition of the Committee in time before the Council launches the procedure for the renewal of the Committee for the period 2015 - 2020.

It should be recalled that Article 300(5) TFEU provides that the rules governing the nature of the composition of the Advisory Bodies (Economic and Social Committee and Committee of the Regions) “shall be reviewed at regular intervals by the Council to take account of economic, social and demographic developments within the Union. The Council, on a proposal from the Commission, shall adopt decisions to that end”.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES

No economic, social and demographic development has taken place within the Union since the Intergovernmental Conference that adopted the text of the Lisbon treaty that would justify a significant change in the nature of the composition of the Committee. Therefore, the current proposal is limited to the determination of the number of members of the Committee for each Member State. Moreover, the Commission adopts this proposal at the same time as its proposal concerning the composition of the Committee of Regions, which has adopted a recommendation on its composition that the Commission has duly considered. For the above reasons, the Commission has decided not to consult widely on this matter.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1 Legal basis

The proposal is based on the second paragraph of Article 301 TFEU which provides for a unanimous Council decision determining the Committee's composition.

3.2 Explanation of the proposal

The present composition of the Committee, following the accession of Croatia, cannot be maintained in its entirety beyond the term of office of the current members, as it would exceed the maximum number of seats as provided for in the treaty.

The Treaties make no provisions on the method of composition of the Economic and Social Committee or the Committee of the Regions within the maximum number of 350 members. This is in contrast to the criteria for the composition of the European Parliament that are laid down in Article 14(2) of the Treaty on European Union. Whereas the Parliament is composed of directly elected representatives of the Union's citizens, the Committee consists of organisations of employers, of employed, and of other parties representative of civil society (Article 300(2) TFEU). Therefore, ensuring that the voice of employers, employed and of the civil society is heard in the Committee should be the primary concern as opposed to establishing any direct link to the size of the respective populations of the Member States.

The Commission is of the view that the current balance in the composition of the Committee should be maintained as far as possible, as it is the result of successive Intergovernmental Conferences.

Therefore, it is proposed to provide for the fewest possible modifications, to reduce the current number of seats allocated to a Member State by maximum one, and, while respecting a minimum number of five seats per Member State (the current number of seats for Malta) in order to enable the involvement of members of each Member State in the whole range of activities of the Committee, to apply these reductions first to the least populous Member States (Luxembourg, Cyprus and Estonia).

The Commission adopts this proposal in parallel to the proposal on the composition of the Committee of the Regions. The parallelism with regard to the allocation of seats between Member States in both Committees is to be maintained.

The Commission considers that it would not be appropriate to establish a methodology that would pre-determine the reallocation of seats in the event that a new Member State accedes to the Union, given that the Treaty provides for a regular review and does not provide criteria on which a permanent methodology could be based.

3.3 Entry into force

It is proposed that the Council postpones the entry into force of this decision until the day after the end of the current term of office of the Committee. If the entry into force was not deferred Article 23(2) of the Act concerning the conditions of accession of the Republic of Croatia would imply that the temporary increase to 353 members would no longer be legal as of the day of entry into force of the proposed decision.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 301 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 300(2) of the Treaty on the Functioning of the European Union provides that the Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of other parties representative of civil society.
- (2) Article 301 of the Treaty on the Functioning of the European Union provides that the Council shall determine the composition of the Economic and Social Committee. The number of members shall not exceed 350.
- (3) The current balance in the composition of the Economic and Social Committee should as far as possible be maintained as it is the result of successive Intergovernmental Conferences.
- (4) In order to allow the Economic and Social Committee to be composed in accordance with Article 23 of the Act concerning the conditions of accession of the Republic of Croatia until the end of the term of office of the current members, the entry into force of the present decision should be deferred until that date,

HAS ADOPTED THIS DECISION:

Article 1

The number of members of the Economic and Social Committee shall be as follows:

Belgium	12
Bulgaria	12
Czech Republic	12
Denmark	9
Germany	24
Estonia	6
Ireland	9
Greece	12
Spain	21
France	24

Croatia	9
Italy	24
Cyprus	5
Latvia	7
Lithuania	9
Luxembourg	5
Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Romania	15
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24.

Article 2

This Decision shall enter into force on the date of day following the end of the term of office of the current members of the Economic and Social Committee.

Done at Brussels,

*For the Council
The President*