

Powers of the European Economic and Social Committee and the ECSC Consultative Committee

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Advisory role

The European Economic and Social Committee (EESC) delivers opinions following consultation, which may be either mandatory or optional. Pursuant to Article 262 of the Treaty establishing the European Community (EC) and Article 170 of the Treaty establishing the European Atomic Energy Community (EAEC or Euratom), consultation of the Committee by the Council or by the Commission is mandatory where provided for by the Treaties. Moreover, it may be consulted by these institutions in all cases in which it is considered appropriate. Following the Treaty of Amsterdam of 1997, the EESC may also be consulted by the European Parliament. Finally, the 1992 Maastricht Treaty recognised the Committee's right to issue opinions on its own initiative in cases in which such action is considered appropriate (this right had already been provided for in 1974 by a change to the Committee's Rules of Procedure). Through the opinions which it delivers on matters referred to it, the EESC participates in the Community decision-making process.

The EESC must be consulted on the following subjects:

- common agricultural policy (Article 37 of the EC Treaty);
- free movement of workers (Article 40 of the EC Treaty);
- right of establishment (Article 44 of the EC Treaty);
- freedom to provide services (Article 52 of the EC Treaty);
- transport (Articles 71, 75 and 80 of the EC Treaty);
- harmonisation of tax legislation (Article 93 of the EC Treaty);
- approximation of laws (Articles 94 and 95 of the EC Treaty);
- employment (Articles 128 and 129 of the EC Treaty);
- social policy (Articles 137, 140 and 144 of the EC Treaty);
- equal treatment (Article 141 of the EC Treaty);
- European Social Fund (Article 148 of the EC Treaty);
- education, vocational training and youth (Articles 149 and 150 of the EC Treaty);
- public health (Article 152 of the EC Treaty);
- consumer protection (Article 153 of the EC Treaty);
- Trans-European networks (Article 156 of the EC Treaty);
- industry (Article 157 of the EC Treaty);
- economic and social cohesion (Articles 159, 161 and 162 of the EC Treaty);
- technological research and development (Articles 166 and 172 of the EC Treaty);
- environment (Article 175 of the EC Treaty).

The Council and the Commission may lay down a time limit within which the Committee must present its opinion. This may not be less than one month. Upon expiry of this time limit, the absence of an opinion may not prevent further action.

The development of what are known as 'exploratory' opinions, drawn up at the request of the Commission at an earlier stage of the consultation procedure, prior to publication by the Commission of proposals on any given subject, reinforce the advisory role of the Committee.

The opinions of the EESC are not legally binding.

In the same way as the Constitutional Treaty, the Treaty amending the Treaty on European Union and the Treaty establishing the European Community, signed in Lisbon on 13 December 2007 and not yet in force,

strengthens the Committee's advisory role. The Treaty provides for mandatory consultation of the EESC by the Commission and the Council in further areas, and also extends this requirement for consultation to the European Parliament.

Information role

The European Economic and Social Committee has developed an information role through its own-initiative opinions and the information reports produced by its specialised sections. In this way, it may consider any question relating to the European Union, European Union policies and their possible development.

The Committee's role within the European Union has thus been extended to cover a wider range of duties than those stated in the Treaties. In its capacity as a debating chamber for the internal market, the Committee, with the support of the other Community institutions, organises actions designed to improve relations between European citizens and the Community institutions.

Pursuant to the EESC's Rules of Procedure, its right of initiative should enable the Committee to anticipate some of the Commission's proposals, to reach decisions on matters of general concern on which it would not be consulted, and to make known its opinion on topical and politically important issues.

The ECSC Consultative Committee

The ECSC Treaty provided for both mandatory and optional consultation of the ECSC Consultative Committee (Article 19).

In cases of mandatory referral, the Commission was obliged to consult the Consultative Committee where consultation was stipulated by the ECSC Treaty (financial arrangements of Member States, financing of research activities, difficulties in re-employing workers, introduction of a quota system, serious shortages of products, publication of price lists and conditions of sale, compensation, imbalance in the conditions of competition, abnormally low salaries, etc.).

The Commission also submitted general objectives and forward programmes to the Consultative Committee, with particular regard to production, and kept it informed of the guidelines of its actions in accordance with Articles 54, 65 and 66 (financial assistance for investment, agreements and mergers likely to restrict competition).

Where consultation was optional, the Commission could consult the Committee on any matter where it considered such consultation to be appropriate.

The Committee issued own-initiative resolutions on issues falling within its remit.

The acts of the Consultative Committee were not legally binding.

(January 2009)