

Member's Statute of the European Economic and Social Committee (11 December 2003)

Caption: Members' statute of the European Economic and Social Committee adopted on 11 December 2003.

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Members' statute of the European Economic and Social Committee

Preamble

The European Economic and Social Committee:

HAVING REGARD TO the Treaty establishing the European Community (consolidated version), in particular Articles 7, 257, 258 and 262 thereof;

HAVING REGARD TO the provisions of Chapter IV, Article 11 of the Protocol of 8 April 1965 annexed to the Treaty, on the privileges and immunities of the European Communities;

HAVING REGARD TO the latest version of its Rules of Procedure (RP), adopted by the July 2002 plenary session, and their implementing provisions, adopted by the Bureau in September 2002;

HAVING REGARD TO its own identity as the institutional mouthpiece and forum for the consultation and representation of organised civil society, drawn from the various categories of representatives of economic and social activity;

HAVING REGARD TO the responsibilities and obligations inherent in its advisory role vis-à-vis the European political institutions;

HAVING REGARD TO the need to specify the rights and duties of its members and the set of rules governing their activities and any instances where they fail to comply with their obligations;

HAVING REGARD TO the need to define members' relationship with their institution and its services;

HAVING REGARD TO the duty of the European institutions to be open to scrutiny, with particular regard to the European public;

HAVING REGARD TO the challenges of EU enlargement and the responsibilities ensuing therefrom,

adopts, on 11 December 2003, on the proposal of the three quaestors and after examination by the Bureau and the Plenary Assembly, the following Members' Statute of the European Economic and Social Committee.

European Economic and Social Committee members' statute

Chapter I – Appointment and general conditions of office

Article 1

(Appointment and general conditions of office)

1. The members of the Committee are appointed by the Council for the period laid down in the Treaty (four years). Their term of office shall be renewable.
2. Members shall have the title "member of the European Economic and Social Committee".
3. Members may ask to join one of the three Groups, which represent respectively employers (Group I), employees (Group II) and the various other economic and social components of organised civil society (Group III). The Groups shall organise and assist the activities of their members, and shall work in conjunction with the Bureau and the secretariat. The secretariat shall provide members not belonging to a Group with appropriate material and technical support.

Article 2

(Incompatibilities)

1. The position of member of the European Economic and Social Committee shall be incompatible with that of member of a government, a parliament, a Community institution, the Committee of the Regions or the board of directors of the European Investment Bank, and with the post of official or other servant of the Communities in active employment.
2. In the event of such an incompatibility, the member concerned shall be required to resign as soon as he or she has been appointed officially. The Committee president shall notify the Council of the European Union immediately, so that it can verify the vacancy and appoint a replacement.

Article 3

(Termination of office)

1. Committee membership normally shall expire at the end of the expected term, or on resignation, in the event of an incompatibility, on removal from office, or through death or any other case of force majeure.
2. Agreements or commitments concerning a resignation before the end of the term of office or concerning the way in which the mandate is to be exercised shall be null and void.
3. In the event of continued absence for which no reasons are given, the Committee president may, after consulting the Bureau and inviting the member concerned to explain his or her absence, call upon the Council of the European Union to remove that member from office.
4. In the case of resignation, death, force majeure or incompatibility, the Committee president shall notify the Council, which shall verify the vacancy and initiate the replacement procedure. In the case of resignation, however, the resigning member shall remain in office until the date on which the appointment of his or her replacement takes effect, unless the resigning member indicates otherwise or in the event of incompatibility.
5. It is accepted in practice that members may, if necessary, withdraw their resignation until their replacement has been appointed.
6. The sentencing of a member in a court of last instance for a serious criminal offence, suspension of civic rights or permanent disqualification from public office or employment, or conviction for fraud affecting the financial interests of the EU, shall lead to termination of that member's tenure of office.

Chapter II – Members' duties and responsibilities

Article 4

(Duties and responsibilities)

1. Members shall draft and adopt opinions, in accordance with the Committee's advisory role as laid down in Articles 7 and 262 of the Treaty establishing the European Community, exploratory opinions, at the request of either the European Parliament, the Council of the European Union or the European Commission, and own-initiative opinions on Community draft legislation, policies and strategies and on other matters of significant interest to the European public and organised civil society. They may also draft information reports on such matters.
2. Within the framework of the inter-institutional legislative process, of which the Committee is an integral part, members shall help to foster a European awareness among organised civil society and to advance the democratic, efficient operation of the institutions within a coherent, transparent framework of economic and social progress.
3. In addition to their advisory role, members shall – as far as possible and within the framework of the

Committee's remit – take appropriate action and measures to follow up the opinions adopted and to improve relations between the public, organised civil society and the European institutions.

Chapter III – Members' rights and duties

Article 5

(General provisions)

1. All members shall have the same rights and duties in the exercise of their mandate.
2. Procedures for the assignment of elected posts, external missions or any other function or duty within the Committee shall comply with the requirements of openness and democracy, and, as far as possible, the principle of balance between the Groups.
3. The Community's official languages shall have equal status within the Committee, respecting the cultural diversity of the peoples of Europe. The choice of languages for the various areas of work shall be based on objective considerations of efficiency, taking into account the national languages of the participants and their proficiency in other official languages, and shall be made openly and under the responsibility of the meeting president, in accordance with the political guidelines drawn up by the Bureau.

Article 6

(Duty to participate)

1. Members shall have the right and duty to participate in plenary sessions and in meetings of the Committee bodies and working groups of which they are members. They shall be entitled to speak and vote whenever such action is appropriate.
2. Members shall also have a right and duty to take part in missions, conferences and other activities assigned to them with their agreement, for the purposes of representing the Committee, and to report back.

Article 7

(Quality and follow-up of opinions)

1. Members, and in particular those who have been appointed rapporteur or study group president, shall, in agreement with the section president and after the relevant opinion has been adopted, help to follow up and disseminate the opinion among the various bodies, primarily the European Parliament, the Council and the Commission, and more generally, promote it in any other circumstances in which the Committee's interests might be served. To that end, they shall enjoy appropriate assistance, resources and working conditions.
2. The form and content of opinions shall be of the highest possible quality, in order to ensure that the Committee fulfils its advisory role with a maximum of efficiency. While rapporteurs and their experts carry prime responsibility, all Committee members and specialised services should follow a selective policy to optimise opinions, while fulfilling all the duties and responsibilities assigned to the Committee by the Treaty establishing the European Community, without exception.
3. The basic aim of this policy shall be to differentiate according to the importance of the subject, the nature of the issues concerned and the value added that the Committee can bring, and to tailor the work accordingly (rapporteur working alone, drafting group or large or small study group, number of preparatory meetings, consultation of relevant interest groups). These criteria are all the more relevant for own-initiative and exploratory opinions. Priorities and criteria shall be determined by consulting the Groups and briefing members in advance.

Chapter IV – Independence and immunity

Article 8

(Independence and freedom of expression)

1. In accordance with Article 258 of the Treaty establishing the European Community, members shall have the right and obligation to be completely independent in the performance of their duties, in the general interests of the Community and the European public. They shall not, therefore, be bound by any mandatory instructions.
2. Members shall enjoy the same freedom of expression accorded to members of parliament, and may not be victimised or persecuted for statements made or votes cast within the Committee, for the content of opinions they draft or for statements or positions expressed in the context of their work representing the Committee externally or following up opinions.
3. Under Article 287 of the Treaty establishing the European Community, members shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

Article 9

(Right to protection and immunity in the performance of duties)

1. General declaration

Members shall enjoy the privileges and immunities provided for in the Protocol on the privileges and immunities of the European Communities (Chapter IV, Article 11) of 8 April 1965, annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities.

2. Inviolability

Members may at no time be the subject of legal proceedings or otherwise be held to account extrajudicially for any action taken, vote cast or remarks made in the exercise of their mandate.

3. Immunity

3.1 Any restriction of a member's personal freedom, relating directly or indirectly to their duties, shall be permitted only with the prior consent of the Committee, except where he or she is caught in the act of committing an offence.

3.2 The seizure of a member's documents or electronic records or the searching of his or her person, office or place of residence or interception of his or her mail and telephone calls, in respect of business relating directly or indirectly to his or her duties, may be ordered only with the consent of the Committee.

4. Procedures relating to immunity

4.1 Any request made to the president by an authority competent under national law with a view to waiving the immunity of a member shall be forwarded to the Bureau.

4.2 The Bureau shall raise the question of whether or not immunity should be waived at the next plenary session held, having consulted the quaestors' group. The matter shall be discussed and a decision taken, with due respect for the right to a fair hearing and by a majority vote, before the assembly discusses the opinions on the plenary session agenda.

4.3 The decision shall not concern the guilt or innocence of the member concerned or whether he or she should be prosecuted for the acts of which he or she is accused. The member concerned shall not take part in the vote.

4.4 The president shall immediately inform the member and the authority competent under national law of

the decision and shall ask to be informed of the subsequent progress of the proceedings and of any decisions taken.

5. Freedom of movement

5.1 The right of members to enjoy freedom of movement in order to exercise their duties throughout the European Union and in third countries that have signed agreements to this effect with the Union shall not be restricted. If the need arises, members shall be entitled to request the assistance of the authorities.

5.2 The laissez-passer securing protection and free movement within the Member States shall be issued to members by the Committee president on receipt of notification of their appointment.

6. Duties of the Committee and its president

6.1 In exercising its powers relating to privileges and immunities, the Committee's primary aim shall be to maintain its integrity as a democratic advisory body and to ensure the independence of its members in the performance of their duties.

6.2 The president shall take the measures necessary to safeguard the various rights, immunities and privileges referred to in the above articles.

Article 10

(Action to combat fraud)

In accordance with the EESC Decision of 19 October 1999, Committee members shall adhere to the common system laid down by the Interinstitutional Agreement of 25 May 1999 on the internal investigations conducted by the European Anti-Fraud Office (OLAF).

Chapter V – Voting rights - right to submit proposals and questions

Article 11

(Representation)

1. Any member unable to take part in a session, meeting or mission shall notify the president concerned without delay, either directly or via the Group secretariat.

2. Section, study group or delegation members who are unable to take part in a meeting may, after giving written notice to the president concerned, arrange for another Committee member to represent them.

3. Committee members who are unable to attend a plenary session or section meeting may delegate voting and speaking rights, in writing, to another Committee or section member. Members shall under no circumstance be entitled to more than one vote by proxy.

4. Alternatively, study group members may be represented by their alternates at meetings.

Article 12

(Proposals and questions)

1. Members shall enjoy a general right to submit proposals in the context of the Committee's work.

2. Members shall be entitled to receive answers to written questions submitted to the Committee president.

Chapter VI – Back-up for members

Article 13

(General provisions)

1. Members shall enjoy the right to be assisted by Committee officials and other staff in the performance of their duties, in accordance with the criteria defined by the Bureau.
2. The secretariat departments responsible shall provide rapporteurs with all relevant information available and shall advise or assist them with regard to technical aspects and content. They shall assist rapporteurs in their contacts with the other EU institutions and bodies and in following up opinions, in accordance with the Committee's priorities.
3. They shall give particular attention to disseminating opinions to the EU institutions, civil society organisations and the public.
4. The secretary-general shall ensure compliance with these provisions.

Article 14

(Experts and assistance)

1. Members appointed as rapporteurs or co-rapporteurs shall be entitled to be assisted by one (or more) expert(s) of their choice. Where appropriate, this assistance may also cover the dissemination and follow-up of opinions.
2. Section and study group members may be accompanied by an assistant, whose name and occupation shall be notified to the section or study group president before the meeting starts.

Chapter VII – Working conditions and arrangements

Article 15

(Information and communication)

Members shall be entitled to any information or documentation necessary for performing their duties. Access to such information shall be guaranteed at the Committee headquarters or, when necessary, remotely.

Article 16

(Working conditions)

1. All members shall be entitled to enjoy such working conditions as are necessary for performing their duties.
2. Members shall be entitled to training, especially in languages and IT, serving the interests of the Committee.
3. They shall be entitled to use appropriate technical equipment, in particular suitable IT and telecommunications facilities.
4. Reimbursement for the costs borne by members shall be governed by a specific financial regulation which takes account of the technology they use.

Chapter VIII – Financial matters (Allowances and insurance)

Article 17

(General provisions)

1. In accordance with the relevant financial regulation, members and their alternates shall be entitled to the allowances provided for under Article 258 of the Treaty establishing the European Community, in order to

enable them to carry out their various tasks and duties with an independence and status comparable with those of the members of the other European institutions.

2. Experts shall receive a flat-rate daily allowance to cover their travel and subsistence expenses.

Article 18

(Allowances)

1. The level of daily travel allowances, daily meeting allowances and additional daily allowances for Committee members shall be laid down by the Council of the EU, acting by qualified majority.

2. The procedures and conditions governing compensation for transport costs, and travel and meeting allowances, and for verifying that they are legitimate, shall be laid down by the Bureau in the Committee's specific financial regulations, in accordance with inter-institutional principles of sound financial management. The Bureau shall also lay down, in the appropriate regulations, rules governing representation expenditure and co-funding, such as that provided for communication and training.

3. The Bureau shall be able to make the necessary representations to the Council to ensure fair allowances for EESC members and alternates, with due respect for the principle of minimum costs and efficient management. The Bureau shall also take account of the fact that members' work is not restricted to Committee meetings, and includes important tasks such as the study of communications, legislative documents and draft opinions, and the preparation of draft opinions by rapporteurs and amendments by members.

4. In view of the Committee's widening remit and role, practical and realistic assessments shall be carried out on a regular basis in order to draw up a proposal for fairer allowances.

Article 19

(Insurance)

1. In carrying out their duties, members, alternates and experts shall benefit from:

– individual accident insurance, which includes compensation in the event of death or temporary or permanent invalidity;

– health insurance.

Members shall also benefit from insurance designed to assist them in the event of a serious problem when travelling to and from Committee premises or any other meeting place for Committee-related activities.

2. Information on the nature and extent of cover shall be given to members.

Chapter IX – Transparency and publicity

Article 20

(Transparency)

Members shall be entitled to be fully informed about Committee activities.

Article 21

(Publicity)

1. Members shall assist in publicising the Committee and its work.

2. Members may invite groups of visitors to the Committee.

3. They shall receive appropriate logistical support for this purpose.

Chapter X – Quaestors' group

Article 22

(Duties and term of office)

1. In general, it shall be the task of the quaestors to respond to members' concerns, rights, wishes and complaints, ensure that members fulfil their duties, suggest improvements and take the initiative in resolving disputes. They shall also have an advisory role, regarding decisions or measures potentially affecting members individually or collectively, and shall act as mediators.

2. The duties of the quaestors shall be as follows:

a) to monitor and ensure the proper implementation of the members' statute;

b) to draw up appropriate proposals for perfecting and improving the members' statute;

c) to endeavour, by taking appropriate steps, to resolve any cases of doubt or dispute arising from application of the members' statute;

d) to be responsible for relations between the members of the Committee and the general secretariat as regards application of the members' statute;

e) to help to resolve any disputes amicably, by means of mediation or conciliation.

3. In order to carry out its tasks, the quaestors' group shall decide on its working methods and inform the Bureau accordingly. It shall receive technical support from the secretariat and shall decide on the schedule for its meetings.

4. The quaestors shall be appointed by the plenary assembly on a proposal from the Bureau. They shall serve a two-year renewable term. Should a quaestor step down during that period, a replacement shall be appointed to serve until the end of the term.

5. The position of quaestor is incompatible with that of Bureau member.

Chapter XI – Final provisions

Article 23

(Implementation)

The practical implementation of the provisions of this statute shall be subject to implementing measures taken by the Bureau in accordance with the RP and its implementing provisions, following a report from the quaestors' group.

Article 24

(Entry into force)

The present statute shall enter into force on the first day of the month following its adoption by the Plenary Assembly.