

The European Economic and Social Committee After Enlargement

Nieves Pérez-Solórzano Borragán and Stijn Smismans

University of Bristol and Cardiff University

**School of Sociology, Politics, and International Studies,
University of Bristol
Working Paper No. 04-07**

Nieves Pérez-Solórzano Borragán is a Senior Lecturer in European Politics at the University of Bristol and Secretary of the University Association for Contemporary European Studies (UACES). She has recently edited a special issue on 'Interest Politics in Central and Eastern Europe' in *Perspectives on European Politics and Society* and co-authored *Constitutional Politics in the European Union* (Palgrave 2007). Her research focuses on civil society participation and interest representation in the EU and the impact of EU accession on interest politics in Central and Eastern Europe.

Stijn Smismans is Reader in European Law in the School of Law at Cardiff University. He has published on European institutional questions, multi-level governance and new policy-instruments, and in particular on models of participation in European policy-making. His recent publications include *Law, Legitimacy and European Governance : Functional Participation in Social Regulation* (Oxford University Press) and *Civil Society and Legitimate European Governance* (Edward Elgar). He has also acted as advisor to the European Economic and Social Committee and to the European Foundation for Living and Working.

This paper is forthcoming in E. Best, T. Christiansen & P. Settembri (eds.) *The Institutions of the Enlarged European Union: Change and Continuity* (Cheltenham: Edward Elgar, 2008).

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Abstract:

This paper identifies the effects of the EU's Eastern enlargement on the European Economic and Social Committee (EESC). We argue that it is not always possible to disentangle institutional change related to enlargement from institutional change related to the broader EESC's objective of redefining its role as the bridge between Europe and civil society. At a first sight, enlargement does not seem to have particularly influenced the functioning and role of the EESC. Formally, hardly any legal provisions have been changed to adapt the EESC to enlargement, except for increasing the number of Committee members. New procedural arrangements have been adopted prior to enlargement and mainly due to the Committee's intention to reshape its own role, independently of the enlargement challenge. Occasionally the prospect of enlargement contributed to some procedural changes. Yet this does not reveal the real picture of the day-to-day working of the Committee where New Member States representatives do not seem to find or to seek the opportunities to be active contributors and whose presence amongst the most influential Committee roles is still underrepresented. The EU15 representatives have to adapt to a more heterogeneous Committee. The EESC as all other EU institutions is completing a learning curve which is accompanied by a time lag. Once this curve is completed, the question to ask would be whether the EESC remains a largely consensual body or whether the full integration of the new members will require proper procedural change for business to run as smoothly as usual.

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The European Economic and Social Committee (EESC) was created by the Rome Treaty as an advisory committee to the European Commission and the Council of Ministers. It was thought at the time that decision-making in the socio-economic areas delegated to the EEC would profit from the advice of a committee composed of the main sectoral interests in these areas, such as management, labour, craft, and agricultural organisations. The institutional set-up of the EESC has not been substantially changed since, but it has had to compete increasingly with other fora of consultation which have often proved more efficient access channels for the interest groups concerned, such as specialised advisory committees in specific sectors, the European social dialogue procedure, or – simply – direct lobbying of the main Community Institutions. By the end of the 1990's, the EESC attempted (again)² to re-invent itself; this time by stressing its role as representative of organised civil society in a European Union ever more in search of legitimacy (Smismans 2000; Smismans 2004, 123-182). It is in this institutional context that one should place the EESC's adjustment to the EU's eastward enlargement since 2004.³ Like all EU institutions the EESC had to integrate a high number of new members from countries with a considerably different political, socio-economic and cultural background. Yet, the main changes that have occurred in the functioning and role of the Committee over the last years are not necessarily due to the accession of 'new' Member States (NMS). Over the last decade the EESC has also sought to overcome its marginalisation within the institutional framework of the EU by redefining its role and trying to change its working methods. The aim of this chapter is more specifically to identify the effects of enlargement on the EESC, but as our analysis below will show, it is not always easy or possible to disentangle institutional change related to enlargement from institutional change related to the broader EESC's objective of redefining its role.

This chapter will first examine the formal adaptation of the EESC to enlargement through new legal provisions. Secondly, we will look at how enlargement has changed the composition of the EESC and its role as 'representative of civil society'. Thirdly, beyond the formal procedural changes and the different composition of the EESC we will assess whether enlargement has influenced the daily internal functioning of the Committee; and finally, whether it has affected the Committee's policy priorities.

FORMAL ADAPTATION

¹ Politics Department, University of Bristol and School of Law, University of Cardiff. We are grateful to Roman Walega and the Governance Research Centre at the University of Bristol for their research assistance.

² In earlier attempts, for instance, the EESC had failed to become the central institution for European social dialogue as specific procedures for this developed outside the EESC from the 1970's onwards.

³The expression 'enlargement' will refer to the expansion of the EU's membership from 15 to 27 members in 2004 and 2007 respectively.

The legal provisions regarding the EESC in the EC Treaty have hardly changed to adjust the Committee to enlargement. The Nice Treaty only introduced into Article 258(1) an explicit maximum number of 350 EESC members. Currently, the Committee is composed of 344 members, respecting the division of seats among the Member States as set out in Declaration 20 attached to the Nice Treaty, namely the ‘Declaration on the Enlargement of the European Union’.

The Committee itself has changed its Rules of Procedure several times over the last years. However, enlargement was only a minor reason for these changes. The main change occurred prior to enlargement, namely in 2002, with the drafting of entirely new rules of procedure,⁴ and was the result of the EESC’s attempt to redefine its role. Minor amendments have followed to adjust to enlargement and have been added as complements to the Rules of 2002.⁵

In December 2003, the EESC also adopted a Members’ Statute of the European Economic and Social Committee.⁶ The idea for such a document emerged in the context of the EESC’s reflection exercise on its role and functioning which had been under way since the late 1990s. There is a strong heterogeneity amongst EESC members, with some being very active and others hardly realising what their role as an EESC member is supposed to be. Setting out a clearer statute of EESC members was thought to improve the functioning of the Committee. Enlargement provided a particularly strong additional incentive for this initiative, as the Statute would be helpful for the large group of new EESC members. The document clarifies the rights and duties of EESC members. It is worth noting that, in addition to the normal advisory role, it is required that ‘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.’ Moreover, ‘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’ (Article 4). EESC members thus have not only an advisory role to the EU institutions, they should play a role as interface between the latter and civil society as well. Fostering European awareness and supporting the development of a European civil society is seen as particularly relevant in relation to the NMS where intermediary organisations are often weakly organised, poorly resourced, and badly informed about the EU (Pérez-Solórzano Borragán 2004).

Enlargement also further strengthened concerns about how EESC members are compensated for their work. EESC members are mainly paid by the organisations they represent. For their work in the EESC they only receive a daily travel allowance and compensation of travel costs. The EESC has argued that it can only fulfil the

⁴ OJ L 268 of 4 October 2002.

⁵ In 2003 (OJ L 258 of 10 October 2003), 2004 (OJ L 310 of 7 October 2004), and 2006, including further Implementing Provisions of the Rules of Procedure (CESE 1060/2006 FR/GW/vh).

⁶ Internal document CESE 1611/2003 FR/HA/ET/vh, 6 January 2004.

tasks assigned to it if its members are properly remunerated. In other words, if one wants EESC members to spend considerable time on their Committee work, they should be compensated for it. The issue has become more salient with enlargement given that EESC members from the NMS are likely to belong to associations with fewer resources. The new Members' Statute of 2003, therefore, states that the 'members and their alternates shall be entitled to the allowances provided for under Article 258 of the EC Treaty,⁷ 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'. It recalls that, '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.' However, to date a real upgrading of the allowances of the EESC members, which is the exclusive competence of the Council, has not yet taken place. Formal legal adjustments of the EESC to enlargement have thus remained limited.

COMPOSITION AND REPRESENTATIVE ROLE

Composition per Member State

Like nearly all EU institutions, the EESC has to reflect the diversity of its Member States, so each Member State has a number of EESC seats allocated to it which is roughly proportional to its population. Yet, traditionally the allocation of seats among the Member States in the EESC is considerably more favourable to the smaller countries than the distribution of seats in the European Parliament. This may be due to a desire to give also the smaller Member States a balanced representation of civil society organisations in the EESC. This reasoning has been maintained in the context of enlargement. As a consequence, since many NMS are smaller countries, the increase in the number of seats in the EESC following enlargement is more noticeable than in other institutions. Prior to enlargement the EESC had 222 members. Today it has 344 members, of which 122 come from the NMS. This is an increase of more than 50%. It also means that, unlike in other EU institutions NMS representatives have simply been added up to those from the 'old' Member States, with the latter not losing any seat.

The current division of seats among the Member States, in accordance with the 'Declaration on the Enlargement of the European Union' attached to the Nice Treaty, is the following:

⁷ The article states simply that 'The Council, acting by a qualified majority, shall determine the allowances of members of the Committee'.

Table 1
Composition of the EESC by Member State

Member State	Members	Member State	Members
Germany	24	Bulgaria	12
UK	24	Austria	12
France	24	Slovakia	9
Italy	24	Denmark	9
Spain	21	Finland	9
Poland	21	Ireland	9
Romania	15	Lithuania	9
Netherlands	12	Latvia	7
Greece	12	Slovenia	7
Czech Republic	12	Estonia	7
Belgium	12	Cyprus	6
Hungary	12	Luxembourg	6
Portugal	12	Malta	5
Sweden	12	TOTAL	344

Composition per group

The EESC is structured in three groups. Whilst EESC members are not obliged to join a group,⁸ it is very exceptional that they do not. Group I represents national employers' organisations while Group II represents national trade unions. Group III is composed of various other national socio-economic categories and civil society organisations. In Group III there are such diverse interests as agricultural organisations, organisations representing small and medium-sized enterprises (SMEs), the liberal professions, consumer organisations, environmental organisations, representatives of the academic world, persons representing the social economy, and organisations representing persons with a disability. Group III established an internal division in subcategories⁹ namely (1) consumer and environmental interests, (2) social economy, (3) SMEs, the liberal professions and crafts, and (4) agriculture. Group III emerged as a group of socio-economic categories outside the traditional sector of industrial production. Thus one can find, for instance, SMEs in Group III despite their also being employers. The borderline between the three Groups is not always easy to draw. So, for instance, there are representatives of the agricultural sector in both Groups I and III. In general, Group III accepts those organisations that

⁸Rule 27 para. 12-13.

⁹According to Rule 28, members of the EESC may, on a voluntary basis, form categories. Only Group III has formed such categories, although Rule 28 allows for a category to be made up of members of the different Groups (for instance there are members of the farmers, SMEs, social economy categories in Group I). Belonging to these categories is voluntary so some members of Group III do not belong to any.

are not clearly part of Group I or II. The size of the three groups in the Committee has traditionally been more or less equal, although Group I has often been somewhat smaller than the other two groups, which was compensated by the fact that Group III also includes certain employer interests.

The way in which the EESC is composed has over the last years been an issue of debate since the Committee – in an attempt to revitalise itself – has been stressing its role as a representative forum of civil society organisations, thus contributing to the legitimacy of European policy-making (see Smismans 2000 and 2004). The Nice Treaty has partially taken into account this attempt of the EESC to redefine its role, introducing into the definition of the composition of the EESC in the Treaty the concept of ‘organized civil society’ and adding ‘consumers’ as an additional category to be represented in the Committee alongside the already mentioned categories of ‘producers, farmers, carriers, workers, dealers, craftsmen, professional occupations and representatives of the general public’. However, the appointment procedure for EESC members has not changed, namely by Council decision on the proposal made by each Member State. Within each country different procedures apply, which include appointment of socio-economic organisations by the central government, by certain governmental departments, or by national socio-economic councils. The Council rubberstamps the proposals made by the Member States (Smismans 2004, 127). For their part, Member States have no legal obligation¹⁰ to send representatives to all of the three Committee groups, but it is extremely rare that they do not.

Given the increasing tendency of the EESC to stress its representative role, it is relevant to look at whether enlargement has changed the type of interest groups represented. As Table 2 shows, enlargement has not changed substantially the balance among the three Committee groups. The NMS respect the tradition to send representatives to all of the three groups.

Table 2
New Member States’ Representatives per Group

Country	Group I	Group II	Group III	TOTAL
Bulgaria	5	4	3	12
Cyprus	2	2	2	6
Czech Rep	4	4	4	12
Estonia	2	2	3	7
Hungary	4	4	4	12
Lithuania	4	3	2	9
Latvia	3	2	2	6
Malta	2	2	1	5
Poland	7	7	7	21
Romania	5	5	5	15

¹⁰ According to the Court of Justice, ‘having regard to the limited number of seats, it is not possible for all the components of each category of economic and social activity to be represented by nationals of each of the Member States’. ECJ Case 297/87, *Confederazione italiana dirigenti di azienda (CIDA) and other v. Council* [1988] ECR 3549, para 19; and Case T-382/94, *Confederazione Generale dell’Industria Italiana (Confindustria) and Aldo Romoli v. Council* [1996] ECR II-00519, para. 41.

Slovenia	2	3	2	7
Slovakia	3	3	3	9
TOTAL	43	41	38	121

Table 3
Distribution of Members per Group

	Group I	Group II	Group III
Total EU27	112	120	109
NMS	43	41	38
EU15	69	79	71
% NMS	38.39%	34.16%	34.86%

As Tables 2 and 3 show, each NMS sends fairly equal numbers of representatives to each group. However, compared to the old Member States, the NMS have sent slightly less trade union representatives. As a result, the ‘traditional’ situation within the Committee in which Group II was slightly larger, has been altered. Yet, the change is so minimal that it is unlikely to change the functioning and orientation of the EESC’s work.

A closer look at the composition of Group III offers an interesting internal dynamic. The traditional pattern observed in the ‘old’ Member States is that of more or less equal representation amongst the farmers, the consumer and environmental and the social economy categories, with the SMEs Crafts and the Professions being less represented (see Table 4 below). Yet the arrival of the ‘new’ representatives has slightly altered this balance with a higher number of representatives belonging to the social economy category (19 compared to 7 in the farmers’ category and 8 in the consumers and the environment).

Table 4
Membership of Group III by Category

	Farmers	Consumers & the Environment	SMEs Crafts & the Professions	Social Economy
NMS	7	8	1	19
% of category	30.43%	34.7%	10%	54.28%
Old MS	16	15	9	16
% of category	69.5%	65.21%	90%	45.71%
TOTAL	23	23	10	35
% of Group III	21.10%	21.10%	9.17%	32.11%

While enlargement does not seem to change substantially the balance between the three groups in the Committee, this does not imply that it has not affected its representative nature. As the literature on interest representation in the NMS shows (Howard 2002; Pérez-Solórzano Borragán 2004 and 2006), civil society in these countries is still weak compared with the position and status of intermediary organisations in the old Member States. The defining features of this weak civil society are low levels of organisational membership, low levels of participation in associational life, low levels of trust in organised civil society organisations and limited de facto consultative procedures (Pérez-Solórzano Borragán 2006, 135; Coman 2006). Typically corporatist tripartite arrangements with a strong state and weak dependent social partners constitute the environment for socio-economic interest intermediation in the NMS. Trade unions have moved from a monistic system controlled by the communist party to a situation of excessive pluralism in which they seem more concerned about competing with each other than understanding their role. This has been accompanied by a strong decline in unionisation (see Ost 2000 and Pilat 2006). In their turn, employers' organisations tend to represent mainly the interests of the big enterprises, with a focus on lobbying rather than engaging in bipartite dialogue with trade unions, and often lacking the authorization of their affiliates to undertake binding commitments. According to the EESC itself, 'social partners and other elements of civil society need to strengthen their dialogue with each other and present a common position to their national governments' (EESC 2003a) In the case of Romania, for instance, the EESC expressed concern that social dialogue is often absent both at plant level and above, and that employers' organisations and bodies representing workers are frequently established on a relatively insecure footing. While the presence of NGOs has become one of the factors measuring the health of civil society in the NMS, the jury is still out on what role they are meant to fulfil, and what resources they should count on (Pérez-Solórzano Borragán 2006, 137). The EESC itself has identified the shortage of financial, human and material resources as limiting the ability of Romanian NGOs to engage in formal talks with the Romanian government (EESC 2003b 35) and limiting the ability of Latvian civil society organisations to take part in pre-accession consultations with the EESC (EESC 2003c 80).

In view of this fuzzy domestic environment, questions regarding the representativeness and professionalisation of EESC members from the NMS are relevant. Obviously these questions could be formulated regarding EESC members from the old MS. However, most often they send representatives of large well-established associations, particularly employers' organisations and trade unions. Not surprisingly, for the same reason, EESC members are often re-appointed to their roles in the Committee. Some signs of a different pattern seem to appear in relation to EESC members from the NMS regarding representativeness, professionalisation and permanence in post. For some of them, for instance, it is unclear whether they have an association behind them: in Group III, the Slovak representation includes a representative of a Slovak liberal think-tank or the Slovak Foreign Policy Association, while the Romanian representation includes a representative of 'Academia de Advocacy' who incidentally does not belong to any of the categories in the group. The comparatively high turn-over of NMS representatives in the Committee may be

another indication of domestic organisational weakness. NMS representatives were first appointed to the EESC in 2004. This happened half way through the normal EESC four-year appointment period. In 2006 there was thus the normal four yearly renewal of the EESC. Although this was only two years after the first EESC members from the NMS had been appointed, a considerable number of them were replaced. Moreover, occasionally some NMS even had to replace some of their EESC members in between the normal nomination procedure. The most extreme case is that of Slovakia which in the first two years replaced 7 out of its 8 members, followed by the Czech Republic that replaced 8 out of its 12 members, and Lithuania 5 out of 9. In terms of groups, the more numerous changes took place in Group III where 15 out of the 38 NMS representatives were replaced during this period. Such a group variation is not surprising given that, despite common general weaknesses amongst organised interest groups in the NMS, employers' organisations and trade unions enjoy a minimum level of membership and resources, while the situation amongst the civil society associations in Group III is less stable. Higher turnover not only affects the representativity of the EESC; it also limits the ability of NMS representatives to build and sustain their expertise on the Committee since those who have acquired an understanding of the workings of the institution leave and new individuals need to start from scratch. As we will argue below, the absence of sufficient expertise about the Committee amongst NMS representatives has an impact on their ability to engage actively in its activities and, crucially, in performing more senior functions.

THE FUNCTIONING OF THE EESC

Beyond the formal changes to legal texts and the composition of the EESC, has enlargement affected the actual functioning of the Committee? In this section we will assess the impact of enlargement on the traditionally consensual approach to adopting opinions in the EESC, on the engagement of NMS representatives in the functioning of the Committee, and the effect of greater linguistic diversity.

Plenary Sessions and the Search for Consensus

Legally the opinions of the EESC can be adopted by simple majority. However, the Committee seeks to find large majorities on its opinions as it is generally believed that opinions are more likely to be influential if agreed upon by most EESC members. Research by Van der Voort reflects this principle: of all the EESC opinions submitted between 1978 and 1990, 72.6% were adopted with unanimity, and only 9.2% were adopted with a dissent of more than 10 votes against (Van der Voort 1997, 17). Three years after the big-bang enlargement, representatives from the old MS tend to argue that it has now become more difficult to find consensus. Representatives from the new MS are regarded by their more experienced colleagues as lacking a tradition for consensual decision-making and showing a rather different deliberative culture (or lack thereof). Interestingly enough, representatives from the NMS have already argued that consensus within the Committee should not be reached at any price, on the ground that there is a variety of views within the EESC and that 'trying to reach consensus in all cases leads to the watering down of opinions and producing

recommendations of little substance'¹¹ (Mendza-Drozd et al. 2004). However, our analysis of the Committee's opinions and the kind of majority with which they were adopted between January 2005 and December 2006¹² shows that decision-making in the EESC remains highly consensual. The number of opinions adopted by unanimity has indeed decreased considerably, namely 32.94% against the 72.6% in the period analysed by Van der Voort. However, the fact that a handful of EESC members out of 344 vote against an advisory opinion does not seem of high relevance compared to the fact that nearly always a 'near consensus' is reached. In fact, only 8.16% of the opinions in this period post-enlargement were adopted with a dissent of 15 or more votes.¹³

Yet, adopting opinions through 'near consensus' does not imply that the entire process of arriving to that opinion is consensual itself, in the sense of being agreed upon after all relevant actors have engaged in debate. The fact that representatives from the NMS are perceived by their 'old' peers as having a different 'debate culture' appears to reflect the limited participation and engagement of the former in the functioning of the EESC, rather than their being particularly confrontational. We argue that this situation reflects the steep part of the learning curve that NMS representatives need to complete. This ongoing 'learning process' is not made any easier by the high turnover identified earlier and by some of the domestic difficulties regarding expertise and resources.

The physical increase in EESC members has also made the decision-making process less smooth, regardless of the degree of new members' participation and the consensual outcome. This is particularly evident in debates within the plenary. Even before enlargement, the distribution of tasks between preparatory work in the study groups and specialised sections and the debate and voting in the plenary was far from efficient, with too many amendments being brought to plenary. This problem has been amplified by enlargement and a group of NMS representatives suggested the following change:

'We wish to propose that you consider withdrawing from discussion in Plenary sessions those opinions to which five amendments have been tabled (or whatever figure is agreed, excluding stylistic issues). Once withdrawn, the opinion would go back to the section which has put it forward. In observing the voting of amendments, we believe that many sensible and noteworthy amendments are rejected in the Plenary because of time considerations and the difficulty to consider them seriously in such a large assembly. We believe there is no sense in considering opinions to which many amendments are

¹¹ The letter was addressed to Ms. Anne-Marie Sigmund on 7 December 2004. It was drafted by four Polish and two Czech representatives, and subsequently signed by several other representatives from the NMS.

¹² The choice of period is not accidental. Following Best and Settembri in this volume, we decided that a reliable proxy for post-enlargement normality in the EESC would be the year after enlargement had taken place and thus accounting for institutional adjustments.

¹³ For our data to be comparable with that of Van de Voort we have used the criterion of 15 or more votes against as measure of dissent, given that that EESC membership has increased by 50%.

presented before all the EESC. The Plenary should also serve to discuss substantive, and not editorial or stylistic issues.’ (Mendza-Drozd et al. 2004)

The Rules of Procedure have not been amended to accommodate these suggestions.

‘New’ Members Involvement

NMS representatives are not yet performing leading functions in the Committee such as EESC President, or Group President¹⁴. Only one of the Section Presidents comes from the NMS (namely, Transport, Energy, Infrastructure and the Information Society) and only 4 out of 18 Vice-presidents of sections are NMS representatives.¹⁵ NMS representatives are present in the Bureau of the Committee since this body aims to include a representative per country in addition to the functions of Presidents of Groups and Sections. A useful proxy to assess the actual involvement of the NMS representatives in the work of the Committee is the number of cases in which they perform the role of rapporteurs. For the 343 opinions adopted between January 2005 and December 2006, we only found 27 instances where the rapporteur came from a NMS. This shows clear underrepresentation compared to their number of seats in the EESC. Although Hungary is fairly active with 9 rapporteurs (compared to old MS with the same number of EESC representatives, like Belgium providing only 4 rapporteurs, Austria 8, Greece 9, Sweden 15, Portugal 18 and the Netherlands 21). all the others clearly ‘under-deliver’; Lithuania and Estonia had no rapporteurs at all; Cyprus, Slovakia and Slovenia had only one, and Poland only had five (compared to Spain delivering 44 rapporteurs with the same number of EESC representatives).

The question is to what extent the under-representation of the NMS in the main functions in the EESC is due to a lack of interest or a felt need on behalf of these members to first go through a longer learning process before taking up such functions, or whether current procedures and established practices tend to disadvantage new members. There seems to be a willingness from some NMS representatives to be more actively involved. Some have complained that current procedural practice tends to privilege ‘experienced’ old Member State representatives to the exclusion of representatives from the NMS. In the letter mentioned above, the group of NMS representatives identify a number of suggestions to widen participation. To a great extent these reflect suggestions for Committee reform already voiced in previous studies debated by the Committee over the last decade, such as the need to focus the work of the EESC on issues on which it has particular expertise (implying that the EESC should also be able to decide not to take an opinion when asked for it) and the

¹⁴ The under-representation of the NMS is also reflected in the composition of the permanent secretariat of the EESC. Although we are talking here about EU officials, without a representative function, it is worth noting that enlargement has (not yet) led to a considerable increase of administrative staff from the NMS in the EESC. The EESC relies on a permanent secretariat to support the work of its members and a joint translation and technical service it shares with the Committee of the Regions. Among the 110 administrators exclusively attached to the EESC, and with the exception of the translation service, there are only 6 administrators from the NMS. None of them is Head of Unit or working in the Group secretariats or the secretariats of the Presidency and the Secretary General.

¹⁵ Three quaestors are appointed by the plenary assembly on a proposal from the Bureau to monitor and ensure the proper implementation of the members’ statute. One of them is from a NMS.

need to produce less vague opinions which are often the outcome of a dogmatic search for consensus. However, some proposals clearly express the particular concerns of the NMS:

‘We have grave doubts about the way the same individuals [fulfill] many functions in the Committee (chairman of a section, vice chairman of another section, member of the Bureau of yet another one) [...] we consider it worth giving consideration to the possibility of involving some other members as well [...] this approach would allow us to include different points of view and competencies than has been the case to date, which would no doubt influence the quality of the EESC’s work [...] even if there are no barriers to being a candidate to a post, we note that there are hardly any incentives to do so. The same arguments speak in favour of widening the membership of study groups. We must admit that we are very surprised to find the same names in different study groups, although the topics concerned are entirely different [...] If we were to estimate the membership of the EESC on the basis of the participation in study groups, one would come to the conclusion that the EESC has 50, and not 300 members.’
(Mendza-Drozd et al. 2004)

It is difficult, though, to see how incentives for a more balanced distribution of tasks among EESC members could be proceduralised. The Rules of Procedures aim already at balanced representation from MS in Sections and Study Groups although at the Study Group level the maximum ceiling of 18 members tends to privilege expertise.¹⁶ Setting a limit on number of tasks an individual can fulfil (other than the current limit on the number of Sections one can belong to) may be an option, but it may hamper the input of the EESC’s most dynamic members.

Language

The Committee’s language regime is defined in the 2003 Members Statute (Article 5 paragraph 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.

The practice of such a principle with 23 official languages has triggered difficulties for the internal organisation of the Committee which has made some practical choices. Thus the 2006 Implementing Provisions establish that the bureau of each section shall determine the languages into which the minutes must be translated (Rule 41 paragraph

¹⁶ Rule 17 of the 2006 Implementing includes the expectation that members appointed to a study group should have a real interest in the subject, will be able to attend meetings, and possess relevant expertise.

A), while study groups may work in four languages according to the study group's composition (Rule 43 paragraph I).

These, however, do not address the practical difficulties faced by new members due to the absence of adequate translation provision, thus a number of NMS representatives have complained about the absence of interpreters during the sessions of each section: 'Excuses justifying the lack of interpretation because of the large number of new members and languages can not be put forward in perpetuity. Since highly specialised vocabulary and terminology is used during the discussion of opinions, it is not simply a question of knowledge of languages but an important problem that requires rapid and effective resolution.' Complaints are voiced on this issue equally with regard to the Secretariat which is said to send documents for meetings too late, in particular there are 'concerns on correspondence regarding linguistic amendments, which seem to disappear once they are mailed to the sections (there is no feed-back as to their inclusion)' (Mendza-Drozd et al. 2004).

The linguistic issue needs to be addressed urgently if the EESC is to ensure the active and smooth engagement of all its members.

ACTIVITIES OF THE EESC

To assess the impact of enlargement on the EESC's activities we will assess the type of opinions produced by the Committee and any possible change in its policy agenda and priorities since the 2004 enlargement.

Types of Consultations

EESC opinions can result from compulsory consultation by the main Community institutions (provided in the Treaties), by voluntary consultation by these institutions, or from a Committee's own initiative. Between 1978 and 1990, most opinions resulted from optional consultation (49%), followed by compulsory consultation (36%), whereas own-initiative opinions made up 15% of all opinions (Van der Voort 1997, 91). In the post-1992 period it is possible to detect an increase in the own-initiative opinions (both in absolute numbers and in percentage vis-à-vis the total number of EESC opinions). Particularly, since the end of the 1990's, the EESC has used the own-initiative opinion as an instrument to play a more proactive role, in conjunction with other instruments such as organising hearings or sending questionnaires in an active search to identify those issues on which it can provide particular added value (Smismans 2004, 141). The right of own initiative allows the EESC to deliver opinions at an early stage of the decision-making process, which may bring to the attention of the Commission or the Council a particular issue on which Community action might be desirable, or it may influence the Commission while still drafting its proposal. In July 2001 the EESC also adopted the so-called 'exploratory opinion' which has since become an established (although modest) practice (Smismans 2004, 169). The idea of 'exploratory opinions' has been developed by the

Committee to intervene earlier in the policy-making process - with the aim of increasing its influence – ‘exploring’ the problems and needs on particular issues before Community initiative is taken. Such ‘exploratory opinions’ could be ‘own-initiative opinions’ but the EESC’s main aim is to persuade the Commission (via informal mechanisms) to ask for such an ‘exploratory opinion’ on issues the Commission envisages taking action.

With more own-initiative opinions and exploratory opinions the EESC has tried to increase its visibility and influence. Such an approach also reflects the Committee’s conscious attempt to redefine its role, independently from the effects of enlargement. However, for the EESC, enlargement and the situation in the NMS is one of the areas in which it can provide added value, and thus a subject on which to adopt own initiatives and exploratory opinions.

Between January 2005 and December 2006 there were 89 own-initiative and exploratory opinions, which constitutes 25.94 % of the opinions adopted. We can thus see a further increase in the use of the instruments with which the EESC can set its own agenda and seeks to influence that of other institutions. Interestingly enough, these instruments are particularly used within the areas of industrial change and external relations, both directly related to the interests of the NMS, as we will argue below.

On the other hand, some representatives of the NMS complained that with regard to own-initiative opinions they ‘feel the EESC should be more open and flexible to the initiatives put forward by the representatives of the new member states, and the issues they put forward should also be reflected in the work of the EESC.’ (Mendoza-Drozd et al. 2004) This brings us to another issue, namely whether NMS representatives have different policy priorities and if so, whether this has affected the work of the EESC?

Issues of Interest to New Member States

One might expect that the arrival of one third of new EESC members from countries with a considerable different socio-economic situation and politico-cultural background may influence the nature of the issues and policy areas that are considered priorities for the Committee. Intuitively, one could expect the NMS to be most interested in areas such as structural funds, neighbourhood policy, and agriculture.

However, how can we assess whether NMS members give priority to certain policy areas rather than others? One measure of analysis could be an individual’s section preference. The Committee is structured in six sections related to groups of policy areas, namely Agriculture, Rural Development and the Environment (NAT), Economic and Monetary Union and Economic and Social Cohesion (ECO), Employment, Social Affairs and Citizenship (SOC), External Relations (REX), The Single Market, Production and Consumption (INT), and Transport, Energy, Infrastructure and the Information Society (TEN). In addition, EESC members can choose to be active in the Consultative Commission on Industrial Change having a

particular status within the Committee (see below), or in two ‘observatories’ (the Single Market Observatory SMO, and the Sustainable Development Observatory SDO) which conduct surveys, provide information and contribute to EESC opinions. According to the Rules of procedure, every Committee member is a member of one or two sections,¹⁷ and the Bureau will assign members to Sections as far as possible respecting the expressed preferences of the members. The NMS representatives belong to the following sections:

Table 5
NMS Representatives per Section

Country	ECO	INT	SMO	TEN	SOC	NAT	SDO	REX	CCMI
Bulgaria	6	5	2	4	2	4	1	3	4
Cyprus	3	3	1	3	3	2	0	3	0
Czech Rep	2	4	2	2	6	3	2	6	7
Estonia	3	3	1		4	1	0	6	1
Hungary	5	3	1	5	5	2	1	4	4
Lithuania	4	4	1	7	2	2	0	4	2
Latvia	3	3	0	2	3	2	0	3	1
Malta	1	4	1	1	3	1	0	3	2
Poland	10	8	3	6	8	4	2	5	7
Romania	7	4	1	5	6	3	3	5	3
Slovenia	4	5	1	2	3	3	2	4	1
Slovakia	5	3	1	6	1	1	1	6	4
TOTAL	53	49	15	42	46	28	12	52	36

In total numbers the EESC members appear to be most interested in ECO, REX and INT. It is worth comparing this to the total numbers and participation of representatives of old Member States in each section.

Table 6
EESC Members per Section

	ECO	INT	SMO	TEN	SOC	NAT	SDO	REX	CCMI
Total	127	128	33	114	130	88	33	129	96
NMS	53	49	15	42	46	28	12	52	36
EU-15	74	79	18	72	84	60	21	77	60
% NMS	41.73%	38.28%	45.45%	36.84%	35.38%	31.81%	36.36%	40.31%	37.50%

¹⁷ The bureau may allow a member to belong to more than two sections where justified by the need to ensure fair representation of the Member States. Given the fact that most NMS are smaller states, an EESC member of a NMS generally acts in at least two sections, and sometimes in three or even four.

As Table 6 shows, the NMS are ‘over-represented’ in all sections compared to their total number of EESC seats. This is due to the fact that sections aim at including a representative from each country, which implies that the Bureau will allow EESC members from smaller countries, which most of the NMS are, to be active in more than two sections. Compared to representatives from the old Member States, they seem relatively more interested in the SMO, ECO and REX. If we take both the total numbers, and the relative numbers compared to the old Member States, the NMS appear most attracted by ECO and REX, which is not surprising given that ECO includes cohesion policy, particularly relevant to them, and that in REX they have valuable experience as newcomers towards new candidate and associate countries. However, expressing interest in certain policy areas by giving preference to a section does not necessarily translate into active engagement. If we use again the proxy of number of rapporteurs, the NMS were most active in SOC (11 cases), followed by ECO (5) and CCMI (5) but, crucially, with only one rapporteur in REX.

It is difficult to identify how these preferences or relative preferences for certain policy areas may have influenced the work and priorities of the EESC. Given that most Committee activities result from consultations by other institutions, the autonomy of the Committee to set its own agenda is limited. Own-initiative and exploratory opinions constitute an exception. Interestingly enough, these instruments are proportionally¹⁸ much more used in two policy areas, namely, external relations (REX), and industrial change (CCMI). In the area of external relations, 63.62% of the opinions are own-initiative or exploratory, and in industrial change even 85.71%. These two areas have attracted increasing attention in the EESC over the last decade, and this is clearly related to enlargement. It is therefore important to examine these two areas in more detail.

External Relations

The EESC has always played a role in ‘external relations’ by adopting advisory opinions in relation to EU initiatives towards third countries. Moreover, in addition to preparing advisory opinions on external relations, it has engaged increasingly in ‘horizontal’ actions, independently from its advisory role, building up networks with and supporting initiatives for civil society organisations in third countries. The EESC has developed such actions in the context of the Lomé Convention, the Euro-Mediterranean Partnership and with associate and applicant countries.¹⁹ In the light of enlargement to the countries of central and eastern Europe, the EESC considered developing interactions with civil society organisations in these countries to be a priority. An enlargement steering committee was set up to coordinate the EESC’s activities in this area.

¹⁸ Namely, compared to the total number of opinions in that area. If one takes total numbers, each section has adopted fairly the same amount of own-initiative and exploratory opinions, namely around 12 in the two year period analysed.

¹⁹ As a result annual summits of economic and social councils and similar institutions have been held.

The 'horizontal role' of the EESC has been explicitly recognised by the other EU institutions in the context of enlargement. In the context of the association agreements, the EESC was asked to set up *Joint Consultative Committees* (JCC). On the basis of the association agreement between a future EU member state and the EU, the EESC, in agreement with the country concerned, would create a joint body of civil society representatives, composed by an equal number of EESC members and civil society representatives from the candidate country. Meetings would normally take place twice a year. Most JCCs were created in the late 1990s, with the exception of Malta, Cyprus and Latvia which did not set up a JCC but established more informal contact groups. The Committee's initiatives were aimed at helping civil society organisations operate efficiently at the national level, providing know-how and supporting their participation in European activities. Such initiatives include the organisation of training seminars, fact-finding missions to the candidate countries, hearings with civil society and discussions with European Commission delegations. The EESC also sought to build adequate administrative capacity to promote and enhance stakeholder participation in policy making in the NMS. It equally encouraged the creation of national economic and social committees. The experience with these 'horizontal activities' fed back into the EESC's advisory role enabling it to produce better informed opinions on each country's pre-accession and accession process.²⁰

The EESC's enlargement initiatives have enhanced its relations with the European Commission and the European Parliament. The Commission has recognised the impact of the EESC's opinions on enlargement in a number of areas. Collaboration with the European Commission's Technical Assistance Information Exchange Office (TAIEX) has also been actively pursued, with REX members attending conferences and seminars as experts on the implementation of particular aspects of the acquits, and the REX Section's secretariat has been involved in the fact-finding visits and EU visitors' programme (EUVP) (EESC 2004, 4). The EESC has equally strengthened its links with the European Parliament through talks with the Parliament's Foreign Affairs Committee, and its leading figures on enlargement (EESC 2003,15).

Whether the EESC initiatives had any impact at the national level remains difficult to assess. A 2002 study undertaken on behalf of the Committee, for instance, shows that the national economic and social committees the Committee has helped to create, operate often informally, rather than as strongly institutionalised advisory bodies to their government, and questions remain as to their representativeness (Drauss 2002, 169). On the other hand, the horizontal activities have at least had the advantage of partially preparing and socialising civil society representatives of the NMS into the functioning of the EU and the EESC in particular. Thus, many JCC members from the NMS were later appointed to the EESC (EESC 2004, 2). After accession the importance of the 'horizontal activities' has not diminished. Given the remaining domestic difficulties of civil society, as described earlier, the EESC is aware that **regular adjustments** will be needed (EESC 2003d). EESC representatives from NMS have even asked to prioritise focusing resources on new members rather than

²⁰For more details see the REX-Europe website http://www.eesc.europa.eu/sections/rex/europe/index_en.asp?id=5010rexen.

engaging in civil society building in too many third countries. As expressed by a group of NMS representatives:

‘We believe greater resources should be dedicated to meetings of EESC members from various countries in order to exchange experience and working methods, even if this takes place at the cost of visits to countries lying outside the EU. While we understand the importance of such study visits, we believe that the experience and opinions of EESC members themselves remain critical’ (Mendoza-Drozd et al. 2004).

On the other hand, the EESC members from NMS may be best placed to give advice on issues related to neighbouring countries. They have expertise regarding the adaptation to the *acquis*, while their geopolitical and socio-economic priorities are shaped by the state of affairs east of their borders. It is therefore not surprising that the contact group for Eastern Neighbours within the section on External Relations is composed mainly of representatives from the NMS: nine out of the 12 members belong to the NMS.

The Consultative Commission on Industrial Change

The Consultative Commission on Industrial Change (CCIC) was incorporated into the EESC structure in 2002.²¹ In its Communication of 27 September 2000, drawn up in close consultation with the EESC, the Commission proposed the creation of a specific structure within the Committee that would not only permit the retention of valuable expertise built up during the ECSC years and the continuation of structured dialogue in the areas of coal and steel, but that would be expanded gradually, ultimately to cover all issues relating to industrial change.²²

The enlargement experience and the prospect of the crucial challenges of industrial change faced by many NMS explain the need for such a consultative structure to be maintained. The Committee’s Plenary Assembly of 24 October 2002 created the CCIC. It is composed of 45 EESC members and 45 external delegates proposed by European organisations in sectors of industrial change. Interestingly enough, the number of delegates in the CCIC does not correspond to the countries’ population but relates to the challenges of industrial change the countries are facing. As indicated above, several NMS are well represented in it. The CCIC is one of these areas in which the EESC has started to play a more proactive role, adopting a high number of own-initiatives.

²¹ A Consultative Committee was set up with the European Coal and Steel Community. It was composed of representatives from producers, workers, consumers and dealers in this field, in order to assist the High Authority. With the expiry of the ECSC Treaty in 2002, and to avoid losing the experience of the Consultative Committee it was decided it should be continued within the EESC.

²² Communication from the Commission, to the Council, the European Parliament, the Economic and Social Committee, the ECSC Consultative Committee and the Committee of the Regions - "The future of structured dialogue after the expiry of the ECSC Treaty" COM (2000) 588 final, 27.9.2000.

CONCLUSION: 'BUSINESS AS USUAL', BUT

At a first sight, enlargement does not seem to have particularly influenced the functioning and role of the EESC. Formally, hardly any legal provisions have been changed to adapt the EESC to enlargement, except for increasing the number of Committee members. New procedural arrangements have been adopted prior to enlargement and mainly due to the Committee's intention to reshape its own role, independently of the enlargement challenge. However, occasionally the prospect of enlargement contributed to some procedural changes. In particular, enlargement contributed to the formalization of the status of EESC members via a Statute for EESC members that clarifies to the new members the tasks to be undertaken. Neither did enlargement substantially change the representative nature of the EESC since NMS send representatives to all three Committee groups, respecting the balance between them. However, under this surface of balanced representation, enlargement may well increase criticism about whom the EESC representatives actually represent. The question is particularly relevant the more the EESC claims a position for itself in the EU institutional set-up as a 'bridge' with civil society and thus contributing to the legitimacy of European policy-making. Blaming national appointment procedures for this is a simplistic conclusion, since the 'representativity problem' is not least due to the weak organisational features of civil society in the NMS. The EESC, though, has been well aware of this, and even prior to enlargement set itself the task to contribute to strengthening civil society in the NMS. From this perspective, enlargement has influenced policy priorities within the EESC since quite some time. While the EESC has limited control over its own agenda, since it mainly depends on consultation by the other Community institutions, enlargement has contributed to the EESC being pro-active in two particular policy fields, support to civil society in candidate and new Member States, and increased attention and own-initiatives in the sector of industrial change, both of which are crucial for the new arrivals. The Consultative Commission on Industrial Change's refocusing on broader aspects of industrial change has been triggered by enlargement and the EESC has made it a central area of own-initiatives. It is therefore arguable that the main effect of enlargement on the EESC has not been on the Committee's internal functioning but in providing the opportunity for the EESC to be proactive in some new policy areas where it can develop more 'horizontal initiatives', independently from the requests for opinions it receives from other institutions. While this search for proactive horizontal actions is not new and responds to the Committee's wider repositioning within the EU institutional structure, enlargement opened up a larger field of opportunities.

Regarding its internal functioning, enlargement has not substantially altered the traditional dynamics of decision-making in the Committee. The internal procedures have remained mostly unchanged, although the increase in members and working languages has put additional pressure to solve well-known weaknesses such as the too loosely structured debate in the plenary, the timely delivery of documents or the development of expertise. Most importantly, decision-making is still very consensual at least in terms of the consensual outcome. Yet this does not reveal the real picture of the day-to-day working of the Committee where NMS representatives do not seem

to find or to seek the opportunities to be active contributors and whose presence amongst the most influential Committee roles is still underrepresented. On their turn the EU15 representatives may have to adapt to a much more heterogeneous Committee membership in terms of policy priorities but also political and deliberative cultures. It is here where the timing variable becomes a relevant explanatory device: the EESC as all other EU institutions is completing a learning curve which is accompanied by a time lag. Once this curve is completed, the question to ask would be whether the EESC remains a largely consensual body or whether the full integration of the new members will require proper procedural change for business to run as smoothly as usual.

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