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Soós Edit

European Public Policy

2020

Lesson 7

Two consultative bodies in the legislative process of the European Union

The European Economic and Social Committee and the European Committee of the Regions

READING TIME:

30 min



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INVESTING IN YOUR FUTURE

How much democratic is the European Union?

The European Parliament, the Council of the European Union, and the European Commission are the three main institutions involved in EU legislation, but a number of other bodies play important role in the shaping of EU policies in more specific areas. Two of them are: the European Economic and Social Committee and the European Committee of the Regions.

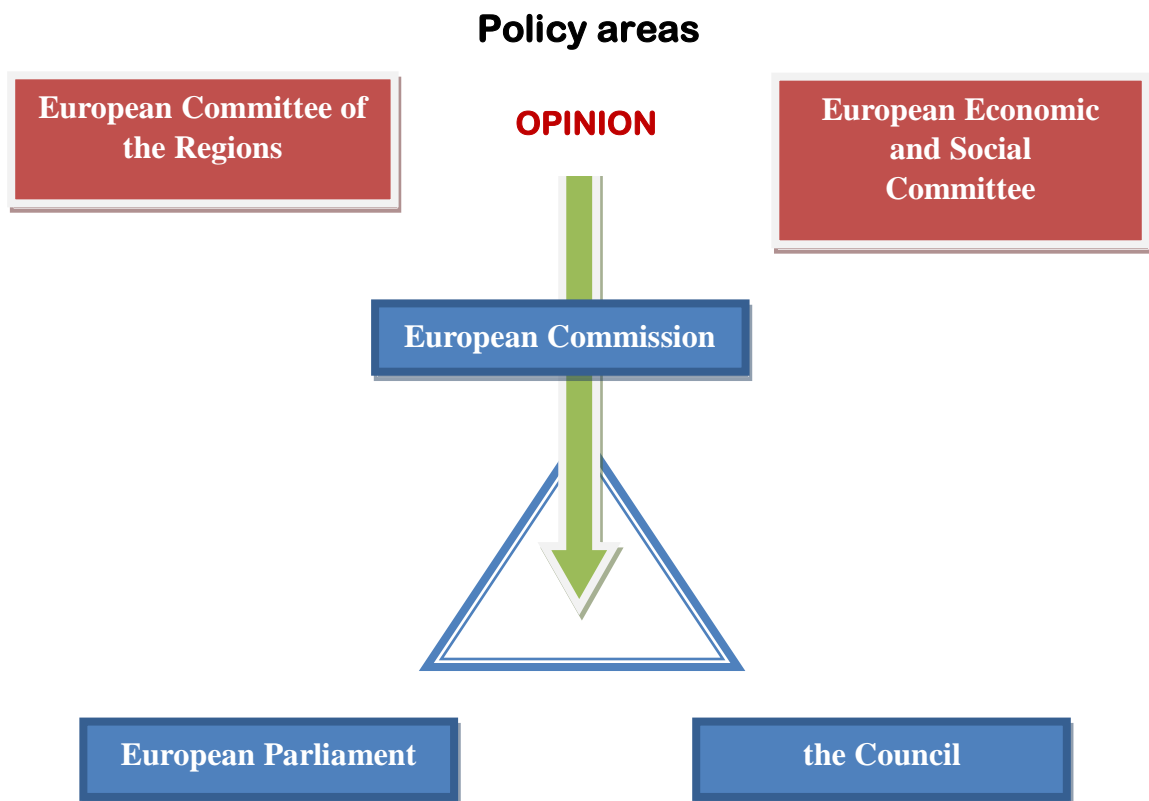
Politics in the European Union differs in some important ways from policies decided at the national level by member state governments. The distance between those who formulate policy and those who actually execute it in practice is far greater in the European Union than in member states.

The [two consultative bodies](#) merely assist the institutions in carrying out their roles in the legislative arena. They are formally involved in more than 50% of all EU legislative acts by giving opinions during the first reading of the ordinary legislative procedure.

As the first of the EU's consultative body, the [European Economic and Social Committee \(EESC\)](#) was created in the early stages of European integration (1957), in 1994, the [European Committee of the Regions \(CoR\)](#) was established as an expression of the *'Europe of Regions'*. They are involved in the formal legislative decision process in the ordinary legislative decision-making process of the EU by giving opinions on the legislative proposals. In order to influence the EU decision-making process more effectively, they need to network with all EU institutions.

What is the opinion?

The European Parliament, the Council and European Commission are obliged, by virtue of the European Union treaties, to consult the CoR and EESC on a wide range of policy issues before passing new laws.



Since its creation in 1994, the **Committee of the Regions** – the European Union’s assembly of regional and local representatives – has worked to **make Europe more democratic, transparent and inclusive**.

Because of its composition and functions, the CoR **helps to bring the Union closer to the citizen**, thereby **reinforcing the Union's democratic legitimacy**. The CoR’ overriding aim has always been to help create a European Union connected to and supported by Europeans. It should strengthen the principle that **decisions are made as close as possible to the people** that they actually affect – what the EU calls **‘subsidiarity’**.

Subsidiarity is a founding principle of the European Union. This is spelled out in Article 5(3) of the Treaty on European Union:

‘Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.’

Democratic deficit within the European Union

The objective is that decisions at the EU level are taken as openly as possible and as close as possible to the citizens.

Numerous critics of European integration point out at the 'democratic deficit' as the cause of the influence of the citizens of the Union. Accordingly, the citizens do not participate in the EU decision-making process, which is therefore undemocratic and causes the estrangement of the citizens from European institutions.



'Democratic deficit', refers to a perceived lack of accessibility to the ordinary citizen, or lack of representation of the ordinary citizen, and lack of accountability of European Union institutions.

As long as we assume that representative democracy is based on elections, the European Union should be considered one, with the direct elections for European Parliament taking place every five years. As the directly elected representatives of European citizens, the members of the European Parliament and the indirectly elected Committee of the Regions

increase the democratic legitimacy of the European Union.

In addition to subsidiarity, there are three other more traditional principles of a democratic Europe. In spite of all these the Treaty of Lisbon defines the democratic foundations of the Union, which are based on three principles: those of democratic equality, representative democracy and participatory democracy. The Treaty aims also at the democratisation of the functioning of the Union through the reinforcement of the role of Committee of the Regions. The Treaty of Lisbon has explicitly established the obligation for action by the EU to adhere to the principle of representative democracy. As a result, all citizens of the Union are directly represented in and entitled to participate actively in the EU's democratic life.

The place and role of the Committee of Regions in the European decision-making process



The European Committee of the Regions (CoR) is the EU's assembly of regional and local representatives. The CoR is an institutional body of the European Union. According to [Article 300 of the TFEU](#), the 329 members hold a regional or local authority electoral mandate. They are elected presidents of regions, regional councilors, mayors and local councilors, democratically accountable to

the citizens. The consultative body was set up, under the Treaty on European Union, in order to respond to the democratic deficit. Since its inaugural session on 9-10 March 1994, it makes sense for networks of local and regional interests to influence their representative body.

Our mission is to involve regional and local authorities in the European decision-making process and thus to encourage greater participation from our citizens.

Mission statement, Brussels, 21 April 2009

The CoR **participates in the preparation of Community legislation** and ensures that

- common policies are implemented effectively and at greater proximity,
- decisions are taken and applied as close to the citizens as possible and at the most appropriate level.

The changes the Lisbon Treaty brings for the Committee of the Regions

- The European Commission has to consult widely and consider regional and local dimensions before proposing new legislative acts.
- The CoR is involved throughout the whole legislative process as consultation is mandatory, not only for the European Commission and the Council of Ministers, but also for the European Parliament.
- The CoR has the right to bring legal actions before the European Court of Justice to protect its powers or to annul EU legislation that infringes on subsidiarity by not respecting regional and local competences.

The European Commission, the Council and European Parliament consult the European Committee of the Regions when drawing up legislative texts (directives, regulations, etc.) on areas affecting local and regional authorities; but it may also issue an opinion on its own initiative. After being adopted by the CoR commission, the draft opinion is discussed at the plenary session. The CoR members gather in plenary 5 to 6 times /year for 2-3 days in Brussels to vote and adopt [opinions](#). Once it has been adopted, the opinion is sent to all the European institutions and published in the Official Journal of the European Union.

While shaping and implementing EU policies the CoR reinforces

- **democratic legitimacy**, in as much as it avoids the creation of an excessively centralized European power disconnected from the problems of ordinary citizens, the closeness of the Union to its citizens is one of the basic components of this legitimacy;
- **transparency**, since it encourages a clear-cut allocation of functions between various levels of government, making it easier for the citizen to identify areas of action appropriate to each level;
- **efficiency**, since it presupposes that powers are exercised at the most appropriate level of government.¹

Committee of the Regions, which is a central pillar of democratic legitimacy in the Union at regional and local involvement in the policies of the Union.

How the EU is governed?

The **EU is governed** by the **principle of representative democracy**, with citizens directly represented at Union level in the European Parliament and Member States represented in the European Council and the Council of the EU.

¹ Committee of the Regions. The application of the principle of subsidiarity in the European Union. Brussels, 21 April. 1995 CdR 136/95 p.1.

European Union

representative democracy

- (1) The functioning of the Union shall be founded on representative democracy.
- (2) Citizens are directly represented at Union level in the European Parliament. Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national parliaments, or to their citizens.
- (3) Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen.
- (4) Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union.



Criticism: the European Union is too remote from Europeans.

More than 70% of EU legislation and investment programmes are implemented at regional and local level. Together, local and regional authorities represent more than two-thirds of total public investment in Europe.

Eurobarometer surveys reveal that Europeans believe that EU policies need to take better

account of the specific characteristics of 'their' region and that regional and local politicians are well placed to defend their interest.

Through its members, the CoR can help explain and communicate about EU policies at regional and local level. Decentralised communication is increasingly important in an EU that is perceived as remote. Making full use of digital solutions, CoR members can also bring the views of people in their constituency back to Brussels, feeding directly into the CoR's political debate with the EU institutions.

'The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee (...) acting in an advisory capacity.'

Treaty of Rome, 1957, Art. 13

The European Economic and Social Committee (EESC)



The [EESC](#) is an advisory body of the EU. It was set up in 1957 and has 326 members: employers, trade unionists and representatives of social, occupational, economic and cultural organisations. Appointed for a renewable 5-year term by the Council on a proposal by the Member States.

The key task of the EESC is to advise the European Parliament, the Council and the European Commission. It is a unique forum for consultation, dialogue and consensus between representatives of workers' and employers' organizations and other interest groups – a **'bridge between Europe and civil society'**, increase their awareness of the impact of EU legislation on the lives of EU citizens.

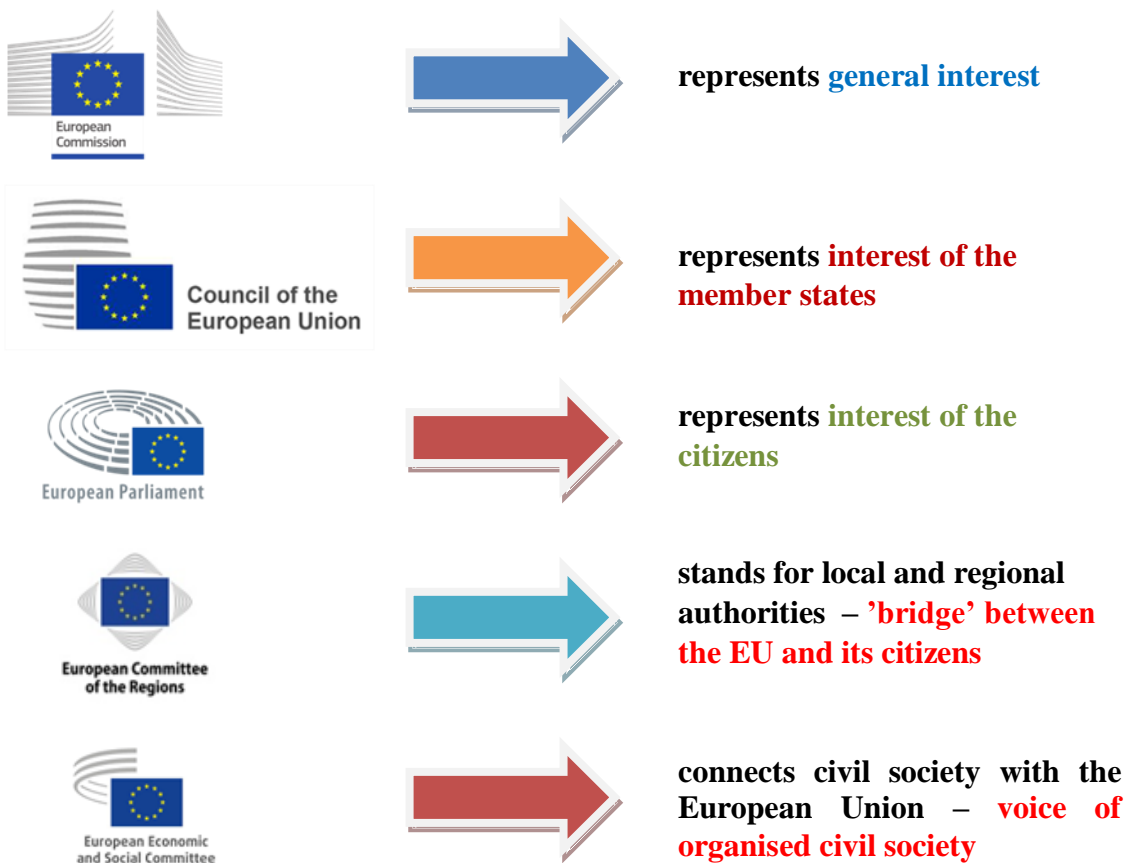
The European Parliament, the Council and the Commission are **legally obliged to consult the EESC** when passing new laws on a wide range of topics. The EESC examines the proposals and draws up opinions based on an agreement reached between its members. It issues between 170 opinions and information reports a year. The opinions are issued at the request of the EU institutions and published in the Official Journal of the European Union.

The **EESC** helps strengthen the European Union's democratic legitimacy and effectiveness by enabling civil society organisations from the member states to express their views at European level.

The Committee fulfils three key missions:

1. Helping to ensure that European policies and legislation tie in better with economic, social and civic circumstances, by assisting the European Parliament, the Council and the European Commission.
2. Promoting the development of a more participatory European Union which is close to the public, by acting as an institutional forum representing, informing, expressing the views of and securing dialogue with organised civil society.
3. Advancing the cause of democracy, and in particular participatory democracy, as well as the role of civil society organisations in the EU.

Close to the citizens , greater proximity



Further Reading

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European Commission: Relations with consultative committees. https://ec.europa.eu/info/policies/institutional-affairs/consultative-committees_en#documents

Committee of the Regions. The application of the principle of subsidiarity in the European Union. Brussels, 21 April. 1995 CdR 136/95

European Committee of the Regions

Website: <https://cor.europa.eu/en>

European Economic and Social Committee

Website: <https://www.eesc.europa.eu/>

QUESTIONS

What causes a democratic deficit?

To what extent does the European Parliament really represent EU citizens?

What impact does the CoR have?

What is democratic legitimacy?

What is the European Economic and Social Committee?

How democratic is the EU?

How the EU is governed?